



LATE ITEMS BUSINESS PAPER

General Meeting

Wednesday 24 July 2019

Roma Administration Centre

NOTICE OF MEETING

Date: 24 July 2019

Mayor:

Councillor T D Golder

Deputy Mayor:
Councillors:

Councillor J L Chambers
Councillor N H Chandler
Councillor P J Flynn
Councillor G B McMullen
Councillor W M Newman
Councillor C J O'Neil
Councillor D J Schefe
Councillor J M Stanford

Chief Executive Officer:

Ms Julie Reitano

Senior Management:

Mr Rob Hayward (Deputy Chief Executive Officer/Director
Development, Facilities & Environmental Services)
Ms Sharon Frank (Director Corporate, Community & Commercial
Services)

Please find attached agenda for the **General Meeting** to be held at the Roma Administration Centre on **July 24, 2019 at 10.00AM.**

Julie Reitano
Chief Executive Officer

TABLE OF CONTENTS

Item No	Subject	
L	Late Items	
L.1	Moorelands Bush Nursery Development Application	2
	Prepared by: Lead Town Planner	
	Attachment 1: Submissions	20
	Attachment 2: Response to submissions from Applicant.....	30
	Attachment 3: Response to submissions by Council officers	34
	Attachment 4: Planning assessment	41
L.2	Queensland Opera Performance September 2019	66
	Prepared by: Manager - Economic & Community Development	
	Attachment 1: Options for Queensland Opera - Council report 26 June 2019	74
	Attachment 2: QOpera - Mark Taylor response	78
	Attachment 3: Dance West quote.....	79
LC.	Late Confidential Items	
LC.1	Muggins Lane Bridge Options Analysis	
	Classification: Closed Access	
	Local Government Regulation 2012 Section 275(c) the local government budget.	

PLANNING & BUILDING DEVELOPMENT REPORT

Meeting: General 24 July 2019

Date: 4 February 2019

Item Number: L.1

File Number: D19/7111

SUBJECT HEADING: Moorelands Bush Nursery Development
Application

Classification: Open Access

Officer's Title: Lead Town Planner

Executive Summary: Leesa Murray has submitted a development application for a *material change of use* for a "Garden centre" and "Function facility" at 1344 Dargal Road and 105 Moorlands Lane, Bungeworgorai (being Lot 196 on WV 1276 and Lot 240 on WAL 5369). The premises is more commonly known as the Moorlands Bush Nursery.

The development application is subject to impact assessment and must be assessed against the assessment benchmarks (to the extent relevant) provided by Section 45 of the *Planning Act 2016*. The *Development Assessment Rules* set out the procedural requirements for the development assessment process.

Public notification about the application was carried out in accordance with Part 4 of the *Development Assessment Rules* and for a period no less than 15 business days between 5 October 2018 and 26 October 2018. There were four properly made submissions received about the application during this period. The planning matters raised in the properly made submissions have been considered when making the Officer Recommendation.

The procedural requirements set out by the *Development Assessment Rules* to enable Council to make a decision on this matter have been fulfilled. The development application is generally consistent with the assessment benchmarks provided by the *Planning Act 2016* and any perceived conflict with the assessment benchmarks can be appropriately addressed by way of conditions of development approval.

Officer's Recommendation:

That Council;

- 1. Approve the application for a Material Change of Use for a "Garden centre" and "Function facility" on part of the land located at 1344 Dargal Road and 105 Moorelands Lane, Bungeworgorai (being Lot 196 on WV 1276 and Lot 240 on WAL 5369) subject to the following conditions:**

Preamble

- i. The Capricorn Municipal Development Guidelines apply to this development. Refer to <http://www.cmdg.com.au/> for the Capricorn Municipal Development Guidelines (CMDG).
- ii. The relevant planning scheme for this development is the *Maranoa Planning Scheme 2017*. All references to the 'Planning Scheme' and 'Planning Scheme Schedules' within these conditions refer to the above Planning Scheme.
- iii. Under the Maranoa Planning Scheme;

"Garden centre" means the use of premises for—
 - (a) selling plants; or
 - (b) selling gardening and landscape products and supplies that are mainly in pre-packaged form; or
 - (c) a food and drink outlet is ancillary to the use in paragraph (a).
"Function facility" means the use of premises for—
 - (a) receptions or functions; or
 - (b) preparing and providing food and liquor for consumption on the premises as part of a reception or function.
- iv. All Aboriginal Cultural Heritage in Queensland is protected under the (*Aboriginal Cultural Heritage Act 2003*) and penalty provisions apply for any unauthorised harm. Under the legislation a person carrying out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage. This applies whether or not such places are recorded in an official register and whether or not they are located in, on or under private land. The developer is responsible for implementing reasonable and practical measures to ensure the Cultural Heritage Duty of Care Guidelines are met and for obtaining any clearances required from the responsible entity.
- v. The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard, persons and entities involved in the operation of the approved development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm to adjoining premises.
- vi. The land use rating category for the site may change upon commencement of any approved use on the site. Council's current Revenue Statement, which includes the minimum general rate levy for the approved use/s is available on the Council website: www.maranoa.qld.gov.au.
- vii. It is the responsibility of the developer to obtain all necessary permits and approvals associated with the development of the site and submit all necessary plans and policies to the relevant authorities for the approved

use.

- viii. Refer to Attachment 2 – Adopted Infrastructure Charges Notice for infrastructure charges levied for the approved development.
- ix. In completing an assessment of the proposed development, Council has relied on the information submitted in support of the development application as true and correct. Any change to the approved operations on the site may require a new or changed development approval. It is recommended to contact Council for advice in the event of any potential change in circumstances.

Use

- 1. The approved development is for a “Garden centre” and “Function facility” as defined in the Planning Scheme and as shown on the Approved Plans and Documents.

Note: The development approval and the approval conditions apply to the area delineated as “Development area” as shown on Approved Plan *Moorelands Bush Nursery Layout* dated 19/01/2018. This approval does not apply to or authorize any other development or use within or outside of the approved “Development area”.

Compliance

- 2. All development approval conditions must be fulfilled within three months of the development approval taking effect, unless otherwise stated in the conditions of approval.

Note: The applicant shall contact Council’s Planning Department to arrange a development compliance inspection prior to the expiration of the period outlined above.

Approved Plans and Documents

- 3. All works and operations are to be carried out generally in accordance with the approved plans and documents listed in the following table. Where approved plans are in conflict with the Assessment Manager’s conditions, the Assessment Manager’s conditions prevail.

Plan/Document Name	Date
Location Map (marked in Red by Council)	19/01/2018
Mooreland’s Bush Nursery Layout	19/01/2018
Kitchen Elevations	
Toilet Block Elevations	
Traffic Impact Report prepared by One Eng	01/06/2018
Information request response	05/09/2018

- 4. The developer shall ensure that all works are carried out by appropriately

qualified persons and the developer and the persons carrying out and supervising the work shall be responsible for all aspects of the works, including public and worker safety, and shall ensure adequate barricades, signage and other warning devices are in place at all times.

5. The developer is responsible for locating and protecting any Council and public utility services, infrastructure and assets that may be impacted on during construction of the development. Any damage to existing infrastructure that is attributable to the progress of works on the site or vehicles associated with the development of the site shall be immediately rectified in accordance with the asset owners' requirements and specifications and to the satisfaction of the asset owners' representative(s)

Detailed plans

6. Elevation and floor plans of the *Greenhouse for propagating wholesale plants*, the *Greenhouse for retail plants* and the *Slab Hut for storage and shade* as shown on Approved Plan *Moorelands Bush Nursery Layout* dated 19/01/2018 must be submitted to Council for approval within 3 months of the date this development approval takes effect. The approved plans will form part of the approved documents for the development.

Applicable Standards

7. All works must comply with:
 - a. this development approval;
 - b. any relevant Acceptable Solutions of the applicable codes of the planning scheme for the area;
 - c. Council's standard designs for such work where such designs exist;
 - d. the Capricorn Municipal Development Guidelines; and
 - e. any relevant Australian Standard that applies to that type of work.

Despite the requirements of paragraphs a-e above, Council may agree in writing to an alternative specification. This alternative specification prevails over those specified in paragraphs a-e in the event of any inconsistency.

The developer must also ensure that any works do not conflict with any requirements imposed by any concurrent lawful requirements outside those stated above.

Bio-security Plan

8. A Biosecurity Plan for the site must be prepared and implemented in accordance with the *Biosecurity Act 2014*. The plan must be prepared by an appropriately qualified person taking into account all existing and approved operations on the site and addressing the risk of spread of Priority Pest Plants. A copy of the plan must be submitted to Council within 3 months of the date this development approval takes effect.

Note: The Pest Management Plan (PMP) for the Maranoa Region is available on Council's website via the following link: http://www.maranoa.qld.gov.au/council/Documents/Pest_Management_Plan_2012_2016.pdf#search=PEST%20MANAGEMENT. The PMP identifies, among others, Parkinsonia, Prickly Acacia and Parthenium as Priority Pest Plants to be managed in the Maranoa Region.

Advertising signage

9. Any proposed advertising signage is subject to a further development approval unless compliant with the self-assessable development provisions of the Planning Scheme, or other applicable planning instrument in force at the relevant time.
10. Any free standing advertising signage or structure to be constructed on the subject site shall be designed by an RPEQ (Structural) Engineer and certification provided for both design and construction.

Refuse storage

11. Waste containers must be provided within the "Development area" and maintained in a clean and tidy state at all times while the use continues, and shall be emptied and the waste removed from the site on a regular basis, and immediately after a function or event.
12. A bulk refuse storage area must be provided within the area denoted as "Refuse collection area" on approved plan *Moorelands Bush Nursery Layout dated 19/01/2018*.
13. Bulk refuse storage shall be screened and retain reasonable standards of amenity for users of the premises. Refuse storage facilities must not be visually obtrusive. The bulk refuse storage containers must be maintained in a clean and tidy state at all times while the use continues, and shall be emptied and the waste removed from the site on a regular basis.
14. A dedicated area shall be provided for service vehicle access and manoeuvring for waste collection within the Development site area. The dedicated area shall be provided in accordance with the *Capricorn Municipal Development Guidelines*.
15. A convenient access shall be provided between all refuse storage areas and the designated area for waste collection service vehicles.

Lighting

16. Lighting associated with the approved use, including any security lighting, shall be such that the lighting intensity does not exceed 8.0 lux at a distance of 1.5 meters from the site at any property boundary.
17. All lighting shall be directed or shielded so as to ensure that no glare

directly affects adjoining and nearby properties.

Avoiding Nuisance

18. No nuisance is to be caused to adjoining properties and occupiers by way of smoke, dust, rubbish, contaminant, stormwater discharge or siltation at any time, including non-working hours.
19. There must not be unreasonable or sustained levels of noise or odour and no nuisance caused to adjoining properties while the use continues.
20. The development site and its surrounds must be kept in an orderly fashion, free of rubbish and clear of weeds and long grasses. The approved development and the premises are to be maintained in a clean and tidy condition and not pose any health and safety risks to the community.
21. All reasonable measures shall be undertaken to mitigate potential noise nuisance to adjoining properties during functions and events. Measures may include temporary sound barriers such as hay stacks and/or temporary fencing.

Perimeter Signage

22. Signage must be erected on the southern perimeter of the 'Development area' deterring visitors from congregating adjacent to or passing beyond this boundary of the 'Development area'.

Earthworks

23. Any earthworks associated with the approved use are to be undertaken in accordance with CMDG Design Guidelines D6 – Site Regrading.

Note: Any cut or fill associated with the progression of works for the approved use that exceeds 100m² will require a Development Permit for Operational works prior to any earthworks being undertaken.

Erosion Control

24. All construction works on site are to be undertaken in accordance with the Institute of Engineers (Australia) (IEAUST) Soil Erosion and Sediment Control Engineering Guidelines for Queensland Construction sites.

Services

25. The approved development is to be provided with an on-site water supply with sufficient capacity to meet all operational needs, including potable water sufficient to meet the needs of all visitors to the site and to mitigate dust nuisance generated by vehicles accessing the site.
26. The site must be connected to an on-site sewerage treatment system that is

designed in accordance with AS/NZS 1547:2012 and that is adequate for the approved use. The removal and disposal of any effluent from the site must be performed by a suitably licensed contractor.

27. The number of people using the “Function facility” shall be limited to the maximum capacity of the onsite sewerage treatment system.

Note: The landowner/operator is responsible for obtaining any permits required to achieve compliance with environmental laws relevant to the provision of onsite sewerage treatment and/or disposal.

28. Amenities are to be provided on site generally in the location denoted as “Ablution block” on Approved Plan *Moorelands Bush Nursery Layout dated 19/01/2018*.
29. In the event that the approved development cannot be supplied with an adequate supply of electricity through efficient design and alternative energy technologies, a connection to the reticulated electricity network must be provided to service the development.
30. If the approved development is connected to a telecommunication service, any works required to establish this connection are to be undertaken in accordance with the relevant service provider’s requirements and specifications, along with relevant building standards, requirements and specifications.
31. Any conflicts associated with proposed and existing services shall be forwarded by the developer to the appropriate controlling authority for approval for any proposed changes.

Stormwater and Drainage

32. Stormwater is collected internally within the site and discharged so as to:
- (a) protect the stability of buildings and the use of adjacent land;
 - (b) prevent water-logging of nearby land; and
 - (c) protect and maintain environmental values.
33. No nuisance ponding of stormwater is to be created within the vicinity of the approved development or to adjacent properties or roads.
34. Appropriate pollution control devices and/or methods shall be implemented to ensure that no contamination or silting of creeks or other waterways result from the stormwater generated from the approved development facility.

Operating hours

35. Operating hours for the approved “Garden centre” are restricted to 9:00am to 2:00pm on Fridays and 8:00am to 4:00pm on Saturdays and Sundays. Signage must be provided at the Site Access clearly displaying the

operating hours of the “Garden centre”.

36. Operating hours for the approved “Function facility” are restricted to the hours between 9:00am to 2:00pm and 5:00pm to 11:00pm on Fridays and 8:00am to 11:00pm Saturdays and Sundays (noise permitted).

Note: The operator may apply to Council to vary the hours of operation for a particular event where the extended operating hours are necessary in the opinion of the Council having considered the requirements and community benefits of the particular event and the duration of the additional impacts upon the local community. Any decision to alter the operating hours may be subject to consultation with adjacent land owners.

Number of “Function facility” events

37. The number of events (including market days and charity events) that are permitted to be held at the approved “Function facility” is strictly restricted to 20 events per year.

Road signs

38. Road signage shall be provided at the start of the unsealed section of Dargal Road to advise drivers about the oncoming section of unsealed road. A tourist sign shall be included on the same sign post advising motorists of the distance (in kilometers) to the approved entrance to the development site.
39. Tourist road signage advising of the distance to the approved access and the required turn movement into the approved development shall be provided in proximity to the intersection of Dargal Road and Moorelands Lane to deter approaching motorists from accessing the development site via Moorelands Lane.

Emergency events

40. A Bushfire Hazard Management Plan is to be prepared having regard to the site characteristics and management procedures in the event of a bushfire. All staff shall be made aware of the Bushfire Hazard Management Plan, its content, and the procedures that need to be followed in the case of a bushfire event.

Note: A copy of the Bushfire Hazard Management Plan must be made available during Council’s compliance inspection.

41. The approved development must incorporate measures for fire protection, including firefighting equipment and adequate water supplies, in accordance with the relevant legislation and standards.
42. Access to a reliable water supply for firefighting purposes (such as a dedicated water tank with a minimum 22,500 litre capacity, a swimming

pool or dam located on the site and within the proximity of the approved use).

43. A Flood Management Plan shall be prepared prior to the commencement of the use having regard to the site characteristics and management procedures in the event of flood. All staff be made aware of the Flood Management Plan, its content, and the procedures that need to be followed in the case of a major flood event.
44. All reasonable efforts should be made to advise visitor/s in advance of premises closures that required due to inclement weather events.

Access

45. Access and egress for the approved use shall be provided from Dargal Road in the location denoted as "Site Access" on Approved Drawing *Location Map* (marked in Red by Council). Signage is to be erected at the "Site Access" clearly identifying it as the entry and exit point to the approved development.
46. Access and egress to the approved development from Moorelands Lane is strictly prohibited at all times.
47. A vehicle crossover from the development site to Dargal Road shall be constructed in the location denoted as "Site Access" in accordance with CMDG standard drawing CMDG-R-040 Rev E – Access along Gravel Roads.

Note: The landowner shall be responsible for the maintenance of vehicle crossovers from the road carriageway to the property boundary. Should any damage be caused to Dargal Road at the approved access location, it is the landowner's responsibility to ensure this is reinstated. Any repair works are to be undertaken in consultation with Council and at the landowner's expense.

48. A "Give Way" sign is to be erected internally within the development site generally in the location of the "Site Access" instructing vehicles exiting the site to give way to incoming traffic.
49. The existing single lane cattle grid located at the "Site Access" shall be relocated a minimum distance of 25 metres from the property boundary to allow safe storage for entering traffic. Each approach to the grid shall include narrow grid warning signs and hazard markers in accordance with the Manual of Uniform Traffic Control Devices (Qld).
50. A 4.0 metre wide internal access road shall be maintained from the "Site Access" to the "Development area" as denoted on Approved Drawing *Moorelands Bush Nursery Layout* dated 19/01/2018. Signage and/or other markings must be provided along the internal access road to provide clear direction for motorists and ensure the safe movement for vehicles entering

and exiting the facility.

