



**MINUTES OF THE GENERAL MEETING OF  
BLACKALL-TAMBO REGIONAL COUNCIL  
HELD AT THE BLACKALL COUNCIL CHAMBERS  
ON WEDNESDAY 19 JUNE 2024 at 8:30 AM**

**PRESENT:**

Councillors: Cr AL Martin (Mayor), Cr DA Hardie, Cr JH Scobie, Cr BP Johnstone, Cr GK Schluter, Cr AA Hart, Cr PW Skewes

**OFFICERS:**

Mr Mike Lollback, Chief Executive Officer, Mr Ajay Agwan, Director of Works and Services, Mr Alastair Rutherford, Director of Finance, Corporate and Community Services, Andrea Saunders, Governance Coordinator, Piper Hansen, Minute Taker.

**CONDOLONCES:**

A minutes silence was observed to mark the passing of:

- Arthur Laurence Behan
- Patricia Evelyn Hauff
- Clive Terrance Russell
- Sidney John Rodman
- Gwendoline Fay Turnbull
- Eunice Lloyd
- Thomas Richardson

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**DECLARATIONS OF INTEREST**

**Cr. Martin for item 5.1.4** - I, Councillor Martin, inform the meeting that I have a prescribed conflict of interest in item 5.1.4 - RADF Recommendation - Red Ridge Interior Queensland. The nature of my interest is as follows:

- I am the chair of Red Ridge.

As a result of my conflict I will leave the meeting room while the matter is considered and voted on.

**Cr. Schluter for item 6.6** - I, Councillor Schluter, inform the meeting that I have a prescribed conflict of interest in item 6.6 Outback Queensland Masters. The nature of my interest is as follows:

- I am a member and vice president of the Blackall Golf Club.

As a result of my conflict I will leave the meeting room while the matter is considered and voted on.

**Cr Scobie for item 5.1.4** - I, Councillor Scobie, inform the meeting that I have a declarable conflict of interest in item 5.1.4 - RADF Recommendation - Red Ridge Interior Queensland. The nature of my interest is as follows:

- I am a member of the RADF Committee.

As a result of my conflict I will leave the meeting room while the matter is considered and voted on.

**Cr. Skewes for item 5.1.4** - I, Councillor Skewes, inform the meeting that I have a prescribed conflict of interest in item 5.1.4 - RADF Recommendation - Red Ridge Interior Queensland. The nature of my interest is as follows:

- I am a member of the board for Red Ridge.

As a result of my conflict I will leave the meeting room while the matter is considered and voted on.

## 1 Confirmation of the Meeting Minutes

**MOTION: Moved: Cr Grahame Schluter      Seconded: Cr Jane Scobie**

**That the minutes of the General Meeting held on 15 May 2024 be taken as read and confirmed, and that the Mayor be authorised to sign same.**

**GM 2024/06/85**

**Carried 7 / 0**

**ITEM NO:  
SUBJECT TITLE:**

**4.1  
Apology - Councillor Andrew Martin**

The Mayor, Councillor AL Martin read a prepared apology and admission of error statement to the Council.

**MOTION: Moved: Cr Andrew Martin      Seconded: Cr Boyd Johnstone**

**That Council receive and note the apology and admission of error statement made by the Mayor, Councillor AL Martin as attached.**

*A complaint was lodged with the Office of the Independent Assessor on 3 January 2022 regarding my conduct as a Councillor in 2021. The complaint related to the internal forwarding of an email that I received and the way in which I handled it on various occasions going forward. It is unnecessary to go into detail here as the matter has been dealt with extensively by both myself and the OIA over the past two and a half years, and more recently, the Councillor Conduct Tribunal. It is time to move forward. Suffice it to say, on 5 June 2024, the Tribunal sustained the allegation that I had engaged in misconduct and ordered that I make a public apology for the conduct.*

*As the Mayor of the Blackall-Tambo region I receive numerous emails. Further, as the Mayor I require an open and transparent organisation, and as such will often forward information to others to make them aware of various situations, or to seek advice. In this instance, I accept that the forwarding of that email and my subsequent conduct in relation to that act failed to meet the accepted standards that the community would expect of their Mayor, and I accept the finding of the Councillor Conduct Tribunal.*



*For members of the public who may not be familiar with this area and what such a finding means, I emphasise that the Tribunal has not found that I have done anything illegal or unlawful. That said, I now offer my unreserved apology to my fellow Councillors and the Blackall-Tambo region for my conduct and will make no further comment so as to move on.*

**GM 2024/06/86****Carried 7 / 0****SUBJECT TITLE: Suspend the Order of Business**

The Order of Business was suspended to discuss item 6.18 Tennis and Netball Courts at the Tambo Sports Complex.

