

# BUSINESS PAPER

## General Meeting

**Wednesday 27 November 2019**

Roma Administration Centre

### NOTICE OF MEETING

Date: 22 November 2019

Mayor:

Councillor T D Golder

Deputy Mayor:

Councillor J L Chambers

Councillors:

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  
**November 27, 2019 at 9.00AM.**



Julie Reitano  
**Chief Executive Officer**

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## Status Reports

### Next General Meeting

- To be held at the Roma Administration Centre on 11 December 2019.

## Confidential Items

In accordance with the provisions of section 275 of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public to discuss confidential items that it's Councillors or members consider it necessary to close the meeting.

### C Confidential Items

**C.1 Application to Permanently Close an Area of Road and Purchase Lot 1 on AP19883**

**Classification:** Closed Access

Local Government Regulation 2012 Section 275(h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

**C.2 Renewal of Lease - Term Lease 234872 over Lot 115 on SP302014**  
**Classification:** Closed Access

Local Government Regulation 2012 Section 275(h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

**C.3 Registered Trademark Renewal**  
**Classification:** Closed Access

Local Government Regulation 2012 Section 275(h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

**C.4 Application for Permit to Occupy over section of Stock Route Reserve adjoining Lot 1 on TM46.**

**Classification:** Closed Access

Local Government Regulation 2012 Section 275(h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

**C.5 Request for In-Kind Assistance for topdressing of Mitchell RSL & Combined Sports Complex Oval**

**Classification:** Closed Access

Local Government Regulation 2012 Section 275(h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

- C.6 Tender 20010 - Solar Installation, 30-100kW Sites**  
**Classification:** Closed Access  
Local Government Regulation 2012 Section 275(c) (e) (h) the local government budget; AND contracts proposed to be made by it; AND other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.
- C.7 Outstanding Rates and Charges Monthly Update - October 2019**  
**Classification:** Closed Access  
Local Government Regulation 2012 Section 275(d) rating concessions.
- C.8 Request waive of debt recovery legal fees - Assessment 13001193 & 14005151**  
**Classification:** Closed Access  
Local Government Regulation 2012 Section 275(d) rating concessions.
- C.9 Applications for Rates Payment Arrangements**  
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- C.12 Request for Discount - Assessment 11010154**  
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- C.13 Tender 20007 - Roma Saleyards Cafe Management Agreement**  
**Classification:** Closed Access  
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- C.14 Bitumen Runway Reseals for Injune & Surat Airports**  
**Classification:** Closed Access  
Local Government Regulation 2012 Section 275(h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.
- C.15 Request for Quotations - Thirty (30) Dual Cab Utilities**  
**Classification:** Closed Access  
Local Government Regulation 2012 Section 275(e) contracts proposed to be made by it.

**C.16 Roma Saleyards - Monthly Business Reports - June to October 2019**

**Classification:** Closed Access

Local Government Regulation 2012 Section 275(h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

**C.17 Interpretive Centre Exhibition Content - Entrance Footage**

**Classification:** Closed Access

Local Government Regulation 2012 Section 275(h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

**C.18 Temporary Workers' Accommodation Facilities - APLNG Project**

**Classification:** Closed Access

Local Government Regulation 2012 Section 275(h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

**Councillor Business**

**14 Councillor Business**

**Closure**

**MINUTES OF THE GENERAL MEETING OF MARANOA REGIONAL COUNCIL HELD AT ROMA ADMINISTRATION CENTRE ON 13 NOVEMBER 2019 COMMENCING AT 9.08AM**

**ATTENDANCE**

Mayor Cr. T D Golder chaired the meeting with, Deputy Mayor Cr. J L Chambers, Cr. N H Chandler, Cr. P J Flynn, Cr. G B McMullen, Cr. W M Newman, Cr. C J O'Neil (by telephone from 9.08am – 2.12pm), Cr. D J Schefe, Cr. J M Stanford, Chief Executive Officer – Julie Reitano, and Minutes Officer – Kelly Rogers in attendance.

**AS REQUIRED**

Deputy Chief Executive Officer/Director Development, Facilities & Environmental Services – Rob Hayward, Director Corporate, Community & Commercial Services – Sharon Frank, Manager Economic & Community Development – Ed Sims, Operations Manager Plant, Fleet & Workshops – David Parker, Manager Facilities (Land, Buildings & Structures) – Tanya Mansfield, Manager Environment, Health, Waste & Rural Land Services – Kay Crosby, Manager Construction – Evan Woods.

**WELCOME**

The Mayor welcomed all present and declared the meeting open at 9.08am.

**APOLOGIES**

There were no apologies for the meeting.

**CONFIRMATION OF MINUTES**

**Resolution No. GM/11.2019/01**

**Moved Cr Chambers**

**Seconded Cr Schefe**

**That the minutes of the General Meeting held on 23 October 2019 be confirmed.**

**CARRIED**

**9/0**

**Resolution No. GM/11.2019/02**

**Moved Cr Flynn**

**Seconded Cr Chandler**

**That the minutes of the Special Meeting held on 31 October 2019 be confirmed.**

**CARRIED**

**9/0**

**COUNCILLOR DECLARATION OF CONFLICTS OF INTEREST**

Cr. Chambers declared a 'Material Personal Interest' with the following item:

- C.12 Request for Quotation – Four (4) Maintenance Graders  
due to her son being an employee of Hastings Deering, one of the businesses that had provided a quote in this matter.

Cr. Chambers foreshadowed that she would remove herself from discussions and decisions on this matter.

Cr. Flynn declared a 'Conflict of Interest' with the following items three (3):

- C.1 – September 2019 – Monthly Business Unit Report - Airports
- C.2 – Roma Airport Rental Car Park Licensing
- 16.3 – Qantas Group Pilot Academy

due to him being the owner of a business that has a contract with a major air service provider at the Roma Airport.

Cr. Flynn foreshadowed that he would remove himself from discussions and decisions on all of the abovementioned items.

Cr. O'Neil declared a 'Conflict of Interest' with the following item:

- 10.1 – Skilling Queenslanders for Work – First Start Traineeships 2019/20

due to him being a Director of Golden West Apprenticeships.

Cr. O'Neil foreshadowed that he would remove himself from discussions and decisions on the matter.

Mayor Golder declared a 'Conflict of Interest' with the following item:

- 13.2 – Roma Road Runners Boxing Club Inc. – Request to change venue at Bassett Park

due to his wife assisting the Roma Show Society with the fashion show for the Roma Show. The Roma Show Society was one of the organisations named in the report.

Mayor Golder foreshadowed that he would remove himself from discussions and decisions on this matter.

## ON THE TABLE

Item Number:

5.1

File Number: D19/101915

SUBJECT HEADING:

**BALONNE SHIRE COUNCIL – CONSTRUCTION OF RIVER GAUGES WITHIN THE BOUNDARIES OF MARANOA REGIONAL COUNCIL**

Officer's Title:

**Associate to the Director / Directorate Budget & Emergency Management Coordination**

### ***Executive Summary:***

*Council received correspondence from Balonne Shire Council requesting that Council maintain three rain/river gauge structures that will be installed by Balonne Shire Council within our boundaries.*

### **Resolution No. GM/11.2019/03**

**Moved Cr McMullen**

**Seconded Cr Scheffe**

**That Council:**

1. **Approve the construction of the rain/river gauges within our boundaries.**
2. **Decline the request for Maranoa Regional Council to maintain the structures.**

**CARRIED**

**9/0**

**Responsible Officer**

**Associate to the Director / Directorate Budget & Emergency Management Coordination**

## BUSINESS

### MAYORAL MINUTE

**Resolution No. GM/11.2019/04**

**Moved Cr Golder**

**That Council undertake fire mitigation including, but not limited to, burns in coordination with the relevant agencies, if conditions permit.**

**CARRIED**

**8/1**

**Responsible Officer**

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

### OFFICE OF THE CEO

Cr. O'Neil, having previously foreshadowed a 'Conflict of Interest' in the following item for reasons stated under Section 'COUNCILLOR DECLARATIONS OF CONFLICTS OF INTEREST,' left the meeting at 9.35am, taking no part in discussions and debate on the matter.

**Item Number:**

**10.1**

**File Number: D19/103276**

**SUBJECT HEADING:**

**SKILLING QUEENSLANDERS FOR WORK – FIRST  
START TRAINEESHIPS 2019/20**

**Officer's Title:**

**Human Resources & Training Advisor**

#### ***Executive Summary:***

*Council submitted a bid to the Local Government Association Queensland (LGAQ) for four (4) first start positions under the Skilling Queenslanders for Work First Start Program.*

*The Local Government Association of Queensland (LGAQ) has recently confirmed that a funding allocation for two (2) trainee positions has been approved for Council under the State Government's Skilling Queenslanders for Work First Start Program. Council will receive a subsidy of \$16,500 (inclusive of GST) for each trainee.*

**Resolution No. GM/11.2019/05**

**Moved Cr Chambers**

**Seconded Cr Flynn**

**That Council:**

- 1. Support the Skilling Queenslanders for Work First Start Program initiative and accept the funding allocation for two (2) trainee positions.**
- 2. Authorise the Chief Executive Officer to approve and sign the Services Agreement between the Department of Employment, Small Business and Training and Maranoa Regional Council.**

**CARRIED**

**8/0**

**Responsible Officer**

**Human Resources & Training Advisor**

At cessation of discussion and debate on the abovementioned item, Cr. O'Neil returned to the meeting by telephone at 9.36am.

**CORPORATE, COMMUNITY & COMMERCIAL SERVICES**

**Item Number:** 11.1 **File Number:** D19/98950

**SUBJECT HEADING:** LOCAL LAW NO. 2 (ANIMAL MANAGEMENT) 2011

**Officer's Title:** Acting Executive Services Officer

**Executive Summary:**

*This report was presented to Council to finalise the process for the proposed local law amendments to Local Law No. 2 (Animal Management) 2011 and Subordinate Local Law No. 2 (Animal Management) 2011.*

**Resolution No. GM/11.2019/06**

**Moved Cr Golder**

**That the matter lay on the table for further consideration at a later point during the meeting.**

CARRIED 6/3

Mayor Golder called for a division of the vote.

The outcomes were recorded as follows:

Those in Favour of the Motion	Those Against the Motion
Cr. Golder	Cr. Chambers
Cr. McMullen	Cr. Chandler
Cr. Newman	Cr. Flynn
Cr. O'Neil	
Cr. Scheffe	
Cr. Stanford	

**Item Number:** 11.2 **File Number:** D19/104242

**SUBJECT HEADING:** 2020 COUNCIL MEETING SCHEDULE

**Officer's Title:** Lead Officer – Councillors' Support & Community Engagement

**Executive Summary:**

*This report was prepared to provide Council an opportunity to review meeting schedule arrangements, and to set meeting dates until the end of this term of Council in 2020.*

*The next Quadrennial Local Government Elections will be held on Saturday 28 March 2020.*

**Resolution No. GM/11.2019/07**

**Moved Cr McMullen**

**Seconded Cr Golder**

**That Council, for the remainder of this term of Council:**

- 1. Continue to hold the General (Ordinary) Meetings on the second and fourth Wednesday of the month at Council's Roma Administration Centre, commencing at 9.00am, with the first meeting to be held on Friday, 24 January 2020.**
- 2. Continue to hold Agenda Familiarisation Workshops on the Tuesday prior to each General Meeting.**



**3. Hold the Policy Development Workshops on:**

- Wednesday, the first week of each month, with the first workshop to be held on Wednesday 5 February 2020;
- Wednesday on the third week of each month.

**4. Authorise the Chief Executive Officer to advertise/circulate the approved meeting schedule to the public, Councillors and staff.**

MOTION LOST

3/6

Mayor Golder called for a division of the vote. The outcomes were recorded as follows:

Those in Favour of the Motion	Those Against the Motion
Cr. Golder	Cr. Chambers
Cr. McMullen	Cr. Chandler
Cr. Stanford	Cr. Flynn
	Cr. Newman
	Cr. O'Neil
	Cr. Schefe

**Resolution No. GM/11.2019/08**

**Moved Cr Chambers**

**Seconded Cr Newman**

**That Council, for the remainder of this term of Council:**

1. Continue to hold the General (Ordinary) Meetings on the second and fourth Wednesday of the month at Council's Roma Administration Centre, commencing at 9.00am, with the first meeting to be held on Friday, 24 January 2020.
2. Continue to hold Agenda Familiarisation Workshops on the Tuesday prior to each General Meeting.
3. Continue to hold the Policy Development Workshops on:
  - Tuesday, the first week of each month, with the first workshop to be held on Tuesday 4 February 2020;
  - Wednesday on the third week of each month.
4. Authorise the Chief Executive Officer to advertise/circulate the approved meeting schedule to the public, Councillors and staff.

CARRIED

7/2

Mayor Golder called for a division of the vote. The outcomes were recorded as follows:

Those in Favour of the Motion	Those Against the Motion
Cr. Chambers	Cr. Golder
Cr. Chandler	Cr. McMullen
Cr. Flynn	
Cr. Newman	
Cr. O'Neil	
Cr. Schefe	
Cr. Stanford	

**Responsible Officer**

**Lead Officer – Councillors' Support & Community Engagement**

## INFRASTRUCTURE SERVICES

Item Number: 12.1

File Number: D19/103394

SUBJECT HEADING: AMBY WATER QUALITY

Officer's Title: Manager – Water, Sewerage & Gas

### **Executive Summary:**

*During the 2018/19 budget deliberations, the Amby water quality was raised. A resolution requested feedback be sought from the community on the water treatment options. A further option has been investigated and was presented to Council for information.*

**Resolution No. GM/11.2019/09**

**Moved Cr Chandler**

**Seconded Cr Scheffe**

**That preliminary feedback be sought from the Amby community in response to potential water treatment options identified.**

CARRIED

9/0

**Responsible Officer**

**Manager – Water, Sewerage & Gas**

## DEVELOPMENT, FACILITIES & ENVIRONMENTAL SERVICES

Item Number: 13.1

File Number: D19/98445

SUBJECT HEADING: TOURISM DESTINATION BRAND

Officer's Title: Regional Tourism Development Coordinator

### **Executive Summary:**

*In March 2018, Council resolved to appoint OQ Assist to develop a new consumer-centric regional tourism brand. After four months of extensive community and consumer research, focus groups and workshops, analysis of all previous research undertaken and gathering of additional anecdotal evidence, OQ Assist has developed a detailed brief for a tourism specific consumer-centric destination brand for the Maranoa region.*

**Resolution No. GM/11.2019/10**

**Moved Cr Chandler**

**Seconded Cr Newman**

**That Council:**

- 1. Endorse the Maranoa Destination Brand Development Design document developed by OQ Assist in August 2019.**
- 2. Adopt 'Roma Revealed' as the new Regional Tourism Destination Brand.**
- 3. Adopt 'Where Country meets the Outback' as the positioning tag line with 'It's closer than you think' being used as a sub-tagline.**

CARRIED

8/1

Mayor Golder called for a division of the vote.

The outcomes were recorded as follows:

Those in Favour of the Motion	Those Against the Motion
Cr. Chambers	Cr. Golder
Cr. Chandler	
Cr. Flynn	
Cr. McMullen	
Cr. Newman	
Cr. O'Neil	
Cr. Scheffe	
Cr. Stanford	

<b>Responsible Officer</b>	<b>Regional Tourism Development Coordinator</b>
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Mayor Golder, having previously foreshadowed a perceived 'Conflict of Interest' in the following item for reasons stated under Section 'COUNCILLOR DECLARATIONS OF CONFLICTS OF INTEREST,' left the Chamber at 9.52am, taking no part in discussions and debate on the matter.

The Deputy Mayor took the role of 'Acting Chair' in the Mayor's absence.

**Item Number:** 13.2 **File Number:** D19/98980

**SUBJECT HEADING:** ROMA ROADRUNNERS BOXING CLUB INC. – REQUEST TO CHANGE VENUE AT BASSETT PARK

**Officer's Title:** Manager – Facilities (Land, Buildings & Structures)

***Executive Summary:***

*Council received a request from the Roma Roadrunners Boxing Club Inc. to change the approved location for the Boxing Club to operate at Bassett Park, Roma.*

**Resolution No. GM/11.2019/11**

**Moved Cr McMullen**

**Seconded Cr Stanford**

**That:**

1. Council agree to the Roma Roadrunners Boxing Club Inc. request to use the wool display/storage area connected to the fashion parade building at Bassett Park Roma (instead of the Fashion Parade Building) as per the same terms and conditions listed as points 3, 4 and 5 in Resolution No. GM/10.2019/01 for a period of 12 months.
2. Council require the Roma Roadrunners Boxing Club Inc. (personnel and equipment), to vacate the building one (1) week prior to the Roma Show, the week of the event, and one (1) week following the event (a total of three weeks).
3. If necessary, the Roma Roadrunners Boxing Club Inc. assist the Roma Show Society with moving of equipment.

CARRIED

8/0

<b>Responsible Officer</b>	<b>Manager – Facilities (Land, Buildings &amp; Structures)</b>
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At cessation of discussion and debate on the abovementioned item, Mayor Golder returned to the Chamber at 10.00am.

Item Number: 13.3

File Number: D19/99916

**SUBJECT HEADING: CHANGES TO SUPPLY OF 1080 SOLUTION AND TRAINING FOR AUTHORISED OFFICERS**

**Officer's Title: Rural Land Services & Funding Officer/Team Coordinator**

***Executive Summary:***

*Council received correspondence from the Department of Agriculture and Fisheries (DAF) detailing upcoming changes to the supply of 1080 solution and the provision of training for 1080 operators.*

**Moved Cr Newman**

**Seconded Cr Chandler**

**That Council:**

1. Receive and note the Officer's report as presented.
2. Advise the Department of Agriculture and Fisheries that a review of the "Services Contribution" is required to reflect the reduced level of services proposed as a result of the changes.
3. Advise the Department of Agriculture and Fisheries that Council does not support any requirement to inject 1080 dog baits for the following reasons:
  - a) increased cost of preparing the baits;
  - b) increased risk of non-target kills from old baits;
  - c) increased safety risk of its employees administering the injection process

**NO VOTE TAKEN**

No vote was taken on the draft motion at that time with Cr. O'Neil proposing the following procedural motion:

**Resolution No. GM/11.2019/12**

**Moved Cr O'Neil**

**That Council suspend 'Standing Orders' to allow all Councillors to speak on the matter should they wish to do so.**

**CARRIED**

**9/0**

Cr. Chambers proposed an amendment to the initial draft motion, which the 'Mover' and 'Seconder' indicated they were happy to accept, and a vote was taken on the amended draft motion as follows:

**Resolution No. GM/11.2019/13**

**Moved Cr Newman**

**Seconded Cr Chandler**

**That Council:**

1. Receive and note the Officer's report as presented.
2. Advise the Department of Agriculture and Fisheries that a review of the "Services Contribution" is required to reflect the reduced level of services proposed as a result of the changes.
3. Advise the Department of Agriculture and Fisheries that Council does not support any requirement to inject 1080 dog baits for the following reasons:

- a) increased cost of preparing the baits;
- b) increased risk of non-target kills from old baits;
- c) increased safety risk of its employees administering the injection process

4. Advise the Department of Agriculture and Fisheries that it would not be acceptable if there is no manufacture of "Pig strength" solution of 1080 at the required strength of 36mg/l.

CARRIED

9/0

Responsible Officer	Rural Land Services & Funding Officer/Team Coordinator
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Item Number: 13.4 File Number: D19/102291

SUBJECT HEADING: ROMA AND INJUNE VISITOR INFORMATION CENTRE  
CHRISTMAS AND NEW YEAR OPERATING HOURS

Officer's Title: Regional Tourism Development Coordinator

**Executive Summary:**

*As Roma and Injune Visitor Information Centres are accredited, Council has a contractual obligation to operate them over the Christmas and New Year period. However, in previous years, as a work-life balance initiative, for the period between Christmas and New Year Council has resolved to reduce the operating hours of the Roma and Injune Visitor Information Centres and The Big Rig.*

*Closing the visitor information centres on the gazetted public holidays and reducing operating hours between Christmas and New Year enables staff and volunteers to spend quality time with family and travel safely to attend Christmas celebrations.*

**Resolution No. GM/11.2019/14**

Moved Cr Chandler

Seconded Cr Flynn

**That Council:**

1. Close the Roma Visitor Information Centre, Injune Visitor Information Centre and The Big Rig on the gazetted public holidays of Wednesday 25 December, Thursday 26 December and Thursday 1 January.
2. Open the Roma Visitor Information Centre, Injune Visitor Information Centre and The Big Rig from Monday 23 December- Friday 3 January (excluding the above mentioned public holidays) between 9am – 2pm.
3. Not operate The Big Rig Night Show Sunset Experience on Wednesday 25 December, Friday 27 December, Monday 30 December 2019 or Wednesday 1 January 2020.