Note: In the event that the internal access road becomes unpassable due to inclement weather, signage shall be erected at the "Site Access" discouraging vehicles from using the internal access road.

51. Signage is to be erected internally within the site at each end of the internal access road to inform motorists of the potential for stock to be present on, or in proximity to the roadway.

Note: Refer to the MUTCD for approved stock warning signs.

Visitor Parking

52. The area denoted as "Car parking area" on Approved Drawing *Moorelands Bush Nursery Layout* dated 19/01/2018, is to be made a dedicated visitor parking area. This area shall be clearly delineated from the "Function facility" and Garden centre" area(s) via the use of signage and barricading (i.e. fenced/roped-off) so as to avoid any conflicts between pedestrians and vehicles.
53. The "Car parking area" on Approved Drawing *Moorlands Bush Nursey Layout* dated 19/01/2018, must be made trafficable (i.e. mowed, levelled etc.) and remain free of impediment or obstacle at all times to ensure the safe manoeuvring of vehicles accessing the site.
54. In addition to the dedicated car parking area, there must be adequate provision for bus parking and manoeuvring within the "Development area". Bus parking areas are to be distinguished from car parking and manoeuvring areas through the use of signage and/or other demarcation/s.
55. Adequate separation distances between vehicle parking areas and driveways/access in the "Area for parking" shall be provided to ensure the safe manoeuvrability of vehicles through the car parking area. Car parking attendants shall be available during large events to direct vehicles in and out of the car parking area safely.
56. The minimum number of car parks provided during events shall be equal to 1 space per 30m² of Gross Floor Area of the "Function facility." Additional onsite parking is to be provided to the extent required to accommodate the anticipated number of visitors to the site during each event.
57. Designated PWD accessible parking space/s are to be provided in accordance with the National Construction Code.
58. The "Area for parking" as shown on Approved Drawing RP2 (marked in Red by Council) shall not be used in the event that the area becomes unsafe and/or inaccessible for vehicles due to inclement weather events. In the event that the "Area for parking" becomes inaccessible for vehicles to enter and exit safely, the "Garden centre" and the "Function facility" is not

permitted to operate.

No Cost to Council

59. The developer is responsible for meeting all costs associated with the approved development unless there is specific agreement by other parties, including the Council, to meeting those costs.
60. All civil and related work shall be designed and supervised by a Registered Professional Engineer of Queensland (RPEQ) who is competent in the construction of the works.
61. All rates and charges of any description and all arrears of such rates and charges, together with interest outstanding thereon, on the land, due to Council, shall be paid to the Council prior to the required Council Compliance inspection.

Latest versions

62. Where another condition refers to a specific published standard, manual or guideline, including specifications, drawings, provisions and criteria within those documents, that condition shall be deemed as referring to the latest versions of those publications that are publicly available at the time the first operational works or compliance approval is lodged with the assessment manager or approval agency for those types of works to be performed or approved, unless a regulation or law requires otherwise.

Application Documentation

63. It is the developer's responsibility to ensure that all entities associated with the Development Approval have a legible copy of the Decision Notice and the Approved Plans and the Approved Documents bearing 'Council Approval'.

And;

- 2. Requests that a report be prepared for consideration at a future Council meeting that addresses the use of Dargal Road, the applicable road design standards, and how these matters can be managed.**

Individuals or Organisations to which the report applies:

Are there any individuals or organisations who stand to gain a benefit, or suffer a loss, (either directly or indirectly) depending on the outcome of consideration of this matter?

(Note: This is to assist Councillors in identifying if they have a Material Personal Interest or Conflict of Interest in the agenda item - i.e. whether they should participate in the discussion and decision making).

Council's decision regarding this matter is likely to affect;

- the owners and operators of the Moorlands Bush Nursery - Julie Murray and Brad and Leesa Murray, and agents and employees of the Moorelands Bush Nursery; and
- submitters to the application; Jen Healy, Shirley Jury, M.R. & C.A. Hearn and Debbie Green; and
- the wider Maranoa community less directly.

Acronyms:

Are there any industry abbreviations that will be used in the report?

Note: This is important as particular professions or industries often use shortened terminology where they refer to the matter on a regular basis. However, for individuals not within the profession or industry it can significantly impact the readability of the report if these aren't explained at the start of the report).

Acronym	Description
CMDG	Capricorn Municipal Development Guidelines
LGIP	Local Government Infrastructure Plan
MRC	Maranoa Regional Council

Context:

Why is the matter coming before Council?

This development application is subject to impact assessment. A determination of an impact assessable application sits outside the scope of Officer Delegations and a decision about the application is required to be made by Council resolution.

Background:

Has anything already happened in relation to this matter?

(Succinct overview of the relevant facts, without interpretation)

A plant nursery has been operating at the subject premises since mid-2014. Initially it was intended to be a relatively small scale operation, selling plants and pots and other pre-packed landscaping supplies on weekends to a small number of visitors. The initial operation was captured under the *Roma Town Planning Scheme 2006* definition of “*Home-based business*” and was accepted development not requiring a development approval from Council.

Popularity as a weekend destination quickly grew, and in 2015 the use expanded to include a “feed shed”, offering visitors to the nursery light refreshments. Following the construction of the “feed shed”, and in response to an increasing number of visitors, the facility continued to steadily expand and it now includes areas for propagating plants and holds semi-regular markets and private and public functions throughout the year.

The present use of the premises can no longer be captured as a ‘*Home based business*’, and now requires an effective development permit from Council in order to be a taken to be a lawful use.

NOTE: Additional details about the operation and why it requires a development approval as well as an assessment of the development against the relevant assessment benchmarks prescribed by regulation is attached in the supporting materials.

The site plan submitted with the proposal is included below.

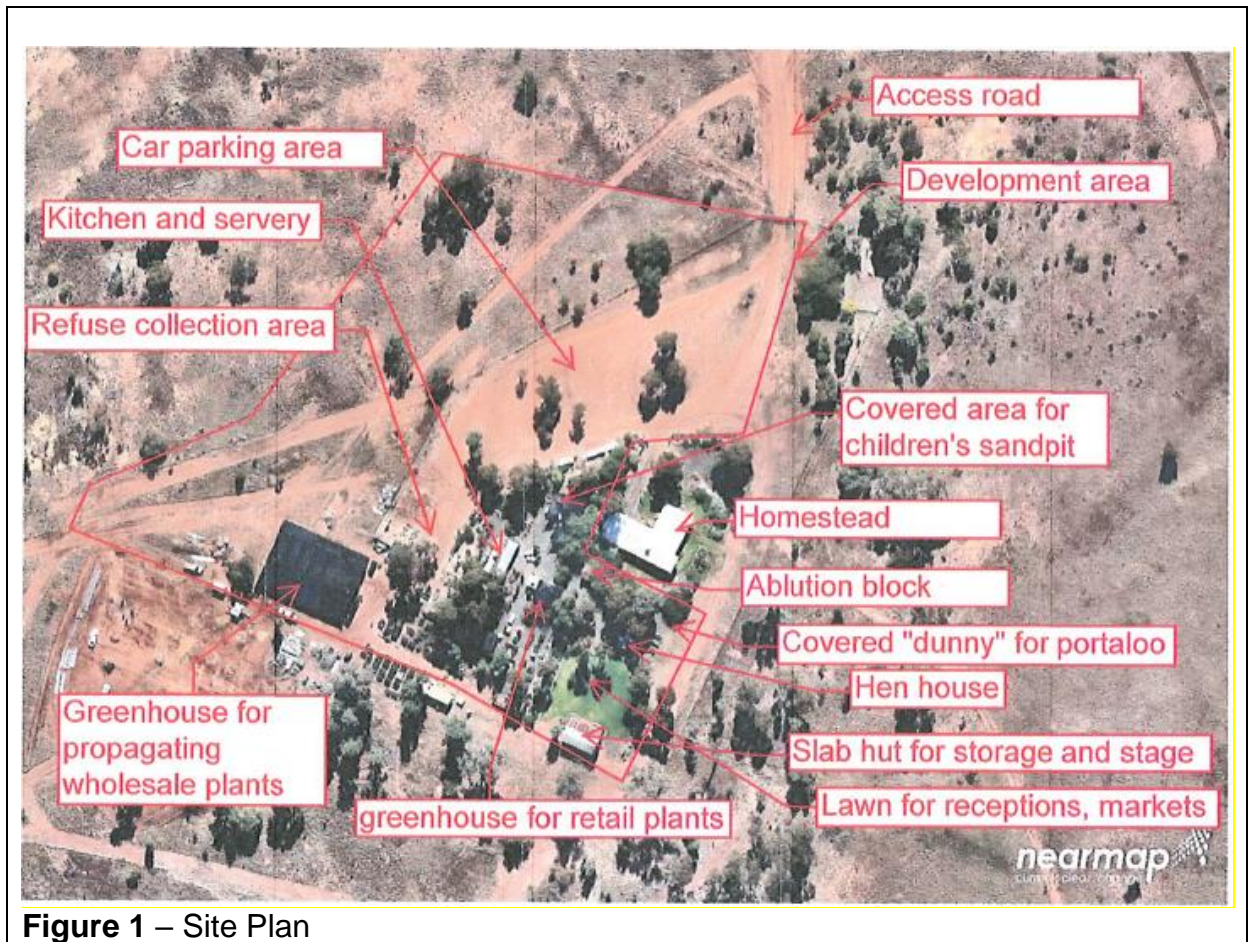


Figure 1 – Site Plan

During the course of assessment, four properly made submissions were received by Council about the development; one in support of the development; one in favor of the development subject to conditions; and two submissions opposing the development. For completeness, a complete copy of all the submissions and the issues raised are attached in the Supporting Documents. A response to the submissions by the applicant *and* a response to the submissions by Council's assessing officers is also included in the Supporting Documents.

The two submissions received in support of the application highlighted the benefits the facility brings to the region, including providing a unique destination for locals and tourists and bringing direct and indirect employment opportunities. One of these submissions however was on the understanding that Dargal Road (the primary road used to access the site) would be upgraded to mitigate dust and corrugation caused by traffic generated by the development.

One of the submissions received opposing the development raised concerns that Dargal Road was not currently at a standard or maintained to an extent to accommodate the amount of traffic generated by the development. The submitter/s own the bus route along Dargal Road and claim to have incurred damage to their bus on several occasions as a result of the damage done to Dargal Road from traffic accessing the Moorelands Bush Nursery.

The other submission received opposing the development raised several issues about ongoing operations at the site, including issues of noise pollution, light pollution, personal safety and access. It was submitted that the proximity of their property to the development meant that there was issues of noise and lighting late into the evening that affected the rural amenity protected by the zoning and that personal safety was a concern given that people visiting the site may be impaired by alcohol. Concerns about access to the premises potentially being provided via Moorelands Lane as opposed to Dargal Road were also raised.

The issue of Dargal Road and its capacity to accommodate traffic volumes generated by this development has been discussed at length with Council's Infrastructure Services Directorate and the applicant. The road is currently classified at a design standard capable of accommodating the average weekly traffic flows generated by the development *and* other users of the road. It is not however at a standard that can accommodate peak volumes generated by the development. Also, sections of Dargal Road used to access the development are not currently built to the classified design standard to accommodate estimated weekly average traffic volumes to the development site or for that matter the volume of traffic generated by other users of the road that are not attributable to the development.

The assessment benchmarks used to assess this development application (or any development application) do not explicitly require an applicant to carry out road works to bring Council's existing road network up to its classified design standard. To be clear, there is no assessment benchmark that says the applicant is solely responsible for bringing Dargal Road up to its classified design standard. That said, there is nothing that would preclude Council from imposing such development conditions provided the conditions were considered relevant and not unreasonable or were required as a consequence of the development.

Legislation, Local Laws, State Policies & Other Regulatory Requirements:

What does the legislation and other statutory instruments include about the matter under consideration?

(Include an extract of the relevant section's wording of the legislation – please do not just quote the section number as that is of no assistance to Councillors)

The development constitutes a *material change of use* as defined in the *Planning Act 2016* (being *the start of a new use of the premises*) and requires a development permit to be issued by Council in order to be taken to be a lawful use.

Provisions of the *Maranoa Planning Scheme 2017* make the required development application subject to impact assessment. An impact assessment is an assessment that must be carried out against the assessment benchmarks prescribed by the *Planning Regulation 2017*, in this case being;

- *the Darling Downs Regional Plan;*
- *the State Planning Policy;*
- *the Maranoa Planning Scheme; and*
- *the Maranoa Regional Council LGIP.*

An assessment of the application against these assessment benchmarks is attached in the Supporting Documents.

In accordance with Section 60 of the *Planning Act 2016*, after carrying its assessment Council must decide to;

- (a) approve all or part of the application; or
- (b) approve all or part of the application, but impose development conditions on the approval; or
- (c) refuse the application.

Council Policies or Asset Management Plans:

Does Council have a policy, plan or approach ordinarily followed for this type of decision?

What are relevant sections of the policy or plan?

(Quote/insert the relevant section's wording / description within the report)

The *Maranoa Planning Scheme 2017* and the Maranoa Regional Council Local Government Infrastructure Plan are applicable to the assessment of the application (the Local Government Infrastructure Plan forms part of the Planning Scheme).

The relevant sections of the *Maranoa Regional Planning Scheme 2017* are;

- Part 3 Strategic framework
- Part 4 Local Government Infrastructure Plan
- Part 5 Tables of assessment
- Part 6 Zones
 - Part 6.2.1 Rural zone code
- Part 8 Overlays
 - Part 8.2.1 Agricultural Land Overlay Code
 - Part 8.2.3 Biodiversity Areas Overlay Code
 - Part 8.2.5 Flood Hazard Overlay Code
 - Part 8.2.6 Bushfire Hazard Overlay Code

Input into the Report & Recommendation:

Have others' views or input been sourced in developing the report and recommendation to Council? (i.e. other than the report author?) What did each say? (Please include consultation with the funding body, any dates of critical importance or updates or approvals required)

Internal and external consultation has occurred with:

- Senior Engineer - Contract Management, Enterprise Risk, Program and Contract Management (internal)
- Manager, Program & Contract Management (internal)
- Manager Planning & Building Development (internal)
- Manager, Construction (internal)
- Manager, Maintenance Delivery and Works (internal)
- Director, Development Facilities and Environmental Services (internal)
- Norton Rose Fulbright Lawyers (external)

The officer's recommendation has been informed by feedback from the parties consulted.

Funding Bodies:

Is the project externally funded (or proposed to be)? If so, are there any implications in relation to the funding agreement or grant application. (Please do not just include names)

N/A - The project is a private development that will be funded by an external party.

This Financial Year's Budget:

Will the matter under consideration impact how much Council collects in income or how much it will spend? How much (\$)?? Is this already included in the budget? (Include the account number and description).

If the matter under consideration has not been included in the budget, where can the funds be transferred from? (Include the account number and description) What will not be done as a result?

The costs of fulfilling any development approval obligations, financial or otherwise, remains the sole responsibility of the operators and land owner/s. There is potential for Council to incur costs only in the event that its decision regarding the application is appealed to the Court.

It is recommended that information regarding the extent of works and costs associated with bringing Dargal Road up to its current classified design standard be presented for consideration at a future Council meeting. There is potential that the outcome of Council's deliberations on this matter may impact on this financial year's budget.

Future Years' Budgets:

Will there need to be a change in future years' budgets to cater for a change in income or increased expenditure as a result of Council's decision? How much (\$)?? (e.g. estimate of additional maintenance or operating costs for a new or upgraded project)

As above.

Impact on Other Individuals or Interested Parties:

Is there anyone who is likely to be particularly interested in or impacted by the decision, or affected by the recommendation if adopted? What would be their key interests or concerns?

(Interested Parties Analysis - IS9001:2015)

Four properly made submissions about the application were received during public notification about the application; Jen Healy, Shirley Jury, M.R. & C.A. Hearn and Debbie Green. The submitters will be *interested* in Council's decision. Should Council resolve to adopt the Council officer recommendation and approve the development,

conditions of approval have been included that are intended to mitigate potential impacts on the submitters.

Risks:

What could go wrong if Council makes a decision on this matter? (What is the likelihood of it happening and the consequence if it does) (List each identified risk in a table)

Risk	Description of likelihood & consequences
See below	

Potential risks associated with the proposal have been addressed in the development assessment. Other matters outside of this, which are not called up in the *Planning Act 2016*, cannot be considered in decision making.

As with any planning decision reached by Council, there is a risk that the applicant can appeal any aspect of the decision to the Planning and Environment Court (the Court). As well, properly made submissions have been received opposing the development, and should Council resolve to adopt the Officer recommendation, there is a risk that a submitter appeal could be made to the Court about Council’s decision.

Note: The likelihood of an appeal by any party is not a valid planning consideration and must not be used to inform Council’s decision on any planning matter.

Advice to Council:

What do you think Council should do, based on your skills, qualifications and experience, your knowledge of this and related matters, and the facts contained in the report?