**MOTION: Moved: Cr Andrew Martin                      Seconded: Cr Jane Scobie****That the Order of Business be suspended to discuss item 6.18.****GM 2024/06/87****Carried 7 / 0**

**ITEM NO: 6.18**  
**SUBJECT TITLE: Tennis and Netball Courts at the Tambo Sports Complex**

Tambo Netball Inc. has requested that a second netball court be included into the Tambo Sports Complex. They have proposed, as their preferred option, that a second tennis court be multi marked for both Tennis and Netball. Council has consulted with Tambo Netball Inc. and Tambo Sports Club Inc. An impasse has resulted, and the President of the Tambo Sports Club has asked that matter be referred to Council for resolution.

**MOTION: Moved: Cr Peter Skewes                      Seconded: Cr Boyd Johnstone****That Council:**

- 1. Mark a second tennis court (as indicated on attachment 1 to this report) at the Tambo Sports Complex with permanent netball line markings, for its multi-use as a tennis and netball Court. Markings are to be in distinctly differing colours to conform with the requirements of both Netball Queensland and Tennis Queensland.**
- 2. Re-mark the existing multi-lined court (as indicated on attachment 1 to this report) using those required colours as mentioned in recommendation 1.**
- 3. Assist Tambo Netball Inc. and Tambo Sports Club Inc. in seeking funding to construct a purpose-built netball court at the Tambo Sports Complex and other inclusions deemed appropriate.**

**GM 2024/06/88****Carried 7 / 0**

**ITEM NO: 4.2**  
**SUBJECT TITLE: Information Report for May 2024**

Information report from the Mayor for Council activities during the month of May 2024.

**MOTION: Moved: Cr Andrew Martin                      Seconded: Cr David Hardie**


**That Council receive the Mayor's report for May 2024.**

**GM 2024/06/89**

**Carried 7 / 0**

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**ITEM NO:**

**5.1.1**

**SUBJECT TITLE:**

**Financial Report for the Month of May 2024**

In accordance with s204 of the Local Government Regulation 2012, a monthly financial report must be presented to the Council. The financial report for May 2024 details the Council's current financial position and compares its performance against the adopted budget for 2023-2024.

**MOTION: Moved: Cr Grahame Schluter**

**Seconded: Cr Alina Hart**

**That Council receive the Financial Report for May 2024.**

**GM 2024/06/90**

**Carried 7 / 0**

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**ITEM NO:**

**5.1.2**

**SUBJECT TITLE:**

**DFCCS Operations Report - May 2024**

The Director of Finance Corporate and Community Services operations report for May 2024 is presented to the Council. The report includes housing and administration, Blackall aerodrome, libraries, visitor information centres, facility bookings, and Tambo Multipurpose.

**MOTION: Moved: Cr Grahame Schluter**

**Seconded: Cr Jane Scobie**

**That Council receive the DFCCS Operations Report for May 2024.**

**GM 2024/06/91**

**Carried 7 / 0**

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**ITEM NO:**

**5.1.3**

**SUBJECT TITLE:**

**Retirement of Blackall Gym Policy**

Council advertised for a private individual to manage the gym, hoping to encourage a higher level of activity in the Blackall community. As of 20 December 2023, Jess Johnson became the approved provider of the Blackall Gym. Since the private management of the gym has commenced fitness group classes, PT sessions and nutrition classes have been introduced.

**MOTION: Moved: Cr Grahame Schluter**

**Seconded: Cr David Hardie**

**That Council retire the Blackall Gym Policy as the facility is managed privately.**

**GM 2024/06/92**

**Carried 7 / 0**

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### **Prescribed Conflicts of Interest**

Cr. Martin for item 5.1.4 - I, Councillor Martin, inform the meeting that I have a prescribed conflict of interest in item 5.1.4 - RADF Recommendation - Red Ridge Interior Queensland.