CARRIED

9/0

Responsible Officer	Regional Tourism Development Coordinator
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**Item Number:** 13.5

**File Number:** D19/103052

**SUBJECT HEADING:** REGIONAL UNIVERSITIES CENTRE – MARANOA

**Officer's Title:** Manager – Economic & Community Development

**Executive Summary:**

*Council has resolved to facilitate the establishment of Regional Universities Centre in Roma, Resolution No. GM/10.2019/96. At the time of making the resolution, the report did not ask for a budget allocation of any kind, as it was not considered at the time. During the planning process, it was identified that a budget may be required for the following, with estimated budgets proposed:*

- *Funding an interim board member to attend the Country Universities Symposium at Jindabyne on 14 to 16 November 2019, approximately \$2,000; and*
- *Preparation of a quantity survey to make modifications to the proposed premises for the RUC in the redundant wing of TAFE Roma, approximately \$2,500 and*
- *Possible legal costs for advice, approximately \$2,000.*

*This report sought Council's resolution to provide budget.*

*Membership appointment to the interim board was also formally considered.*

**Resolution No. GM/11.2019/15**

**Moved Cr Chambers**

**Seconded Cr Flynn**

**That Cr. O'Neil be Council's nominated representative on the interim board of the Regional Universities Centre – Maranoa.**

CARRIED

9/0

**Responsible Officer**

**Manager – Economic & Community Development**

Following this appointment, Cr. O'Neil declared a perceived 'Conflict of Interest' in the remainder of this item due to his position on the board.

Cr. O'Neil determined that this personal interest was not of sufficient significance that it would lead to him to making a decision on the matter that is contrary to the public interest. Cr. O'Neil foreshadowed that he would best perform his responsibility of serving the overall public interest of the whole of the Council's area by participating in the discussion and voting on this matter.

Cr. O'Neil acknowledged that Council must make a determination on this interest, with Council determining the following:

**Resolution No. GM/11.2019/16**

**Moved Cr Flynn**

**Seconded Cr Newman**

**That Cr. O'Neil does not have either a real conflict of interest or perceived conflict of interest in the matter and is accordingly free to participate in the meeting while this matter is discussed, including voting on the matter.**

CARRIED

8/0

Cr. O'Neil did not vote on this motion as he was the declaring Councillor under consideration in this matter.

**Resolution No. GM/11.2019/17**
**Moved Cr Chambers**
**Seconded Cr Newman**
**That Council:**

1. Approve a budget allocation of \$6,500 to facilitate the establishment of the Regional Universities Centre – Maranoa with funding transferred from General Ledger Number 2880.2001.2001 Economic and Community Development Manager, Materials and Services budget.
2. Authorise funding from that budget to cover the registration, travel and accommodation costs of one interim board member (Dr Jim Sands) to attend the Country Universities Symposium in Jindabyne from 14 to 16 November 2019.

**CARRIED**
**9/0**
**Responsible Officer**
**Manager – Economic & Community Development**

**COUNCIL ADJOURNED THE MEETING  
FOR MORNING TEA AT 10.26AM**

**SUBJECT HEADING: RESUMPTION OF STANDING ORDERS  
COUNCIL RESUMED THE MEETING AT 11.01AM**

Mayor Golder left the Chamber at 11.03am, requesting that the Deputy Mayor take the role of 'Acting Chair' in his absence.

Cr. Flynn declared a 'Conflict of Interest' in the following item, due to the Roma Turf Club confirming a funding contribution for one of the project submissions. Cr. Flynn advised that he holds the position of 'Vice President' for that organisation. Cr. Flynn left the Chamber at 11.04am, taking no part in discussion or debate on the matter.

**Item Number: 13.6**
**File Number: D19/104036**
**SUBJECT HEADING: APPLICATIONS FOR FUNDING UNDER BUILDING OUR REGIONS ROUND FIVE**
**Officer's Title: Regional Grants & Council Events Development Coordinator**
**Executive Summary:**

*Council has submitted two Expressions of Interest for funding under the Queensland Government Building our Regions program – Round Five. Both these projects have progressed to the next stage.*

**Resolution No. GM/11.2019/18**
**Moved Cr Chandler**
**Seconded Cr McMullen**
**That Council:**

1. Submit business case applications under the Queensland Government Building our Regions program – Round Five for the following projects:
  - a) The Big Rig Oil, Gas and Energy Project – Stage 1b and c;

b) Stables at Bassett Park.	
2. Note that construction is required to commence before 30 April 2020.	
3. Authorise the Chief Executive Officer, or delegate, to sign funding agreement/s if required for any successful applications.	
CARRIED	7/0

Responsible Officer	Regional Grants & Council Events Development Coordinator
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Mayor Golder returned to the Chamber at 11.06am, assuming the chair.

At cessation of discussion and debate on the abovementioned item, Cr. Flynn returned to the Chamber at 11.06am.

### COUNCILLOR BUSINESS

Item Number:	16.1	File Number: D19/103724
SUBJECT HEADING:	MARANOA REGION – HOME OWNER GRANT SCHEME	
Councillor's Title:	Cr. Cameron O'Neil	

#### **Executive Summary:**

*The Maranoa region is experiencing a steady population decline from 13,066 in 2011 to 12,666 at the 2016 census. Over the same period the region's dwellings have increased by approximately 380.*

*This project seeks to identify initiatives to promote and encourage local home ownership within the Maranoa region to increase the number of local residents, thus securing the future viability and sustainability of the Maranoa region.*

*The Maranoa Regional Council has an opportunity to leverage external funding resources to:*

- (a) encourage existing local residents to purchase homes within the Maranoa through assistance and incentives measures;*
- (b) encourage migration to the Maranoa by incentivising local home ownership;*
- (c) provide assistance to the first home buyers to purchase homes within the Maranoa region.*

<b>Resolution No. GM/11.2019/19</b>	
<b>Moved Cr O'Neil</b>	<b>Seconded Cr Scheffe</b>
<b>That a report be drafted and tabled at a future Council meeting, with the finer details and costs associated with the implementation and delivery of a Maranoa Region home owner grant scheme.</b>	
CARRIED	9/0

Responsible Officer	Manager – Economic & Community Development
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**Item Number:** 16.2 **File Number:** D19/103735  
**SUBJECT HEADING:** RED ROSE FOUNDATION - RED BENCH INITIATIVE  
**Councillor's Title:** Cr. Cameron O'Neil

**Executive Summary:**

*The Red Rose Foundation actively works to end domestic and family violence related deaths in Australia including homicide, suicide and accidental deaths that arise from incidents and or/histories of domestic violence.*

**Resolution No. GM/11.2019/19**

**Moved Cr O'Neil**

**That the matter lay on the table for further consideration at a later point during the meeting.**

CARRIED

9/0

Cr. Flynn, having previously foreshadowed a 'Conflict of Interest' in the following item, and Items C.1 – C.2 for reasons stated under Section 'COUNCILLOR DECLARATIONS OF CONFLICTS OF INTEREST,' left the Chamber at 11.10am, taking no part in discussions and debate on the matter.

**Item Number:** 16.3 **File Number:** D19/103748  
**SUBJECT HEADING:** QANTAS GROUP PILOT ACADEMY  
**Councillor's Title:** Cr. Cameron O'Neil

**Executive Summary:**

*The establishment of a pilot training academy at the Brisbane West Wellcamp Airport on the Darling Downs opens up unique opportunities for airfields that can accommodate varying plane sizes. The investment of the Roma airport should be further realised in promoting to Qantas trainers what we have to offer in terms of our airport.*

**Resolution No. GM/11.2019/20**

**Moved Cr O'Neil**

**Seconded Cr Newman**

**That a report be drafted and tabled at the next Council meeting showcasing how best to highlight the benefits of Roma as a satellite airport for pilot training.**

CARRIED

9/0

**Responsible Officer**

**Manager - Airports (Roma, Injune, Surat, Mitchell)**

**CONFIDENTIAL ITEMS**

**Item Number:** C.1 **File Number:** D19/94336

**SUBJECT HEADING:** SEPTEMBER 2019 – MONTHLY BUSINESS UNIT REPORT – AIRPORTS

**Officer's Title:** Manager – Airports (Roma, Injune, Surat, Mitchell)

**Resolution No. GM/11.2019/21**

**Moved Cr O'Neil**

**Seconded Cr Stanford**

**That Council receive and note the Officer's report as presented.**

**CARRIED**

**8/0**

**Responsible Officer**

**Manager – Airports (Roma, Injune, Surat, Mitchell)**

**Item Number:** C.2

**File Number:** D19/96332

**SUBJECT HEADING:** ROMA AIRPORT RENTAL CAR PARK LICENSING

**Officer's Title:** Manager – Airports (Roma, Injune, Surat, Mitchell)

**Resolution No. GM/11.2019/22**

**Moved Cr O'Neil**

**Seconded Cr Chambers**

**That Council:**

1. Authorise an ongoing authority for the Chief Executive Officer or delegate to enter into overflow area car parking licence agreements as required by the hire car vendors if the terms are acceptable.
2. Authorise the Chief Executive Officer or delegate to enter into a licence agreement with MH5 Pty Ltd as the Sub-licensee for Hertz Australia Pty Ltd operating at Roma Airport.

**CARRIED**

**8/0**

**Responsible Officer**

**Manager – Airports (Roma, Injune, Surat, Mitchell)**

At cessation of discussion and debate on the abovementioned items, Cr. Flynn returned to the Chamber at 11.15am.

Item Number: 16.2

File Number: D19/103735

SUBJECT HEADING: RED ROSE FOUNDATION - RED BENCH INITIATIVE

Councillor's Title: Cr. Cameron O'Neil

**Executive Summary:**

*The Red Rose Foundation actively works to end domestic and family violence related deaths in Australia including homicide, suicide and accidental deaths that arise from incidents and or/histories of domestic violence.*

**Moved Cr O'Neil**

**Seconded Cr McMullen**

**That a report be drafted and tabled at the next Council meeting detailing the costs and works required with installing 6 red benches (either new or updated/painted benches) across the six largest towns of the Maranoa.**

NO VOTE TAKEN

Further discussion ensued regarding all towns across the region being included in the proposal. Cr. Chambers proposed the following amendment, to which the 'Mover' and 'Seconder' of the draft indicated they were happy to accept.

**Resolution No. GM/11.2019/23**

**Moved Cr O'Neil**

**Seconded Cr McMullen**

**That a report be drafted and tabled at the next Council meeting detailing the costs and works required with installing 10 red benches (either new or updated/painted benches) across the ten towns of the Maranoa.**

CARRIED

8/1

Mayor Golder called for a division of the vote.

The outcomes were recorded as follows:

Those in Favour of the Motion	Those Against the Motion
Cr. Chambers	Cr. Newman
Cr. Chandler	
Cr. Flynn	
Cr. Golder	
Cr. McMullen	
Cr. O'Neil	
Cr. Scheffe	
Cr. Stanford	

**Responsible Officer**

**Manager – Maintenance Delivery and Works**

Item Number: C.3 File Number: D19/96350

SUBJECT HEADING: PERMIT TO OCCUPY – LOT A ON AP21569

Officer's Title: Administration Officer – Land Administration

**Executive Summary:**

*Council received an application for a Permit to Occupy over land described as Lot A on AP21569 for the purpose of grazing.*

**Resolution No. GM/11.2019/24**

**Moved Cr Chandler**

**Seconded Cr Newman**

**That Council:**

1. Offer no objection to the application for a Permit to Occupy over land described as Lot A on AP21569 for the purpose of grazing on the condition that the application is submitted to the Department of Natural Resources, Mines and Energy within 12 months of the applicant receiving Council's response.
2. As Trustee of the Reserve, authorise the use of the land be dealt with under the *Land Act 1994* by the Department of Natural Resources, Mines and Energy.
3. Authorise the Chief Executive Officer, or delegate, to sign Part C 'Statement in relation to an application under the *Land Act 1994* over State Land' in respect to this application.

CARRIED

9/0

**Responsible Officer**

**Administration Officer – Land Administration**

Item Number: C.4 File Number: D19/97455

SUBJECT HEADING: STATE GOVERNMENT SURPLUS PROPERTIES – MARANOA REGION

Officer's Title: Administration Officer – Land Administration

**Executive Summary:**

*Council received details of State Government properties listed as surplus in the Maranoa Region.*

**Resolution No. GM/11.2019/25**

**Moved Cr Chambers**

**Seconded Cr Schefe**

**That Council note the Government Land Register Report for the period 23 September 2019 to 30 September 2019.**

CARRIED

9/0

**Responsible Officer**

**Administration Officer – Land Administration**

The Chief Executive Officer left the Chamber at 11.26am attending to matters on the Council meeting agenda, with the Deputy Chief Executive Officer taking the role of 'Acting Chief Executive Officer' in her absence.

Item Number: C.5 File Number: D19/101014

SUBJECT HEADING: RACECOURSE NORTH ESTATE INJUNE – LAND FOR SALE

Officer's Title: Administration Officer – Land Administration

**Executive Summary:**

Council has developed lots in Injune for sale. Council's direction was sought as to the disposal of this land.

Resolution No. GM/11.2019/26

Moved Cr Stanford

Seconded Cr McMullen

That Council offer for sale by tender Lots 8 – 30 on SP297126 located in Injune.

CARRIED

9/0

Responsible Officer

Administration Officer – Land Administration

Item Number: C.6 File Number: D19/103692

SUBJECT HEADING: UPDATE TO COUNCILLORS – STOCK WANDERING ON ROADWAYS

Officer's Title: Rural Land Services & Funding Officer/Team Coordinator

**Executive Summary:**

Council officers have been addressing a number of instances of livestock wandering on the roadway, and an update was provided to Council on the following:

1. The process adopted by the Rural lands team for managing reports of Stock on road; and
2. A progress update relating to stock wandering on the Mitchell – St. George road in the Dunkeld Area.

Resolution No. GM/11.2019/28

Moved Cr McMullen

Seconded Cr Chambers

That Council receive and note the officer's report as presented.

CARRIED

9/0

Responsible Officer

Rural Land Services & Funding Officer/Team Coordinator

Item Number: C.7 File Number: D19/98929

SUBJECT HEADING: AMENDMENT OF 2019/20 CAPITAL WORKS BUDGET

Officer's Title: Manager – Facilities (Land, Buildings & Structures)

**Executive Summary:**

Council was asked to consider reallocating funds included in the 2019/20 Capital Works Budget for the kitchen upgrade at the community housing property at 113 (a) Roberts Street Surat (WO 20352) to a new project to upgrade the Council house at 16 Third Avenue, Injune.

**Resolution No. GM/11.2019/29**

**Moved Cr Chandler**

**Seconded Cr Stanford**

**That Council:**

1. Amend the 2019/20 Capital Works Budget to reflect that Council will not be upgrading the kitchen at 113(a) Roberts Street Surat (Work Order 20352) as this property will be transferred to the Department of Housing and Public Works in the upcoming National Regulatory Scheme for Community Housing transition.
2. Reallocate funds of \$8,000 from Work Order 20352 to complete upgrade works at 16 Third Avenue, Injune.

CARRIED

9/0

<b>Responsible Officer</b>	<b>Manager – Facilities (Land, Buildings &amp; Structures)</b>
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**Item Number:**

**C.8**

**File Number: D19/103152**

**SUBJECT HEADING:**

**COST ANALYSIS OF BUSINESS ADVERTISING SIGNAGE  
– ARTHUR STREET CARPARK**

**Officer's Title:**

**Assets Officer – Transport Network**

***Executive Summary:***

*Council received a request to install third parties signage on one of the traffic islands near the western entry of the Arthur Street Carpark. Council resolved to further explore the option through conducting a community expression of interest. The responses were tabled for Council under an earlier Officer's report.*

*Most recently, Council sought that a cost analysis be undertaken on the concept of a Council administrated signboard, with the analysis to be presented based on a full cost recovery model.*

*This report detailed the outcomes of the analysis and provided a draft design and perspective of the proposal for Council's consideration.*

**Resolution No. GM/11.2019/27**

**Moved Cr Schefe**

**Seconded Cr McMullen**

**That Council:**

1. Not proceed with the installation of a Council managed advertising device at the Arthur Street Carpark at this stage.
2. Call Expressions of Interest for lease based signage for the Arthur Street Carpark in Roma.

CARRIED

9/0

<b>Responsible Officer</b>	<b>Assets Officer – Transport Network</b>
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**Item Number:** C.9 **File Number:** D19/99214  
**SUBJECT HEADING:** OFFER FOR COUNCIL TO PURCHASE LAND - ROMA  
**Officer's Title:** Land Administration Officer

**Executive Summary:**

*At its General Meeting on 11 September 2019, Council considered acquiring land located in the vicinity of the Roma Cemetery. The report provided an update on negotiations to date.*

**Resolution No. GM/11.2019/28**

**Moved Cr Newman**

**Seconded Cr Schefe**

**That Council:**

1. Again consider the proposal to purchase the land at its General Meeting to be held on 11 December 2019.
2. Consider allocating funds in the second quarter budget review to complete the purchase if required.
3. Notify the landowner of Council's intentions.

CARRIED

8/1

Mayor Golder called for a division of the vote.

The outcomes were recorded as follows:

Those in Favour of the Motion	Those Against the Motion
Cr. Chambers	Cr. McMullen
Cr. Chandler	
Cr. Flynn	
Cr. Golder	
Cr. Newman	
Cr. O'Neil	
Cr. Schefe	
Cr. Stanford	

**Responsible Officer**

**Land Administration Officer**

**Item Number:** C.10 **File Number:** D19/102632  
**SUBJECT HEADING:** ADMINISTRATIVE ACTION COMPLAINT (CR 6500/2019)  
**Author and Officer's Title:** Deputy Chief Executive Officer/Director – Development, Facilities & Environmental Services

**Executive Summary:**

*Further information has been obtained in relation to Administrative Action Complaint Reference CR 6500/2019, in accordance with General Meeting Resolution GM/10.2019/29 and GM/10.2019/94.*

**Resolution No. GM/11.2019/29**

**Moved Cr McMullen**

**That the matter lay on the table for further consideration at a later point during the meeting.**

**CARRIED**

**9/0**

**Item Number:**

**C.11**

**File Number: D19/97425**

**SUBJECT HEADING:**

**APPLICATION FOR COMMUNITY ORGANISATION CONCESSION**

**Officer's Title:**

**Lead Rates and Utilities Billing Officer/Systems Administrator**

***Executive Summary:***

*An application for Rates and Water Access Concession for Community Organisations was received from the Injune Kindergarten Association Inc for Council's consideration.*

**Resolution No. GM/11.2019/30**

**Moved Cr Chambers**

**Seconded Cr Stanford**

**That Council grant the applicant a "Concession Class B" concession in accordance with the Community Organisations – Rates and Charges Rebates and Concessions Policy effective from 1 July 2019.**

**CARRIED**

**9/0**

**Responsible Officer**

**Lead Rates and Utilities Billing Officer/Systems Administrator**

**Item Number:**

**C.12**

**File Number: D19/99120**

**SUBJECT HEADING:**

**REQUEST FOR QUOTATION – FOUR (4) MAINTENANCE GRADERS**

**Officer's Title:**

**Operations Manager – Plant, Fleet & Workshops**

***Executive Summary:***

*Requests for quotations were called for the supply and delivery of four (4) maintenance graders via Vendor Panel (VP161627).*

*Responses were reviewed by the evaluation panel and the report submitted for Council's consideration.*

**Resolution No. GM/11.2019/31**

**Moved Cr McMullen**

**That the matter lay on the table for further consideration at a later point during the meeting.**

**CARRIED**

**9/0**



**Item Number:** C.13 **File Number:** D19/93008  
**SUBJECT HEADING:** ROMA SALEYARDS – SPELLING FEES & CHARGES  
**Officer's Title:** Manager – Saleyards

**Executive Summary:**

*This report was presented to Council to review the spelling fee for cattle at Roma Saleyards which is currently set at \$3.30 including GST per head per day or part thereof.*

**Resolution No. GM/11.2019/32**

**Moved Cr Flynn**

**Seconded Cr Newman**

**That Council reduce the Spelling – Cattle Fee at Roma Saleyards to \$2.10 including GST per head per day or part thereof.**

CARRIED

9/0

**Responsible Officer**

**Manager – Saleyards**

**Item Number:** C.14 **File Number:** D19/102186  
**SUBJECT HEADING:** TENDER 20006 SEWER RELINING MITCHELL, INJUNE AND SURAT  
**Officer's Title:** Manager – Procurement & Plant

**Executive Summary:**

*Council invited suitably qualified and experienced contractors to tender for the design and installation of a sewer relining project in the townships of Mitchell, Injune and Surat.*

*The tender period opened on 20 September 2019 with an original closing date of 14 October 2019. The tender was extended for 7 days to allow tenderers extra time to complete and submit their tenders resulting in a closing date of 21 October 2019.*

*Responses were reviewed by an evaluation panel and the report submitted for Council's consideration.*

**Resolution No. GM/11.2019/33**

**Moved Cr Schefe**

**That the matter lay on the table for further consideration at a later point during the meeting.**

CARRIED

9/0

**Item Number:** C.15 **File Number:** D19/103495  
**SUBJECT HEADING:** REDUCED TRADING TERMS  
**Officer's Title:** Manager – Procurement & Plant

**Executive Summary:**

*Council has received correspondence from a supplier, requesting a reduction in trading terms from 28 days to 14 days.*

*The request was tabled for Council's consideration.*

**Resolution No. GM/11.2019/34**

**Moved Cr McMullen**

**Seconded Cr Newman**

**That Council approve the requested reduction in trading terms from twenty-eight (28) days to fourteen (14) days for any invoices submitted by Creditor 15058.**

CARRIED

9/0

**Responsible Officer**

**Manager – Procurement & Plant**

**Item Number:**

**C.16**

**File Number: D19/104291**

**SUBJECT HEADING:**

**TENDER 20002 - BIG RIG CAFE MANAGEMENT AGREEMENT**

**Officer's Title:**

**Manager - Procurement & Plant**

***Executive Summary:***

*The Tender for the Big Rig Café was awarded to Rebecca Swan trading as Fleck Café by Council Resolution GM/09.2019/38.*

*During a review of the Tender response from Rebecca Swan it was identified that Ms Swan had written that she would be trading as Beck's Chopping Board rather than Fleck Café which was referenced in some of her supporting documentation.*

*The wording "Fleck Café" in the Management Agreement should be replaced with "Beck's Chopping Board".*

**Resolution No. GM/11.2019/38**

**Moved Cr Chandler**

**Seconded Cr Stanford**

**That Council note and approve that the Management Agreement between Council and Rebecca Swan be in the name of Beck's Chopping Board (in lieu of Fleck Café) consistent with the tender supporting documentation.**

CARRIED

9/0

**Responsible Officer**

**Manager - Procurement & Plant**

**Item Number:**

**C.17**

**File Number: D19/104287**

**SUBJECT HEADING:**

**UPDATE ON THE DRAFT NEW CERTIFIED AGREEMENT**

**Officer's Title:**

**Manager - Organisational Development & Human Resources**

***Executive Summary:***

*The report tabled the next draft of the new certified agreement for Council's consideration.*

*A copy was distributed under separate cover.*

**Resolution No. GM/11.2019/39****Moved Cr Chambers**

**That the matter lay on the table for further consideration at a later point during the meeting.**

**CARRIED****9/0****Item Number:****C.18****File Number: D19/104427****SUBJECT HEADING:****TEMPORARY WORKERS' ACCOMMODATION FACILITIES  
- APLNG PROJECT****Officer's Title:****Chief Executive Officer*****Executive Summary:***

*The report provided an update on progress in relation to the agreement preparations. Further meetings occurred on 4 November 2019 and 8 November 2019.*

**Resolution No. GM/11.2019/35****Moved Cr McMullen**

**That the matter lay on the table for further consideration at a later point during the meeting.**

**CARRIED****9/0****COUNCILLORS' DECLARATIONS OF CONFLICTS OF INTEREST – LATE ITEMS**

Cr. Stanford declared a 'Conflict of Interest' with the following item:

- L.4 – Request for fee waiver – Hall Hire - ZONTA

due to her business participating in a volunteer capacity at the event under consideration.