(A summary of what the employee thinks Council needs to hear, not what they think individual Councillors want to hear – i.e. employees must provide sound and impartial advice – the employee’s professional opinion)

It is considered that on balance, the proposal presents no significant conflict with the applicable assessment benchmarks prescribed by the *Planning Regulation 2017*. Matters raised during public notification have been considered and development conditions have been generated in response to planning matters raised and to mitigate potential impacts.

The development provides opportunities for non-rural uses that are compatible with the landscape character of the rural area and will not compromise the long-term use of the land for rural pursuits. Further, approval of the application would encourage and diversify economic development within the Rural zone. It would promote additional tourism in the region, as evidenced by a number of visitors to the facility. Development approval conditions are proposed to regulate the provision of amenities and mitigate potential impacts of the proposed development both on and off property. As such, Council should endorse the Officer recommendation to approve the Material change of use for a “Garden centre” and “Function facility” subject to relevant, reasonable and enforceable conditions.

The assessment benchmarks do not explicitly require the applicant to carry out works to Dargal Road, nor are works to bring Dargal Road up to its classified design standard required as a consequence of the development. It is therefore considered unreasonable to impose conditions on the development proponent to carry out such road works to Dargal Road as part of this planning assessment. Notwithstanding

this, the present status of Dargal Road and the issues that have been raised in the submissions warrant further consideration by Council. It is recommended that these matters be addressed in a separate report to Council, informed by officers of the Development and Infrastructure Services Directorate, and that this be tabled at a future General Meeting.

Recommendation:

What is the 'draft decision' based on the advice to Council?

Does the recommendation suggest a decision contrary to an existing Council policy? If so, for what reason?

(Note: recommendations if adopted by Council become a legal decision of government and therefore must be clear and succinct about the action required by employees (unambiguous)).

Does this recommendation suggest a decision contrary to an existing Council policy? If so, for what reason?

That Council endorse the Officer recommendation to approve the Material change of use for a "Garden centre" and "Function facility" subject to conditions. This recommendation is consistent with existing Council policy.

Link to Corporate Plan:

Corporate Plan 2018-2023

Strategic Priority 4: Growing our region

4.2 Encourage additional investment in the Maranoa, developing our local economy and increasing our region's population

4.2.3 Create an environment that is conducive to growth through progressive integration of Council's Planning Scheme, Economic & Community Development Plan and Business & Industry Strategy.

Supporting Documentation:

1	Submissions	D19/55965
2	Response to submissions from Applicant	D19/61934
3	Response to submissions by Council officers	D19/61763
4	Planning assessment	D19/55978

Report authorised by:

Manager - Planning & Building Development

Deputy Chief Executive Officer/Director - Development, Facilities & Environmental Services

Christopher Tickner

From: Jen Healy <healy_j@hotmail.com>
Sent: Thursday, 25 October 2018 9:07 PM
To: Planning; Council
Subject: Submission for application 30 - 2018 - 19776 - 1

Good evening,

We would like to make a submission regarding the Material Change of Use for "Garden Centre" and "Function Centre". Moorelands Bush Nursery provides an excellence service to our community. They provide an unique gathering place that makes it an asset to the liveability of Roma residences. It is a family friendly establishment which provides a safe and fun atmosphere to kids and adults alike. They go out of their way to be a welcoming place to spend time together with friends and family.

Moorelands Bush Nursery is an asset to the town (and surrounding towns) as they bring revenue into the local area by being a tourist stop and function facility. They also create local employment. They employ students and young adults also employ local contractors to complete building works. As a small carpentry business we have benefited from the on-going work and maintenance at Moorelands Bush Nursery. As a teacher at St John's School I have also seen their involvement in the school community with their contributions to the Moonlight Fair and Eisteddford.

Moorelands Bush Nursery deserves 'a fair go'. They are locals providing an exceptional service to locals (and tourists). It is a meeting place for friends and family and a great place to bring visitors, there is nothing else around like it. It keeps local dollars local, as it provides a place to 'escape' without leaving town for the weekend.

Sincerely,

Brenden and Jennifer Free

Sent from [Mail](#) for Windows 10

-----Safe Stamp-----
Your Anti-virus Service scanned this email. It is safe from known viruses.
For more information regarding this service, please contact your service provider.



18 October 2018
The Assessment Manager
Maranoa Regional Council
Po Box 620
Roma Qld 4455
Attention: Christopher Tickner

Dear Sir

Development Application Reference 2018/19776

Attached is my submission objecting to the Development Application lodged by Moorelands Bush Nursery requesting a material change of use.

Should you require further information or clarification of any issue raised in my objection to the proposal, please don't hesitate to contact me on 0448611552.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Shirley Jury'.

Shirley Jury

Shirley Jury

69 Moorelands Lane

Roma 4455

Re: Material change of use for "Garden Centre" and Function Facility"

Property description: Lot 196 WV1267 and Lot 240 Wa15369

Application Reference: 2018/19776

I have been notified by owners of Moorelands Bush Nursery that a Development application has been lodged with the Maranoa Regional Council for a material change of use to include a function facility as well as the nursery. Details of the application are:

Material change of use for "Garden Centre" and Function Facility"

Property description: Lot 196 WV1267 and Lot 240 Wa15369

Application Reference: 2018/19776

I have viewed the application and hereby lodge a formal objection to the application. The reasons for my objection and background information are set out below.

Background.

My property is described as Lot 206 WV1262 and is adjacent to the lots described in the development application.

I purchased this land in May 1984 giving me tenure of 34 years. The principle driver behind the purchase was that this was a rural area and the expectation was that I would be able to enjoy the peace and tranquillity of a rural lifestyle well into my retirement years.

This area is zoned rural which infers agricultural and allied activities. The proposal to establish a function facility at Moorelands is contrary to the intent of the zoning and will destroy the peaceful equilibrium of the area.

Basis of Objection

The basis of my objection is:

Noise pollution

Light pollution

Hours of operation

Access to Moorelands Nursery

Safety

Noise

The close proximity of my dwelling to the proposed functions site gives rise to some very serious concerns regarding noise.

A recent function held at Moorelands was reported in the Western Star as having been attended by some 400 guests. The resultant din was such that it sounded like people were having a conversation on my back lawn. This coupled with amplified music thumping away was extremely unpleasant.

I understand that alcohol will be served at functions. Functions involving consumption of alcohol become very boisterous and excessively noisy and can easily get out of control.

The Development Application has not addressed the noise issue and has not offered any proposal to control noise and mitigate the effect on adjacent properties.

Light

Moorelands nursery has installed a large flood light on a high pole which when utilised impacts upon my space. If, as Moorelands Nursery proposes, more functions are to be held on the premises, these lights will come into greater use and further impinge on my quality of life.

I am not satisfied that the Development Application has adequately addressed the use of high mast flood lights and their adverse effect on surrounding properties.

Hours of Operation

My concerns regarding operating times lie with the Function Facility. The nursery is a benign non-intrusive activity and could operate unnoticed seven days a week. The Function Facility, however, is an entirely different proposition. The Development Application proposes that the Function Facility will operate at weekends and on some week nights. Being subjected to mind numbing amplified music thumping away several nights per week is intolerable and will impact on my level of comfort and wellbeing.

Access to Moorelands Nursery

The Development Proposal plans to use Moorelands Lane as an emergency access. I have no objection to this provided it remains as an emergency route and does not gradually develop into a well-used alternate access. Moorelands Lane is too narrow and poorly aligned to accommodate anything more than the local traffic currently using the lane. The Development Application needs to be very specific as to the circumstances which would prevail to trigger the use of Moorelands Lane as an emergency route.

Safety

I have serious concerns for my safety if Moorelands Nursery is permitted to operate as a functions venue. The Development Application makes it quite clear that alcohol will be served at the venue.

Large crowds and an abundant supply of alcohol leads to boisterous behaviour which can in some instances get out of control. I fear that I would become the target for a 'bit of fun'. The media is full of stories of old people terrorised by a alcohol fuelled group who just wanted to have a bit of fun.

I fear the security of my home will be severely compromised by the operation of this Function Facility.

Conclusion

As I have stated above, this is a rural area given over to agricultural pursuits. The proposal for a function facility introduces a foreign concept incongruous with surrounding environment.

I, along with several others, invested in property here in order to enjoy the rustic charms of the area.

I have enjoyed the peaceful use of this site for over 30 years. I fail to understand why it should be taken from me to satisfy a commercial venture which is out of place in a rural environment.

There are other function facilities around Roma. These places are obviously situated in areas zoned for this type of activity.

The Moorelands proposal is ill conceived, totally disregards the detrimental impact on adjacent properties and deserves no merit.



Shirley Jury

Email: brenelle69@bigpond.com

Mobile: 0448611552

D18/184910

17 William Street
Roma Qld 4455
16th October 2018



The Mayor and Councillors
Maranoa Regional Council
P.O. Box 620
Roma Qld 4455

Dear Mayor and Councillors,

RE: Application ref: 2018/19776

We, Michael Richard Hearn and Catherine Anne Hearn being the School Bus Operators of the Bungeworgorai School Bus Service P/S 362 wish to object to the proposal place in the Western Star on the 5th October regarding Material changes to Use of "Garden Centre" and Function Facility" to be made at 1344 Dargal Road, Roma Q 4455.

As the School Bus Operators our vehicle travels this road 200days of the year four times a day. On a number of occasions over the past years between the cross road at Bungeworgoria Lane and Dargal Road to the turnaround point at Hudson North Lane we have found that the traffic has increased considerably on this section of road. The road is not up to the standard required for this amount of traffic, the road is barely wide enough for two vehicles to pass safely on a dry day so you can image what the difficulty is on a wet weather day. On occasion we have done quite extensive damage to our vehicle mechanically and cosmetically due to being force off the road and have hit over hanging trees which we required the Council to cut away from the road.

The School Bus Service travels over two sections of gravel road on the gazetted bus route. One section is along Bungeworgorai Lane south of Dargal Road and the other is from the end of the bitumen on Dargal Road to Moorelands Nursery entrance.

Recorded observations reveal that very minimal maintenance is carried out on Bungeworgorai Lane as this is a gravel road maintains its integrity due to the lower level of traffic. However recorded observations reveal that the gravel road from the end of the bitumen on Dargal Road to Moorelands Nursery

entrance has required a lot more maintenance because of the volume of traffic.

This section of gravel road has been watered, light graded, watered and rolled or a full rip, watered, graded and rolled. Some of these activities are performed the day prior to Moorelands Nursery conducting a major event.

If this redevelopment is to be approved and the traffic volume increases, more ratepayers funds will be required to continue to maintain this section of gravel road.

The solution would be for the redevelopment applicant to contribute towards the cost of sealing this section of gravel road, eliminating the dust issues as well as expensive ongoing maintenance costs.

We feel that if this proposal is permitted to go ahead there needs to be a safety audit conducted. Another safety concern is buses travelling at night and the size that they maybe. The increase in traffic will cause the road to deteriorate rapidly if not brought up to standard. The narrow low level bridge at Bungeworgorai Creek with no safety railings is not adequate to withstand the traffic volume, is also a safety concern and currently has a large pothole on it.

In regards to the section 6.1 Traffic Volumes it has been observed that B-Doubles enter the nursery property frequently.

As we are responsible for the safety of the driver and school children on the service we feel that this matter needs to be looks at very closely before any decisions are made regarding this change is permitted.

Hopefully there will be considerable thought given to this letter in regards to our concerns with this development's approval.

Yours sincerely



spv M.R. & C.A. Hearn
Owners/Operators
School Bus Service P/S 362

ATT: Mr Chris Tickner
Maranoa Regional Council
Roma QLD 4455

Debbie Green
"Always Greener"
1193 Dargal Road
ROMA QLD 4455
24th October, 2018

Dear Mr Tickner,

RE: Development Application for 1344 Dargal Road/105 Moorlands Lane, BUNGEWORGORAI QLD 4455. (Lot 196 WV:1276 and Lot 240 WAL:5369)

I write to council regarding the above proposed development. My letter is not that of an objection to the proposed development, but merely to address some of my concerns regarding the road structure of Dargal Road.

I am a local resident and have lived at my current address for more than 15 years after building our house on a vacant block. Back then there was very minimal traffic on Dargal Road out our way and therefore dust and corrugation on the road was minimal also. Over the years we have seen the traffic increase from a possible 5 to 10 vehicles per day passing by, to up to 400 to 500 vehicles per day (on some particular weekends) due to the increase of housing and the Moorelands bush nursery.

Firstly, I feel that Dargal Road, in its current state is not capable of accommodating increased traffic that will be generated by this proposed development. Given the dry climate we generally have, the more the road is used the worse it gets with dust and corrugation. I myself have witnessed near collisions on the road due to speed and dust caused by drivers driving in a manner not suitable to the conditions of the road. On most weekends with the traffic coming and going almost continually the dust rarely settles and therefore makes it very difficult to see more than 100 metres in front of you. Cars are travelling both directions, at speed, in these conditions makes it very dangerous for us all.

I have read the application and noted several points that I feel are not a true indication of the current circumstances, thus do not give a true indication of the situation.

I believe the traffic counter that reported the usage was not completed in the most appropriate time to reflect a true indication of traffic usage. The month of August is always windy and cold and generally this would be a quieter time for people to frequent the nursery. For example Saturday 26/8/18 was a Market day. The counter showed the week ending that week was only 204 cars. This weekend was cold, and both Junior and Senior Rugby League finals were being held in Roma so people that generally would have attended, had other engagements. I am a supporter of the Market days and I too did not attend, on that day, however on other market days I have attended you are barely able to get a park and cars are parked outside the allocated area and down both sides of the road. There could easily be up to 500 cars come and go for the day if not more.

Over the past 3 years I have seen many hours of labour and machinery cost spent to rip, grade, water and roll this section of road to bring it up to scratch. I have also seen where it has had a water truck over it just prior to events being held at the nursery. These are all short term solutions. Within hours of it being watered the dust is just as bad again and within a few weeks of being graded it is once again corrugated.

The nursery is an amazing place to visit and I see that it not only benefits the owners but the town and region as well with people that travel to Roma and come to visit the nursery. I have met people from Mitchell and St George that

have travelled for the day to attend the Markets and the nursery that have then had a meal in town, visited the info centre and spent dollars in our community, which supports us all in the long run.

The Bush Nursery offers a very unique experience and is set up and maintained beautifully. It's a tourist attraction and its popularity as a business has grown significantly over the past 3 years. I would love to see this continue as the benefits to the town and community will continue to grow. However to do this I feel that the Council needs to also support this through upgrading the road to an all weather road. I don't believe the applicant's should have to bear the cost of the upgrade as many would benefit from the road being sealed including the local school bus run that accesses this road on a daily basis during the school term, locals and travellers alike.

I note the application states that 4 market days, 6-8 weddings per year with a maximum of 100 guests and charity events. I don't believe this will be the case. I myself recently attended a fundraising evening held at the Nursery. It was the best venue and event I have ever been to in Roma! It was extremely professional and the atmosphere and surrounds was truly amazing. However, there were in excess of 350 people that attended the event. They did use buses to transport guests from Roma however there were still allot that chose to drive including the staff that worked the event in the bar and food areas. This alone is one example of where more than 100 people will attend functions to be held there.

I conclude by stating that I am a supporter of the development application based on that major upgrades would be completed on the unsealed section of Dargal Road to the entrance of Moorelands Bush Nursery.

Should you wish to speak to me regarding the contents of this letter, please contact me on mobile 0428 188 894. I appreciate the opportunity to have my voice heard and look forward to a favourable outcome for all concerned.

Regards

Debbie Green
Resident

Lot121: WV1262
23.10.2018



Moorelands Bush Nursery

Owners: The Murray Family
Dargal Rd, ROMA 4455
ABN: 76708099731

Email: leesamurray21@hotmail.com
Phone: (07) 46222069
Mobile: 0403 174 450

20 February 2019

To whom it may concern,

This letter is the Moorelands Bush Nursery response to the submissions received as a result of the Public Notification for the proposed Material Change of Use for "Garden Centre" and "Function Facility" at 1344 Dargal rd, Roma (ref: 2018/19776).

A number of issues were addressed by the submissions and our responses are outlined below:

Number and size of functions.

Moorelands Bush Nursery has agreed to limit the number of functions, outside of normal nursery operating hours, to 20 per year. The majority of these functions will be on Friday and Saturday evenings and the average number of attendees will be 100. It is important to note that some of the events are small (with under 30 attendees) and many of them are community groups where the hire fees and equipment fees are donated. We also host other large charity events, not necessarily on an annual basis, (e.g. the Cancer Council Biggest Morning Tea and The Royal Flying Doctor Opera and Eskies) and donate the area, our services and equipment. Small functions and gatherings often occur on the grassed area during normal nursery operating hours. There will be a maximum of 4 market days per year as these generate the largest traffic volume.

Private Functions with over 100 attendees are rare as the area is limited in size and equipment. It is usual for functions of this size to be weddings or engagement parties with live music and transport by bus. Moorelands does not impose bus transport as a condition of hire for such events but it is common and this reduces the impact on the road.