The nature of my interest is as follows:

- I am the chair of Red Ridge.

As a result of my conflict I will leave the meeting room while the matter is considered and voted on.

Cr. Skewes for item 5.1.4 - I, Councillor Skewes, inform the meeting that I have a prescribed conflict of interest in item 5.1.4 - RADF Recommendation - Red Ridge Interior Queensland.

The nature of my interest is as follows:

- I am a member of the board for Red Ridge.

As a result of my conflict I will leave the meeting room while the matter is considered and voted on.

### **Declarable Conflicts of Interest**

Cr Hart for item 5.1.4 - I, Councillor Hart, inform the meeting that I have a declarable conflict of interest in item 5.1.4 - RADF Recommendation - Red Ridge Interior Queensland. The nature of my interest is as follows:

- I am a member of the RADF Committee.

Although I have a declarable conflict of interest, I feel it is the public interest that I participate and vote on agenda item 5.1.4, because:

1. Under section 150EO(b)(i) of the Local Government Act I am a Council appointed member of the RADF Committee.

Therefore, I wish to remain in the meeting and ask the eligible councillors to decide if I may participate in the debate and decision making despite my declarable conflict of interest.

**MOTION: Moved: Cr Grahame Schluter      Seconded: Cr Boyd Johnstone**

**That Councillor Alina Hart may participate in the decision as under section 150OE(b)(i) of the *Local Government Act 2009* Cr Hart does not have a declarable conflict of interest.**

**GM 2024/06/93**

**Carried 5 / 0**

Cr Scobie for item 5.1.4 - I, Councillor Scobie, inform the meeting that I have a declarable conflict of interest in item 5.1.4 - RADF Recommendation - Red Ridge Interior Queensland.

The nature of my interest is as follows:

- I am a member of the RADF Committee.

Although I have a declarable conflict of interest, I feel it is the public interest that I participate and vote on agenda item 5.1.4, because:

1. Under section 150EO(b)(i) of the Local Government Act I am a Council appointed member of the RADF Committee.

Therefore, I wish to remain in the meeting and ask the eligible councillors to decide if I may participate in the debate and decision making despite my declarable conflict of interest.

**MOTION: Moved: Cr Boyd Johnstone      Seconded: Cr Alina Hart**

**That Councillor Jane Scobie may participate in the decision as under section 150OE(b)(i) of the *Local Government Act 2009* Cr Scobie does not have a declarable conflict of interest.**

**GM 2024/06/94**

**Carried 5 / 0**

At this point, 9.05am, Cr Martin and Cr Skewes left the meeting.

The CEO requested that the Deputy Mayor, Cr Hardie assume the chair.

**ITEM NO: 5.1.4**  
**SUBJECT TITLE: RADF Recommendation- Red Ridge Interior Queensland**

The 2023-2024 RADF program has a surplus of \$2,109.00 following the fourth and final round of community grants.

**MOTION: Moved: Cr Grahame Schluter      Seconded: Cr Boyd Johnstone**

**That Council ratifies the RADF Committee's initiative to allocate \$2,109.00 to Red Ridge Interior Queensland to support circus workshops during the 2024 Blackall-Tambo Circus Carnival in August.**

**GM 2024/06/95**

**Carried 5 / 0**

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At this point, 9.11am, Cr Martin and Cr Skewes returned to the meeting.

Cr Martin resumed the chair.

**ITEM NO: 5.1.5**  
**SUBJECT TITLE: RADF Meeting Minutes**

The RADF Special Meeting was held via zoom.

**MOTION: Moved: Cr Grahame Schluter      Seconded: Cr Alina Hart**

**That Council receive the meeting minutes for the special meeting of the RADF Committee held 20 March 2024.**

**GM 2024/06/96**

**Carried 7 / 0**

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At this point, 9.12am, Cr Johnstone left the meeting.

At this point, 9.13am, Cr Johnstone returned to the meeting.

**ITEM NO: 5.2.1**  
**SUBJECT TITLE: Director of Works and Services Operation Report**

The Director of Works and Services report for May 2024 is presented to Council.