Cr. Stanford foreshadowed that she would remove herself from discussions and decisions on this matter.

**COUNCIL ADJOURNED THE MEETING  
FOR A BRIEF RECESS AT 11.47AM**

**SUBJECT HEADING: RESUMPTION OF STANDING ORDERS  
COUNCIL RESUMED THE MEETING AT 12.17PM**

Cr. Chambers declared a 'Conflict of Interest' with the following item:

- LC.10 – Economic Development Queensland (EDQ) Proposed Development

due to being a board member of the South West Hospital and Health Service, and one of the applicants under Council's consideration in this matter.

Cr. Chambers foreshadowed that she would remove herself from discussions and decisions on this matter.

Cr. Chambers declared a 'Material Personal Interest' with the following item:

- LC.3 – Administrative Action Complaint – CRM 15463/2019

due to her son being an employee of Hastings Deering, an opposition supplier of machinery, in consideration of this matter.

Cr. Chambers foreshadowed that she would remove herself from discussions and decisions on this matter.

Cr. Flynn declared a 'Conflict of Interest' with the following item:

- LC.8 – Qantas Resident Fare Sale

due to him being the owner of a business that has a contract with a major air service provider at the Roma Airport.

Cr. Flynn foreshadowed that he would remove himself from discussions and decisions on the abovementioned items.

Mayor Golder declared a perceived 'Conflict of Interest' with the following item:

- LC.4 – Queensland Rail Property – 16 Station Street, Roma

due to him being a former president of Roma Historical Precincts Inc., a group which has an interest in obtaining the location.

Mayor Golder foreshadowed that he would remove himself from discussions and decisions on the abovementioned item.

#### **Resolution No. GM/11.2019/36**

**Moved Cr Newman**

**Seconded Cr Chambers**

**That Item L.4 – Drought Planning be moved to the Confidential Agenda, and updated to Item LC.11.**

**[Section 275 (h)].**

**CARRIED**

**9/0**

#### **LATE ITEMS**

**Item Number:**

**L.1**

**File Number: D19/105753**

**SUBJECT HEADING:**

**ANNUAL REPORT UPDATE**

**Officer's Title:**

**Chief Executive Officer**

#### ***Executive Summary:***

*The report provided an update to Council.*

#### **Resolution No. GM/11.2019/37**

**Moved Cr Chambers**

**Seconded Cr Newman**

**That the revised timeframe be noted.**

**CARRIED**

**9/0**

**Responsible Officer**

**Chief Executive Officer**

Item Number: L.2 File Number: D19/105030

SUBJECT HEADING: ANNUAL POOL SAFETY CAMPAIGN

Officer's Title: Administration Officer – Building Services

**Executive Summary:**

Queensland's pool safety legislation requires all pool owners to have their pool registered with the Queensland Building Construction Commission (QBCC) and ensure their pool complies with safety standards.

Local governments play a key role in enforcing compliance with pool safety standards.

**Resolution No. GM/11.2019/38**

Moved Cr Newman

Seconded Cr McMullen

That Council:

1. Extend the annual fee waiver period for domestic pool safety inspection fees associated with all associated inspections carried out by Council throughout the region by 1 month so that it covers the period of December to February inclusive each year.
2. Ensure the fee waiver and how to access the inspection is advertised widely during November to December of each year.

CARRIED

8/1

Mayor Golder called for a division of the vote.

The outcomes were recorded as follows:

Those in Favour of the Motion	Those Against the Motion
Cr. Chambers	Cr. Golder
Cr. Chandler	
Cr. Flynn	
Cr. McMullen	
Cr. Newman	
Cr. O'Neil	
Cr. Schefe	
Cr. Stanford	

Responsible Officer

Administration Officer – Building Services

Item Number: L.3 File Number: D19/105031

SUBJECT HEADING: REQUEST FOR PARTICIPATION – ZONTA CLUB OF ROMA – NOVEMBER/DECEMBER 2019

Officer's Title: Assets Officer – Transport Network

**Executive Summary:**

The Zonta Club of Roma has invited Council to participate in one of the planned activities for 16 Days of Activism, 2019. From 25 November, the International Day for the Elimination of Violence against Women through to 10 December, Human Rights Day. The Zonta Club requested that Council consider supporting the event by switching the lighting in the Roma CBD to the colour orange to indicate support for the elimination of all forms of gender-based violence.

Moved Cr McMullen

Seconded Cr Stanford

That Council:

1. Note the letter from the Zonta Club of Roma requesting Council's participation in 16 Days of Activism 2019.
2. Support and participate in 16 Days of Activism 2019 by amending the variable street tree lighting in McDowall Street Roma to display the colour orange throughout the 16 day period from 25 November to 10 December 2019.

NO VOTE TAKEN

Responsible Officer

Assets Officer – Transport Network

No vote was taken on the draft motion at that time with Cr. Chambers proposing the following amendment, which the 'Mover' and 'Seconder' indicated they were happy to accept:

**Resolution No. GM/11.2019/39**

Moved Cr McMullen

Seconded Cr Stanford

That:

1. Council note the letter from the Zonta Club of Roma requesting Council's participation in 16 Days of Activism 2019.
2. Council support and participate in 16 Days of Activism 2019 by amending the variable street tree lighting in McDowall Street Roma to display the colour orange throughout the 16 day period from 25 November to 10 December 2019.
3. Joint media between Council and Zonta be issued to highlight Council's support of the concept to raise awareness.

CARRIED

9/0

Responsible Officer

Assets Officer – Transport Network/ Lead  
Corporate Communications & Design Officer

Cr. Stanford, having previously foreshadowed a 'Conflict of Interest' in the following item for reasons stated under Section 'COUNCILLOR DECLARATIONS OF CONFLICTS OF INTEREST – LATE ITEMS,' left the Chamber at 12.34pm, taking no part in discussions and debate on the matter.

Item Number:

L.5

File Number: D19/105628

SUBJECT HEADING:

REQUEST FOR FEE WAIVER FOR HALL HIRE - ZONTA

Officer's Title:

Manager – Economic & Community Development

**Executive Summary:**

*The Zonta Club of Roma has requested a fee waiver for hire of the Wool Pavilion at Bassett Park. This request is under the threshold of \$500 (once only per year) for automatic approval for a non-for-profit group.*

*Under Council's policy framework, this type of matter would normally be able to be dealt with under Council's Minor Non-Financial-Assistance Policy. The policy normally authorises the delegated officer to approve these types of assistance as received, however the officer has declared a conflict of interest in this matter. Accordingly, the matter was put forward for Council's consideration.*

**Resolution No. GM/11.2019/40**
**Moved Cr McMullen**
**Seconded Cr Newman**

**That Council approve a fee waiver for the hire of Bassett Park pavilion for Zonta Club of Roma for 23 November 2019.**

**CARRIED**
**8/0**
**Responsible Officer**
**Manager – Economic & Community Development**

At cessation of discussion and debate on the abovementioned item, Cr. Stanford returned to the Chamber at 12.36pm.

**COUNCIL ADJOURNED THE MEETING**
**FOR LUNCH AT 12.37PM**
**SUBJECT HEADING: RESUMPTION OF STANDING ORDERS**
**COUNCIL RESUMED THE MEETING AT 1.23PM**
**CONFIDENTIAL ITEMS – discussed in closed session**

In accordance with the provisions of section 275 of the *Local Government Regulation 2012*, Council resolved to close the meeting to discuss items LC.1 – LC.8 & LC.11, which it has deemed to be of a confidential nature and specifically pertaining to the following sections:

- (c) the local government budget;
- (h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage;

**Resolution No. GM/11.2019/41**
**Moved Cr Chambers**
**Seconded Cr McMullen**

**That Council close the meeting to the public at 1.24pm.**

**CARRIED**
**9/0**

Cr. Chambers, having previously foreshadowed a 'Material Personal Interest' in item LC.3 for reasons stated under Section 'COUNCILLOR DECLARATIONS OF CONFLICTS OF INTEREST – LATE ITEMS,' left the Chamber at 1.40m, taking no part in discussions on the matter.

At cessation of discussions on the abovementioned item, Cr. Chambers returned to the Chamber at 1.40pm.

Mayor Golder, having previously foreshadowed a 'Conflict of Interest' in item LC.4 for reasons stated under Section 'COUNCILLOR DECLARATIONS OF CONFLICTS OF INTEREST – LATE ITEMS,' left the Chamber at 1.40pm, taking no part in discussions on the matter.

The Deputy Mayor took the role of 'Acting Chair' in his absence.

At cessation of discussions on the abovementioned item, Mayor Golder returned to the Chamber at 1.47pm.

Cr. Newman left the Chamber at 2.10pm.

Cr. O'Neil left the meeting at 2.12pm and did not return for the remainder of the meeting.

Cr. Newman returned to the Chamber at 2.15pm.

Cr. Stanford left the Chamber at 2.18pm, and returned at 2.19pm.

Cr. Flynn, having previously foreshadowed a 'Conflict of Interest' in item LC.8 for reasons stated under Section 'COUNCILLOR DECLARATIONS OF CONFLICTS OF INTEREST – LATE ITEMS,' left the Chamber at 2.20pm, taking no part in discussions on the matter.

At cessation of discussions on the abovementioned item, Cr. Flynn returned to the Chamber at 2.28pm.

**Resolution No. GM/11.2019/47**

**Moved Cr McMullen**

**Seconded Cr Stanford**

**That Council open the meeting to the public at 2.29pm.**

**CARRIED**

**8/0**

Cr. Chandler declared a 'Conflict of Interest' in Item LC.9 due to her son's business being mentioned in the report. Cr. Chandler foreshadowed that she would remove herself from discussions and decisions on the matter.

**CONFIDENTIAL ITEM – discussed in closed session**

In accordance with the provisions of section 275 of the *Local Government Regulation 2012*, Council resolved to close the meeting to discuss item LC.9 & LC.10 and C.10, C.12 & C.14, which it has deemed to be of a confidential nature and specifically pertaining to the following sections:

- (e) contracts proposed to be made by it;
- (h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage;

**Resolution No. GM/11.2019/48**

**Moved Cr Newman**

**Seconded Cr Chambers**

**That Council close the meeting to the public at 2.29pm.**

**CARRIED**

**8/0**

Cr. Chandler having previously declared a 'Conflict of Interest' in Item LC.10 left the Chamber at 2.30pm, taking no part in discussion on the matter.

Cr. Chambers, having previously foreshadowed a 'Conflict of Interest' in item LC.10 for reasons stated under Section 'COUNCILLOR DECLARATIONS OF CONFLICTS OF INTEREST – LATE ITEMS,' left the Chamber at 2.31pm, taking no part in discussions on the matter.

Cr. Chandler returned to the Chamber at 2.32pm. Discussion on Item LC.9 had already ceased prior to her return.

At cessation of discussion on Item LC.9, Cr. Chambers returned to the Chamber at 2.44pm.

Mayor Golder left the Chamber at 2.54pm and returned at 3.01pm.



Cr. Flynn left the Chamber at 3.07pm and returned at 3.10pm.

**Resolution No. GM/11.2019/49**

**Moved Cr McMullen**

**Seconded Cr Newman**

**That Council open the meeting to the public at 3.17pm.**

CARRIED

8/0

Cr. Chambers left the Chamber at 3.18pm and returned at 3.19pm.

#### LATE CONFIDENTIAL ITEMS

**Item Number:**

**LC.1**

**File Number: D19/97949**

**SUBJECT HEADING:**

**CLAIM FOR DAMAGES - HAWTHORNE STREET, ROMA**

**Officer's Title:**

**Land Administration Officer**

#### **Executive Summary:**

*Council received a claim for damages in relation to an incident that occurred when a pedestrian tripped and fell on a footpath in Hawthorne Street.*

**Resolution No. GM/11.2019/42**

**Moved Cr Chandler**

**Seconded Cr Schefe**

**That Council not reimburse the claimant the requested \$40.**

MOTION LOST (The Mayor exercised his Casting Vote against the motion)

4/5

Mayor Golder called for a division of the vote.

The outcomes were recorded as follows:

<b>Those in Favour of the Motion</b>	<b>Those Against the Motion</b>
Cr. Chambers	Cr. Golder
Cr. Chandler	Cr. McMullen
Cr. Flynn	Cr. Newman
Cr. Schefe	Cr. Stanford

Cr. Stanford left the Chamber at 3.21pm, prior to the vote being taken on the draft motion.

**Resolution No. GM/11.2019/43**

**Moved Cr McMullen**

**Seconded Cr Stanford**

**That Council reimburse the claimant \$40 being the cost of replacing damaged clothing on the following conditions:**

- 1. Council and the Claimant acknowledge that Council is not legally liable for the incident.**
- 2. The claimant agrees to accept the amount of \$40 from Council as a full and final settlement of all claims arising from the alleged incident on 10 October 2019.**

CARRIED

5/2

Mayor Golder called for a division of the vote.

The outcomes were recorded as follows:

Those in Favour of the Motion	Those Against the Motion
Cr. Chambers	Cr. Chandler
Cr. Golder	Cr. Flynn
Cr. McMullen	
Cr. Newman	
Cr. Schefe	

<b>Responsible Officer</b>	<b>Land Administration Officer</b>
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Item Number: LC.2 File Number: D19/103410

**SUBJECT HEADING:** AMENDMENTS TO THE ORGANISATIONAL STRUCTURE

**Officer's Title:** Manager - Organisational Development & Human Resources

**Executive Summary:**

*The report sought Council approval for amendments to the Organisational Structure.*

**Resolution No. GM/11.2019/44**

**Moved Cr Newman**

**Seconded Cr Flynn**

**That Council endorse the proposed amendment to the Organisational Structure as follows:**

- Change position title of Customer Service Officer Mitchell (0641) to Customer and Library Services Officer
- Change position title and FTE of Mitchell / Mungallala – Library Services Officer (0671) (Casual FTE 0.30) to Customer and Library Services Officer (Casual FTE 0.60)
- Change position title and reporting line of Project System Representative (0793) reporting to Project Manager (0344) to Project Manager reporting to Manager – Construction (0116)
- Change reporting line of Multi-skilled Plant Operator – Stabilisation Team (0799) from Team Leader – Civil (0794) to Project Manager (0793)
- Change reporting line of Multi-skilled Plant Operator – Stabilisation Team (0798) from Team Leader – Civil (0794) to Project Manager (0793)
- Change reporting line of Multi-skilled Plant Operator – Stabilisation Team (0801) from Team Leader – Civil (0794) to Project Manager (0793)
- Change reporting line of Multi-skilled Plant Operator – Stabilisation Team (0802) from Team Leader – Civil (0794) to Project Manager (0793)
- Change reporting line of Multi-skilled Plant Operator – Pavement Team (0806) from Team Leader – Civil (0794) to Project Manager (0793)
- Change reporting line of Multi-skilled Plant Operator – Pavement Team (0807) from Team Leader – Civil (0794) to Project Manager (0793)
- Change reporting line of Multi-skilled Plant Operator – Pavement Team (0810) from Team Leader – Civil (0794) to Project Manager (0793)
- Change reporting line of Multi-skilled Plant Operator – Pavement Team (0811) from Team Leader – Civil (0794) to Project Manager (0793)
- Change position title and reporting line of Trainee – Civil Construction (1004) reporting to Manager – Maintenance Delivery & Works (0117) to Trainee – Business Administration reporting to Regional Sport & Recreation Development Coordinator (0321).
- Create a new position of Trainee – Information Technology reporting to Manager – ICT solutions (0106)

CARRIED

6/1

Mayor Golder called for a division of the vote.

The outcomes were recorded as follows:

Those in Favour of the Motion	Those Against the Motion
Cr. Chambers	Cr. Golder
Cr. Chandler	
Cr. Flynn	
Cr. McMullen	
Cr. Newman	
Cr. Schefe	

**Responsible Officer**

**Manager - Organisational Development & Human Resources**

Cr. Chambers, having previously foreshadowed a 'Material Personal Interest' in the following item for reasons stated under Section 'COUNCILLOR DECLARATIONS OF CONFLICTS OF INTEREST – LATE ITEMS,' left the Chamber at 3.22pm, taking no part in discussions on the matter.

**Item Number:** LC.3

**File Number:** D19/95279

**SUBJECT HEADING:**

**ADMINISTRATIVE ACTION COMPLAINT - REFERENCE 15463/2019**

**Officer's Title:**

**Director - Corporate, Community & Commercial Services**

***Executive Summary:***

*A supplier of plant queried specifications in relation to Council's plant replacements.*

**Resolution No. GM/11.2019/45**

**Moved Cr McMullen**

**Seconded Cr Flynn**

**That Council reply to the supplier explaining the background to Council's preferred specifications as outlined in the report.**

CARRIED

6/0

**Responsible Officer**

**Director - Corporate, Community & Commercial Services**

At cessation of discussion and debate on the abovementioned item, Cr. Chambers returned to the Chamber at 3.23pm.

Mayor Golder, having previously foreshadowed a 'Conflict of Interest' in the following item for reasons stated under Section 'COUNCILLOR DECLARATIONS OF CONFLICTS OF INTEREST – LATE ITEMS,' left the Chamber at 3.24pm, taking no part in discussions on the matter.

The Deputy Mayor took the role of 'Acting Chair' in the Mayor's absence.

**Item Number:** LC.4

**File Number:** D19/104674

**SUBJECT HEADING:**

**QUEENSLAND RAIL PROPERTY - 16 STATION STREET, ROMA**

**Officer's Title:**

**Administration Officer - Land Administration**

**Executive Summary:**

Correspondence was received from Queensland Rail offering Council the option to purchase or lease the Queensland Rail property located at 16 Station Street, Roma. Council's direction is sought.

**Resolution No. GM/11.2019/46**
**Moved Cr Chandler**
**That the matter lay on the table for further consideration at a later point during the meeting.**
**CARRIED**
**5/2**

Mayor Golder returned to the Chamber and assumed the Chair at 3.29pm.

Cr. Stanford returned to the Chamber at 3.30pm.