Two of the submissions addressed concerns related to the large event hosted by Moorelands as a fundraiser called "Shine the Light". The venue, equipment hire and staff costs were a 100 per cent donation to the charity. In this case we requested the organisers use busses for transport to reduce the impact on Dargal Rd. It is unlikely that Moorelands would host an event of this size on an annual basis and, if a similarly sized event is held, the organisers will again be required to use bus transport. The rare occurrence of such an event would not cause the average attendees to exceed 100 due to the number of small events that occur.

Road condition and usage

Traffic counters have been applied to Dargal Rd and Moorelands have indicated our visitor numbers. A Traffic Impact Report by OneEng has been provided to the Maranoa Regional Council and Moorelands supports the traffic numbers and road conditions outlined and accepts the recommendations contained within.

The traffic at the nursery will have no effect on the safety of the Bungeworgorai bus as the nursery is not open during the times when the bus would be travelling on Dargal Rd. Moorelands would suggest that the instances when the bus has been "forced off the road and have hit over hanging trees" is not a result of the increase

traffic by nursery visitors and is caused by the normal traffic on a rural road. The driver of the bus should be considering the safety of their passengers and be driving to the prevailing conditions. As outlined in the Development Application, Moorelands Bush Nursery does not intend to be open at times that would cause an increase in road traffic at bus travel times to ensure we do not compromise the safety of the bus or its passengers, of which two are our own children.

One submission stated that "B-double road trains enter the nursery property frequently". Moorelands would like to clarify that, the only time a B-double would enter the nursery would be for the delivery of mulching hay or potting mixture. This occurs less than 5 times per year and it would be very unlikely for the delivery to coincide with bus travel times. The only other time that B-double road trains enter the property is to transport fodder, equipment, gravel, fertiliser and cattle, and in these cases, the majority of the access would be through the Moorelands Lane entry. These activities are pre-existing as part of our rural enterprise. In addition, it would be a very rare and unavoidable occurrence for the transport of aforementioned items to occur during nursery opening hours.

Noise

As stated in the development application, the nearest neighbour's residence is 575m from the function area. The area for live music is a stage that faces north, directly away from the neighbouring residence at an angle of 180 degrees. Moorelands does not consider that the effect of noise during functions at that distance would "cause nuisance to adjoining properties" and have stated this at PO12 in the Development Application.

If required, Moorelands will do a sound audit during events to determine the detrimental effect to this neighbouring property. We are concerned that the effect on the neighbouring property has been overstated and have not observed the noise levels to be uncomfortably high during previous functions. Moorelands will not be undertaking unnecessary noise mitigation measures unless it is a condition that is imposed as part of the approval process and it is determined by a sound audit that the noise produced during functions is excessively impacting on the neighbours that are 575m away from the function area.

Light

The lights that are used in the function area are on poles 7m high and have a wattage of 100W. The closest neighbouring property is 575m away and the lights face perpendicular to their property. These lights would not exceed the 8.0 lux beyond the site outlined in PO13. The effect on the closest neighbouring property could be reduced by the application of a guard around the southern side of the lights, however, as the property is 575m from the lights, and there are natural landforms and vegetation, this should not be necessary. Moorelands is willing to attach such a guard to the lighting if the neighbouring property is found to be adversely effected by the lights and the lights are found to exceed 8.0 lux beyond the site.

Safety concerns

The closest neighbouring property is concerned about the compromised security of their home due to the function facility. In particular they have raised the possibility of function attendees wandering onto their property. We feel it is important to consider this problem on two levels:

1. The neighbouring home is 575m from the function area and the home is not visible from the function area. An attendee would need to walk a direct route of 575m, through the scrub and in the dark, and through 4 fences with barbed wire in order to enter the neighbouring property.
2. The functions at the nursery are private parties such as weddings, engagement and birthday parties. The only exception to this are the markets, where no alcohol is served. The owners of Moorelands are well acquainted with the hosts through the planning process and the guests are known to the hosts. In addition, large functions and weddings have at least one of the nursery owners in attendance. In the very unlikely event of a guest displaying unsociable behaviour, they would be transported back to town by either the police or a taxi service.

Moorelands is willing construct signage advising function attendees of the boundary of the function area.

Emergency Access

The development application states that Moorelands Lane would be used as an emergency access and this is of concern to the neighbours who access their property via Moorelands Lane. Using Dargal Rd to access Moorelands Nursery was chosen to minimise inconvenience and disturbance to these neighbours. We would like to assure the Maranoa Regional Council that Moorelands Lane would never develop into a "well-used alternate access" due to the cost and inconvenience of maintaining internal access roads to the nursery from Moorelands Lane. As stated in the Development Application, Moorelands Lane is **emergency access** and, as such would only be used in the very unlikely event of an emergency. For example a bushfire commencing on either Saturday or Sunday, where there is insufficient notice to close the nursery and we are unable to evacuate via Dargal Rd. In the event of a bushfire the nursery would be closed as the owners are all active members of the Rural Fire Service. If Dargal Rd was ever impassable a detour to traffic could be provided along Hodgson Lane North to the Warrego Highway. The actual chance of having to use Moorelands Lane as an emergency access is negligible.

Rates

While the increased cost of rates was not addressed during the public submission process, it is directly related to our Response to Public Submissions due to the capping of the number of functions as outlined above.

The Local Government Regulation 21012, Chapter 4; part 10 states the local government can grant a concession and this is expanded upon in the Maranoa Regional Councils Corporate Plan 2018-2023. In particular, the Council is able to determine eligibility on a 'case by case basis' and will give consideration to the 'return on investment'. Moorelands would ask that the Maranoa Regional Council considers a concession by considering the following when determining the rate applicable to the Moorelands Bush Nursery development application.

1. The actual area of the Moorelands Bush Nursery within Lot240Wal:5369
2. The proposed maximum number of functions
3. The level of Council services provided

Moorelands understands that capping the number of functions will reduce the effect on Dargal Rd and negative impact on neighbouring properties. However, it is unreasonable to place the condition of a maximum number of functions and limited operating hours on a Function Centre and then charge a Commercial and Industrial Rate (cat. 9) which is paid by a function centre that does not have a limitation placed on their operating capacity. The Function Centres operating in Roma have access to services and roads and have no limitations on operating as a result of a lack of access.

In addition, the area of the Lot 240 Wal:5369 is 161.87ha and the actual area effected under the Development Application is under 1ha, which is 0.6% of the Lot 240 area. If the Commercial and Industrial Rate (cat. 9) is to be applied to the entire area the cost of annual rate payments would be 326% the current rate as a rural property. As over 99% of the area of land is used for rural operations we would ask that a concession be considered. The financial viability of the development will be impacted detrimentally if the Commercial and Industrial rate is applied to the entire area of Lot240 Wal:5369.

The management team at Moorelands thanks you for your consideration of the above information and the opportunity to respond to the submissions from the public.

Regards,

Leesa Murray

Summary of issues raised in submission	Summary of the issues raised in submission	Staff comments
<p><i>The proximity of my dwelling to the proposed functions gives rise to some very serious concerns regarding noise</i></p>	<ul style="list-style-type: none"> • <i>The recent function (at the premises) was reported as having been attended by 400 guests. The resultant din was such that it sounded like people were having a conversation on my back lawn.</i> • <i>The development application has not addressed the noise issue and has not offered any proposal to control noise and mitigate the effect on adjacent properties</i> 	<ul style="list-style-type: none"> • The closest sensitive receptor (beyond the applicant's home) is approximately 550 meters south of the development area. The area separating the development from the nearest sensitive receptor area contains established trees and shrubs. • Should Council approve the application, conditions of development approval will include requirements to mitigate potential noise nuisance to adjoining and nearby properties, requiring temporary noise barriers to be erected around noise generating equipment for larger events and restricting the number and time that events can take place.

Lights/flood lighting may come into greater use and impinge on my quality of life

- *I am not satisfied that the development application has adequately addressed the use of high mast flood lights and their adverse effect on surrounding properties.*
- The closest sensitive receptor (beyond the applicant's home) is approximately 550 meters south of the development area. Lights may be visible but it is unlikely to illuminate objects from this distance.
- Should Council approve the application, conditions of development approval will require that all lighting associated with the approved use does not exceed 8.0 lux at a distance of 1.5 metres from the site at any property boundary and that all lighting be directed or shielded so as to ensure that no glare directly affects adjoining and nearby properties.

Hours of operation

- *My concerns with the operating times lie with the Function Facility. The nursery is a benign non-intrusive activity and could operate unnoticed seven days a week. The development application proposes that the Function Facility will operate at weekends and on some week nights. Being subject to mind numbing amplified music thumping away several nights a week is intolerable and will impact on my level of comfort and wellbeing.*
- Should Council approve the development application, conditions of development approval will restrict the number of events to 20 per year and limit events to Fridays and weekends, and only during certain times. No noise will be permitted after 11:00 pm.
- Conditions will also require that no unreasonable or sustained levels of noise be caused to adjoining properties while the use continues at any time.

<p>Access to Moorelands Nursery</p>	<p><i>The development proposal plans to use Moorlands Lane as an emergency access. I have no objection to this provided it remains as an emergency access route and does not gradually develop into a well-used alternative access.</i></p>	<ul style="list-style-type: none">• Should Council approve the development application, conditions of development approval will restrict access to Dargal Road. Conditions of development approval will require that signage is installed at locations along Dargal Road that clearly direct visitors to the approved access and prohibit access via Moorelands Lane.
--	---	---

I have serious concerns for my safety if Moorelands Nursery is permitted to operate as a functions facility.

- *Large crowds and an abundant supply of alcohol leads to boisterous behavior which can in some instances get out of control.*
- *I fear the security of my home will be severely compromised by the operation of this Function Facility.*
- The closest sensitive receptor (beyond the applicant's home) is approximately 550 meters south of the development area. The area separating the closest sensitive receptor and the development area is not illuminated nor is there any identifiable pathway/walkway.
- Should Council approve the development application, conditions of development approval will require that perimeter signage be erected on the southern perimeter of the 'Development area' deterring visitors from congregating or moving beyond the boundary of the 'Development area.'

<p><i>This is a rural area given over to agricultural pursuits</i></p>	<p><i>The proposal for a function facility introduces a foreign concept incongruous with surrounding development.</i></p>	<ul style="list-style-type: none"> • The planning scheme provides for opportunities for non-rural uses that are compatible with agriculture and the landscape character of the rural area where they do not compromise the long term use of the land for rural purposes. The success of the activity is largely dependent on a rural setting, as it provides a unique “experience” that exposes and promotes the rural strengths of the Region. The development won’t impact the significant balance of the lot(s) being used for productive rural activities while at the same time would encourage and diversify economic development within the Rural zone.
<p><i>Dargal Road is not up to the standard required for this amount of traffic</i></p>	<ul style="list-style-type: none"> • <i>Dargal Road is not up to the standard required for this amount of traffic;</i> • <i>The road is barely wide enough for two vehicles to pass safely. We have extensive damage to our vehicles dust be being forced off the road;</i> • <i>The solution would be for the redevelopment applicant to contribute towards the cost of sealing this section of gravel road, eliminating the dust issues as well as expensive ongoing maintenance.</i> 	<ul style="list-style-type: none"> • Dargal Road is currently classified at a design standard that is capable of accommodating the <u>average weekly</u> traffic flows generated by the development and other users of the road. <p>However; Council acknowledges that the sections of Dargal Road used to access the development are not currently built to the classified design standard. Works to bring the development up to the current design standard will be considered outside of the development assessment process as it is not specifically called up in the assessment benchmarks.</p>

	<ul style="list-style-type: none"> • <i>It has been observed that B Doubles enter the property frequently.</i> • <i>We are responsible for the safety of the driver and children of the school bus service</i> 	<ul style="list-style-type: none"> • The applicant has indicated that B-doubles entering the premises is likely to occur less than 5 times per year. • Conditions of development approval will restrict operating hours to outside of school bus operating times.
<p>Dust and corrugation generated from vehicles using Dargal Road</p>	<ul style="list-style-type: none"> • <i>Dargal Road is not capable of accommodating increased traffic that will be generated from the proposal. The more the road is used the worse it gets with dust and corrugation.</i> • <i>Dust rarely settles with traffic continually coming and going on weekends and makes it very difficult to see more than 100 metres in front of you.</i> • <i>There could easily be up to 500 cars come and go for the day if not more.</i> • <i>Council needs to support the development through upgrading the road to an all-weather road. I don't believe that the applicant should have to bear the cost of the upgrade.</i> 	<ul style="list-style-type: none"> • Works to bring the development up to the current design standard will be considered outside of the development assessment process as it is not specifically called up in the assessment benchmarks.

PLANNING ASSESSMENT

Introduction

Leesa Murray is seeking a development permit for a *material change of use* for a “Garden centre” and “Function facility” on a part of property located at 1344 Dargal Road and 105 Moorelands Lane, Bungeworgorai, being Lot 196 on WV 1276 and Lot 240 on WAL 5369 (the *subject premises*).

The subject premises is more commonly known as the “Moorelands Bush Nursery”, and has been operating as a plant nursery since 2014. More recently the site has been used for private and public functions. This development application has been prepared and submitted in order to make both the existing plant nursery and the use of the premises for functions a lawful use.

Decision making

The use of the premises as a plant nursery and function facility constitutes a *material change of use* as defined in the *Planning Act 2017*, being;

- *the start of a new use of the premises.*

Provisions of the *Maranoa Planning Scheme 2017* make the development subject to impact assessment. An impact assessment is an assessment that must be carried out against the assessment benchmarks prescribed by the *Planning Regulation 2017*, in this instance being;

- the *Darling Downs Regional Plan*;
- the *State Planning Policy*;
- the *Maranoa Planning Scheme*; and
- the *Maranoa Regional Council Local Government Infrastructure Plan*.

In accordance with Section 60 of the *Planning Act 2016*, after carrying its assessment of the application against the prescribed assessment benchmarks, Council must decide to;

- (a) approve all or part of the application; or
- (b) approve all or part of the application, but impose development conditions on the approval; or
- (c) refuse the application.

Background

The following steps have been undertaken in the development assessment about the application and pursuant to the *Development Assessment Rules*;

- The development application was submitted to Council on 6 June 2018 and a Confirmation notice (re-issue) was issued by Council on 18 June 2018; and
- On the 27 June 2018 Council issued an information request asking for additional details about the application; and

- The applicant responded to Council's information request on the 5 September 2018; and
- Public notification about the application commenced on 2 October 2019 and concluded on the 26 October 2018. Four properly made submissions were received during this period; and
- The applicant has agreed to several extensions to the Decision Making Period since Public Notification concluded. The latest extension was agreed on 1 May 2019 to extend the decision making period by three months until 1 August 2019.

Development site

- The subject premises comprises two contiguous lots, being Lot 196 on WV 1276 and Lot 240 on WAL 5369;
- The lots have a combined land area of approximately 225 hectares. The subject premises the subject of this development application has an area of approximately 1 hectare;
- The subject premises are located approximately 15 kilometres north-west of the town of Roma (Figure 1);

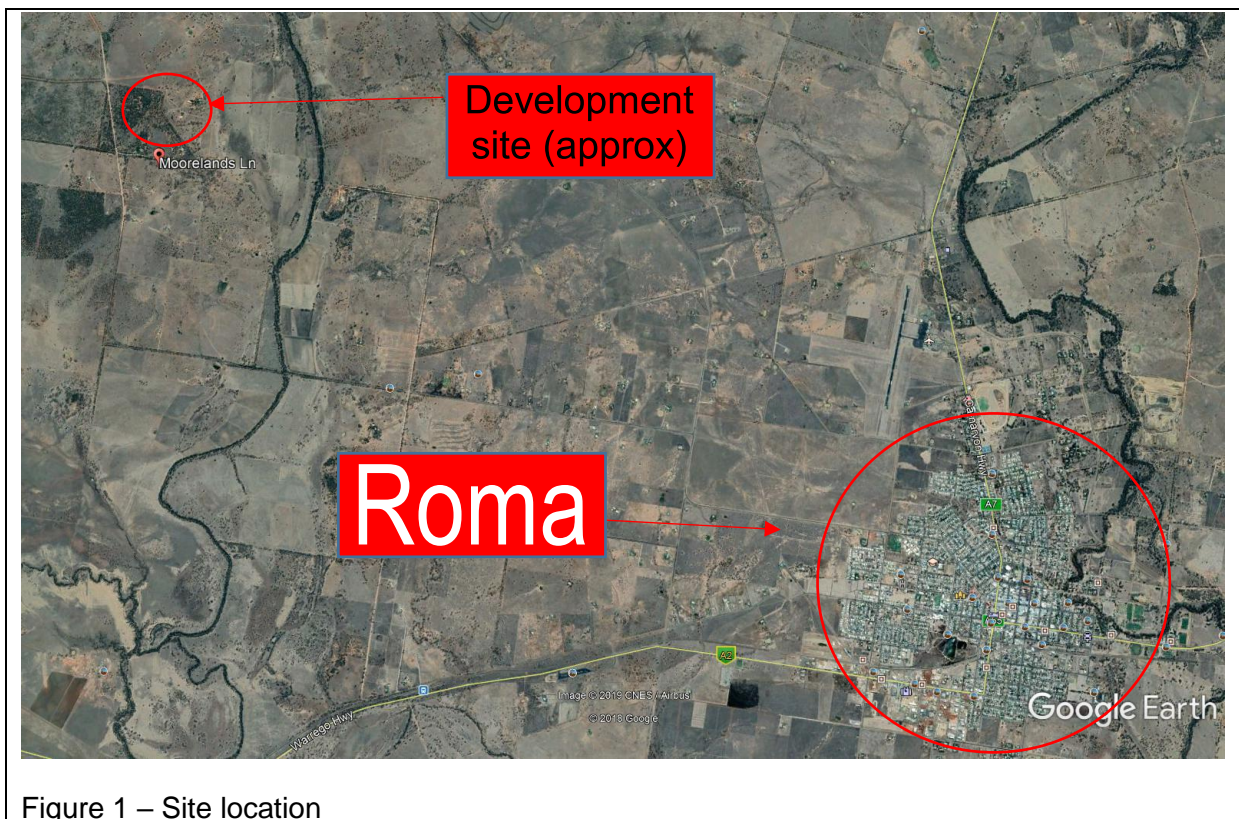


Figure 1 – Site location

Proposal description

- The proposal is for a “Garden centre” and a “Function facility” as defined in the Planning Scheme:

Garden centre means the use of premises for—

- selling plants; or
- selling gardening and landscape products and supplies that are mainly in pre-packaged form; or
- a food and drink outlet is ancillary to the use in paragraph (a)

Function facility means the use of premises for—

- receptions or functions; or
 - preparing and providing food and liquor for consumption on the premises as part of a reception or function.
- The proposed development will be confined to an area of approximately 1 hectare. Garden display areas, canteen, amenities, greenhouse and lawned areas will be contained within this footprint and will be used as part of the nursery and function facility;
 - Operating hours for the plant nursery will be restricted to 9:00am to 2:00pm on Fridays and 8:00am to 4:00pm on Saturdays and Sundays. Operating hours for the “Function facility” are restricted to the hours between 9:00am to 2:00pm and 5:00pm to 11:00pm on Fridays and 8:00am to 11:00pm Saturdays and Sundays (noise permitted).