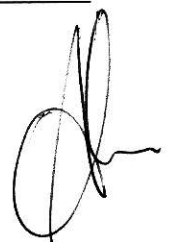
**MOTION: Moved: Cr Grahame Schluter      Seconded: Cr Jane Scobie**

**That Council receive the Director of Works and Services' Operation Report for May 2024.**

**GM 2024/06/97**

**Carried 7 / 0**

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**ITEM NO:** 5.2.2  
**SUBJECT TITLE:** Betterment & Reconstruction Package 3

Tenders were requested for the BTRC Betterment & Reconstruction Package 3

**MOTION: Moved: Cr Grahame Schluter      Seconded: Cr David Hardie**

**That Council ratifies the Chief Executive Officer's decision to award the tender for the Betterment and & Reconstruction Package 3 to NQES Industries Pty Ltd at \$671,286.96 (ex GST) as they are a proven supplier; and that Council note that the contract was awarded by the Chief Executive Officer due to time restraints and to ensure the contractor was secured for the project.**

**GM 2024/06/98**

**Carried 7 / 0**

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**ITEM NO:** 5.2.3  
**SUBJECT TITLE:** 2024 Reseals – Supply & Delivery of Cover Aggregate

Blackall-Tambo Regional Council tendered for the Supply and Delivery of Cover Aggregate for the 2024 Reseal Program.

**MOTION: Moved: Cr Boyd Johnstone      Seconded: Cr David Hardie**

**That Council ratifies the Chief Executive Officer's decision to award the tender for the Supply and Delivery of Cover Aggregate for the 2024 Reseal Program to Champion Contracting Pty Ltd at \$237,615.00 (ex GST) as they are a proven supplier; and that Council note that the contract was awarded by the Chief Executive Officer due to time restraints and to ensure the contractor was secured for the project.**

**GM 2024/06/99**

**Carried 7 / 0**

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**ITEM NO:** 5.2.4  
**SUBJECT TITLE:** 2024 Reseals – Supply, Cart, Heat and Spray of Bituminous Product

Blackall-Tambo Regional Council tendered for the Supply, Cart, Heat and Spray of Bituminous Products for the 2024 Reseal Program.

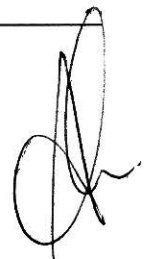
**MOTION: Moved: Cr Grahame Schluter      Seconded: Cr Boyd Johnstone**

**That Council ratifies the Chief Executive Officer's decision to award the tender for the Supply, Cart, Heat and Spray of Bituminous Product for the 2024 Reseal Program to Boral Resources (QLD) Pty Ltd at \$593,119.45 (ex GST) as they are a proven supplier; and that Council note that the contract was awarded by the Chief Executive Officer due to time restraints and to ensure the contractor was secured for the project.**

**GM 2024/06/100**

**Carried 7 / 0**

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**ITEM NO: 6.1**  
**SUBJECT TITLE: Blackall Saleyards Report**

The Blackall Saleyards monthly report for May is provided to Council.

**MOTION: Moved: Cr Grahame Schluter      Seconded: Cr David Hardie**

**That Council receive the Blackall Saleyards monthly report for May 2024.**

**GM 2024/06/101**

**Carried 7 / 0**

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**ITEM NO: 6.2**  
**SUBJECT TITLE: Planning and Development Report**

The Planning and Development report provides a summary of building applications and planning and development activity in the Blackall-Tambo Regional Council area.

**MOTION: Moved: Cr Jane Scobie      Seconded: Cr David Hardie**

**That Council receives the Planning and Development Report for May 2024.**

**GM 2024/06/102**

**Carried 7 / 0**

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**ITEM NO: 6.3**  
**SUBJECT TITLE: Environmental Health Officer's Report**

The Environmental Health Officer's report is provided to Council.

**MOTION: Moved: Cr David Hardie      Seconded: Cr Boyd Johnstone**

**That Council receive the Environmental Health Officer's report for May.**

**GM 2024/06/103**

**Carried 7 / 0**

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**ITEM NO: 6.4**  
**SUBJECT TITLE: Ranger's Report**

The Ranger's Report for May 2024 is provided to Council.