**Item Number:**
**LC.5**
**File Number: D19/104531**
**SUBJECT HEADING:**
**GRANT APPLICATION - REGIONAL RECYCLING  
TRANSPORT ASSISTANCE PACKAGE**
**Officer's Title:**
**Manager - Environment, Health, Waste & Rural Land  
Services**
**Executive Summary:**

The South West Regional Waste Group (Murweh, Paroo, Quilpie, Bulloo, Balonne, Goondiwindi & Maranoa) have discussed the possibility of making two applications under the State Government's Regional Recycling Transport Assistance Package:

1. Western area – Paroo, Quilpie, Bulloo & Murweh local governments – Murweh the lead agent; and
2. Eastern area – Goondiwindi, Balonne & Maranoa – lead agent to be decided.

**Resolution No. GM/11.2019/47**
**Moved Cr McMullen**
**Seconded Cr Newman**
**That Council:**

1. Undertake the lead applicant role in partnership with Balonne and Goondiwindi local governments – to be known as the Eastern area - to make application for \$250,000 under the Regional Recycling Transport Assistance Package (RRTAP).
2. Accept the offer of assistance to complete the RRTAP application given by the Department of State Development, Manufacturing, Infrastructure and Planning Senior Economic Development Officer – Darling Downs and South West Regional Development, Sarah Holt.

**CARRIED**
**8/0**
**Responsible Officer**
**Manager - Environment, Health, Waste &  
Rural Land Services**

Item Number:

LC.6

File Number: D19/105034

SUBJECT HEADING:

INTERPRETIVE CENTRE EXHIBITION CONTENT - VIDEO FOOTAGE

Officer's Title:

Director - Corporate, Community & Commercial Services

**Executive Summary:**

*The purpose of this report was to consider the final video footage for the Roma Saleyards Interpretive Centre Exhibition.*

**Resolution No. GM/11.2019/48**

**Moved Cr Flynn**

**Seconded Cr Chandler**

**That Council approve the Roma Saleyards Interpretive Centre Exhibition content - video footage:**

- **Breeding (With music)**
- **Handling and Welfare (With music)**
- **Life on the Land (With music)**
- **Livestock Agent (With music)**
- **Mustering (With music)**
- **Saleyards (With music)**
- **Tagging (With music)**
- **Transport (With music)**
- **Bull Arena (With music)**

**as presented; with subtitling to be added after approval.**

CARRIED

7/1

Mayor Golder called for a division of the vote. The outcomes were recorded as follows:

<b>Those in Favour of the Motion</b>	<b>Those Against the Motion</b>
Cr. Chambers	Cr. McMullen
Cr. Chandler	
Cr. Flynn	
Cr. Golder	
Cr. Newman	
Cr. Schefe	
Cr. Stanford	

**Responsible Officer**

**Director - Corporate, Community & Commercial Services**

**Item Number:** LC.7 **File Number:** D19/105083

**SUBJECT HEADING:** **ASSESSMENT OF REQUEST FOR QUOTE RFQRQC001:  
AGGREGATE PRODUCTION AT ROMA QUARRY**

**Officer's Title:** **Manager - Procurement & Plant**

***Executive Summary:***

*Council, under a Request for Quotation to the Register of Pre-qualified Suppliers for Material Production Services (Winning & Crushing), sought suitably qualified and experienced Contractors to provide pricing to undertake an Aggregate Crushing Campaign at the Roma Quarry.*

*The aggregates required consist of a range of sizes from 20mm to 7mm, compliant with the relevant specifications and standards for use as bitumen sealing cover aggregates and concrete aggregates.*

*This report summarised the evaluation process undertaken for the Request for Quotation (RFQ – RQC001) for production of an estimated 50,000 tonnes of aggregates.*

**Resolution No. GM/11.2019/57**

**Moved Cr McMullen**

**Seconded Cr Schefe**

**That Council:**

- 1 Select Katcrush Pty Ltd as the recommended Contractor for the RFQ – RQC001 – Campaign Crushing for Aggregates at the Roma Quarry.**
- 2 Authorise the Chief Executive Officer (or delegate) to enter into final negotiations with Katcrush Pty Ltd, noting the tendered value of \$644,655 inclusive of GST and execute the contract if the final terms are acceptable.**

**CARRIED**

**8/0**

**Responsible Officer**

**Manager - Procurement & Plant**

Cr. Flynn, having previously foreshadowed a 'Conflict of Interest' in the following item for reasons stated under Section 'COUNCILLOR DECLARATIONS OF CONFLICTS OF INTEREST – LATE ITEMS,' left the Chamber at 3.34pm, taking no part in discussions on the matter.

**Item Number:** LC.8 **File Number:** D19/105354

**SUBJECT HEADING:** **QANTAS RESIDENT FARE SALE**

**Councillor's Title:** **Cr. Tyson Golder**

***Executive Summary:***

*The report tabled correspondence received from Qantas regarding resident fares.*

**Resolution No. GM/11.2019/58**

**Moved Cr Golder**

**Seconded Cr McMullen**

**That a report be prepared for an upcoming Council meeting in relation to supporting local business.**

**CARRIED**

**7/0**

**Responsible Officer**

**Manager - Airports (Roma, Injune, Surat,  
Mitchell)**

At cessation of discussion and debate on the abovementioned item, Cr. Flynn returned to the Chamber at 3.35pm.

Cr. Chandler, having previously foreshadowed a 'Conflict of Interest' in the following item for reasons previously stated, left the Chamber at 3.36pm, taking no part in discussion or debate on the matter.

**Item Number:** LC.9 **File Number:** D19/105611

**SUBJECT HEADING:** REGISTER OF PRE-QUALIFIED SUPPLIERS FOR TRADE & ASSOCIATED SERVICES

**Officer's Title:** Manager - Procurement & Plant

**Executive Summary:**

*This report summarised the evaluation process undertaken for Tender 19024 – Register of Pre-Qualified Suppliers for Trades & Associated Services.*

*The tender period opened on 17 May 2019 with a closing date of 18 June 2019.*

*Responses were reviewed by an evaluation panel and the report submitted for Council's consideration.*

**Resolution No. GM/11.2019/59**

**Moved Cr Scheffe**

**Seconded Cr Newman**

**That:**

1. Council approve the formation of Council's Register of Pre-Qualified Suppliers for Trade and Associated Services established in accordance with s232 of the *Local Government Regulation 2012* with the sub-panels to include the suppliers (under the headings below/following pages).
2. Pre-qualification (for the mentioned businesses) remain current until the end of July 2021.
3. Council authorise the Chief Executive Officer to enter into a Deed of Agreement with the selected tenderers formalising the terms and conditions detailed in the draft agreement.
4. Pre-qualified businesses provide updated certificates for any insurance policies and/or plant registrations that have expired since the opening of the Tender (17 May) and prior to commencing work under this agreement.

Suppliers/ Panels	Local Content Rating
<b>Air-conditioning, refrigeration &amp; mechanical (Licensed – QBCC)</b>	
Alpine Refrigeration (QLD) Pty Ltd	3 Star Local
Brandts Electrical	5 Star Local
CRC Electrical	0 Star Local
Frigtech Qld	0 Star Local
Maiden Refrigeration & Electrical	5 Star Local
South West Air Conditioning & Refrigeration	5 Star Local
Williamson Electrical	5 Star Local

<b>Air-conditioning, refrigeration &amp; mechanical (repairs and installation of split system air-conditioners)</b>	
South West Air Conditioning & Refrigeration	5 Star Local
GK Electrical and Air Conditioning	5 Star Local
<b>Asbestos removal – ‘A’ class</b>	
No Applicants	
<b>Asbestos removal – ‘B’ class</b>	
Allwood Building Services Pty Ltd	5 Star Local
<b>Building</b>	
Allwood Building Services Pty Ltd	5 Star Local
Brett Cherry Builders Pty Ltd	5 Star Local
Brett Pollock Constructions Pty Ltd	5 Star Local
David Matthew & Susan Jane Walmsley	5 Star Local
Frank Maiore Building	5 Star Local
H & H Builders Pty Ltd	5 Star Local
KHB Construction Pty Ltd	5 Star Local
KASA Building Group	0 Star Local
MB & JE Beitz Builders	5 Star Local
Roma Glass & Aluminium	5 Star Local
WAH Construction	5 Star Local
<b>Building (Facilities Management &lt;\$10,000)</b>	
David Matthew & Susan Jane Walmsley	5 Star Local
Frank Maiore Building	5 Star Local
<b>Chemical dosing equipment (pools)</b>	
De.Mem-Akwa Pty Ltd	0 Star Local
Hydramet Australia Pty Ltd	0 Star Local
Mak Industrial Water Solutions	0 Star Local
<b>Chemical dosing equipment (utilities)</b>	
Alpine Refrigeration (QLD) Pty Ltd	3 Star Local
De.Mem-Akwa Pty Ltd	0 Star Local
Hydramet Australia Pty Ltd	0 Star Local
Mak Industrial Water Solutions	0 Star Local
Tilburys of Roma	5 Star Local
<b>Concreting</b>	
Allwood Building Services Pty Ltd	5 Star Local
Brett Cherry Builders Pty Ltd	5 Star Local
Brett Pollock Constructions Pty Ltd	5 Star Local
David Matthew & Susan Jane Walmsley	5 Star Local
Frank Maiore Building	5 Star Local
KASA Building Group	0 Star Local
MB & JE Beitz Builders	5 Star Local
Mick Sutton Concreting	0 Star Local



<b>Stapleton Carpentry &amp; Concreting Pty Ltd</b>	<b>5 Star Local</b>
<b>WAH Construction</b>	<b>5 Star Local</b>
<b>Allied Concrete Cutting &amp; Drilling Pty Ltd</b>	<b>0 Star Local</b>
<b>Electrical (excluding instrumentation and high voltage works)</b>	
<b>AJW Electrical and Solar Pty Ltd</b>	<b>5 Star Local</b>
<b>Alpine Refrigeration (QLD) Pty Ltd</b>	<b>3 Star Local</b>
<b>Brandts Electrical</b>	<b>5 Star Local</b>
<b>CRC Electrical</b>	<b>0 Star Local</b>
<b>GK Electrical and Air Conditioning</b>	<b>5 Star Local</b>
<b>Humphreys Electrical &amp; Solar Pty Ltd</b>	
<b>Maiden Refrigeration &amp; Electrical</b>	<b>5 Star Local</b>
<b>MB &amp; JE Beitz Builders</b>	<b>5 Star Local</b>
<b>Roma Firefighting Equipment Pty Ltd</b>	<b>5 Star Local</b>
<b>Surat Electrical</b>	<b>5 Star Local</b>
<b>Testel Australia Pty Ltd</b>	<b>0 Star Local</b>
<b>Tilburys of Roma</b>	<b>5 Star Local</b>
<b>Williamson Electrical</b>	<b>5 Star Local</b>
<b>Electrical (Facilities Management &lt;\$10,000)</b>	
<b>Glazendawn Pty Ltd T/A GK Electrical and Air Conditioning</b>	<b>5 Star Local</b>
<b>Fencing (Licensed – QBCC)</b>	
<b>Brett Cherry Builders Pty Ltd</b>	<b>5 Star Local</b>
<b>Brett Pollock Construction Pty Ltd</b>	<b>5 Star Local</b>
<b>David Matthew &amp; Susan Jane Walmsley</b>	<b>5 Star Local</b>
<b>Frank Maiore Building</b>	<b>5 Star Local</b>
<b>Josh Hornick Structural Landscaping</b>	<b>5 Star Local</b>
<b>KHB Construction Pty Ltd</b>	<b>5 Star Local</b>
<b>Matt Partington Fencing</b>	<b>5 Star Local</b>
<b>MB &amp; JE Beitz Builders</b>	<b>5 Star Local</b>
<b>Mick Sutton Concreting</b>	<b>0 Star Local</b>
<b>Stapleton Carpentry &amp; Concreting Pty Ltd</b>	<b>5 Star Local</b>
<b>WAH Construction</b>	<b>5 Star Local</b>
<b>Fencing (other works)</b>	
<b>Brett Cherry Builders Pty Ltd</b>	<b>5 Star Local</b>
<b>Brett Pollock Construction Pty Ltd</b>	<b>5 Star Local</b>
<b>Clayton George Jones</b>	<b>5 Star Local</b>
<b>David Matthew &amp; Susan Jane Walmsley</b>	<b>5 Star Local</b>
<b>Frank Maiore Building</b>	<b>5 Star Local</b>
<b>Josh Hornick Structural Landscaping</b>	<b>5 Star Local</b>
<b>KHB Construction Pty Ltd</b>	<b>5 Star Local</b>
<b>Matt Partington Fencing</b>	<b>5 Star Local</b>
<b>MB &amp; JE Beitz Builders</b>	<b>5 Star Local</b>
<b>Mick Sutton Concreting</b>	<b>0 Star Local</b>
<b>WAH Construction</b>	<b>5 Star Local</b>

<b>Painting</b>	
David Matthew & Susan Jane Walmsley	5 Star Local
Gavan Mathiske Painting & Maintenance	2 Star Local
Higgins Coatings	0 Star Local
KHB Construction Pty Ltd	5 Star Local
MB & JE Beitz Builders	5 Star Local
<b>Pest control / termite management</b>	
Bazza's Pest Control	5 Star Local
Rentokil Pest Control	0 Star Local
<b>Pest control other (other - excluding weeds &amp; feral animals)</b>	
Bazza's Pest Control	5 Star Local
Haylee Cornelius (TA JTC Carpet Cleaning & Pest Control)	5 Star Local
Rentokil Pest Control	0 Star Local
<b>Plumbing</b>	
Brolga Constructions Pty Ltd T/A Northside Plumbing & Maintenance	5 Star Local
John Birket Plumbing	5 Star Local
Lewbro Pty Ltd (T/A Roma Plumbing)	5 Star Local
MB & JE Beitz Builders	5 Star Local
WestWet Plumbing Pty Ltd	5 Star Local
<b>Plumbing (Facilities Management &lt;\$10,000)</b>	
Brolga Constructions Pty Ltd T/A Northside Plumbing & Maintenance	5 Star Local
John Birket Plumbing	5 Star Local
WestWet Plumbing Pty Ltd	5 Star Local
<b>Plumbing (Gas)</b>	
Brolga Constructions Pty Ltd T/A Northside Plumbing & Maintenance	5 Star Local
John Birket Plumbing	5 Star Local
Lewbro Pty Ltd (T/A Roma Plumbing)	5 Star Local
WestWet Plumbing Pty Ltd	5 Star Local
<b>Septic system pump out</b>	
No Applicants	
CARRIED	7/0

<b>Responsible Officer</b>	<b>Manager - Procurement &amp; Plant</b>
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At cessation of discussion and debate on the abovementioned item, Cr Chandler returned to the Chamber at 3.37pm.

Cr. Chambers, having previously foreshadowed a 'Conflict of Interest' in the following item for reasons stated under Section 'COUNCILLOR DECLARATIONS OF CONFLICTS OF INTEREST – LATE ITEMS,' left the Chamber at 3.38pm, taking no part in discussions or debate on the matter.

**Item Number:** LC.10 **File Number:** D19/105203  
**SUBJECT HEADING:** ECONOMIC DEVELOPMENT QUEENSLAND (EDQ)  
 PROPOSED DEVELOPMENT – ACACIA RD, ROMA  
**Officer's Title:** Manager - Planning & Building Development

**Executive Summary:**

*Economic Development Queensland has made a pre-lodgement request to Council regarding the proposed Roma Hospital Student Accommodation Precinct.*

**Resolution No. GM/11.2019/49**

**Moved Cr McMullen**

**Seconded Cr Flynn**

**That Council:**

1. Provide owner's consent to incorporate Lot 19 WV1912 in the development application to facilitate the establishment of a pedestrian pathway generally along the alignment identified in Attachment 2 to the report.
2. Decline the offer to gift the area of land identified in Attachment 3 to this report.

CARRIED

6/1

Mayor Golder called for a division of the vote.

The outcomes were recorded as follows:

Those in Favour of the Motion	Those Against the Motion
Cr. Chandler	Cr. Golder
Cr. Flynn	
Cr. McMullen	
Cr. Newman	
Cr. Scheffe	
Cr. Stanford	

**Responsible Officer**

**Manager - Planning & Building Development**

At cessation of discussion and debate on the abovementioned item, Cr. Chambers returned to the Chamber at 3.40pm.

**LATE ITEM**

**Item Number:** LC.11 **File Number:** D19/105332  
**SUBJECT HEADING:** DROUGHT PLANNING  
**Councillor's Title:** Cr. Tyson Golder

**Executive Summary:**

*Correspondence was received in relation to drought planning that is being tabled for Councillors information and consideration. This item had been moved to the Confidential segment of the Agenda.*

**Resolution No. GM/11.2019/50**
**Moved Cr Golder**
**Seconded Cr McMullen**

**That Council note the letter received and the correspondent be furnished with a list of drought agencies to assist him on his mission.**

**CARRIED**
**8/0**
**Responsible Officer**
**Regional Grants and Council Events  
Coordinator / Lead Officer Councillors and  
Community Engagement**
**Item Number:**
**11.1**
**File Number: D19/98950**
**SUBJECT HEADING:**
**LOCAL LAW NO. 2 (ANIMAL MANAGEMENT) 2011**
**Officer's Title:**
**Acting Executive Services Officer**
***Executive Summary:***

*This report was presented to Council to finalise the process for the proposed local law amendments to Local Law No. 2 (Animal Management) 2011 and Subordinate Local Law No. 2 (Animal Management) 2011.*

*This item had been laid on the table earlier during the meeting. Deliberations resumed.*

**Resolution No. GM/11.2019/51**
**Moved Cr Chandler**
**Seconded Cr Chambers**
**That Council resolve to:**

- 1. Proceed with the making of, and make, Animal Management (Amendment) Local law (No.1) 2019 as advertised.**
- 2. Proceed with the making of, and make, Animal Management (Amendment) Subordinate Local Law (No.1) 2019 as advertised.**

**CARRIED**
**7/1**

Mayor Golder called for a division of the vote.

The outcomes were recorded as follows:

<b>Those in Favour of the Motion</b>	<b>Those Against the Motion</b>
Cr. Chambers	Cr. Golder
Cr. Chandler	
Cr. Flynn	
Cr. McMullen	
Cr. Newman	
Cr. Schefe	
Cr. Stanford	

**Responsible Officer**
**Director Corporate, Community &  
Commercial Services**

**Resolution No. GM/11.2019/52**
**Moved Cr Chambers**
**Seconded Cr Newman**

That Council resolve to proceed with the making of, and make, *Animal Management (Amendment) Subordinate Local Law (No. 2) 2019* as advertised, but amended, by, in section 6, omitting the word 'omit' and inserting the word 'insert'.

CARRIED

8/0

**Responsible Officer**
**Director Corporate, Community & Commercial Services**
**Resolution No. GM/11.2019/53**
**Moved Cr Chambers**
**Seconded Cr Chandler**

That Council resolve to adopt, pursuant to section 32 of the *Local Government Act 2009*, in the form attached to the Officer's report to Council, a consolidated version of each of *Local Law No.2 (Animal Management) 2011* and *Subordinate Local Law No.2 (Animal Management) 2011*.

CARRIED

7/1

Mayor Golder called for a division of the vote.

The outcomes were recorded as follows:

Those in Favour of the Motion	Those Against the Motion
Cr. Chambers	Cr. Flynn
Cr. Chandler	
Cr. Golder	
Cr. McMullen	
Cr. Newman	
Cr. Scheffe	
Cr. Stanford	

**Responsible Officer**
**Director Corporate, Community & Commercial Services**
**Item Number:**
**C.10**
**File Number: D19/102632**
**SUBJECT HEADING:**
**ADMINISTRATIVE ACTION COMPLAINT (REFERENCE 6500/2019)**
**Author and Officer's Title:**
**Deputy Chief Executive Officer/Director – Development, Facilities & Environmental Services**
**Executive Summary:**

Further information has been obtained in relation to Administrative Action Complaint Reference CR 6500/2019, in accordance with General Meeting Resolution GM/10.2019/29 and GM/10.2019/94.

**Resolution No. GM/11.2019/54**
**Moved Cr Newman**
**Seconded Cr McMullen**
**That Council:**

1. Note and support the officer's report.
2. Write to all parties confirming the results of investigations to date.

CARRIED

8/0

**Responsible Officer**
**Deputy Chief Executive Officer/Director –  
Development, Facilities & Environmental  
Services**

Cr. Chambers, having previously foreshadowed a 'Conflict of Interest' in the following item for reasons stated under Section 'COUNCILLOR DECLARATIONS OF CONFLICTS OF INTEREST,' left the Chamber at 3.51pm, taking no part in discussions or debate on the matter.