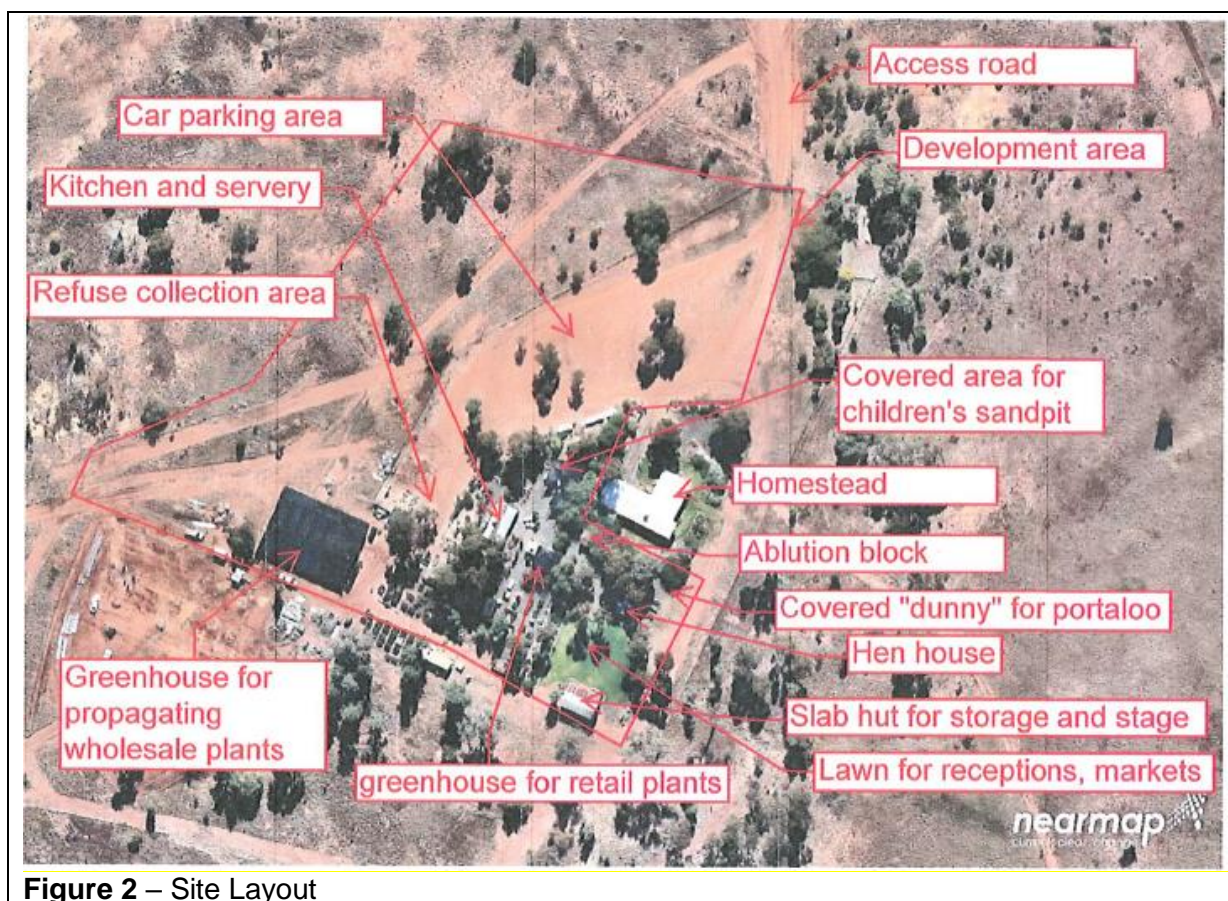


Figure 2 – Site Layout

Statutory Assessment and Regulatory Framework

The Darling Downs Regional Plan

The *Darling Downs Regional Plan* was adopted in October 2013 and covers the local government areas of Balonne, Goondiwindi, Maranoa, Southern Downs, Toowoomba and Western Downs.

The intent of the Darling Downs Regional Plan is to provide direction to resolve competing State interests relating to the agricultural and resources sectors, and to enable the growth potential of the region's towns. It seeks to maximise opportunities for co-existence of resources and agricultural land uses.

The proposed development maintains the intent of the Darling Downs Regional Plan because it will not compromise the resource or agricultural activities in the region. The development footprint is inconsequential in the context of the size of the subject premises (less than 5%) and will not impact on the balance of the property being used for either agricultural and/or resource activities

The State Planning Policy

Council is required to consider the State Planning Policy to the extent that the applicable sections have not been appropriately integrated in the Maranoa Planning Scheme. As the Maranoa Planning Scheme appropriately integrates all relevant aspects of the State Planning Policy a separate assessment of the application against this document is not required.

Assessment against the Planning Scheme

The proposed development is impact assessable and requires assessment against the applicable sections of the Planning Scheme. The following sections of the Planning Scheme are applicable;

- Part 3 Strategic framework
- Part 4 Local Government Infrastructure Plan
- Part 5 Tables of assessment
- Part 6 Zones
 - Part 6.2.1 Rural Zone Code
- Part 8 Overlays
 - Part 8.2.1 Agricultural Land overlay code
 - Part 8.2.3 Biodiversity areas overlay code
 - Part 8.2.5 Flood hazard overlay code
 - Part 8.2.6 Bushfire hazard overlay code

Part 3 – Strategic framework

The Strategic framework sets the policy direction for the planning scheme and forms the basis for ensuring appropriate development occurs within the planning scheme area for the life of the planning scheme.

The Strategic framework is structured in the following way;

The Maranoa region' including:

- (i) the region and the Darling Downs Regional Plan;
- (ii) the region and the Maranoa Community Plan 2020

The themes and key policies:

- (i) livable communities and housing;
- (ii) economic growth;
- (iii) environment and heritage;
- (iv) hazards and safety; and
- (v) infrastructure.

An assessment of the proposed development against the applicable key aspects of the Strategic framework is provided in the table below;

Policy Direction	Response
------------------	----------

Darling Downs Regional Plan	<p>The proposed development maintains the intent of the Darling Downs because;</p> <ul style="list-style-type: none"> • the development footprint is inconsequential in the context of the size of the subject premises (less than 5%) and will not impact on the balance of the property being used for either agricultural and/or resource activities; and • it will not compromise the function of agricultural or resource activities in the Region.
The themes and key policies	<p>The proposed development is consistent with the applicable themes and key policies of the Strategic framework because;</p> <ul style="list-style-type: none"> • it will not compromise the primary use of the property for agricultural pursuits; • it will diversify opportunities in the Rural zone; • it is considered a value-adding activity to the primary use of the property; • it will not prejudice or compete with retail and commercial uses in traditional centres; and • it will not impact negatively on any significant natural feature or areas of cultural significance.

Part 6.2.1 The Rural Zone Code

The purpose of the Rural zone is to:

- (a) provide for a wide range of rural uses including cropping, intensive horticulture, intensive animal industries, animal husbandry, animal keeping, extractive industry, special industry (explosives manufacturing and storage) and other primary production activities on large lots without affecting urban areas;
- (b) provide opportunities for non-rural uses that are compatible with agriculture, the energy sector, the environment, and the landscape character of the rural area where they do not compromise the long-term use of the land for rural purposes;
- (c) protect or manage significant natural features, resources, cropping land, and processes, including the capacity for primary production;
- (d) ensure primary production is maintained by protecting the productive capacity of all rural land. This includes protecting rural land from alienation and fragmentation that may lead to loss in productivity.
- (e) ensure that development in the zone protects and enhances transport infrastructure; and;
- (f) ensure that development maintains the integrity and water quality of the Murray-Darling Basin Catchment.

The overall outcomes sought for the Rural zone code are as follows:

- (g) areas for use for primary production are conserved and are not fragmented;
- (h) the establishment of a wide range of rural pursuits is facilitated, including cropping, intensive horticulture, intensive animal industries, animal husbandry and animal keeping and other compatible primary production uses, ensuring that land use and amenity impacts are minimised at sensitive receptors;
- (i) development is designed to incorporate sustainable practices including maximising energy efficiency, water conservation and transport use;
- (j) development is reflective of and responsive to the environmental constraints of the land;
- (k) development embraces sustainable land management practices and contributes to the amenity and landscape of the area;
- (l) residential and other development is appropriate only where directly associated with the rural nature of the zone;
- (m) the establishment of outdoor recreation and small-scale tourism facilities in suitable locations is facilitated only where they do not compromise the use of the land for rural activities;
- (n) the establishment of outdoor recreation and small-scale tourism facilities in suitable locations is facilitated in a manner that minimises land use conflicts;
- (o) natural features such as creeks, gullies, waterways, wetlands and bushland are retained, managed, enhanced and separated from adjacent development where possible;
- (p) there is no net loss or degradation of natural wetlands for the life of the planning scheme;
- (q) adverse impacts of land use both on-site and from adjoining areas are addressed and any unavoidable impacts are minimised through location, design, operation and management;
- (r) visual impacts of clearing, building design and construction, materials, access ways and other aspects of development and land use are consistent with the zone purpose;
- (s) the viability of both existing and future rural uses and activities are protected from the intrusion of incompatible uses and development impacts on cropping land are managed to preserve the productive capacity of the land for future generations;
- (t) land which is susceptible to flooding or drainage problems, including difficulties associated with high ground water tables is protected from urban or inappropriate uses;
- (u) rural land use is reflective of the surrounding character of the area;
- (v) low-impact activities such as small-scale eco-tourism, outdoor recreation, and service industry are encouraged within the zone where they do not compromise the long-term use of the land for agricultural purposes; and
- (w) development such as non-resident workforce accommodation to service the energy sector is catered for only on a short term basis for periods not exceeding two years.

The proposed “Function facility” complies with the Purpose and Overall Outcomes of the Rural zone because;

- it will provide opportunities for non-rural uses that are compatible with the rural landscape character;
- it will not compromise the long-term use of the land for rural purposes;
- it will not compromise the productive capacity of all rural land or lead to alienation or fragmentation of Rural land that may lead to loss in productivity;
- conditions of approval around stormwater can ensure that the integrity and water quality of the Murray-Darling Basin Catchment will be maintained;
- it is located significant distances (in excess of 1km) from the nearest sensitive receptors and public roads, ensuring that land use and amenity impacts are minimised; and
- it is a small scale facility, in suitable location, which will not compromise the use of the balance of the premises for rural activities and it will not create any land use conflicts.

Assessment against the design criteria of Rural Zone Code is provided in the table below.

THE RURAL ZONE CODE	
for all the Rural zone:	
Performance outcomes	Acceptable outcomes
PLANNING	
Use, density and built form	
Agricultural land classification – in addition, refer to the Agricultural land overlay code where mapped in the SPP mapping as Class A or Class B Agricultural land.	
PO 1 Scale Non-rural activities are at a scale which protects the amenity of the area.	<p style="text-align: center;">✓</p> <p>The proposed activities will not compromise the amenity of the area because;</p> <ul style="list-style-type: none"> • it provides significant separation distances (in excess of 500m) from sensitive receptors and public roads; • it occupies a small portion of the premises (less than 5%); and • is co-located with existing buildings on the premises and is designed and sited to integrate with the Rural setting.
PO 2 Location Non-rural activities must be located where	<p style="text-align: center;">✓</p> <p>The proposed activity will not prejudice the</p>

<p>there is convenient access unless the development is for an Extractive Industry (whose location is dependent on the resource) in which case appropriate access will be developed.</p> <p>Uses other than <i>Rural activities</i> or <i>Dwelling house</i> are located so as:</p> <ul style="list-style-type: none"> (a) not to prejudice the consolidation of like non-rural uses in other more appropriate areas; (b) to be co-located with other non-rural uses wherever possible; (c) to be located on the major road network rather than local roads. <p>Note: non-rural uses are any uses that are not associated with <i>Rural activities</i> or a <i>Dwelling house</i>.</p>	<p>consolidation of like non-rural uses in other more appropriate areas as;</p> <ul style="list-style-type: none"> • the success of the function facility is dependant on a Rural setting, which is not provided for in other zones; and • it is co-located with the homestead on the property
<p>PO 3 Density and site coverage. The density of <i>Accommodation activities</i> does not impact adversely on the rural amenity or rural activities of the zone.</p>	<p>N/A – The proposed activity is not for <i>Accommodation activities</i></p>
<p>PO 4 Setbacks Building setbacks:</p> <ul style="list-style-type: none"> (a) assist in enhancing the character and amenity of the area; (b) are appropriate to the scale of the development; (c) are sufficient to minimise loss of privacy, overshadowing and overlooking of adjoining premises; and (d) provide adequate separation and buffering between residential and non-residential premises. 	<p style="text-align: center;">✓</p> <p>The proposed development will not result in loss of privacy, overshadowing or overlooking because;</p> <ul style="list-style-type: none"> • significant setbacks (in excess of 500 metres) are provided between the development and the nearest sensitive receptors and public road.
<p>PO 5 Separation <i>Rural activities</i> are sufficiently separated from any existing or planned residential or rural residential area or other <i>sensitive land use</i> to avoid any adverse impacts with regard to noise, dust, odour, visual impact, traffic generation, lighting, radiation or other emissions or contaminants. Note: Sensitive land uses are defined in the State Planning Policy.</p>	<p style="text-align: center;">✓</p> <p>The proposed activity provides significant setbacks (in excess of 500 metres) from sensitive receptors and public roads.</p>
<p>PO 6 Outbuildings Rural amenity is to be maintained.</p>	<p>N/A – the proposal is not for an “Outbuilding”</p>

<p>PO 7 Important agricultural areas Important agricultural areas are optimised for the promotion and enabling of increased agricultural production.</p>	<p style="text-align: right;">✓</p> <p>The premises contains Important agricultural areas but the proposed activity is unlikely to impact on these areas given;</p> <ul style="list-style-type: none"> • it is co-located with the homestead, where agricultural pursuits are restricted; and • is located in a small defined area of the premises (5% of land holding) and will not impact on the balance of the premises continuing to be used for agricultural pursuits.
<p>PO 8 ALC Class A and Class B agricultural land Avoid locating non-agricultural development on or adjacent to ALC Class A or Class B land.</p>	<p style="text-align: right;">✓</p> <p>The premises contains ALC Class A and Class B land the proposed activity is unlikely to impact on these areas given;</p> <ul style="list-style-type: none"> • it is co-located with the homestead, where agricultural pursuits are restricted; and • is located in a small defined area of the premises (5% of land holding) and will not impact on the balance of the premises continuing to be used for agricultural pursuits.
<p>PO 9 Sensitive land Rural land uses are “protected from encroaching incompatible land uses”.</p>	<p style="text-align: right;">✓</p> <p>The proposed activity is confined to a small portion of the site and will not compromise the ability for the balance of the property to be used for rural pursuits.</p>
<p>Amenity</p>	
<p>Advertising signs – refer to the Operational works advertising devices code</p>	
<p>Heritage places – in addition, refer to the Heritage overlay code where mapped in the SPP Cultural heritage mapping or listed in the Heritage and character policy</p>	
<p>PO 10 Cultural heritage The physical integrity and significance of cultural heritage discovered during development is retained. Note: Cultural heritage refers to indigenous and non- indigenous cultural heritage.</p>	<p style="text-align: right;">✓</p> <p>Should the application be approved, text in the preamble of the development approval will require that in the event that cultural heritage is discovered, management measures be implemented to ensure the integrity of any such sites are maintained.</p>

Avoiding nuisance	
<p>PO 11 Operating Hours Uses are operated in a manner that ensures that local amenity is protected.</p>	<p>Should Council approve the development;</p> <ul style="list-style-type: none"> • conditions of development approval will require that the activity be operated so as not to create environmental nuisance to adjoining properties. • conditions of development approval will restrict operating hours for the approved "Garden centre" to 9:00am to 2:00pm on Fridays and 8:00am to 4:00pm on Saturdays and Sundays. Signage must be provided at the Site Access clearly displaying the operating hours of the "Garden centre". • operating hours for the approved "Function facility" will be restricted to the hours between 9:00am to 2:00pm and 5:00pm to 11:00pm on Fridays and 8:00am to 11:00pm Saturdays and Sundays (noise permitted).
<p>PO 12 Noise emissions Noise emissions from premises do not cause nuisance to adjoining properties or sensitive land uses.</p>	<p>Should Council approve the development;</p> <ul style="list-style-type: none"> • conditions of development approval will require no sustained levels of noise to adjoining properties; and • that all reasonable measures be undertaken to mitigate potential noise nuisance to adjoining properties during functions and events. Measures may include temporary sound barriers such as hay stacks and/or temporary fencing.