**MOTION: Moved: Cr David Hardie      Seconded: Cr Alina Hart**

**That Council receive the Ranger's report for May 2024.**

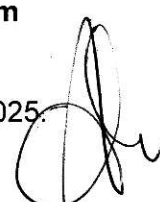
**GM 2024/06/104**

**Carried 7 / 0**

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**ITEM NO: 6.5**  
**SUBJECT TITLE: 2024-25 Get Ready Queensland Grant Program**

Council has received correspondence from the Queensland Reconstruction Authority advising the funding allocation for the Get Ready Queensland grant program for 2024-2025.







**ITEM NO: 6.8**  
**SUBJECT TITLE: Policy Executive Representative Appointment - Local Government Association of Queensland**

Blackall-Tambo Regional Council nominated Cr Andrew Martin to represent District Number 8 for the Local Government Association of Queensland. The representatives for all districts have been announced.

**MOTION: Moved: Cr Grahame Schluter      Seconded: Cr Alina Hart**

**That Council note the appointment of the LGAQ Policy Executive Representatives for the period of 2024-2028.**

**GM 2024/06/108**

**Carried 7 / 0**

**ITEM NO: 6.9**  
**SUBJECT TITLE: Blackall Work Camp Community Advisory Committee Meeting - 14 April 2024**

The Blackall Work Camp Community Advisory Committee hold meetings every quarter. A meeting was held on 14 April 2024.

**MOTION: Moved: Cr David Hardie      Seconded: Cr Grahame Schluter**

**That Council receive the Blackall Work Camp Community Advisory Committee report for 14 April 2024.**

**GM 2024/06/109**

**Carried 7 / 0**

At this point, 9.44am, Mr Ajay Agwan the Director of Works and Services left the meeting.

At this point, 9.44am, Cr Jane Scobie left the meeting.

At this point, 9.46am, Cr Jane Scobie and Mr Ajay Agwan the Director of Works and Services returned to the meeting.

**ITEM NO: 6.10**  
**SUBJECT TITLE: Water Supply Service for Properties in Frames Lane Blackall**

Council provides water to properties outside the declared water area. An audit of water access agreements and associated infrastructure for properties outside Council's declared water service area has been conducted. The properties with addresses in Frames Lane and one additional property are outside the declared water area however they access the town water supply.

**MOTION: Moved: Cr David Hardie      Seconded: Cr Grahame Schluter**

**That Council write to the landowners of Lot 1, 2, 3, 4, 5, 6, 7, 8 and 9 on SP232635 and Lot 58 TA228134 and provide the following information for the supply of town water for each property:**



1. The properties are outside Council's declared water service area for its reticulated drinking water supply service.
2. Blackall-Tambo Regional Council is responsible for the water line from the delivery point (within the declared water area) to the water meter for each affected property.
3. The properties have an existing arrangement with Council for the supply of water for domestic purposes. The existing arrangement may be current or expired but continuing on a holding over basis or in writing, oral, or partly in writing or partly oral.
4. Any outstanding accrued liabilities of a property (including any unpaid water utility charges levied by Council against the property) remain outstanding until paid.
5. Council consents to the ongoing connection of the existing water supply from the Council Water Infrastructure for the purpose of conveying water for the affected properties.
  - a. Council will not be increasing the pressure of the water mains distribution system with the Council owned Water Line.
  - b. Water flow pressure along the Council owned Water Line reduces and will continue to reduce further away from the township.
  - c. Water flow pressure at and from the Supply Point (each property's water meter) is not considered adequate for firefighting purposes at the properties.
  - d. The landowner must make their own arrangements for on-site static water storage on the property, for firefighting and other domestic purposes.
  - e. The landowner is liable for any excess water usage irrespective of the cause of the excess water usage.
  - f. The landowner must not directly draw down from the water line using a pump causing negative pressure in the water supply.
  - g. The landowner must at their own cost, install, and keep installed, and maintained at all times, in good working order, a Council approved water meter.
  - h. The water meter must be installed in a location and position so that it is easy to read and maintain, at or near the boundary of the property.
  - i. The water meter must include a device which allows for the restriction of the flow of water.
  - j. No connections to the Water Line are permitted without Council approval and only after the appropriate application has been submitted to Council and application fee paid.
  - k. Council does not warrant or guarantee any minimum water flow rate or the supply, or quantity (including the allocation quantity) of supply of water, or the quantity of the supplied water to the property.
  - l. The water is to be used for Domestic purposes as per the following:
    - i. Household purposes (for example, human consumption and sanitation);
    - ii. Watering of animals kept as pets;
    - iii. Watering of animals kept or produced with an animal husbandry land use of the property which meets each of the following criteria:
      1. The animals are kept or produced on native or improved pastures or vegetation, or a yard, stable or temporary holding facility that is ancillary to the keeping or producing of the animals or improved pastures or vegetation; and