**Item Number:**
**C.12**
**File Number: D19/99120**
**SUBJECT HEADING:**
**REQUEST FOR QUOTATION – FOUR (4) MAINTENANCE  
GRADERS**
**Officer's Title:**
**Operations Manager – Plant, Fleet & Workshops**
**Executive Summary:**

*Requests for quotations were called for the supply & delivery of four (4) maintenance graders via Vendor Panel (VP161627).*

*Responses were reviewed by the evaluation panel and the report was submitted for Council's consideration.*

*This item had been laid on the table earlier during the meeting. Deliberations resumed.*

**Resolution No. GM/11.2019/55**
**Moved Cr Golder**
**Seconded Cr Schefe**
**That Council:**

1. Select Hastings Deering (Aust) Ltd as the recommended supplier for the supply of four (4) Caterpillar 12M Maintenance Graders for a total purchase price of \$1,884,960 including GST, (excluding statutory registration costs), pursuant to section 234 of the *Local Government Regulation 2012 – Exception for Local Government Arrangement*.
2. Authorise the Chief Executive Officer (or delegate) to enter into final negotiations with Hastings Deering (Aust) Ltd and raise purchase orders if the final terms are acceptable.
3. Assign expenditure to General Ledger 6551.

CARRIED

7/0

**Responsible Officer**
**Operations Manager – Plant, Fleet &  
Workshops**

At cessation of discussion and debate on the abovementioned item, Cr. Chambers returned to the Chamber at 3.53pm.

**Item Number:** C.14 **File Number:** D19/102186  
**SUBJECT HEADING:** TENDER 20006 SEWER RELINING MITCHELL, INJUNE AND SURAT  
**Officer's Title:** Manager – Procurement & Plant

**Executive Summary:**

*Council invited suitably qualified and experienced contractors to tender for the design and installation of a sewer relining product in the townships of Mitchell, Injune and Surat.*

*The tender period opened on 20 September 2019 with an original closing date of 14 October 2019. The tender was extended for 7 days to allow tenderers extra time to complete and submit their tenders resulting in a closing date of 21 October 2019.*

*Responses were reviewed by an evaluation panel and the report was submitted for Council's consideration.*

**Resolution No. GM/11.2019/67**

**Moved Cr Scheffe**

**Seconded Cr Newman**

**That:**

1. Council enter into negotiations with Relining Solutions Pty Ltd as the preferred supplier for Tender 20006 noting the tendered value of \$741,844.26 including GST.
2. Expenditure be assigned to the following Sewer Relining Program Work Orders:
  - 20281 & 20282
  - 18888
  - 20258
3. Council approve a variation to this tender to undertake additional works in the Roma area, utilising the remaining budget from 2018/19 – Sewer Relining Program up to a total value including tendered price \$851,844.26 including GST (WO19755).

CARRIED

8/0

**Responsible Officer**

**Manager – Procurement & Plant**

Mayor Golder, having previously foreshadowed a perceived 'Conflict of Interest' in the following item for reasons stated under Section 'COUNCILLOR DECLARATIONS OF CONFLICTS OF INTEREST – LATE ITEMS,' left the Chamber at 3.56pm, taking no part in discussions or debate on the matter.

The Deputy Mayor took the role of 'Acting Chair' in the Mayor's absence.

**Item Number:** LC.4 **File Number:** D19/104674  
**SUBJECT HEADING:** QUEENSLAND RAIL PROPERTY - 16 STATION STREET, ROMA  
**Officer's Title:** Administration Officer - Land Administration

**Executive Summary:**

*Correspondence was received from Queensland Rail offering Council the option to purchase or lease the Queensland Rail property located at 16 Station Street, Roma. Council's direction is sought.*

**Resolution No. GM/11.2019/68**

**Moved Cr Chandler**

**Seconded Cr McMullen**

**That:**

1. Council request a further two (2) week extension from Queensland Rail in consideration of this matter.
2. Council further discuss the proposal with Roma Historical Precincts Group Inc. to gain their feedback.
3. The result of these discussions be brought back to Council for consideration at the next General Meeting on 27 November 2019.

**CARRIED**

**5/2**

**Responsible Officer**

**Administration Officer - Land Administration**

At cessation of discussion and debate on the abovementioned item, Mayor Golder returned to the Chamber at 4.01pm and assumed the Chair.

**COUNCIL ADJOURNED THE MEETING  
FOR A BRIEF RECESS AT 4.05PM**

**SUBJECT HEADING: RESUMPTION OF STANDING ORDERS  
COUNCIL RESUMED THE MEETING AT 4.29PM**

**CONFIDENTIAL ITEMS – discussed in closed session**

In accordance with the provisions of section 275 of the *Local Government Regulation 2012*, Council resolved to close the meeting to discuss items C.17 and C.18, which it has deemed to be of a confidential nature and specifically pertaining to the following sections:

- (b) industrial matters affecting employees;
- (c) the local government budget;
- (h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

**Resolution No. GM/11.2019/69**

**Moved Cr McMullen**

**Seconded Cr Flynn**

**That Council close the meeting to the public at 4.29pm.**

**CARRIED**

**8/0**

Mayor Golder left the Chamber at 4.47pm and returned at 4.49pm.

**Resolution No. GM/11.2019/56**

**Moved Cr Chambers**

**Seconded Cr McMullen**

**That Council open the meeting to the public at 5.08pm.**

**CARRIED**

**8/0**

**Item Number:**

**C.17**

**File Number: D19/104287**



**SUBJECT HEADING:**
**UPDATE ON THE DRAFT NEW CERTIFIED AGREEMENT**
**Officer's Title:**
**Manager - Organisational Development & Human Resources**
**Executive Summary:**

*The report tabled the final draft of the new certified agreement for Council's consideration.*

*A copy was distributed under separate cover. This matter had been laid on the table earlier during the meeting. Deliberations resumed.*

**Resolution No. GM/11.2019/57**
**Moved Cr Chambers**

**That the matter lay on the table for further consideration at a Special Meeting on 14 November 2019.**

**CARRIED**
**8/0**
**Responsible Officer**
**Manager - Organisational Development & Human Resources**
**Item Number:**
**C.18**
**File Number: D19/104427**
**SUBJECT HEADING:**
**TEMPORARY WORKERS' ACCOMMODATION FACILITIES  
- APLNG PROJECT**
**Officer's Title:**
**Chief Executive Officer**
**Executive Summary:**

*The report provided an update on progress in relation to the agreement preparations. Further meetings occurred on 4 November 2019 and 8 November 2019. The matter had been laid on the table earlier during the meeting. Deliberations resumed.*

**Resolution No. GM/11.2019/58**
**Moved Cr Schefe**

**That the matter lay on the table for further consideration at a Special Meeting on 14 November 2019.**

**CARRIED**
**8/0**
**Responsible Officer**
**Chief Executive Officer**

## CLOSURE

There being no further business, the Mayor thanked Council for their attendance and declared the meeting closed at 5.08pm.

**These Minutes are to be confirmed at the next General Meeting of Council to be held on 27 November 2019, at Roma Administration Centre.**

.....  
Mayor.

.....  
Date.

.....  
Deputy Mayor.

.....  
Date.

**MINUTES OF THE SPECIAL MEETING OF MARANOA REGIONAL COUNCIL HELD AT ROMA ADMINISTRATION CENTRE ON 14 NOVEMBER 2019 COMMENCING AT 12.51PM**

**ATTENDANCE**

Mayor Cr. T D Golder chaired the meeting with Deputy Mayor J L Chambers (by telephone), Cr. P J Flynn, Cr. G B McMullen, Cr. W M Newman, Cr. C J O'Neil (by telephone), Cr D J Schefe, Chief Executive Officer – Julie Reitano and Minutes Officer – Kelly Rogers in attendance.

**AS REQUIRED**

Manager Organisational Development & Human Resources – Noela Ward.

**WELCOME**

The Mayor welcomed all present and declared the meeting open at 12.51pm.

**COUNCIL ADJOURNED THE MEETING  
FOR A BRIEF RECESS AT 12.52PM**

**SUBJECT HEADING: RESUMPTION OF STANDING ORDERS  
COUNCIL RESUMED THE MEETING AT 1.13PM**

**APOLOGIES**

**Resolution No. SM/11.2019/01**

**Moved Cr Flynn**

**Seconded Cr McMullen**

**That apologies be received and leave of absence granted for Councillors Chandler and Stanford for this meeting.**

**CARRIED**

**7/0**

**DECLARATION OF CONFLICTS OF INTEREST**

There were no declarations of Conflicts of Interest.

**BUSINESS**

**CONFIDENTIAL ITEMS**

In accordance with the provisions of section 275 of the *Local Government Regulation 2012*, Council resolved to close the meeting to discuss items C.1 and C.2, which it has deemed to be of a confidential nature and specifically pertaining to the following sections:

- (b) industrial matters affecting employees;
- (c) the local government budget;
- (h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

**Resolution No. SM/11.2019/02**

**Moved Cr O'Neil**

**Seconded Cr McMullen**

**That Council close the meeting to the public at 1.13pm.**

**CARRIED**

**7/0**

**Resolution No. SM/11.2019/03**

**Moved Cr Flynn**

**Seconded Cr McMullen**

**That Council open the meeting to the public at 1.31pm.**

**CARRIED**

**7/0**

**Item Number:**

**C.1**

**File Number: D19/106430**

**SUBJECT HEADING:**

**UPDATE ON THE DRAFT NEW CERTIFIED AGREEMENT**

**Officer's Title:**

**Manager - Organisational Development & Human Resources**

***Executive Summary:***

*The report tabled the next draft of the new certified agreement for Council's consideration, which was distributed under separate cover.*

**Resolution No. SM/11.2019/04**

**Moved Cr Chambers**

**Seconded Cr Flynn**

**That Council:**

- 1. Approve that the draft Maranoa Regional Council Certified Agreement 2019 proceed to an employee ballot.**
- 2. Authorise the Chief Executive Officer to make an Administrative Arrangement that enables a 2.2% increase in the wages as cited within the draft Maranoa Regional Council Certified Agreement 2019 – Appendix 1 – Schedule of wages Column B payable as from the first full pay period after the successful employee ballot of the Agreement.**
- 3. Authorise the Chief Executive Officer to act on behalf of Council for the making and certification of the Maranoa Regional Council Certified Agreement 2019 including the signing of all documentation associated with the certification of the Agreement in accordance with Section 236 of the *Local Government Act 2009*.**

**CARRIED**

**7/0**

**Responsible Officer**

**Manager - Organisational Development & Human Resources**

Item Number: C.2 File Number: D19/106431

SUBJECT HEADING: TEMPORARY WORKERS' ACCOMMODATION FACILITIES  
- AUSTRALIA PACIFIC LNG PROJECT

Officer's Title: Chief Executive Officer

**Executive Summary:**

*The report provided an update on progress in relation to the agreement preparations. Further meetings occurred on 4 November 2019 and 8 November 2019.*

**Resolution No. SM/11.2019/05**

**Moved Cr Scheffe**

**Seconded Cr O'Neil**

**That:**

1. Council give its in-principle support for the draft agreement to proceed to the next stage.
2. Council authorise the Chief Executive Officer through Council's legal representative to liaise with Australia Pacific LNG representatives to finalise the agreement, with the aim of bringing the final agreement back to the next General Meeting on 27 November 2019 for formal consideration.

CARRIED

6/1

Mayor Golder called for a division of the vote.

The outcomes were recorded as follows:

Those in Favour of the Motion	Those Against the Motion
Cr. Chambers	Cr. Golder
Cr. Flynn	
Cr. McMullen	
Cr. Newman	
Cr. O'Neil	
Cr. Scheffe	

**Responsible Officer**

**Chief Executive Officer**

**CLOSURE**

There being no further business, the Mayor thanked Council for their attendance and declared the meeting closed at 1.38pm.

**These Minutes are to be confirmed at the next General Meeting of Council to be held on 27 November 2019, at the Roma Administration Centre.**

.....  
Mayor.

.....  
Date.

## **OFFICER REPORT**

**Meeting:** General 27 November 2019

**Date:** 20 November 2019

**Item Number:** 11.1

**File Number:** D19/108339

**SUBJECT HEADING:** Investment report for the month ended 31 October 2019.

**Classification:** Open Access

**Officer's Title:** Contractor - Finance Systems Support

---

### **Executive Summary:**

The purpose of this report is to present to Council the Investment Report (including the Trading Limits Report) as at 31 October 2019.

### **Officer's Recommendation:**

That the Investment Report as at 31 October 2019 be received and noted.

---

### **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).

Maranoa Regional Council

### **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
QTC	Queensland Treasury Corporation
APRA	Australian Prudential Regulation Authority
BBSW	Bank Bill Swap reference rate (Interest rate benchmarking)

### **Context:**

***Why is the matter coming before Council?***

The purpose of this report is to present the Investment Report (including the Trading Limits Report) as at 31 October 2019.

### **Background:**

***Has anything already happened in relation to this matter?***

(Succinct overview of the relevant facts, without interpretation)

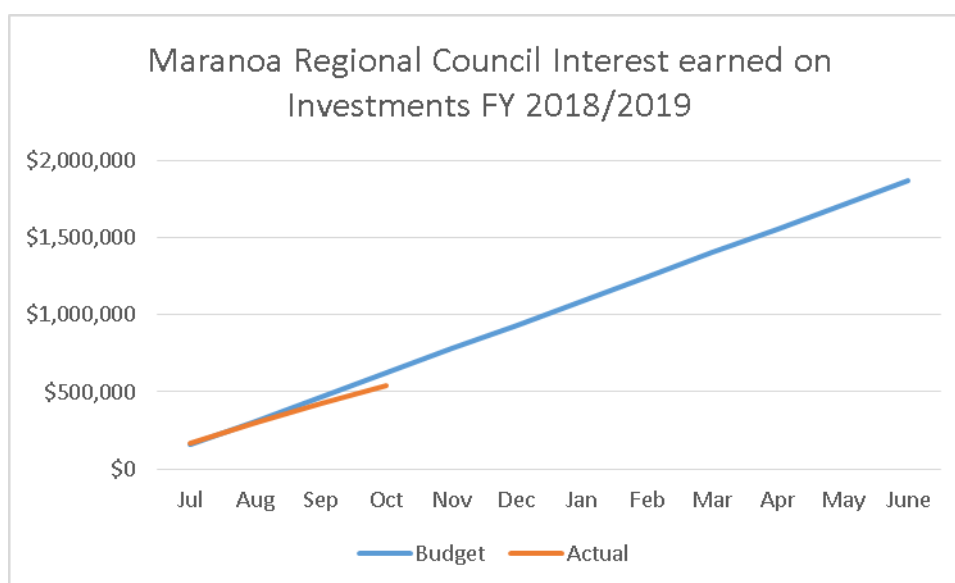
**Maranoa Regional Council**

**General Meeting - 27 November 2019**

This report tables the Investment Report which incorporates an Investment Trading Limits Report as at 30 September 2019.

For the four months ended 31 October 2019 actual interest earned on investments totaled \$543,158 which represented 29.1% of the annual budget with 33.33% of the year elapsed.

Interest earned on Investments		
	Budget	Actual
Jul	\$155,583	\$165,259
Aug	\$311,166	\$299,321
Sep	\$466,749	\$425,049
Oct	\$622,332	\$543,158
Nov	\$777,915	
Dec	\$933,498	
Jan	\$1,089,081	
Feb	\$1,244,644	
Mar	\$1,400,248	
Apr	\$1,555,831	
May	\$1,714,414	
June	\$1,866,997	



As indicated in last month's investment report interest rates are predicted to decline further. Budget amendments for interest earned on investments will be considered as part of the second quarter budget review.

**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)

***Statutory Bodies Financial Arrangements Act 1982***

***Section 47 Statutory body to try to invest at most advantageous rate***

*(1) A statutory body must use its best efforts to invest its funds –*

- (a) At the most advantageous interest rate available to it at the time of the investment for an investment of the proposed type; and*
- (b) In a way it considers is most appropriate in all the circumstances.*

*(2) The statutory body must keep records that show it has invested in the way most appropriate in all the circumstances.*

**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)*

Council has adopted an Investment Policy with a contemporary approach to investments based on an assessment of market and liquidity risk within the legislative framework of the *Statutory Bodies Financial Arrangements Act 1982* and the *Statutory Bodies Financial Arrangements Regulations 2007*.

The sections of the Investment Policy relevant to this report are the Investment Guidelines and in particular the Portfolio Investment parameters and credit requirements.

It should be noted that unrated deposit taking institutions are regulated by the Australian Prudential Regulation Authority (APRA). Investments up to \$250,000 with any one of these institutions are guaranteed by the Australian Government; which ensures they are more secure than A1+ institutions.

Council's maximum investment with any one unrated institution is limited to the guaranteed amount by the Australian Government of \$250,000 - with the total across all institutions in this category limited to 10% of Council's Portfolio.

*(The Australian Prudential Regulation Authority (APRA) is an independent statutory authority established by the Australian Government on 1 July 1998 which supervises institutions across banking, insurance and superannuation. The authority is responsible for maintaining the safety and soundness of financial institutions, such that the community can have confidence that they will meet their financial commitments under all reasonable circumstances. APRA is accountable to the Australian Parliament.)*



The following table shows the credit ratings and counterparty limits for Council: Short Term Rating (Standard & Poor's) or equivalent	Individual Counterparty Limit	Total Limit (Max % of Portfolio)	Maximum Funds (Any one institution)
A1+	25%-35%	100%	\$8M
A1	10%-20%	50%	\$8M
A2 – Financial Institutions only	5%-15%	30%	\$4M
A3 – Financial Institutions only	2%-7%	10%	\$4M
All other approved deposit taking institutions regulated by APRA.	\$250,000 (government guarantee only)	10%	\$250,000
QIC/QTC Pooled Cash Management Funds	100%	100%	Unlimited

Council's Investment Portfolio is the result of investments made with deposit taking institutions based on policy parameters and the best rates available on the day funds are invested.

As a government entity investing substantial funds with each transaction, Council's investments are made to achieve the best possible rate, consistency of returns And reduce potential risk of fraud; by locking down where funds can be deposited to and having specific authorizers nominated by the banks.

Each bank nominates where and how Council is to deposit investment funds with them. This is usually made directly with a bank's treasury department or specific section. Where Council has invested with institutions which have a local presence – each local branch has referred Council to their treasury department / nominated section for receiving investment deposits.

### 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)

Director Corporate, Community & Commercial Services

### 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)

Not applicable.

### 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?***

2019/20 Budgeted Investment Income - \$1,867,000

2019/20 Actual Investment Income Year to Date - \$543,158

As market rates have dropped significantly and will continue to fall in the near future budget amendments for interest earned on investments will be considered as part of the second quarter budget review.

### 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)

N/A

### 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)

For information purposes only.

### 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
Regulatory	Investment portfolio is in accordance with Council's adopted Investment Policy and the <i>Statutory Bodies Financial Arrangements Act 1982</i> and the <i>Statutory Bodies Financial Arrangements Regulations 2007</i> .

### 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)

That Council receive and note the Investment Reports for the period ending 31 October 2019.

### 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?***

No.

### Link to Corporate Plan:

Corporate Plan 2018-2023

Strategic Priority 2: Delivering strong financial management

2.5 Measure and report on what we've done

2.5.2 Measure and communicate our financial performance on a monthly, quarterly and annual basis to the community and other stakeholders.