<p>PO 13 Lighting Lighting is designed in a manner to ensure ongoing amenity and safety in the activity area, whilst ensuring surrounding areas are protected from undue glare or lighting overspill.</p>	<p>Should Council approve the development, conditions will require;</p> <ul style="list-style-type: none"> • that lighting associated with the approved use, including any security lighting, shall be such that the lighting intensity does not exceed 8.0 lux at a distance of 1.5 meters from the site at any property boundary; and • all lighting shall be directed or shielded so as to ensure that no glare directly affects adjoining and nearby properties.
<p>PO 14 Refuse storage Refuse storage areas are screened from the road and adjoining uses.</p>	<p style="text-align: center;">✓</p> <ul style="list-style-type: none"> • An area of the site has been designated for bulk refuse storage and conditions of development approval will require adequate screening provisions; and • The location of the development is significantly separated from adjoining uses and roads and therefore refuse storage areas will not be visible from outside of the site.
<p>ENGINEERING</p>	
<p>Earthworks – refer to the Excavation or filling code</p>	
<p>Infrastructure – refer to the Operational works infrastructure code</p>	
<p>Erosion control</p>	
<p>PO 15 Construction activities Both erosion control and silt collection measures are undertaken to ensure the protection of environmental values during construction.</p>	<p>The developer will be required to obtain further development approval for Operational works for any earthworks exceeding 100m².</p>
<p>Provision of services</p>	
<p>PO 16 Electricity supply Premises are provided with an adequate supply of electricity for the activity.</p>	<p style="text-align: center;">✓</p> <ul style="list-style-type: none"> • The development has access to a reticulated supply of electricity.

<p>PO 17 Water supply To ensure the provision of a potable and fire-fighting water supply:</p> <p>(a) premises are provided with a supply and volume of water adequate for the activity; and</p> <p>(b) access is maintained to the supply for fire-fighting purposes; and</p> <p>(c) access to reticulated water infrastructure is to be maintained for maintenance and replacement purposes</p>	<p style="text-align: center;">✓</p> <ul style="list-style-type: none"> • Potable water will be provided from an on-site bore. • Water for firefighting is available from on-site dams, as well as rainwater tanks and a swimming pool • Conditions of development approval will require that there is sufficient potable water available for the use as well as a sufficient supply of water for firefighting purposes.
<p>PO 18 Effluent disposal To ensure that public health and environmental values are preserved:</p> <p>(a) all premises provide for the effective treatment and disposal of effluent and other waste water; and</p> <p>(b) access to reticulated infrastructure is to be maintained for maintenance and replacement purposes.</p>	<p style="text-align: center;">✓</p> <ul style="list-style-type: none"> • Should the application be approved, conditions of development approval should require that an effective on-site effluent treatment and disposal system be in place to accommodate the maximum anticipated number of guests.
<p>Stormwater and drainage</p>	
<p>PO 19 Stormwater and inter-allotment drainage Stormwater is collected and discharged so as to:</p> <p>(a) protect the stability of buildings and the use of adjacent land;</p> <p>(b) prevent water-logging of nearby land; and,</p> <p>(c) protect and maintain environmental values.</p>	<p style="text-align: center;">✓</p> <ul style="list-style-type: none"> • Should the application be approved, conditions of development approval will require that stormwater be collected and discharged to protect the stability of buildings and prevent water logging. Conditions will require that adequate stormwater pollution measures are in place to maintain environmental values.
<p>Roads and Rail</p>	
<p>Infrastructure – refer to the Infrastructure overlay code for development in the proximity of, or potentially affecting State infrastructure.</p>	
<p>PO 20 Protection of State controlled roads Development adjacent to State controlled roads is located to ensure safe and efficient use of the highway, and maintain and enhance the integrity of the highway as a link between centres.</p>	<p>N/A – The site is not adjacent to a State controlled road.</p>
<p>PO 21 Roads An all-weather road is provided between the premises and the existing road network.</p>	<p style="text-align: center;">✓</p> <p>An all-weather access road is provided from the property to the existing road network.</p>
<p>Access, parking and manoeuvring</p>	

<p>PO 22 Vehicle access Vehicle access is provided to a standard appropriate for the activity and the zone.</p>	<p style="text-align: center;">✓</p> <p>Should the application be approved, conditions of development approval will require that the landowner be responsible for maintaining the development site access to the roadway.</p>
<p>PO 23 Parking and manoeuvring Vehicle parking and service vehicle provision is adequate for the activity, and ensures both safety and functionality for motorists and pedestrians.</p>	<p style="text-align: center;">✓</p> <p>A large area adjacent to the plant nursery/function facility has been designated for guest parking. Should the application be approved, conditions of development approval will require that adequate numbers and safety measures are in place to ensure the parking area functions effectively and safely.</p>
ENVIRONMENTAL	
Biodiversity – in addition, refer to the Biodiversity areas overlay code where mapped in the SPP mapping as MSES.	
<p>PO 24 Air emissions Air emissions including odour from premises do not cause environmental harm or nuisance to adjoining properties or sensitive land uses.</p>	<p style="text-align: center;">✓</p> <ul style="list-style-type: none"> • Air emissions generated from the activity are anticipated to be inconsequential and unlikely to impact nearby sensitive receptors given the significant setbacks; and • Should the application be approved, conditions of development approval will require that no environmental nuisance is caused to adjoining sensitive receptors.
<p>PO 25 Energy use Non-renewable energy use is minimised through efficient design and the adoption of alternative energy sources.</p>	<p style="text-align: center;">✓</p> <p>The Building design and orientation provide opportunities for the incorporation of alternative energy technologies in the future.</p>
<p>PO 26 Vegetation retention Development retains vegetation not mapped as MSES where it is: (x) adjacent to water courses and protecting water quality (riparian); (y) protecting an identified habitat; or (z) minimising soil erosion.</p>	<p>N/A – the development will not impact or require the removal of any vegetation.</p>
<p>PO 27 Pests Development avoids the introduction of non-native pest species (plant or animal),</p>	<p>Conditions of development approval will require a Biosecurity Plan for the site to be prepared and implemented in accordance</p>

that pose a risk to ecological integrity.	with the <i>Biosecurity Act 2014</i> .
<p>PO 28 Watercourse buffers Development ensures the maintenance of riparian areas and water quality including protection from off-site transfer of sediment.</p>	<p style="text-align: center;">✓</p> <ul style="list-style-type: none"> The main area for the function facility is located over 200m from a watercourse. Vehicles accessing the site will continue to do so via the existing internal access road.
<p>PO 29 Watercourse integrity Bank stability, channel integrity and in-stream habitat is protected from degradation and maintained or improved at a standard commensurate with pre-development environmental conditions.</p> <p>Development ensures that the natural surface water and groundwater hydrologic regimes of watercourses and associated buffers are maintained to the greatest extent possible.</p>	<p style="text-align: center;">✓</p> <ul style="list-style-type: none"> No direct interference or modification of watercourse channels, banks or riparian and in-stream habitat will be required as part of the activity; and Existing natural flows of surface and groundwater will not be altered through channelization, redirection or the interruption of flows.
<p>PO 30 Water quality The standard of effluent and/or stormwater runoff from premises ensures the quality of surface water is suitable for:</p> <ol style="list-style-type: none"> the biological integrity of aquatic ecosystems; recreational use; supply as drinking water after minimal treatment; agricultural use or industrial use; and minimises nuisance or harm to adjoining land owners. 	<p style="text-align: center;">✓</p> <p>Should the application be approved, conditions of development approval will require that pollution controls are in place to protect surface water.</p>
<p>PO 31 Sloping land Development is undertaken to ensure:</p> <ol style="list-style-type: none"> vulnerability to landslip erosion and land degradation is minimised; and that the safety of persons and property is not compromised. 	<p style="text-align: center;">✓</p> <p>Development is not undertaken on slopes exceeding 15%.</p>
SAFETY AND RESILIENCE TO HAZARDS	
Airport environs – N/A	
Bushfire – refer to the Bushfire hazard areas overlay code below	
Flooding – refer to the Flood hazard overlay code below	

ENTERTAINMENT ACTIVITIES - additional requirements

Note: Entertainment activities (*Tourist attraction*) is code assessable in the Rural Zone.

Part 8.2.1 Agricultural Land overlay code

The purpose of the Agricultural land overlay code is to ensure that agricultural land is protected from development that leads to its alienation, fragmentation or diminished productivity.

The purpose of the code will be achieved through the following overall outcome:-

- that the ongoing productive use of Agricultural Land Classification (ALC) Class A and Class B land for agricultural purposes is maintained and protected by ensuring that:-
 - ALC Class A and Class B land is only used for appropriate rural and complementary uses;
 - conflict between farming activities and sensitive land uses is avoided;
 - further fragmentation of ALC Class A and Class B land as a result of reconfiguring a lot is avoided; and
 - development avoids adverse impacts on ALC Class A and Class B land from land degradation and stormwater run-off.

The proposed development complies with the Purpose and Overall Outcomes of the Agricultural Land Overlay Code because;

- the premises is and has historically been used primarily for grazing cattle and cropping and this use will continue to be the predominate land use; and
- the proposed development will not lead to the alienation, fragmentation or diminished productivity of any viable agricultural land.

Assessment against the design criteria of the Agricultural Land overlay code is provided in the table below.

THE AGRICULTURAL LAND OVERLAY CODE	
for agricultural land classification Class A and Class B land identified in the SPP agricultural land mapping	
Performance outcomes	Acceptable outcomes
PLANNING	
<i>Use and density</i>	
PO 1 Use Development on ALC Class A and Class B land is limited to:- (a) rural uses that make use of and rely upon the quality of the agricultural land resource; (b) complementary uses that are essential to on-site farming practice.	✓ The proposed activity will occupy a small area of the premises (less than 5%) and will not compromise the balance of the premises operating for agricultural pursuits.
PO 2 Separation – residential uses Development for residential activities and other sensitive land uses does not	N/A – the proposed development is for a nursery and function facility. It is not for residential development.

adversely impact on the ongoing operational efficiency and productive agricultural use of ALC Class A and Class B land.	
PO 3 Fragmentation - subdivision Reconfiguring a lot involving ALC Class A and Class B land does not result in lot sizes or lot configurations that lead to:- (a) fragmentation of rural land and loss of land for viable rural production; (b) proposed lots intended for residential or rural residential use; (c) loss of flexibility in the way landholdings are used for agricultural production.	N/A – the application does not involve a subdivision.
PO4 Fragmentation – boundary realignment The boundaries of existing lots containing ALC Class A and Class B land are not rearranged, unless it can be demonstrated that a rearrangement of lot boundaries would:- (a) aggregate ALC Class A and Class B land resources and maximise the utility of the land for agricultural purposes; (b) provide for better land management; and (c) not give rise to, or worsen, land use conflicts between agricultural and residential land uses.	N/A – the application does not involve the realignment of boundaries.
ENGINEERING	
Stormwater and Drainage	
PO5 Stormwater and Drainage Development for non-agricultural purposes is located, designed and constructed to minimise the impact of sediment and stormwater run-off on ALC Class A and Class B land.	✓ There will be no increase in stormwater discharged to adjoining properties as a result of the development; and Conditions of development approval will require that adequate pollution controls are implemented as part of ongoing operations.

Part 8.2.3 - Biodiversity areas overlay code

The purpose of the Biodiversity areas overlay code is to ensure that:-

- areas of environmental significance are protected;
- ecological connectivity is maintained or improved, habitat extent is maintained or enhanced and degraded areas are rehabilitated;
- wetlands and watercourses are protected, maintained, rehabilitated and enhanced.

The purpose of the code will be achieved through the following overall outcomes:-

- (aa) development conserves and enhances the Maranoa region's biodiversity values and associated ecosystems;
- (bb) development protects and establishes appropriate buffers to native vegetation and significant fauna habitat;
- (cc) development protects known populations and the supporting habitat of:-
 - (a) endangered, vulnerable and near threatened flora and fauna species, as listed in the (State) *Nature Conservation Act 1992*, *Nature Conservation (Wildlife) Regulation 2006*;
 - (b) threatened species and ecological communities as listed in the (Commonwealth) *Environment Protection and Biodiversity Conservation Act 1999*;
- development protects environmental values and achieves the prescribed water quality objectives for waterways and wetlands in accordance with the Environmental Protection Policy (Water) 2009;
- development protects and enhances ecological values and processes within watercourses and wetlands; and
- development provides effective buffering and maintains the physical extent of watercourses and wetlands.

The proposed development complies with the Purpose and Overall Outcomes of the Biodiversity areas overlay code because;

- it is a low intensity use that will provide adequate setbacks from adjoining sensitive receptors and environmental values;
- it does not require the clearing of any vegetation or habitat; and
- it is a small scale development.

Assessment against the design criteria of Biodiversity areas overlay code is provided in the table below

THE BIODIVERSITY AREAS OVERLAY CODE	
for areas identified in the SPP Biodiversity mapping	
Performance outcomes	Acceptable outcomes
ENVIRONMENTAL	
PO 1 Biodiversity (a) Development is located in areas that avoid significant adverse impacts on matters of State environmental significance; (b) facilitates the protection and enhancement of matters of State environmental significance; and, (c) preserves or enhances ecological connectivity.	✓ <ul style="list-style-type: none"> • The proposed development will be co-located with the existing residential homestead and outbuildings on the property; and • It will not require clearing of any vegetation or habitat.
PO 2 Protected environment Development retains environments and vegetation described as matters of State	✓ Development will not result in the loss of

<p>environmental significance (MSES), protected under the following legislation:</p> <ul style="list-style-type: none"> • <i>Nature Conservation Act 1992</i> • <i>Fisheries Act 1994</i> • <i>Environmental Protection Act 1994</i> • <i>Vegetation Management Act 1999</i> • <i>Environmental Offsets Act 2014.</i> 	<p>any vegetation or environment containing Matters of State Environmental Significance.</p>
Watercourses and wetlands	
<p>PO3 Wetland buffers An adequate buffer to wetlands is provided and maintained to assist in the maintenance of water quality, existing hydrological characteristics, habitat and visual amenity values.</p>	<p style="text-align: center;">✓</p> <p>The development venue is not located in, or in proximity to, a wetland protection area.</p>
<p>PO4 Watercourses Development:-</p> <ul style="list-style-type: none"> (a) retains, enhances and maintains the environmental values and functioning of watercourses; (b) provides and maintains adequate vegetated buffers and setbacks to watercourses; (c) maintains and restores connectivity between aquatic habitats and access for fish along watercourses/waterways and into key habitats. 	<p style="text-align: center;">✓</p> <p>The Function facility venue is located over 200 meters from a mapped watercourse.</p>
Vegetation Retention	
<p>PO 5 Vegetation corridors Existing ecological corridors are protected and where possible enhanced, and have dimensions and characteristics that will:-</p> <ul style="list-style-type: none"> (a) effectively link habitats on and/or adjacent to the development site; (b) facilitate the effective movement of terrestrial or aquatic fauna using the development site as habitat. 	<p style="text-align: center;">✓</p> <ul style="list-style-type: none"> • The proposed development will not require the clearing of any vegetation; • The proposed development is a low intensity use, co-located with existing buildings on the site; and • Adequate setbacks from existing vegetation are achieved.
<p>PO 6 Habitat Development protects the habitat of endangered, vulnerable and near threatened species and local species of significance.</p>	<p style="text-align: center;">✓</p> <p>The proposed development will not require the clearing of any vegetation or impact on any endangered habitat.</p>

Part 8.2.5 Flood hazard overlay code

The purpose of the Flood hazard overlay code is to ensure that development (carried out under all levels of assessment) successfully mitigates the potential impacts of riparian flooding on property, and ensures the safety of people during flood events to the greatest extent possible. 'Property' includes all adjoining and all potentially affected property. The code, through the control of further development in known flood effected areas, also seeks to:

- preserve the existing levels of economic activity during and after flood events in affected towns;
- protect the environment from flood related erosion and pollution; and
- protect emergency services personnel from unnecessary risk during flood events.