2. The animals are not kept or produced on the property in connecting with an intensive animal industry as defined in the *Planning Regulation 2017*.
- iv. Watering a garden (including a lawn) the combined size of which must not exceed an area of 0.25 ha and is cultivated for domestic use and not for the sale, barter or exchange of goods produced in the garden.

**GM 2024/06/110****Carried 7 / 0**

**ITEM NO: 6.11**  
**SUBJECT TITLE: Old Picture Theatre**

Additional information has been obtained regarding the land and building at 67 Shamrock Street, Blackall.

The CEO asked that this matter lay on the table for a future meeting.

That Council:

1. Proceed with the resolution adopted by Council at the 17 May 2023 meeting and make the necessary applications to demolish the building at 67 Shamrock Street; or
2. Offer the property known as 67 Shamrock Street, Blackall, Lot 1 on RP602469 for sale by tender or auction in accordance with section 227 of the *Local Government Regulation 2012*; or
3. Dispose of the land in accordance with section 236(1)(c)(iv) of the *Local Government Regulation 2012*; or
4. That Council requires the Chief Executive to make further enquires regarding the future use of the Old Picture Theatre.

**ITEM NO: 6.12**  
**SUBJECT TITLE: Special Holiday for 2025**

The Office of Industrial Relations annually invites local governments to make a request to the Minister for special and show holiday for the following year.

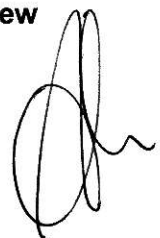
**MOTION: Moved: Cr Grahame Schluter      Seconded: Cr David Hardie**

That Council request a special holiday for the Blackall-Tambo Regional Council area as Melbourne Cup Day, 4 November 2025.

**GM 2024/06/111****Carried 7 / 0**

Council requested that the community be consulted when nominating a date for future special holidays.

**ITEM NO: 6.13**  
**SUBJECT TITLE: Councillor Code of Conduct Policy Review**



The Blackall-Tambo Regional Council's Stat 4 – Councillor Code of Conduct Policy has been reviewed following the Minister for Local Government's approved amendments to the code of conduct reflecting legislation changes in effect from 15 November 2022.

**MOTION: Moved: Cr Jane Scobie**

**Seconded: Cr David Hardie**

**That Council adopt the revised Councillor Code of Conduct Policy.**

**GM 2024/06/112**

**Carried 7 / 0**

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**ITEM NO:**

**6.14**

**SUBJECT TITLE:**

**RAPAD Board Communique - First Quarter 2024**

The RAPAD Board Meeting Communique provides information on the matters dealt with at monthly meetings. The Communique is issued quarterly.

**MOTION: Moved: Cr Andrew Martin**

**Seconded: Cr Alina Hart**

**That Council receive the RAPAD Board Meeting Communique for the period 1 January 2024 to 31 March 2024.**

**GM 2024/06/113**

**Carried 7 / 0**

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**ITEM NO:**

**6.15**

**SUBJECT TITLE:**

**Changes to the Integrity Act 2009**

The *Integrity Act 2009* was amended in May 2024. The amendments made several changes to the operation of Chapter 4 (Lobbying activity) of the Integrity Act. Councillors and council employees are 'government representatives' for the purposes of Chapter 4.

**MOTION: Moved: Cr Grahame Schluter**

**Seconded: Cr David Hardie**

**That Council receive the Fact Sheet – Changes to Chapter 4 of the *Integrity Act 2009*: What government and opposition representatives need to know and note that the Integrity Commission now has a statutory function to provide education and training to government representatives about lobbying activity.**

**GM 2024/06/114**

**Carried 7 / 0**

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**Adjournment:**

At this point, 9.57am, the meeting was adjourned.

**Resumption:**

At this point, 10.19am, the meeting was resumed.

The Director of Works and Services was not present at the resumption of the meeting.