**Supporting Documentation:**

1 [↓](#) Investment Register October 2019

D2019/0107987

2 [↓](#) Trading Limit Performance October 2019

D2019/0107988

**Report authorised by:**

Director - Corporate, Community & Commercial Services



# Investment Report Pack

Maranoa Regional Council

1 October 2019 to 31 October 2019



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1. Securities Held By Trading Book Maturing Post 31 October 2019
2. Interest and Distribution Income Received For 1 October 2019 to 31 October 2019
3. Transactions For Period 1 October 2019 to 31 October 2019
4. Interest Income Accrued As At 31 October 2019
5. Portfolio Valuation As At 31 October 2019
6. Portfolio Valuation By Categories As At 31 October 2019
7. Performance Statistics For Period Ending 31 October 2019



## 1. Securities Held By Trading Book Maturing Post 31 October 2019

Latest Deal Code	Latest Deal Settlement Date	Issuer	ISIN	WAL / Interim Maturity Date	Next Coupon Date	Coupon Rate/Latest Yield	Coupon Frequency	Security Type	Security Rating	Face Value Notional	Current Face Value Notional	Market Value
Maranoa Regional Council												
LC79671	28 Oct 2019	Queensland Treasury Corporation		1 Nov 2019		1.43	Nil	At Call	S&P AA+	42,498,101.27	42,498,101.27	42,498,101.27
LC78042	18 Sep 2019	Members Equity Bank Ltd		1 Nov 2019		1.75	Nil	At Call	S&P ST A2	1,000,000.00	1,000,000.00	1,000,000.00
LC73212	8 May 2019	Members Equity Bank Ltd		6 Nov 2019	6 Nov 2019	2.60	Maturity	TD	S&P ST A2	513,693.31	513,693.31	520,133.48
LC68859	18 Feb 2019	AMP Bank Ltd		18 Nov 2019	18 Nov 2019	2.80	Maturity	TD	S&P ST A2	2,000,000.00	2,000,000.00	2,039,123.28
LC65193	20 Nov 2018	National Australia Bank Ltd		20 Nov 2019	20 Nov 2019	2.75	Maturity	TD	S&P ST A1+	500,000.00	500,000.00	512,996.58
LC73213	28 May 2019	Maitland Mutual Building Society Ltd		27 Nov 2019	27 Nov 2019	2.45	Maturity	TD	Unrated ST UR	250,000.00	250,000.00	252,617.81
LC65286	28 Nov 2018	Bank of us t/as B&E Ltd		28 Nov 2019	28 Nov 2019	3.00	Maturity	TD	Unrated ST UR	250,000.00	250,000.00	256,924.66
LC65787	11 Dec 2018	Illawarra Credit Union Ltd		11 Dec 2019	11 Dec 2019	2.90	Maturity	TD	Unrated ST UR	250,000.00	250,000.00	256,435.62
LC65992	14 Dec 2018	Defence Bank Ltd		13 Dec 2019	13 Dec 2019	2.90	Maturity	TD	S&P ST A2	500,000.00	500,000.00	512,752.06
LC74306	20 Jun 2019	Beyond Bank Australia Ltd		18 Dec 2019	18 Dec 2019	2.30	Maturity	TD	S&P ST A2	2,000,000.00	2,000,000.00	2,016,761.64
LC73486	14 Jun 2019	AMP Bank Ltd		19 Dec 2019	19 Dec 2019	2.40	Maturity	TD	S&P ST A2	1,000,000.00	1,000,000.00	1,009,139.73
LC73833	2 Jul 2019	BankVic		2 Jan 2020	2 Jan 2020	2.15	Maturity	TD	Moody's ST P-2	2,000,000.00	2,000,000.00	2,014,254.80
LC78148	8 Oct 2019	National Australia Bank Ltd		8 Jan 2020	8 Jan 2020	1.55	Maturity	TD	S&P ST A1+	2,000,000.00	2,000,000.00	2,001,953.42
LC67142	16 Jan 2019	MyState Bank Ltd		16 Jan 2020	16 Jan 2020	2.80	Maturity	TD	Moody's ST P-2	1,000,000.00	1,000,000.00	1,022,093.15
LC67159	16 Jan 2019	BankVic		16 Jan 2020	16 Jan 2020	2.80	Maturity	TD	Unrated ST UR	250,000.00	250,000.00	255,523.29
LC70941	24 Apr 2019	Auswide Bank Limited		20 Jan 2020	20 Jan 2020	2.60	Maturity	TD	Moody's ST P-2	1,000,000.00	1,000,000.00	1,013,534.25
LC78040	10 Sep 2019	MyState Bank Ltd		11 Feb 2020	11 Feb 2020	1.70	Maturity	TD	Moody's ST P-2	750,000.00	750,000.00	751,781.51
LC76254	26 Aug 2019	Macquarie Bank		19 Feb 2020	19 Feb 2020	1.80	Maturity	TD	S&P ST A1	2,000,000.00	2,000,000.00	2,006,509.58
LC76511	30 Aug 2019	Macquarie Bank		26 Feb 2020	26 Feb 2020	1.80	Maturity	TD	S&P ST A1	2,000,000.00	2,000,000.00	2,006,115.06
LC78038	3 Sep 2019	Macquarie Bank		3 Mar 2020	3 Mar 2020	1.75	Maturity	TD	S&P ST A1	4,000,000.00	4,000,000.00	4,011,123.28
LC70012	7 Mar 2019	Bananacoast Community Credit Union Ltd		5 Mar 2020	5 Mar 2020	2.90	Maturity	TD	Unrated ST UR	250,000.00	250,000.00	254,727.40
LC78041	17 Sep 2019	AMP Bank Ltd		18 Mar 2020	18 Mar 2020	1.90	Maturity	TD	S&P ST A2	900,000.00	900,000.00	902,061.37
LC72725	2 Apr 2019	South West Credit Union		1 Apr 2020	1 Apr 2020	2.75	Maturity	TD	Unrated ST UR	250,000.00	250,000.00	253,993.15
LC78140	9 Oct 2019	AMP Bank Ltd		7 Apr 2020	7 Apr 2020	1.70	Maturity	TD	S&P ST A2	2,026,926.03	2,026,926.03	2,029,002.94
LC78163	10 Oct 2019	National Australia Bank Ltd		10 Apr 2020	10 Apr 2020	1.65	Maturity	TD	S&P ST A1+	3,275,542.30	3,275,542.30	3,278,651.84
LC79613	15 Oct 2019	Bank of Sydney Ltd		14 Apr 2020	14 Apr 2020	1.70	Maturity	TD	Unrated ST UR	250,000.00	250,000.00	250,186.30
LC72466	16 Apr 2019	Arab Bank Australia Ltd		15 Apr 2020	15 Apr 2020	2.80	Maturity	TD	Unrated ST UR	250,000.00	250,000.00	253,797.26
LC79614	23 Oct 2019	National Australia Bank Ltd		20 Apr 2020	20 Apr 2020	1.60	Maturity	TD	S&P ST A1+	1,000,000.00	1,000,000.00	1,000,350.68
LC72569	24 May 2019	Judo Bank		22 May 2020	22 May 2020	2.70	Maturity	TD	Unrated ST UR	250,000.00	250,000.00	252,958.91
LC73215	23 May 2019	Warwick Credit Union		26 May 2020	26 May 2020	2.50	Maturity	TD	Unrated UR	250,000.00	250,000.00	252,756.85
LC73485	4 Jun 2019	Defence Bank Ltd		3 Jun 2020	3 Jun 2020	2.35	Maturity	TD	S&P ST A2	2,000,000.00	2,000,000.00	2,019,186.30
LC77559	26 Sep 2019	MyState Bank Ltd		22 Jun 2020	22 Jun 2020	1.72	Maturity	TD	Moody's ST P-2	1,000,000.00	1,000,000.00	1,001,649.32



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Latest Deal Code	Latest Deal Settlement Date	Issuer	ISIN	WAL / Interim Maturity Date	Next Coupon Date	Coupon Rate/Latest Yield	Coupon Frequency	Security Type	Security Rating	Face Value Notional	Current Face Value Notional	Market Value
LC76073	17 Jul 2019	QPCU LTD t/a QBANK		16 Jul 2020	16 Jul 2020	2.05	Maturity	TD	S&P ST A3	1,000,000.00	1,000,000.00	1,005,953.42
										78,464,262.91	78,464,262.91	78,713,150.17
Total										78,464,262.91	78,464,262.91	78,713,150.17
Coupon Rate is the full coupon rate at the next coupon date if that next coupon exists.												



## 2. Interest and Distribution Income Received For 1 October 2019 to 31 October 2019

Security ISIN	Security	Income Expense Code	Settlement Date	Face Value (Basis of Interest Calculation)	Consideration Notional	Income Type	Trading Book
	AMB 2.24 02 Oct 2019 91DAY TD	IEI99611	2 Oct 2019	250,000.00	1,396.16	Security Coupon Interest	Maranoa Regional Council
	SYD 2.35 03 Oct 2019 92DAY TD	IEI99613	3 Oct 2019	250,000.00	1,480.82	Security Coupon Interest	Maranoa Regional Council
	NAB 2.7 08 Oct 2019 368DAY TD	IEI83370	8 Oct 2019	2,000,000.00	54,443.84	Security Coupon Interest	Maranoa Regional Council
	AMP 2.7 09 Oct 2019 182DAY TD	IEI94618	9 Oct 2019	2,000,000.00	26,926.03	Security Coupon Interest	Maranoa Regional Council
	G&C MB 2.85 10 Oct 2019 364DAY TD	IEI83366	10 Oct 2019	1,000,000.00	28,421.92	Security Coupon Interest	Maranoa Regional Council
	NAB 2.74 10 Oct 2019 365DAY TD	IEI83386	10 Oct 2019	3,188,186.00	87,356.30	Security Coupon Interest	Maranoa Regional Council
	MYS 2.8 14 Oct 2019 367DAY TD	IEI83371	14 Oct 2019	1,000,000.00	28,153.42	Security Coupon Interest	Maranoa Regional Council
	MYS 2.8 15 Oct 2019 368DAY TD	IEI83372	15 Oct 2019	1,000,000.00	28,230.14	Security Coupon Interest	Maranoa Regional Council
	G&C MB 2.8 17 Oct 2019 370DAY TD	IEI83373	17 Oct 2019	2,000,000.00	56,767.12	Security Coupon Interest	Maranoa Regional Council
	AMP 2.75 18 Oct 2019 270DAY TD	IEI86803	18 Oct 2019	2,000,000.00	40,684.93	Security Coupon Interest	Maranoa Regional Council
	DFB 2.8 30 Oct 2019 365DAY TD	IEI83388	30 Oct 2019	1,000,000.00	28,000.00	Security Coupon Interest	Maranoa Regional Council
					<b>381,860.68</b>		





### 3. Transactions For Period 1 October 2019 to 31 October 2019

Security	Security ISIN	Deal Code	Acquisition/ Disposal	Transaction Date	Settlement Date	Face Value Original	Face Value Current	Bond Factor	Capital Price	Accrued Interest Price	Gross Price	Consideration Notional
QTC Maranoa CF At Call		LC79664	Acquisition	3 Oct 2019	3 Oct 2019	3,400,000.00	3,400,000.00	1.00000000	100.000	0.000	100.000	3,400,000.00
NAB 1.55 08 Jan 2020 92DAY TD		LC78148	Acquisition	8 Oct 2019	8 Oct 2019	2,000,000.00	2,000,000.00	1.00000000	100.000	0.000	100.000	2,000,000.00
AMP 1.7 07 Apr 2020 181DAY TD		LC78140	Acquisition	9 Oct 2019	9 Oct 2019	2,026,926.03	2,026,926.03	1.00000000	100.000	0.000	100.000	2,026,926.03
NAB 1.65 10 Apr 2020 183DAY TD		LC78163	Acquisition	10 Oct 2019	10 Oct 2019	3,275,542.30	3,275,542.30	1.00000000	100.000	0.000	100.000	3,275,542.30
QTC Maranoa CF At Call		LC79665	Acquisition	14 Oct 2019	14 Oct 2019	3,500,000.00	3,500,000.00	1.00000000	100.000	0.000	100.000	3,500,000.00
SYD 1.7 14 Apr 2020 182DAY TD		LC79613	Acquisition	15 Oct 2019	15 Oct 2019	250,000.00	250,000.00	1.00000000	100.000	0.000	100.000	250,000.00
QTC Maranoa CF At Call		LC79666	Acquisition	16 Oct 2019	16 Oct 2019	1,500,000.00	1,500,000.00	1.00000000	100.000	0.000	100.000	1,500,000.00
QTC Maranoa CF At Call		LC79667	Acquisition	18 Oct 2019	18 Oct 2019	1,000,000.00	1,000,000.00	1.00000000	100.000	0.000	100.000	1,000,000.00
QTC Maranoa CF At Call		LC79668	Acquisition	22 Oct 2019	22 Oct 2019	3,500,000.00	3,500,000.00	1.00000000	100.000	0.000	100.000	3,500,000.00
NAB 1.6 20 Apr 2020 180DAY TD		LC79614	Acquisition	23 Oct 2019	23 Oct 2019	1,000,000.00	1,000,000.00	1.00000000	100.000	0.000	100.000	1,000,000.00
QTC Maranoa CF At Call		LC79669	Acquisition	24 Oct 2019	24 Oct 2019	2,000,000.00	2,000,000.00	1.00000000	100.000	0.000	100.000	2,000,000.00
QTC Maranoa CF At Call		LC79670	Acquisition	25 Oct 2019	25 Oct 2019	1,500,000.00	1,500,000.00	1.00000000	100.000	0.000	100.000	1,500,000.00
QTC Maranoa CF At Call		LC79671	Acquisition	28 Oct 2019	28 Oct 2019	1,500,000.00	1,500,000.00	1.00000000	100.000	0.000	100.000	1,500,000.00
												26,452,468.33



#### 4. Interest Income Accrued As At 31 October 2019

Latest Deal Code	Security	WAL / Interim Maturity Date	Issue Date	Prior Coupon Date	Next Coupon Date	Accrual Period (Days)	Coupon Rate	Franking Credit Rate	Coupon Frequency	Face Value Notional	Current Face Value Notional	Latest Purchase Consideration	Market Value	Accrued Interest
LC73212	ME Bank 2.6 06 Nov 2019 182DAY TD	6 Nov 2019	8 May 2019		6 Nov 2019	176	2.6000		Maturity	513,693.31	513,693.31	513,693.31	520,133.48	6,440.17
LC68859	AMP 2.8 18 Nov 2019 273DAY TD	18 Nov 2019	18 Feb 2019		18 Nov 2019	255	2.8000		Maturity	2,000,000.00	2,000,000.00	2,000,000.00	2,039,123.28	39,123.29
LC65193	NAB 2.75 20 Nov 2019 365DAY TD	20 Nov 2019	20 Nov 2018		20 Nov 2019	345	2.7500		Maturity	500,000.00	500,000.00	500,000.00	512,996.58	12,996.58
LC73213	MMB 2.45 27 Nov 2019 183DAY TD	27 Nov 2019	28 May 2019		27 Nov 2019	156	2.4500		Maturity	250,000.00	250,000.00	250,000.00	252,617.81	2,617.81
LC65286	B&E 3 28 Nov 2019 365DAY TD	28 Nov 2019	28 Nov 2018		28 Nov 2019	337	3.0000		Maturity	250,000.00	250,000.00	250,000.00	256,924.66	6,924.66
LC65787	CACU 2.9 11 Dec 2019 365DAY TD	11 Dec 2019	11 Dec 2018		11 Dec 2019	324	2.9000		Maturity	250,000.00	250,000.00	250,000.00	256,435.62	6,435.62
LC65992	DFB 2.9 13 Dec 2019 364DAY TD	13 Dec 2019	14 Dec 2018		13 Dec 2019	321	2.9000		Maturity	500,000.00	500,000.00	500,000.00	512,752.06	12,752.05
LC74306	BBA 2.3 18 Dec 2019 181DAY TD	18 Dec 2019	20 Jun 2019		18 Dec 2019	133	2.3000		Maturity	2,000,000.00	2,000,000.00	2,000,000.00	2,016,761.64	16,761.64
LC73486	AMP 2.4 19 Dec 2019 188DAY TD	19 Dec 2019	14 Jun 2019		19 Dec 2019	139	2.4000		Maturity	1,000,000.00	1,000,000.00	1,000,000.00	1,009,139.73	9,139.73
LC73833	BVIC 2.15 02 Jan 2020 184DAY TD	2 Jan 2020	2 Jul 2019		2 Jan 2020	121	2.1500		Maturity	2,000,000.00	2,000,000.00	2,000,000.00	2,014,254.80	14,254.79
LC78148	NAB 1.55 08 Jan 2020 92DAY TD	8 Jan 2020	8 Oct 2019		8 Jan 2020	23	1.5500		Maturity	2,000,000.00	2,000,000.00	2,000,000.00	2,001,953.42	1,953.42
LC67142	MYS 2.8 16 Jan 2020 365DAY TD	16 Jan 2020	16 Jan 2019		16 Jan 2020	288	2.8000		Maturity	1,000,000.00	1,000,000.00	1,000,000.00	1,022,093.15	22,093.15
LC67159	BVIC 2.8 16 Jan 2020 365DAY TD	16 Jan 2020	16 Jan 2019		16 Jan 2020	288	2.8000		Maturity	250,000.00	250,000.00	250,000.00	255,523.29	5,523.29
LC70941	Auswide 2.6 20 Jan 2020 271DAY TD	20 Jan 2020	24 Apr 2019		20 Jan 2020	190	2.6000		Maturity	1,000,000.00	1,000,000.00	1,000,000.00	1,013,534.25	13,534.25
LC78040	MYS 1.7 11 Feb 2020 154DAY TD	11 Feb 2020	10 Sep 2019		11 Feb 2020	51	1.7000		Maturity	750,000.00	750,000.00	750,000.00	751,781.51	1,781.51
LC76254	MACQ 1.8 19 Feb 2020 177DAY TD	19 Feb 2020	26 Aug 2019		19 Feb 2020	66	1.8000		Maturity	2,000,000.00	2,000,000.00	2,000,000.00	2,006,509.58	6,509.59
LC76511	MACQ 1.8 26 Feb 2020 180DAY TD	26 Feb 2020	30 Aug 2019		26 Feb 2020	62	1.8000		Maturity	2,000,000.00	2,000,000.00	2,000,000.00	2,006,115.06	6,115.07
LC78038	MACQ 1.75 03 Mar 2020 182DAY TD	3 Mar 2020	3 Sep 2019		3 Mar 2020	58	1.7500		Maturity	4,000,000.00	4,000,000.00	4,000,000.00	4,011,123.28	11,123.29
LC70012	BCCU 2.9 05 Mar 2020 364DAY TD	5 Mar 2020	7 Mar 2019		5 Mar 2020	238	2.9000		Maturity	250,000.00	250,000.00	250,000.00	254,727.40	4,727.40
LC78041	AMP 1.9 18 Mar 2020 183DAY TD	18 Mar 2020	17 Sep 2019		18 Mar 2020	44	1.9000		Maturity	900,000.00	900,000.00	900,000.00	902,061.37	2,061.37
LC72725	SWCU 2.75 01 Apr 2020 365DAY TD	1 Apr 2020	2 Apr 2019		1 Apr 2020	212	2.7500		Maturity	250,000.00	250,000.00	250,000.00	253,993.15	3,993.15
LC78140	AMP 1.7 07 Apr 2020 181DAY TD	7 Apr 2020	9 Oct 2019		7 Apr 2020	22	1.7000		Maturity	2,026,926.03	2,026,926.03	2,026,926.03	2,029,002.94	2,076.91
LC78163	NAB 1.65 10 Apr 2020 183DAY TD	10 Apr 2020	10 Oct 2019		10 Apr 2020	21	1.6500		Maturity	3,275,542.30	3,275,542.30	3,275,542.30	3,278,651.84	3,109.52
LC79613	SYD 1.7 14 Apr 2020 182DAY TD	14 Apr 2020	15 Oct 2019		14 Apr 2020	16	1.7000		Maturity	250,000.00	250,000.00	250,000.00	250,186.30	186.30
LC72466	ARA 2.8 15 Apr 2020 365DAY TD	15 Apr 2020	16 Apr 2019		15 Apr 2020	198	2.8000		Maturity	250,000.00	250,000.00	250,000.00	253,797.26	3,797.26
LC79614	NAB 1.6 20 Apr 2020 180DAY TD	20 Apr 2020	23 Oct 2019		20 Apr 2020	8	1.6000		Maturity	1,000,000.00	1,000,000.00	1,000,000.00	1,000,350.68	350.68
LC72569	JUDO 2.7 22 May 2020 364DAY TD	22 May 2020	24 May 2019		22 May 2020	160	2.7000		Maturity	250,000.00	250,000.00	250,000.00	252,958.91	2,958.90
LC73215	Warwick CU 2.5 26 May 2020 369DAY TD	26 May 2020	23 May 2019		26 May 2020	161	2.5000		Maturity	250,000.00	250,000.00	250,000.00	252,756.85	2,756.85
LC73485	DFB 2.35 03 Jun 2020 365DAY TD	3 Jun 2020	4 Jun 2019		3 Jun 2020	149	2.3500		Maturity	2,000,000.00	2,000,000.00	2,000,000.00	2,019,186.30	19,186.30
LC77559	MYS 1.72 22 Jun 2020 270DAY TD	22 Jun 2020	26 Sep 2019		22 Jun 2020	35	1.7200		Maturity	1,000,000.00	1,000,000.00	1,000,000.00	1,001,649.32	1,649.32
LC76073	Qld Police 2.05 16 Jul 2020 365DAY TD	16 Jul 2020	17 Jul 2019		16 Jul 2020	106	2.0500		Maturity	1,000,000.00	1,000,000.00	1,000,000.00	1,005,953.42	5,953.42
										34,966,161.64	34,966,161.64		35,215,048.90	248,887.29



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Coupon Rate is the full coupon rate at the next coupon date if that next coupon exists. Accrued Interest is calculated as Current Face Value x Coupon Rate ( Adjusted by Franking Credit Rate ) x ( Days Since Prior Coupon or Issue Date / 365). The accrued interest component of the Market Value does not consider the franking credit rate and is instead based upon market prices.