The purpose of the code will be achieved through the following overall outcomes:-

Development in the Significant, High and Extreme flood hazard areas shown on the Flood hazard overlay maps:

- maintains and enhances the hydrological function of the land;
- does not involve filling (earthworks) or changes to existing landform or drainage lines that results in a loss of the flood conveyance and flood storage capacity of the land;
- does not include further subdivision,
- is limited to:
 - (a) flood proofed *Recreation activities*;
 - (b) rural activities where for *Animal husbandry, Cropping, and Permanent plantation*;
 - (c) flood proofed local *Utility installations*;
 - (d) conservation and natural area management; and
 - (e) replacement of existing lawful development, including *Accommodation activities* where habitable rooms are elevated above the *Defined flood level*.

The proposed development complies with the Purpose and Overall Outcomes of the Flood Hazard Overlay Code because;

- The development is co- located with existing built infrastructure on the site;
- The approved development will not operate during inclement weather events; and
- The development is sited so as to not increase impact on off-property flooding.

Assessment against the design criteria of Flood Hazard Overlay Code is provided in the table below.

THE FLOOD HAZARD OVERLAY CODE	
for areas within the defined flood area, or mapped as flood prone by QRA online mapping:	
Performance outcomes	Acceptable outcomes
PLANNING	
Use, density and built form	
PO 1 Scale	N/A – development is located outside

The scale of development within the Defined flood area does not increase.	the Defined flood event area.
<p>PO 2 Location</p> <p>Premises are located to:</p> <ul style="list-style-type: none"> (a) avoid flooding; (b) protect life and property; and (c) avoid changing the extent and magnitude of flooding. <p>Note: Where no flood hazard map is available, assessment of potential flooding impacts will take account of the QRA online mapping that shows the likely extent of floodplains in the 'Interim Floodplain Assessment Overlay'. This is consistent with the Queensland Reconstruction Authority (QRA) model code within the document: Planning for stronger, more resilient floodplains guidelines.</p>	<p style="text-align: center;">✓</p> <p>The development will be co-located with existing built infrastructure on the site and will not operate during inclement weather events.</p>
<p>PO 3 Density and site coverage</p> <p>The number of people requiring assistance during flood events is minimised.</p>	<p style="text-align: center;">✓</p> <p>The development will not operate during extreme weather events.</p>
Amenity	
<p>PO 4 General amenity</p> <p>Surrounding land does not suffer a reduction in use value as a result of development within the floodplain.</p>	<p style="text-align: center;">✓</p> <ul style="list-style-type: none"> • The development will not involve any physical alteration to a watercourse or floodway, including vegetation clearing; and • The development does not change the flood characteristic at the Defined flood event flood level outside the subject site.
<p>PO 5 Building standards</p> <p>Buildings are designed to be resilient to flooding.</p>	<p style="text-align: center;">✓</p> <p>The development not result in a finished floor level that is lower than the finished floor level of the existing buildings.</p>
<p>PO 6 Building materials and techniques</p> <p>Where construction is below the Defined flood level, materials and building techniques are used that minimise the need for repair after a flood</p>	<p style="text-align: center;">✓</p> <p>The development will be constructed from materials that are resistant to water damage and do not include wall</p>

event.	cavities that would collect water and sediment during a flood event.
PO 7 Essential community infrastructure Essential community infrastructure maintains functionality during and after a Defined flood event.	N/A - the development does not involve essential community infrastructure.
ENGINEERING	
Floodwater	
PO 8 Flood storage capacity and the Defined flood area Development does not directly, indirectly or cumulatively change flood characteristics in a manner that may cause adverse impacts external to the development site. Note: Where any alteration of patterns of flooding is expected, a flood assessment report will be necessary to demonstrate compliance to the satisfaction of the assessment manager. This flood assessment report should include an assessment of the proposal against these outcomes and may require specific hydraulic and hydrologic investigation to be undertaken by a suitably qualified professional engineer.	✓ The development will occupy less than 5% of the total site area and will not result in the any significant reduction to flood storage capacity.
Access and parking	
PO 9 Access An escape / safety route is identified and maintained for all development within the Defined flood area.	N/A – The development will not be operational during extreme weather events.
PO 10 Parking and manoeuvring Vehicle parking and service vehicle provision may be provided within the Defined flood area where the vehicles can be removed before flooding occurs.	N/A – The development will not be operational during extreme weather events.
ENVIRONMENTAL	
PO 11 Water quality The environment and so too public safety are not affected by the detrimental impacts of hazardous materials released to the environment during a flood event.	N/A – The use does not involve the storage and use of hazardous materials.
SAFETY AND RESILIENCE TO HAZARDS	

<p>PO 12 Personal safety</p> <p>Development maintains the safety of people during all floods up to and including a Defined Flood Event.</p> <p>Note: A Defined flood event (DFE) is identified first in an adopted flood hazard map under the planning scheme or, in the absence of an adopted flood hazard map, flood mapping prepared and maintained by the Queensland Reconstruction Authority or other Queensland Government Agency.</p>	<p>N/A – The development will not be operational during extreme weather events.</p>
<p>PO 13 Temporary or movable structures</p> <p>For development involving temporary or movable residential structures, clear escape from flooding is available, identified and maintained.</p>	<p>N/A – The development does not involve a temporary or movable residential structure.</p>
<p>PO 14 Protection of essential services</p> <p>Essential services infrastructure maintains functionality during and after a Defined flood event.</p>	<p>N/A – The development does not involve essential services.</p>

Part 8.2.6 Bushfire hazard overlay code

The purpose of the Bushfire hazard overlay code is to ensure that development avoids or mitigates the potential adverse impacts of bushfire on people, property, economic activity and the environment.

The purpose of the code will be achieved through the following overall outcomes:-

- development in areas at risk from bushfire hazard is compatible with the nature of the hazard;
- the risk to people, property and the natural environment from bushfire hazard is minimised;
- wherever practical, community infrastructure essential to the health, safe wellbeing of the community is located and designed to function effectively during and immediately after a bushfire event;
- development does not result in a material increase in the extent or severity of bushfire hazard;
- the loss of vegetation through inappropriately located development is minimised;
- development is sited and designed to assist emergency services in responding to any bushfire threat.

The proposed development complies with the Purpose and Overall Outcomes of the Bushfire hazard overlay code because;

- it will not increase the extent or severity of bushfire hazard; and

- it is sited to assist emergency services in responding to any bushfire threat, being co-located with existing habitable buildings and having formed vehicle access to the road network.

Assessment against the design criteria of Bushfire Hazard Overlay Code is provided in the table below.

<i>THE BUSHFIRE HAZARD OVERLAY CODE</i>	
for areas subject to bushfire hazard as identified in the SPP bushfire hazard mapping	
Performance outcomes	Acceptable outcomes
PLANNING	
<i>Siting and density</i>	
PO 1 Density Development maintains the safety of people and property from the adverse impacts of bushfire by avoiding a higher concentration of people living or congregating in bushfire hazard areas.	Should the application be approved, a Bushfire Management Plan will be required to be prepared and submitted to Council. Once approved, the Bushfire Management Plan will be implemented in the case of emergency.
PO 2 Lot design The lot layout of new development is designed to:- <ul style="list-style-type: none"> (a) mitigate any potential bushfire hazard; (b) provide safe building sites. 	N/A – The proposed development will not result in new or additional residential lots.
ENGINEERING	
<i>Provision of Services</i>	
PO 3 Water supply Dwellings are provided with an adequate water supply for fire fighting purposes which is reliable, safely located and freely accessible.	N/A – the use is not for a dwelling. An adequate water supply from a combination of rainwater tanks, dams, bore water and swimming pools are available.
<i>Roads</i>	
PO 4 Firefighting and escape routes Where development involves provision of a new public or private road, the layout, design and construction of the road:- <ul style="list-style-type: none"> (a) allows easy and safe movement away from any encroaching fire; (b) allows easy and safe access for fire fighting and other emergency vehicles; and, (c) provides for alternative safe access and evacuation routes should access in one direction be blocked in the event of a fire. 	N/A – No additional lots are created, and there is no additional roads proposed.
PO 5 Firebreaks Fire breaking trails are located, designed and constructed to prevent the spread of fire by:- <ul style="list-style-type: none"> (a) ensuring adequate access for fire fighting and other emergency vehicles; 	N/A – There are no additional roads proposed.

<p>(b) provides for alternative safe access and evacuation routes for both residents and emergency personnel should access in one direction be blocked in the event of a fire.</p> <p>(c) providing for the separation of developed areas and adjacent high or very high bushfire hazard areas.</p>	
SAFETY AND RESILIENCE TO HAZARDS	
<p>PO 6 Bushfire hazard mitigation plan Bushfire mitigation measures are adequate for the potential bushfire hazard level of the site, having regard to the following:-</p> <ul style="list-style-type: none"> (a) vegetation type; (b) slope; (c) aspect; (d) on-site and off-site bushfire hazard implications of the particular development; (e) bushfire history; (f) conservation values of the site; (g) ongoing maintenance. <p>Note—where a bushfire hazard assessment and management plan has previously been approved for the development proposed on the site (e.g. as part of a prior approval), design of the proposed development in accordance with that plan shall be taken as achieving compliance with this performance outcome of the code.</p>	<p>Should the application be approved, a Bushfire management plan will be required to be submitted to Council prior to the commencement of use. Once approved, the Bushfire management plan will be implemented in the case of emergency.</p>
<p>PO 7 Community infrastructure Community infrastructure is able to function effectively during and immediately after bushfire events.</p>	<p>N/A – The proposed development does not involve Community infrastructure.</p>
<p>PO 8 Hazardous substances Public safety and the environment are not adversely affected by the detrimental impacts of bushfire on hazardous materials either manufactured or stored in bulk.</p>	<p>N/A - there is no bulk storage of hazardous materials proposed.</p>

Assessment Summary

The application is generally consistent with the relevant provisions of the *Maranoa Planning Scheme 2017*. Any perceived conflicts with the planning scheme can be appropriately addressed by way of conditions of development approval.

OFFICER REPORT

Meeting: General 24 July 2019

Date: 23 July 2019

Item Number: L.2

File Number: D19/63024

SUBJECT HEADING: Queensland Opera Performance September 2019

Classification: Open Access

Officer's Title: Manager - Economic & Community Development

Executive Summary:

Council has previously resolved to host a performance of the Queensland Opera in the Maranoa region on Friday, 6 September 2019. This report provides recommendations regarding venue, budget and ticket prices.

Officer's Recommendation:

That Council:

1. Hold the event in the Caledonian Hall.
2. Book the St Luke's Hall as an alternative venue to Dance West in lieu of Caledonian Hall at Council cost.
3. Provide Dance West with work force assistance to move to St Luke's Hall and back.
4. Offer the community the opportunity to provide a bar or catering.
5. Update the 2019/20 Fees and Charges to include the ticket prices for the Queensland Opera performance:
 - \$45 per person for adults
 - \$15 for school aged children (5-17)
 - Children 0 - 4 free.

Individuals or Organisations to which the report applies:

Are there any individuals or organisations who stand to gain a benefit, or suffer a loss, (either directly or indirectly) depending on the outcome of consideration of this matter?

(Note: This is to assist Councillors in identifying if they have a Material Personal Interest or Conflict of Interest in the agenda item - i.e. whether they should participate in the discussion and decision-making).

Queensland Opera

Acronyms:

Are there any industry abbreviations that will be used in the report?

Note: This is important as particular professions or industries often use shortened terminology where they refer to the matter on a regular basis. However, for individuals not within the profession or industry it can significantly impact the readability of the report if these aren't explained at the start of the report).

Acronym	Description
QO	Queensland Opera
RADF	Regional Arts Development Fund

Context:

Why is the matter coming before Council?

Council has previously approved that a performance of Queensland Opera (QO) would be held in the Maranoa region on Friday, 6 September 2019.

Council is asked to confirm the following items:

- Venue and costings
- Expression of interest for food (if required) and refreshments
- Ticket price

Background:

Has anything already happened in relation to this matter?

(Succinct overview of the relevant facts, without interpretation)

1. Performance Fee Payment

At its meeting on 12 June 2019, Council resolved to pay the increased cost of \$5,900 to hold the performance of Queensland Opera in the region on Friday, 6 September 2019, and to sign the agreement with Queensland Opera (***Resolution No. GM/06.2019/24***). This agreement has since been executed.

2. Selection of Venue

At its meeting on 12 June 2019, Council also passed the following resolution:

Resolution No. GM/06.2019/25

That:

- 1. A report be brought back to the next meeting, following investigation into potential venues for holding the event, including:***
 - ***The Big Rig Night Show Facility;***
 - ***Installation of a cement slab in the vicinity of Bungil Creek at the Big Rig Parklands;***
 - ***Any additional locations identified.***
- 2. Investigate pricing strategies for each of the potential locations identified.***

Council has previously been informally consulted about a possible venue, with the sloping creek bank downstream from the train bridge at The Big Rig emerging as an option, with the installation of a cement slab as a stage. Representatives from QO were shown the site, and were receptive. A list of potential venues has been attached. When considering venues, note the performance starts at 7.30pm with a running time of 2 hours including an interval of approximately 20 minutes.

With regard to an outdoor venue, the agreement with Queensland Opera states:

*If by agreement the venue is an outdoor venue, then the Presenter, after consultation with OQ, **may** be required to provide at the Presenter's expense:*

- i. Suitable sound equipment in order to amplify the performance, including radio microphones*
- ii. An experienced sound operator and radio microphone technician*
- iii. Sheltered path and flooring between the dressing room area and the stage*

This information does not preclude the use of an outdoor venue, merely provides Council with terms of the agreement.

Council is asked to make a final decision on the location, considering costs and timeframes. Available options are (in no order)

- a) The Big Rig Night Show facility
- b) Install a cement stage on the Bungil Creek bank
- c) Hire a stage for the Bungil Creek bank
- d) Hire a stage to go on the flat grassy area in front of the engine (where Volunteers Week event was held)
- e) Use another council facility in Roma "Caledonian Hall"
- f) Use another council facility in the region.

A detailed list including photos is included in the attachment to this report.

It should be noted that the use of outdoor function sites can incur extra over-time costs to set up (Friday is an RDO) and pack up from the event either late Friday night or Saturday morning. Again, this does not preclude the event from being held at an outdoor event – merely informs Council that there will be costs involved.

The cheapest option would be to go to the Mitchell Hall, and have the set-up and pack-down done by the WORK camp.

NOTE: Jodie Noon (operator of Dance West) has agreed to vacate to an alternative venue at no cost to herself, in order to accommodate the event.

Costs to obtain the Caledonian Hall for the event are:

- Hire St Luke's Anglican Hall = \$ 250.00
- Workforce man power _____ = \$ 1000.00

Total \$ 1250.00

3. Catering and Refreshments

If the event is held at The Big Rig, it is recommended that the Food Truck Friday vendors and Roma Thai be advised of the event, and asked to provide catering options for individual selection and purchase. It is also recommended that an opportunity be offered for community groups to operate the bar or a food stall as a fund-raising opportunity. (Note – this is not a weekend the Food Truck normally operates, and they are already booked to provide catering for RUOK Day on 13 September).

If the event is held in Mitchell, or Roma, it is recommended that an opportunity be offered for the community to operate the bar or provide catering as a business or a fund-raising opportunity.

4. Ticket Price

At its meeting on 26 July 2017, Council resolved as follows:

That Council charge the following ticket price for the Opera Queensland performance on 1 September 2017:

- ***\$60 per person for adults***
- ***\$20 for school aged children (5-17)***
- ***Children 0 - 4 free. (Resolution No. GM/07.2017/10)***

There were approximately 164 adults (not including crew) and 11 children at the 2017 performance and the final remittance from Eventbrite was \$8,251. The 2017 event

Maranoa Regional Council

General Meeting - 24 July 2019

was held at the Amby Quarry, with associated extra expenses. There is the opportunity to reduce the ticket price in line with the reduced expenditure for 2019. Suggested cost:

- \$45 per person for adults
- \$15 for school aged children (5-17)
- Children 0 - 4 free.

The table below shows the attendees by postcode at the 2017 event in AMBY Quarry.

	Postcode	Adult	5-17 yrs	0-4 yrs	Total	percentage
VIC	3932	2				0.956937799
Bris	4051	3				1.435406699
Bris	4064	2				0.956937799
Bris	4103	1				0.4784689
Helidon	4344	1				0.4784689
Toowoomba	4350	2				0.956937799
Surat	4417	2	0	1	3	1.435406699
Yuleba	4427	1				0.4784689
Wallumbilla	4428	2				0.956937799
Injune	4454	5				2.392344498
Roma	4455	88	10	1	99	47.36842105
Muckadilla	4461	1				0.4784689
Amby	4462	3				1.435406699
Mitchell	4465	35	1		36	17.22488038
Mungallala	4467	13				6.220095694
Claverton	4471	1				0.4784689
Maryborough	4650	2				0.956937799
	crew	32				15.31100478
		196	11	2		209

Note the crew includes Opera staff, volunteers, security, food staff, etc.