**ITEM NO:**

**6.16**



**SUBJECT TITLE: Local Government Association of Queensland  
Call for Motions**

The Local Government Association of Queensland are calling for motions relating to significant issues for the annual conference being held in October.

**MOTION: Moved: Cr Grahame Schluter      Seconded: Cr David Hardie**

**That Council consider motions for the LGAQ Annual Conference and Annual General Meeting.**

**GM 2024/06/115**

**Carried 7 / 0**

At this point, 10.21am, Mr Ajay Agwan the Director of Works and Services returned to the meeting.

**ITEM NO: 6.17**  
**SUBJECT TITLE: Development Application DA55-2023-2024 19 Ivy Street and 8 Mulberry Street**

The Applicant, Homack Pty Ltd, seeks a Development Permit for a Material Change of Use for a Transport Depot over land at 19 Ivy Street & 8 Mulberry Street, Blackall formally described as Lot 7 & 14 on SP210376.

The proposal is for a Transport Depot that will allow for the housing and operation of two (2) trucks and 12 trailers. As part of the proposal, it is proposed to construct a 645m<sup>2</sup> shed.

The site is located in the established industrial precinct of Blackall.

Under the Blackall-Tambo Region Planning Scheme 2020 (the Planning Scheme), the subject site is in the Industrial Precinct of the Township Zone. The defined use that has been applied for, being a Transport Depot, is subject to Code Assessment in the Industrial Precinct of the Township Zone.

Based on an assessment of the proposal in accordance with the Code Assessment process articulated in the *Planning Act 2016*, this decision report recommends approval of the development application, subject to the conditions stated herein.

**MOTION: Moved: Cr Jane Scobie      Seconded: Cr Grahame Schluter**

**That Council approves the application for a Development Permit for Material Change of Use for a Warehouse over land 119 Ivy Street & 8 Mulberry Street, Blackall formally described as Lot 7 & 14 on SP210376, subject to the following conditions:**

**1.0 PARAMETERS OF APPROVAL**

**1.01 The Developer is responsible for ensuring compliance with this development approval and the conditions of the approval by an employee, agent, contractor or invitee of the Developer at all times unless otherwise stated.**

**1.02 Where these conditions refer to "Council" in relation to requiring Council to approve or be satisfied as to any matter, or conferring on the Council a function,**

power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by Council.

- 1.03 All conditions, works, or requirements of this development approval must be undertaken and completed prior to commencement of the use and to Council's satisfaction, unless otherwise stated in a development condition.
- 1.04 The cost of all works associated with the construction of the development including services, facilities and/or public utility alterations required are met at no cost to the Council or relevant utility provider, unless otherwise stated in a development condition.
- 1.05 The developer is required to have repaired any damage to existing infrastructure that may have occurred during any works carried out for the development. To the extent the damage is deemed to create a hazard to the community, it must be repaired immediately.
- 1.06 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

**2.0 APPROVED PLANS AND DOCUMENTS**

2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

Plan/Document Name	Plan/Document Number	Revision Number	Date
Site Plan	DA55-2023-2024	-	28/05/2024 (Received date)
Floor Plan	Sheet 1 of 3	-	27/07/2023
Section View	Sheet 2 of 3	-	27/07/2023
Elevation Plan	Sheet 3 of 3	-	27/07/2023

2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.

**3.0 HOURS OF OPERATION**

- 3.01 Hours of operation are 24 hours a day, 7 days a week for the primary use activity involving heavy vehicle site access, egress and trailer hitching / unhitching.
- 3.02 Hours of operation are 7:00am to 6:00pm, 7 days a week for ancillary maintenance and servicing activities associated with the primary use.

**4.0 LIMITATIONS OF USE**

- 4.1 The use is limited to two (2) trucks and up to 12 trailers.
- 4.2 All ancillary servicing and maintenance activities, including cleaning of trucks and trailers, undertaken in conjunction with the approved use must be limited to the shed. The area within the shed where service and maintenance activities will occur must be maintained to a concrete floor or similar surface treatment to

prevent ground and water contamination, and to provide containment of spills and hazardous materials and liquids.

4.3 All waste oils are to be collected within a sump (or similar) and disposed of lawfully at a Blackall-Tambo Regional Council waste oil facility or by an authorised waste oil collection service provider.