## 5. Portfolio Valuation As At 31 October 2019

Security	Security Rating	ISIN	Face Value Original	Face Value Current	FI Cap Price/ Unit Price/ Share Price	Unit Count/ Share Count	Accrued Interest Price	Market Value	% Total Value	Running Yield	Weighted Running Yield
<b>At Call Deposit</b>											
ME Bank At Call	S&P ST A2		1,000,000.00	1,000,000.00	100.000		0.000	1,000,000.00	1.27%	1.75%	
QTC Maranoa CF At Call	S&P AA+		42,498,101.27	42,498,101.27	100.000		0.000	42,498,101.27	53.99%	1.43%	
			43,498,101.27	43,498,101.27				43,498,101.27	55.26%		1.44%
<b>Term Deposit</b>											
AMP 2.8 18 Nov 2019 273DAY TD	S&P ST A2		2,000,000.00	2,000,000.00	100.000		1.956	2,039,123.28	2.59%	2.80%	
AMP 2.4 19 Dec 2019 188DAY TD	S&P ST A2		1,000,000.00	1,000,000.00	100.000		0.914	1,009,139.73	1.28%	2.40%	
AMP 1.9 18 Mar 2020 183DAY TD	S&P ST A2		900,000.00	900,000.00	100.000		0.229	902,061.37	1.15%	1.90%	
AMP 1.7 07 Apr 2020 181DAY TD	S&P ST A2		2,026,926.03	2,026,926.03	100.000		0.102	2,029,002.94	2.58%	1.70%	
ARA 2.8 15 Apr 2020 365DAY TD	Unrated ST UR		250,000.00	250,000.00	100.000		1.519	253,797.26	0.32%	2.80%	
Auswide 2.6 20 Jan 2020 271DAY TD	Moody's ST P-2		1,000,000.00	1,000,000.00	100.000		1.353	1,013,534.25	1.29%	2.60%	
BCCU 2.9 05 Mar 2020 364DAY TD	Unrated ST UR		250,000.00	250,000.00	100.000		1.891	254,727.40	0.32%	2.90%	
SYD 1.7 14 Apr 2020 182DAY TD	Unrated ST UR		250,000.00	250,000.00	100.000		0.075	250,186.30	0.32%	1.70%	
B&E 3 28 Nov 2019 365DAY TD	Unrated ST UR		250,000.00	250,000.00	100.000		2.770	256,924.66	0.33%	3.00%	
BVIC 2.15 02 Jan 2020 184DAY TD	Moody's ST P-2		2,000,000.00	2,000,000.00	100.000		0.713	2,014,254.80	2.56%	2.15%	
BVIC 2.8 16 Jan 2020 365DAY TD	Moody's ST P-2		250,000.00	250,000.00	100.000		2.209	255,523.29	0.32%	2.80%	
BBA 2.3 18 Dec 2019 181DAY TD	S&P ST A2		2,000,000.00	2,000,000.00	100.000		0.838	2,016,761.64	2.56%	2.30%	
DFB 2.9 13 Dec 2019 364DAY TD	S&P ST A2		500,000.00	500,000.00	100.000		2.550	512,752.06	0.65%	2.90%	
DFB 2.35 03 Jun 2020 365DAY TD	S&P ST A2		2,000,000.00	2,000,000.00	100.000		0.959	2,019,186.30	2.57%	2.35%	
CACU 2.9 11 Dec 2019 365DAY TD	Unrated ST UR		250,000.00	250,000.00	100.000		2.574	256,435.62	0.33%	2.90%	
JUDO 2.7 22 May 2020 364DAY TD	Unrated ST UR		250,000.00	250,000.00	100.000		1.184	252,958.91	0.32%	2.70%	
MACQ 1.8 19 Feb 2020 177DAY TD	S&P ST A1		2,000,000.00	2,000,000.00	100.000		0.325	2,006,509.58	2.55%	1.80%	
MACQ 1.8 26 Feb 2020 180DAY TD	S&P ST A1		2,000,000.00	2,000,000.00	100.000		0.306	2,006,115.06	2.55%	1.80%	
MACQ 1.75 03 Mar 2020 182DAY TD	S&P ST A1		4,000,000.00	4,000,000.00	100.000		0.278	4,011,123.28	5.10%	1.75%	
MMB 2.45 27 Nov 2019 183DAY TD	Unrated ST UR		250,000.00	250,000.00	100.000		1.047	252,617.81	0.32%	2.45%	
ME Bank 2.6 06 Nov 2019 182DAY TD	S&P ST A2		513,693.31	513,693.31	100.000		1.254	520,133.48	0.66%	2.60%	
MYS 2.8 16 Jan 2020 365DAY TD	Moody's ST P-2		1,000,000.00	1,000,000.00	100.000		2.209	1,022,093.15	1.30%	2.80%	
MYS 1.7 11 Feb 2020 154DAY TD	Moody's ST P-2		750,000.00	750,000.00	100.000		0.238	751,781.51	0.96%	1.70%	
MYS 1.72 22 Jun 2020 270DAY TD	Moody's ST P-2		1,000,000.00	1,000,000.00	100.000		0.165	1,001,649.32	1.27%	1.72%	
NAB 2.75 20 Nov 2019 365DAY TD	S&P ST A1+		500,000.00	500,000.00	100.000		2.599	512,996.58	0.65%	2.75%	
NAB 1.55 08 Jan 2020 92DAY TD	S&P ST A1+		2,000,000.00	2,000,000.00	100.000		0.098	2,001,953.42	2.54%	1.55%	
NAB 1.65 10 Apr 2020 183DAY TD	S&P ST A1+		3,275,542.30	3,275,542.30	100.000		0.095	3,278,651.84	4.17%	1.65%	
NAB 1.6 20 Apr 2020 180DAY TD	S&P ST A1+		1,000,000.00	1,000,000.00	100.000		0.035	1,000,350.68	1.27%	1.60%	
Qld Police 2.05 16 Jul 2020 365DAY TD	S&P ST A3		1,000,000.00	1,000,000.00	100.000		0.595	1,005,953.42	1.28%	2.05%	



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Security	Security Rating	ISIN	Face Value Original	Face Value Current	F1 Cap Price/ Unit Price/ Share Price	Unit Count/ Share Count	Accrued Interest Price	Market Value	% Total Value	Running Yield	Weighted Running Yield
SWCU 2.75 01 Apr 2020 365DAY TD	Unrated	ST UR	250,000.00	250,000.00	100.000		1.597	253,993.15	0.32%	2.75%	
Warwick CU 2.5 26 May 2020 369DAY TD	Unrated	ST UR	250,000.00	250,000.00	100.000		1.103	252,756.85	0.32%	2.50%	
			34,966,161.64	34,966,161.64				35,215,048.90	44.74%		2.07%
Total Portfolio			78,464,262.91	78,464,262.91				78,713,150.17	100.00%		1.72%



## 6. Portfolio Valuation By Categories As At 31 October 2019

Short Term Issuer/Security Rating Group	Market Value	% Total Value
N/R	2,284,397.95	2.90%
A3	1,005,953.42	1.28%
A2	18,106,997.10	23.00%
A1	8,023,747.92	10.19%
A1+	6,793,952.51	8.63%
Portfolio Total	36,215,048.90	46.01%

Market Value by Security Rating Group (Short Term)



Long Term Issuer/Security Rating Group	Market Value	% Total Value
AA+ to AA-	42,498,101.27	53.99%
Portfolio Total	42,498,101.27	53.99%

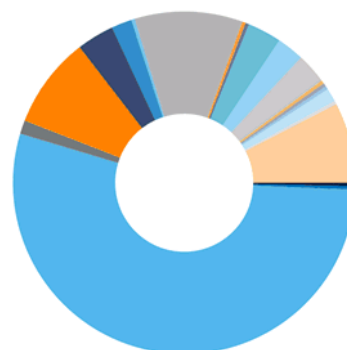
Market Value by Security Rating Group (Long Term)





Issuer	Market Value	% Total Value
AMP Bank Ltd	5,979,327.32	7.60%
Arab Bank Australia Ltd	253,797.26	0.32%
Auswide Bank Limited	1,013,534.25	1.29%
Bananacoast Community Credit Union Ltd	254,727.40	0.32%
Bank of Sydney Ltd	250,186.30	0.32%
Bank of us t/as B&E Ltd	256,924.66	0.33%
BankVic	2,269,778.09	2.88%
Beyond Bank Australia Ltd	2,016,761.64	2.56%
Defence Bank Ltd	2,531,938.36	3.22%
Illawarra Credit Union Ltd	256,435.62	0.33%
Judo Bank	252,958.91	0.32%
Macquarie Bank	8,023,747.92	10.19%
Maitland Mutual Building Society Ltd	252,617.81	0.32%
Members Equity Bank Ltd	1,520,133.48	1.93%
MyState Bank Ltd	2,775,523.98	3.53%
National Australia Bank Ltd	6,793,952.51	8.63%
QPCU LTD t/a QBANK	1,005,953.42	1.28%
Queensland Treasury Corporation	42,498,101.27	53.99%
South West Credit Union	253,993.15	0.32%
Warwick Credit Union	252,756.85	0.32%
Portfolio Total	78,713,150.17	100.00%

Market Value by Issuer





Security Type	Market Value	% Total Value
At Call Deposit	43,498,101.27	55.26%
Term Deposit	35,215,048.90	44.74%
Portfolio Total	78,713,150.17	100.00%

Market Value by Security Type







Term Remaining	Market Value	% Total Value
0 to < 1 Year	78,713,150.17	100.00%
Portfolio Total	78,713,150.17	100.00%

Note: Term Remaining is calculated using a weighted average life date (WAL) where appropriate and available otherwise the interim (initial) maturity date is used.

### Market Value by Term Remaining



■ 0 to < 1 Year



## 7. Performance Statistics For Period Ending 31 October 2019

Trading Book	1 Month	3 Month	12 Month	Since Inception
Maranoa Regional Council				
Portfolio Return (1)	0.10%	0.30%	1.58%	2.14%
Performance Index (2)	0.08%	0.25%	1.65%	1.78%
Excess Performance (3)	0.02%	0.05%	-0.07%	0.36%

### Notes

- 1 Portfolio performance is the rate of return of the portfolio over the specified period
- 2 The Performance Index is the Bloomberg AusBond Bank Bill Index (Bloomberg Page BAUBIL)
- 3 Excess performance is the rate of return of the portfolio in excess of the Performance Index

Trading Book	Weighted Average Running Yield
Maranoa Regional Council	1.72



Investment Report Pack  
Maranoa Regional Council  
1 October 2019 to 31 October 2019

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Report Code: TEPACK020EXT-01.76  
Report Description: Investment Report Pack  
Parameters:  
Trading Entity: Maranoa Regional Council  
Trading Book: Maranoa Regional Council  
Settlement Date Base  
History Start Date: 1 Jan 2000  
Income Expense Status: Authorised  
FI Deal Status: Contract  
Exclude Cash  
Exclude Unallocated Cash  
Exclude Negative Unit Holdings



Trading Limit Report  
Maranoa Regional Council  
As At 31 October 2019

## 1 Issuer Trading Limits

Issuer	Issuer Parent	Already Traded (with Issuer Group) Face Value Notional	Limit For Book or Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
AMP Bank Ltd		5,926,926.03	Book	8,000,000.00	AUD	8,000,000.00	74.00	26.00	2,073,074	0.00	0
Arab Bank Australia Ltd		250,000.00	Book	250,000.00	AUD	250,000.00	100.00	0.00	0	0.00	0
Australian Military Bank Limited		0.00	Book	250,000.00	AUD	250,000.00	0.00	100.00	250,000	0.00	0
Auswide Bank Limited		1,000,000.00	Book	4,000,000.00	AUD	4,000,000.00	25.00	75.00	3,000,000	0.00	0
Bananacoast Community Credit Union Ltd		250,000.00	Book	250,000.00	AUD	250,000.00	100.00	0.00	0	0.00	0
Bank of Sydney Ltd		250,000.00	Book	250,000.00	AUD	250,000.00	100.00	0.00	0	0.00	0
Bank of us t/as B&E Ltd		250,000.00	Book	250,000.00	AUD	250,000.00	100.00	0.00	0	0.00	0
BankVic		2,250,000.00	Book	4,000,000.00	AUD	4,000,000.00	56.00	44.00	1,750,000	0.00	0
BankWest Ltd	Commonwealth Bank of Australia Ltd	0.00	Book	8,000,000.00	AUD	8,000,000.00	0.00	100.00	8,000,000	0.00	0
Beyond Bank Australia Ltd		2,000,000.00	Book	4,000,000.00	AUD	4,000,000.00	50.00	50.00	2,000,000	0.00	0
Commonwealth Bank of Australia Ltd		0.00	Book	8,000,000.00	AUD	8,000,000.00	0.00	100.00	8,000,000	0.00	0
Defence Bank Ltd		2,500,000.00	Book	4,000,000.00	AUD	4,000,000.00	63.00	37.00	1,500,000	0.00	0
G&C Mutual Bank Limited		0.00	Book	3,000,000.00	AUD	3,000,000.00	0.00	100.00	3,000,000	0.00	0
Hunter United Credit Union		0.00	Book	250,000.00	AUD	250,000.00	0.00	100.00	250,000	0.00	0
Illawarra Credit Union Ltd		250,000.00	Book	250,000.00	AUD	250,000.00	100.00	0.00	0	0.00	0
ING Bank Australia Limited		0.00	Book	8,000,000.00	AUD	8,000,000.00	0.00	100.00	8,000,000	0.00	0
Judo Bank		250,000.00	Book	250,000.00	AUD	250,000.00	100.00	0.00	0	0.00	0
Macquarie Bank		8,000,000.00	Book	8,000,000.00	AUD	8,000,000.00	100.00	0.00	0	0.00	0
Maitland Mutual Building Society Ltd		250,000.00	Book	250,000.00	AUD	250,000.00	100.00	0.00	0	0.00	0
Members Equity Bank Ltd		1,513,693.31	Book	4,000,000.00	AUD	4,000,000.00	38.00	62.00	2,486,307	0.00	0
MyState Bank Ltd		2,750,000.00	Book	4,000,000.00	AUD	4,000,000.00	69.00	31.00	1,250,000	0.00	0
National Australia Bank Ltd		6,775,542.30	Book	8,000,000.00	AUD	8,000,000.00	85.00	15.00	1,224,458	0.00	0
Police Credit Union		0.00	Book	250,000.00	AUD	250,000.00	0.00	100.00	250,000	0.00	0
QPCU LTD t/a QBANK		1,000,000.00	Book	4,000,000.00	AUD	4,000,000.00	25.00	75.00	3,000,000	0.00	0
Queensland Treasury Corporation		42,498,101.27	Book	100.00 % of 78,464,262.91		78,464,262.91	54.00	46.00	35,966,162	0.00	0
Railways CU Ltd t/as myMOVE		0.00	Book	250,000.00	AUD	250,000.00	0.00	100.00	250,000	0.00	0
South West Credit Union		250,000.00	Book	250,000.00	AUD	250,000.00	100.00	0.00	0	0.00	0
South West Slopes Credit Union Limited		0.00	Book	250,000.00	AUD	250,000.00	0.00	100.00	250,000	0.00	0
The Capricornian Limited		0.00	Book	250,000.00	AUD	250,000.00	0.00	100.00	250,000	0.00	0
Warwick Credit Union		250,000.00	Book	250,000.00	AUD	250,000.00	100.00	0.00	0	0.00	0
		78,464,262.91				161,214,262.91			82,750,001		0



Trading Limit Report  
Maranoa Regional Council  
As At 31 October 2019

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(Excluding Parent Group Duplicates)	78,464,262.91
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## 2 Security Rating Group Trading Limits

Security Rating Group	Already Traded Face Value	Limit For Book or Notional Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
AA+ to AA-	42,498,101.27	Book	100.00	% of 78,464,262.91	78,464,262.91	54.00	46.00	35,966,162	0.00	0
A1+	6,775,542.30	Book	100.00	% of 78,464,262.91	78,464,262.91	9.00	91.00	71,688,721	0.00	0
A1	8,000,000.00	Book	50.00	% of 78,464,262.91	39,232,131.46	20.00	80.00	31,232,131	0.00	0
A2	17,940,619.34	Book	30.00	% of 78,464,262.91	23,539,278.87	76.00	24.00	5,598,660	0.00	0
A3	1,000,000.00	Book	10.00	% of 78,464,262.91	7,846,426.29	13.00	87.00	6,846,426	0.00	0
N/R	2,250,000.00	Book	10.00	% of 78,464,262.91	7,846,426.29	29.00	71.00	5,596,426	0.00	0
	78,464,262.91				235,392,788.73			156,928,526		0

### Notes

1. In instances where long securities have a term remaining which is less than 365 days, the issuer's short term rating is used instead of the security's (presumably long term) rating.

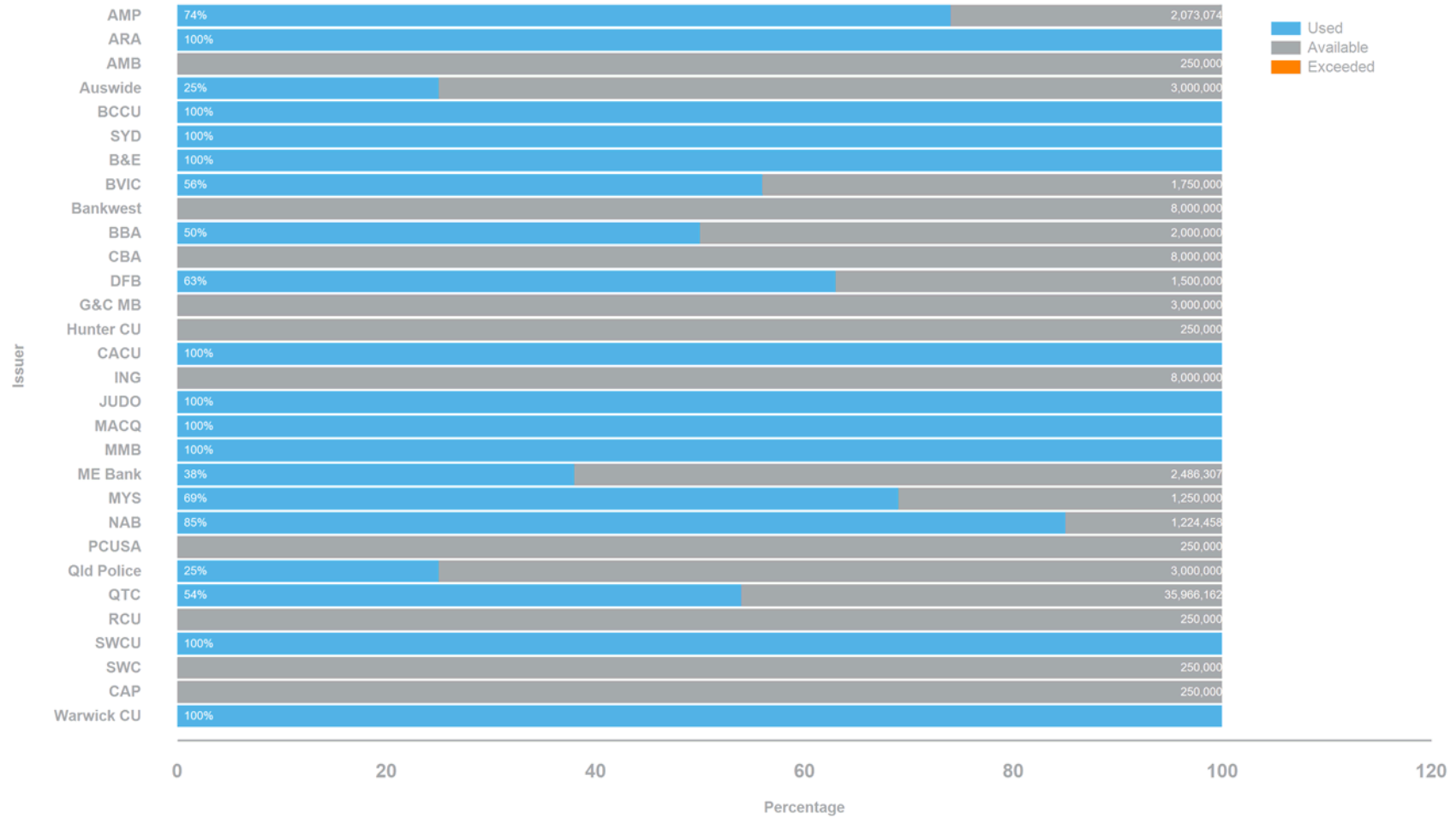
## 3 Term Group Trading Limits

Term Group	Already Traded Face Value	Limit For Book or Notional Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
0-1 Year	78,464,262.91	Book	100.00	% of 78,464,262.91	78,464,262.91	100.00	0.00	0	0.00	0
	78,464,262.91				78,464,262.91			0		0



Trading Limit Report  
Maranoa Regional Council  
As At 31 October 2019

Issuer Trading Limits





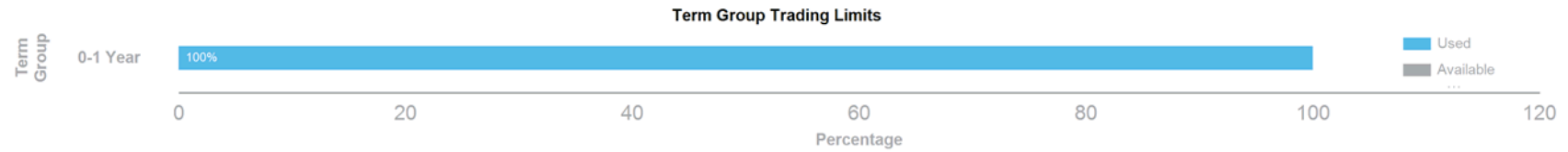
Trading Limit Report  
Maranoa Regional Council  
As At 31 October 2019







Trading Limit Report  
Maranoa Regional Council  
As At 31 October 2019





Trading Limit Report  
Maranoa Regional Council  
As At 31 October 2019

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Report Code: TBSBP120EXT-01.08  
Report Description: Trading Limit Performance (Historical) As At Date  
Parameters:  
Balances are Settlement Date Based  
Traded Face Value

## **OFFICER REPORT**

**Meeting:** General 27 November 2019

**Date:** 20 November 2019

**Item Number:** 11.2

**File Number:** D19/108627

**SUBJECT HEADING:** Monthly Financial Report for the month ending 31 October 2019

**Classification:** Open Access

**Officer's Title:** Contractor - Finance Systems Support

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### **Executive Summary:**

The purpose of this report is for the Chief Executive Officer to present a monthly financial report to Council in accordance with section 204 of the *Local Government Regulation 2012* for the month of October 2019 (including year to date).