Legislation, Local Laws, State Policies & Other Regulatory Requirements:

What does the legislation and other statutory instruments include about the matter under consideration?

(Include an extract of the relevant section's wording of the legislation – please do not just quote the section number as that is of no assistance to Councillors)

n/a

Council Policies or Asset Management Plans:

Does Council have a policy, plan or approach ordinarily followed for this type of decision?

What are relevant sections of the policy or plan?

(Quote/insert the relevant section's wording / description within the report)

n/a

Input into the Report & Recommendation:

Have others' views or input been sourced in developing the report and recommendation to Council? (i.e. other than the report author?) What did each say? (Please include consultation with the funding body, any dates of critical importance or updates or approvals required)

Discussions with Queensland Opera staff.

Manager – Construction. Provided estimate for the installation of concrete slab.

Advised the construction would be tight, but achievable, before 6 September.

Team Coordinator, Roma Parks & Gardens & Regional Horticulturist. Suggested that the engine outside The Big Rig be removed and an outdoor stage installed in its place, so the event could be held on the flat grassed area beside The Big Rig.

Arts Portfolio Chair. On-site visit at The Big Rig with QO staff.

Local Development Officer – Roma. Concerns regarding slope of creek bank site for older demographic.

Tourism Officer – provided photos of recent group sitting in night show facility.

Facilities Manager – provided update re building stage in riparian area, and feedback from dance instructor at Hibernian Hall.

Dance West proprietor Jodie Noon.

Funding Bodies:

Is the project externally funded (or proposed to be)? If so, are there any implications in relation to the funding agreement or grant application. (Please do not just include names)

Council have allocated \$5,000 from the 2018/19 RADF Strategic Initiatives. The agreement requires funding to be acknowledged, and the event included in milestone reporting.

This Financial Year's Budget:

Will the matter under consideration impact how much Council collects in income or how much it will spend? How much (\$)? ***Is this already included in the budget? (Include the account number and description).***

If the matter under consideration has not been included in the budget, where can the funds be transferred from? (Include the account number and description) What will not be done as a result?

Council have allocated \$5,000 from the 2018/19 RADF Strategic Initiatives, and an additional \$900 from the Food and Fire Festival budget (GL 2888.2257).

Future Years' Budgets:

Will there need to be a change in future years' budgets to cater for a change in income or increased expenditure as a result of Council's decision? How much (\$)? (e.g. estimate of additional maintenance or operating costs for a new or upgraded project)

This will be dependent on the venue chosen. Costs for stage hire etc., if required can be allocated to the Arts & Culture 2019/20 budget GL 2885.2001.2001

Outdoor function sites may incur overtime budget costs to set up and pack up on Friday night or Saturday morning.

Impact on Other Individuals or Interested Parties:

Is there anyone who is likely to be particularly interested in or impacted by the decision, or affected by the recommendation if adopted? What would be their key interests or concerns?

(Interested Parties Analysis - IS9001:2015)

Queensland Opera

Community groups for fund-raising opportunities

Risks:

What could go wrong if Council makes a decision on this matter? (What is the likelihood of it happening and the consequence if it does) (List each identified risk in a table)

Risk	Description of likelihood & consequences
Wet weather	There is a risk of a rain event when holding an outdoor event. Bassett Park has been booked as an alternative option.
Time frames to build a stage	There is just over 2 months until the event, which does not allow a lot of time to schedule the building of a cement stage. Alternative venue would have to be found if the site was not ready.
Usage of an outdoor stage on the creek bank.	There are some associated risks with the creek bank site – sloping site, provision of power from the power pole, establishment of grass cover, how often the stage would be used compared to the cost of installation.

Advice to Council:

What do you think Council should do, based on your skills, qualifications and experience, your knowledge of this and related matters, and the facts contained in the report?

(A summary of what the employee thinks Council needs to hear, not what they think individual Councillors want to hear – i.e. employees must provide sound and impartial advice – the employee's professional opinion)

The initial recommendation was to have been to hold the event at The Big Rig, against the backdrop of gum trees and the creek bank. However, the preparation of this report has identified some risks and costs associated with that venue which could be alleviated by going elsewhere. A list of the pros and cons of each venue are outlined below:

Outdoor site at Big Rig

Pros

- Attractive outdoor setting by the banks of Bungil Creek
- Opportunity for local groups/businesses to financially benefit with provision of bar and catering
- Financial benefit for local accommodation from Opera crew.
- Central location for the region.

Cons

- Outdoor setting, need wet weather alternative
- Costs for stage
- Costs for set up and pull down
- Older demographic may feel uncomfortable sitting on grass, or on the sloping site.
- Supply of power.
- Back-stage options for performers are located some distance from the stage, or alternatives would have to be set up.

Mitchell Hall

Pros

- Showcase attractive setting in one of our iconic facilities
- No need for wet weather alternative

- Opportunity for local groups/businesses to financially benefit with provision of bar and catering
- Financial benefit for local accommodation from Opera crew.
- Proven audience for the area. For the 2017 Amby event, the following postcodes were recorded – Roma (88), Mitchell (35), Mungallala (13), Injune (5) and 3 each from Surat and Yuleba/Wallumbilla. Others were from out of the region.
- No costs for venue, stage hire etc.
- No costs for set up or pack down if WORK camp are engaged
- Comfortable, all-accessible, well-lit facility for audience members.
- Back-stage amenities are readily available for performers.
- Could set up the Hall for a dinner/opera event, which would enhance the already existing ambience of the facility.

Cons

- The Fire & Water Festival will be held on 20/21 September, (two weeks afterwards) but will attract a different demographic. As it is not expected to have an entrance fee, this should not detract from people wishing to attend both events.

Caledonian Hall Roma

Pros:

- The event held in Roma has best chance of attracting a large audience.
- The venue provides opportunity for the entire region to access with equity of travel time.
- The venue is Council owned and can accommodate a large audience
- Plenty of parking and access to Roma nightlife.
- It does not conflict with any other events in Roma.
- No cost for venue stage hire
- No structural changes required.
- All weather suitability.

Cons:

- Costs of relocating Dance West for event

Based on the above, it is recommended that the event be held in the Hibernian Hall.

Recommendation:

What is the 'draft decision' based on the advice to Council?

Does the recommendation suggest a decision contrary to an existing Council policy? If so, for what reason?

(Note: recommendations if adopted by Council become a legal decision of government and therefore must be clear and succinct about the action required by employees (unambiguous)).

Does this recommendation suggest a decision contrary to an existing Council policy? If so, for what reason?

Link to Corporate Plan:

Corporate Plan 2018-2023

Strategic Priority 4: Growing our region

4.11 Support development of our local communities through planning, programs and events

4.11.4 Deliver a range of annual, biennial and one-off budgeted Council events in partnership with local community groups (where applicable).

Supporting Documentation:

- | | | |
|----|--|-----------|
| 1↓ | Options for Queensland Opera - Council report 26 June 2019 | D19/52306 |
| 2↓ | QOpera - Mark Taylor response | D19/63150 |
| 3↓ | Dance West quote | D19/62752 |

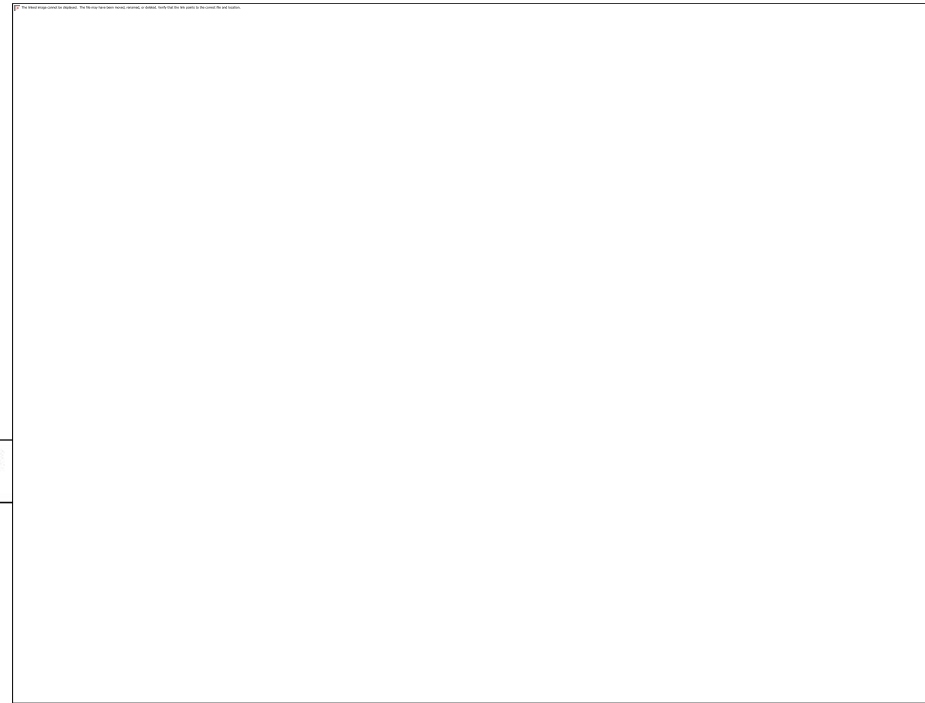
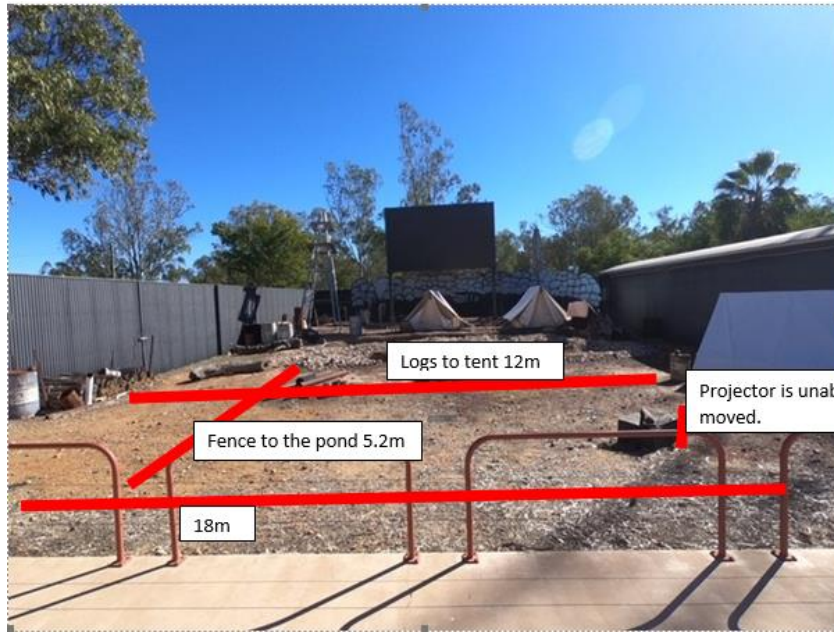
Report authorised by:

Deputy Chief Executive Officer/Director - Development, Facilities & Environmental Services

Options for Queensland Opera, Friday, 6 September 2019

Option	Cost	Comment
1. The Big Rig Night Show Facility	No cost to hire facility. Would have to hire stage? Approximate cost \$3,763.	<ul style="list-style-type: none"> - Capacity. The attached photo shows the facility with a group sitting together posing for a photo. When counted, there were 107/108 people in this image. There were over 160 adults at the 2017 Opera in the quarry. - Would have to cancel Big Rig Night Show – not seen to be an issue. - Difficult to erect stage in area behind fence – can't move projector.
2. Sloping bank on Bungil Creek - Council to install a cement slab on site as a permanent stage.	Approximately \$10,000 to build stage. Overtime expenses to set up and pack down for event – Friday, 6 September is an RDO.	<ul style="list-style-type: none"> - Would have to be included in 2019/20 budget. - It is a tight timeframe to have completed before event. - Will need approval from the Department of Natural Resources to install - <i>A Riverine Protection Permit is required before any work can be completed in a creek bed, unless certain exemption requirements are met. Construction of a stage is likely to not be exempt and a permit will be required. In considering a permit application, DNRME will consider if the proposed works interfere with water flow, including not diverting water flow in a way that could cause erosion or damage to beds or banks. If an application including all required information is properly made to DNRME, DNRME will provide a response (approve or decline the permit) about 6 weeks after receiving the application.</i> - Previously suggested by Council. - Not recommended for this event due to tight time-constraints.
3. Hire a stage for either sloping bank on Bungil Creek, or flat area near picnic shelter (where Volunteers Week function was held).	\$3,763 Overtime expenses to set up and pack down for event – Friday, 6 September is an RDO.	<ul style="list-style-type: none"> - Quote received from person who provided stage at previous Opera event. Includes lighting beam. - Could be taken from the Arts & Culture 2019/20 budget. - An opportunity to test the venue before going further with building a stage.
4. Use the stage donated by St John's – either for flat or sloping area.	Overtime expenses to set up and pack	Based on dimensions provided by QO, this stage is not large enough.

	down for event – Friday, 6 September is an RDO.	
5. Use of other Council facility eg Bassett Park.	No financial cost for hire of venue. Set up and Pack up could be done in work hours.	- Bassett Park has been booked as wet weather option.
6. Use of other Council facility eg Hibernian Hall	Set up and pack up could be done in work hours, depending on class availability.	- Hibernian Hall is already booked. The instructor advised <i>“the class is aerial dance using hoops and silk, so it couldn’t be moved to another venue. It would be hard to schedule a ‘make-up’ class as it is approaching the end of year concert.”</i> - Capacity 200 people
7. Use of other Council facility eg Cultural Centre		- Cultural Centre has already been booked.
8. Use of other Council facility eg Mitchell Hall	No financial cost for hire of venue. Set-up and pack up could be done by WORK Camp, or by MRC staff in rostered hours.	- No need to seek alternative wet weather option. - The Hall is available. - Capacity 250 people, with population of 1,031.
9. Use of other Council facility eg Surat Hall	No financial cost for hire of venue. Set-up and pack up could be done by MRC staff in rostered hours.	- No need to seek alternative wet weather option. - The Hall is available. - Capacity 250 people, with a population of 407.



Big Rig Facility – photo shows 107/108 people seated



Flat area outside Big Rig.



Sloping area outside Big Rig – stage would be in foreground.

Wednesday 10th July

Hi Ed,

All options are fine for us.

I know Puddy was keen for the area behind the Big Rig which would be great.

If we went with this option I would need additional sound equipment to ensure the show would be acoustically sound outdoors. I have spoken to our sound hire company and they could provide additional equipment but I would need to offset these costs with the Maranoa Council. They're a sponsor hence it would be \$1000 ex GST.

I would need to build some anti-rake pieces for the set if in the hall, but I'd be happy to cover these costs.

The Mitchell hall also looks great and we like the idea of moving around the Maranoa each tour.

In short, I feel the Big Rig is the most interesting and attractive to audience but as the paying presenter it's completely up to the Council.

For some context, Winton are presenting at the Waltzing Matilda Centre, Longreach at the Qantas Museum and Charleville at the Cosmos centre, hence there is a bit of a trend to significant attraction.

This said, your two halls are great and will be a lovely venue which the show will work well in.

I'll await the Councils decision. Sincere apologies for the communicating this via text message. I'm sitting in a keynote session at the conference.

Thanks,
Mark

Private Works Cost Estimate



Phone: 1300 007 662
 Post: PO Box 42 Mitchell Q 4465
 Email: mail@maranoa.qld.gov.au
 Web: www.maranoa.qld.gov.au
 ABN: 99 324 089 164

JOB NO:	W	Private Works Form Number	
CUSTOMER NAME:	Dance West c/- Ed Sims		
CUSTOMER ADDRESS:			
BUSINESS PHONE:		MOBILE PHONE:	
DATE:			
WORKS DESCRIPTION:	Estimate cost for - 2 Operators x 3hours x 2days = 6 hours. Supervisor will be required to review job completed - 1/2 hour each day and 6 hours for light truck.		
Estimated by:		Signature:	Date

Materials/ Plant/Emp Code	Activity	Unit	Quantity	Unit Rate	Amount
10002	Supervisor	\$/Hr	1	\$ 50.00	\$ 50.00
10003	Level 3 Operator	\$/Hr	6	\$ 41.67	\$ 250.02
10003	Level 3 Operator	\$/Hr	6	\$ 41.67	\$ 250.02
322	Isuzu NPR400 Dual Cab	\$/Hr	6	\$ 18.00	\$ 108.00
Sub-Total					\$ 658.04
Oncost					\$ 131.61
GST					\$ 78.96
Total					\$ 868.61

Approved By Council	Name:		Signature:	
	Position:		Date:	

Approved By Customer	Name:		Signature:	
	Position:		Date:	

This estimate does not include the relocation of un-identified services
 Council would require un-hindered access to the site.
 This estimate does not include any extra works that may be deemed necessary to provide safety to the general public.

Disclaimer: Whilst this estimate has been prepared and verified by Council with all due care and attention, Council accepts no responsibility for any error or omission identified and reserves the right not to accept any offer made to undertake the works and/or services as stated on the estimate. In addition and in accordance with Council's Debt Recovery Policy, any estimate accepted by Council may require payment either in part or full by the beneficiary of the works prior to the commencement of any works being undertaken. Payment arrangements will be at the discretion of Council.