4.4 Any spray painting associated with the ancillary maintenance of vehicles is limited a maximum of five (5) litres per week. All spray painting must be undertaken within the existing shed and in a manner to ensure there is no spray drift outside the shed.

#### 5.0 ACCESS AND MANOEUVRING AREAS

5.01 Maintain the existing crossovers to Ivy Street and Mulberry Street or where new crossovers are proposed design, construct and maintain the crossovers in accordance with the approved plans (see Condition 2.1) and generally in accordance with the standard drawing, Figure 1 or 2, from the General Development Code of the Blackall-Tambo Region Planning Scheme.

5.02 All new vehicle manoeuvring areas must be constructed to an all weather standard.

#### 6.0 STORMWATER WORKS

6.1 Undertake the development such that all stormwater, except for rainwater captured on-site in rainwater tanks, is to be drained from the site to a lawful point of discharge and carried without causing annoyance or nuisance to any person or property. All works must be designed, constructed and maintained in accordance with the *Queensland Urban Drainage Manual*.

#### 7.0 SEWERAGE AND WATER

7.01 Maintain the existing connections to Council's reticulated water and sewerage network.

#### 8.0 TELECOMMUNICATION AND ELECTRICITY SUPPLY

8.1 Maintain the electricity and telecommunication services in accordance with the standards and requirements of the relevant service provider.

8.0


#### 9.0 WASTE MANAGEMENT

9.01 Store all waste within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera). The waste storage area must be:

9.01.1 Designed to not cause nuisance to neighbouring properties;

9.01.2 Screened from any road frontage or adjoining property;

9.01.3 Of a sufficient size to accommodate a waste bin/s suitable to service the development.





**9.02 Appropriate materials and equipment are to be available onsite at all times to contain and clean up spills of potentially polluting materials. The materials and equipment must be maintained.**

**10.0 AMENITY AND ENVIRONMENTAL HEALTH**

**10.1 Undertake the approved development so there is no environmental nuisance or detrimental effect on any surrounding land uses and activities by reason of the emission of noise, vibration, odour, fumes, smoke, vapour, steam soot, ash, wastewater, waste products, oil or otherwise**

**10.2 Install and operate all outdoor lighting to comply with AS4282 – 1997 “Control of the Obtrusive Effects of Outdoor Lighting”.**

**11.0 ASSET MANAGEMENT**

**11.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.**

**12.0 CONSTRUCTION ACTIVITIES**

**12.1 All construction materials, waste, waste skips, machinery and contractors’ vehicles must be located and stored or parked within the development site, unless otherwise approved in writing by Council.**

**12.2 Construction activity and noise must be limited to the hours of 06:30 to 18:30 Monday to Saturday, with no work to occur on Sundays or public holidays.**


**ADVISORY NOTES**

**A. Prior to commencing any construction activities, the applicant/developer will be required to obtain further development permits for building work, and plumbing and drainage work, and potentially for operational work, as required under relevant legislation for this work.**

**B. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements. Any provisions contained in this approval relating to the enforcement of any of the conditions shall be in addition to all other rights, powers and privileges that the Council may possess or obtain, and nothing contained in these conditions shall be construed so as to prejudice, affect or otherwise derogate or limit these rights, powers and privileges of the Council.**

**C. General environmental duty under the Environmental Protection Act 1994 and subordinate legislation prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.**

**D. This development approval does not authorise any activity that may harm Aboriginal cultural heritage. It is advised that under section 23 of the Aboriginal Cultural Heritage Act 2003, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the “cultural heritage duty of care”).**



**GM 2024/06/116**

**Carried 7 / 0**

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**7 Confidential Reports**

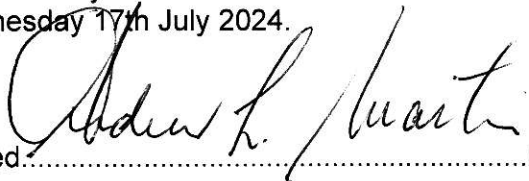
Nil

**CLOSURE:**

There being no further business to consider, the Mayor declared the Meeting closed at 10.23am.

**CONFIRMATION OF MINUTES:**

Confirmed by Council as a true and correct record at the General Meeting held on Wednesday 17th July 2024.

  
Signed.....Mayor