### **Officer's Recommendation:**

That the monthly financial report for the period ending 31 October 2019 be received and noted.

---

### **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).

Maranoa Regional Council

### **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
Nil	

### **Context:**

***Why is the matter coming before Council?***

To present the financial report for the month of October 2019, in accordance with section 204 of the *Local Government Regulation 2012*.

### **Background:**

***Has anything already happened in relation to this matter?***

(Succinct overview of the relevant facts, without interpretation)

This report tables Operating Statement (revenue & expenditure) actuals vs budget, balance sheet and debtors report for the period ended 31 October 2019.

For the four months ended 31 October 2019 total operating revenue was \$29.9M representing 35.4% of budget with 33.33% of the year elapsed. Within total operating expenses employee costs were 29.5% of budget with materials & services 34.3%.

For the four months ended 31 October 2019 QTC loans were reduced by \$314,456 with interest paid of \$202,332 and admin fees of \$6,655.

**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)

**Local Government Regulation 2012**

**204 Financial report**

- (1) *The local government must prepare a financial report.*
- (2) *The chief executive officer must present the financial report -*
  - (a) *If the local government meets less frequently than monthly - at each meeting of the local government; or*
  - (b) *Otherwise - at a meeting of the local government once a month.*
- (3) *The financial report must state the progress that has been made in relation to the local government's budget for the period of the financial year up to a day as near as practicable to the end of the month before the meeting is held.*

**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)

This report is for information purposes.

**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

### **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 purpose of this report is to present financial information on the progress that has been made in relation to Council's budget for the period 1 October 2019 to 31 October 2019.

### **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 report is for information purposes.

### **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)*

Interested Parties – Maranoa Community, Department of Local Government, Racing and Multicultural Affairs, Queensland Audit Office.

### **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
Compliance with Local Government Regulation 2012	The presentation of the financial report is in accordance with the Regulation.

### **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 presentation of monthly financial statements is a legislative requirement.

### **Recommendation:**

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

That the monthly financial report for the period ending 31 October 2019 be received and noted.

*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?***

No.

**Link to Corporate Plan:**

Corporate Plan 2018-2023

Strategic Priority 2: Delivering strong financial management

2.5 Measure and report on what we've done

2.5.2 Measure and communicate our financial performance on a monthly, quarterly and annual basis to the community and other stakeholders.

**Supporting Documentation:**

<a href="#">1</a>	Balance sheet as at 31 October 2019	D19/108552
<a href="#">2</a>	Total Council Actual V Budget as at 31 October 2019	D19/108556
<a href="#">3</a>	CEO Directorate Actual V Budget as at 31 October 2019	D19/108557
<a href="#">4</a>	Corporate Community & Commercial Services Directorate Actual V Budget as at 31 October 2019	D19/108558
<a href="#">5</a>	Development Facilities & Environment Directorate Actual V Budget as at 31 October 2019	D19/108559
<a href="#">6</a>	Infrastructure Services Directorate Actual V Budget as at 31 October 2019	D19/108561
<a href="#">7</a>	Debtors Report as at 31 October 2019	D19/108562

**Report authorised by:**

Director - Corporate, Community & Commercial Services

Chief Executive Officer



**Maranoa Regional Council**  
**Actual as at 31 October 2019**

**STATEMENT OF FINANCIAL POSITION**

	Actual As at 31/10/2019	Actual Audited FY 30/6/2019
<b>Current Assets</b>		
Cash and Cash Equivalents	1,717,584	2,073,000
Investments	78,464,262	82,900,000
Trade & Other Receivables	5,140,476	10,605,000
Inventories - Realisable < 12 Months	1,873,487	1,945,000
	<b>87,195,809</b>	<b>97,523,000</b>
 Non Current Assets Held For Sale	 0	 0
<b>Non-current Assets</b>		
Infrastructure Property Plant Equipment	743,647,648	750,064,000
Uncapitalised Wip - Contra Assets	55,653,273	38,486,000
	<b>799,300,921</b>	<b>788,550,000</b>
<b>TOTAL ASSETS</b>	<b>886,496,730</b>	<b>886,073,000</b>
<b>Current Liabilities</b>		
Trade & Other Payables	(2,663,633)	(10,207,000)
Short Term Provisions	(7,766,829)	(7,930,000)
Suspense	(138,190)	(198,000)
Borrowings	(1,313,596)	(1,314,000)
	<b>(11,882,249)</b>	<b>(19,649,000)</b>
<b>Non-current Liabilities</b>		
Long Term Provisions	(26,992,022)	(26,992,000)
Long Term Borrowings	(15,756,469)	(16,071,000)
	<b>(42,748,491)</b>	<b>(43,063,000)</b>
<b>TOTAL LIABILITIES</b>	<b>(54,630,740)</b>	<b>(62,712,000)</b>
<b>NET COMMUNITY ASSETS</b>	<b>831,865,990</b>	<b>823,361,000</b>
<b>Community Equity</b>		
Asset Revaluation Reserve	(276,713,606)	(276,715,000)
Accumulated Surplus	(503,530,401)	(502,742,000)
Other Reserves	(51,621,984)	(43,904,000)
<b>TOTAL COMMUNITY EQUITY</b>	<b>(831,865,990)</b>	<b>(823,361,000)</b>



**Maranoa Regional Council**  
**Actual vs. Budget for four months ended**  
**31 October 2019**

**TOTAL COUNCIL**

	Current Budget 2019-2020	% of Year Elapsed - 33.33%		Comments
		Actual 31/10/2019	% Variance	
<b>Operating Revenue</b>				
Rates and levies	(35,990,380)	(17,410,041)	48.4%	Refer CCC, DevFacEnv, Infrastructure directorates
Sale of goods and major services	(3,599,367)	(928,479)	25.8%	
Commercial fees and charges	(9,762,843)	(3,558,182)	36.4%	Refer Development Facilities & Environment directorate
Statutory fees and charges	(1,746,497)	(1,299,219)	74.4%	
Rental and levies	(819,214)	(222,681)	27.2%	Refer CCC Directorate
Interest received	(1,867,000)	(543,158)	29.1%	
Sales of contract and recoverable works	(6,329,000)	(1,127,576)	17.8%	Refer CCC & Infrastructure Directorates
Other Revenue	(2,102,297)	(1,049,331)	49.9%	
Reimbursements	0	0	0.0%	
Grants subsidies and contributions	(20,822,899)	(3,028,854)	14.5%	
Internal Transaction	(1,239,280)	(679,431)	54.8%	
<b>Total Operating Revenue</b>	<b>(84,278,777)</b>	<b>(29,846,952)</b>	<b>35.4%</b>	
<b>Operating Expenses</b>				
Employee Costs	37,159,227	10,944,626	29.5%	
Materials and services	31,081,411	10,658,548	34.3%	
Plant hire internal	(3,144,762)	(838,484)	26.7%	
Overhead recovery	(10,846,960)	(2,434,200)	22.4%	
Contracts	6,692,558	1,362,080	20.4%	
Finance Costs	696,417	202,332	29.1%	
Depreciation Amortisation and Impairment	19,237,060	6,414,815	33.3%	Refer CCC Directorate
Other Expenses	101,168	46,403	45.9%	
<b>Total Operating Expenses</b>	<b>80,976,119</b>	<b>26,356,119</b>	<b>32.5%</b>	
<b>Reserve Transfers</b>				
Transfer to reserves for operational	1,571,627	0	0.0%	
Transfer from reserves for operational	(3,111,629)	0	0.0%	
Transfer to reserves for capital	1,669,148	0	0.0%	
Transfer from reserves for capital	(27,981,727)	0	0.0%	
<b>Operating (Surplus)/Deficit Before Capital Items</b>	<b>(31,155,239)</b>	<b>(3,490,833)</b>	<b>11.2%</b>	
<b>Capital Revenues and Expenses</b>				
Commonwealth government capital grants	(7,290,881)	0	0.0%	
State govt capital grants and subsidies	(8,038,938)	(2,659,303)	33.1%	
Other capital grants and subsidies	0	0	0.0%	
Developer capital contributions	(24,881,331)	(2,209,853)	8.9%	
<b>Operating (Surplus)/Deficit After Capital Items</b>	<b>(71,366,389)</b>	<b>(8,359,989)</b>	<b>11.7%</b>	
<b>Sources and Applications of Capital Funding</b>				
<b>Capital Funding Sources</b>				
Loans Contra	0	0	0.0%	
Sale Proceeds - Contra Sales	(2,353,000)	(151,837)	6.5%	
Funded depreciation	(19,237,060)	0	0.0%	
<b>Total Capital Funding Sources Used</b>	<b>(21,590,060)</b>	<b>(151,837)</b>	<b>0.7%</b>	
<b>Capital Funding Applications</b>				
Uncapitalised Wip - Contra Assets	88,464,205	17,166,734	19.4%	
Loan redemption	1,274,250	314,457	24.7%	
<b>Total Capital Funding Applications</b>	<b>89,738,455</b>	<b>17,481,191</b>	<b>19.5%</b>	





**Maranoa Regional Council**  
**Actual vs. Budget for four months ended**  
**31 October 2019**

**OFFICE OF THE CEO DIRECTORATE**

	Current Budget 2019-2020	% of Year Elapsed - 33.33%		Comments
		Actual 31/10/2019	Variance	
<b>Operating Revenue</b>				
Rates and levies	0	0	0.0%	
Sale of goods and major services	0	0	0.0%	
Commercial fees and charges	0	0	0.0%	
Statutory fees and charges	0	0	0.0%	
Rental and levies	0	0	0.0%	
Interest received	0	0	0.0%	
Sales of contract and recoverable works	0	0	0.0%	
Other Revenue	(127,000)	(29,730)	23.4%	
Reimbursements	0	0	0.0%	
Grants subsidies and contributions	(23,500)	(7,957)	33.9%	
Internal Transaction	(149,981)	0	0.0%	
<b>Total Operating Revenue</b>	<b>(300,481)</b>	<b>(37,687)</b>	<b>12.5%</b>	
<b>Operating Expenses</b>				
Employee Costs	1,613,243	440,175	27.3%	
Materials and services	841,400	465,445	55.3%	Total public liability insurance 2019/20 paid in advance
Plant hire internal	28,954	2,797	9.7%	
Overhead recovery	0	0	0.0%	
Contracts	0	0	0.0%	
Finance Costs	0	0	0.0%	
Depreciation Amortisation and Impairment	0	0	0.0%	
Other Expenses	0	0	0.0%	
<b>Total Operating Expenses</b>	<b>2,483,597</b>	<b>908,416</b>	<b>36.6%</b>	
<b>Reserve Transfers</b>				
Transfer to reserves for operational	0	0	0.0%	
Transfer from reserves for operational	0	0	0.0%	
Transfer to reserves for capital	0	0	0.0%	
Transfer from reserves for capital	0	0	0.0%	
<b>Operating (Surplus)/Deficit Before Capital Items</b>	<b>2,183,116</b>	<b>870,729</b>	<b>39.9%</b>	
<b>Capital Revenues and Expenses</b>				
Commonwealth government capital grants	0	0	0.0%	
State govt capital grants and subsidies	0	0	0.0%	
Other capital grants and subsidies	0	0	0.0%	
Developer capital contributions	0	0	0.0%	
<b>Operating (Surplus)/Deficit After Capital Items</b>	<b>2,183,116</b>	<b>870,729</b>	<b>39.9%</b>	
<b>Sources and Applications of Capital Funding</b>				
<b>Capital Funding Sources</b>				
Loans Contra	0	0	0.0%	
Sale Proceeds - Contra Sales	0	0	0.0%	
Funded depreciation	0	0	0.0%	
<b>Total Capital Funding Sources Used</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>	
<b>Capital Funding Applications</b>				
Uncapitalised Wip - Contra Assets	0	0	0.0%	
Loan redemption	0	0	0.0%	
<b>Total Capital Funding Applications</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>	



**Maranoa Regional Council**  
**Actual vs. Budget for four months ended**  
**31 October 2019**

**CORPORATE, COMMUNITY & COMMERCIAL SERVICES DIRECTORATE**

	Current Budget 2019-2020	% of Year Elapsed - 33.33%		Comments
		Actual 31/10/2019	Variance	
<b>Operating Revenue</b>				
Rates and levies	(25,277,508)	(11,794,548)	46.7%	1/2 yearly rates levied in September
Sale of goods and major services	0	0	0.0%	
Commercial fees and charges	(3,989,818)	(1,684,313)	42.2%	
Statutory fees and charges	(150,804)	(107,591)	71.3%	
Rental and levies	0	0	0.0%	
Interest received	(1,867,000)	(543,158)	29.1%	Unanticipated drop in short term interest rates
Sales of contract and recoverable works	0	0	0.0%	
Other Revenue	(253,000)	(269,049)	106.3%	Refund from ATO pre amalgamation not budgeted for
Reimbursements	0	0	0.0%	
Grants subsidies and contributions	(17,693,456)	(2,024,774)	11.4%	
Internal Transaction	0	0	0.0%	
<b>Total Operating Revenue</b>	<b>(49,231,586)</b>	<b>(16,423,433)</b>	<b>33.4%</b>	
<b>Operating Expenses</b>				
Employee Costs	14,105,856	3,854,663	27.3%	
Materials and services	4,450,741	1,815,805	40.8%	Annual software licences fy 2019/20 paid in advance
Plant hire internal	335,111	94,128	28.1%	
Overhead recovery	(12,153,557)	(2,434,200)	20.0%	
Contracts	1,595,400	442,281	27.7%	
Finance Costs	155,026	37,173	24.0%	
Depreciation Amortisation and Impairment	402,287	130,762	32.5%	
Other Expenses	86,484	37,567	43.4%	Increased QTC admin fees due to higher than average QTC investments
<b>Total Operating Expenses</b>	<b>8,977,348</b>	<b>3,978,177</b>	<b>44.3%</b>	
<b>Reserve Transfers</b>				
Transfer to reserves for operational	237,812	0	0.0%	
Transfer from reserves for operational	(17,145)	0	0.0%	
Transfer to reserves for capital	0	0	0.0%	
Transfer from reserves for capital	(1,815,126)	0	0.0%	
<b>Operating (Surplus)/Deficit Before Capital Items</b>	<b>(41,848,697)</b>	<b>(12,445,255)</b>	<b>29.7%</b>	
<b>Capital Revenues and Expenses</b>				
Commonwealth government capital grants	(3,933,627)	0	0.0%	
State govt capital grants and subsidies	(1,841,483)	(1,110,000)	60.3%	
Other capital grants and subsidies	0	0	0.0%	
Developer capital contributions	0	0	0.0%	
<b>Operating (Surplus)/Deficit After Capital Items</b>	<b>(47,623,807)</b>	<b>(13,555,255)</b>	<b>28.5%</b>	
<b>Sources and Applications of Capital Funding</b>				
<b>Capital Funding Sources</b>				
Loans Contra	0	0	0.0%	
Sale Proceeds - Contra Sales	0	0	0.0%	
Funded depreciation	(402,287)	0	0.0%	
<b>Total Capital Funding Sources Used</b>	<b>(402,287)</b>	<b>0</b>	<b>0.0%</b>	
<b>Capital Funding Applications</b>				
Uncapitalised Wip - Contra Assets	7,954,564	4,060,927	51.1%	
Loan redemption	238,714	56,302	23.6%	
<b>Total Capital Funding Applications</b>	<b>8,193,278</b>	<b>4,117,229</b>	<b>50.3%</b>	



**Maranoa Regional Council**  
**Actual vs. Budget for four months ended**  
**31 October 2019**

**DEVELOPMENT, FACILITIES & ENVIRONMENTAL SERVICES DIRECTORATE**

	Current Budget 2019-2020	% of Year Elapsed - 33.33%		Comments
		Actual 31/10/2019	Variance	
<b>Operating Revenue</b>				
Rates and levies	(2,308,574)	(1,150,301)	49.8%	1/2 yearly rates levied in September
Sale of goods and major services	0	0	0.0%	
Commercial fees and charges	(1,581,091)	(324,352)	20.5%	Waste Levy contribution
Statutory fees and charges	(1,093,621)	(1,031,959)	94.4%	
Rental and levies	(819,214)	(222,681)	27.2%	
Interest received	0	0	0.0%	
Sales of contract and recoverable works	0	0	0.0%	
Other Revenue	(160,508)	(102,877)	64.1%	
Reimbursements	0	0	0.0%	
Grants subsidies and contributions	(1,725,052)	(706,944)	41.0%	
Internal Transaction	(7,000)	5,676	-81.1%	
<b>Total Operating Revenue</b>	<b>(7,695,060)</b>	<b>(3,533,439)</b>	<b>45.9%</b>	
<b>Operating Expenses</b>				
Employee Costs	6,082,735	1,960,715	32.2%	
Materials and services	10,560,533	2,974,838	28.2%	
Plant hire internal	820,055	270,038	32.9%	
Overhead recovery	152,385	0	0.0%	
Contracts	1,314,336	321,021	24.4%	
Finance Costs	31,706	6,673	21.0%	
Depreciation Amortisation and Impairment	2,542,613	844,165	33.2%	
Other Expenses	0	568	0.0%	
<b>Total Operating Expenses</b>	<b>21,504,363</b>	<b>6,378,018</b>	<b>29.7%</b>	
<b>Reserve Transfers</b>				
Transfer to reserves for operational	71,666	0	0.0%	
Transfer from reserves for operational	(1,312,387)	0	0.0%	
Transfer to reserves for capital	130,000	0	0.0%	
Transfer from reserves for capital	(4,865,074)	0	0.0%	
<b>Operating (Surplus)/Deficit Before Capital Items</b>	<b>7,833,508</b>	<b>2,844,580</b>	<b>36.3%</b>	
<b>Capital Revenues and Expenses</b>				
Commonwealth government capital grants	(500,000)	0	0.0%	
State govt capital grants and subsidies	(1,342,500)	49	0.0%	
Other capital grants and subsidies	0	0	0.0%	
Developer capital contributions	(130,000)	(41,250)	31.7%	
<b>Operating (Surplus)/Deficit After Capital Items</b>	<b>5,861,008</b>	<b>2,803,379</b>	<b>47.8%</b>	
<b>Sources and Applications of Capital Funding</b>				
<b>Capital Funding Sources</b>				
Loans Contra	0	0	0.0%	
Sale Proceeds - Contra Sales	0	(74,724)	0.0%	
Funded depreciation	(2,542,613)	0	0.0%	
<b>Total Capital Funding Sources Used</b>	<b>(2,542,613)</b>	<b>(74,724)</b>	<b>2.9%</b>	
<b>Capital Funding Applications</b>				
Uncapitalised Wip - Contra Assets	7,565,255	1,485,019	19.6%	
Loan redemption	286,540	71,801	25.1%	
<b>Total Capital Funding Applications</b>	<b>7,851,795</b>	<b>1,556,820</b>	<b>19.8%</b>	



**Maranoa Regional Council**  
**Actual vs. Budget for four months ended**  
**31 October 2019**

**INFRASTRUCTURE SERVICES DIRECTORATE**

	Current Budget 2019-2020	% of Year Elapsed - 33.33%		Comments
		Actual 31/10/2019	% Variance	
<b>Operating Revenue</b>				
Rates and levies	(8,404,298)	(4,465,192)	53.1%	1/2 yearly rates levied in September
Sale of goods and major services	(3,599,367)	(928,479)	25.8%	
Commercial fees and charges	(4,191,934)	(1,549,517)	37.0%	
Statutory fees and charges	(502,072)	(159,669)	31.8%	
Rental and levies	0	0	0.0%	
Interest received	0	0	0.0%	
Sales of contract and recoverable works	(6,329,000)	(1,127,576)	17.8%	
Other Revenue	(1,561,789)	(647,676)	41.5%	Rectification wks Fairview Rise / Plant recovery Insurance not budgeted
Reimbursements	0	0	0.0%	
Grants subsidies and contributions	(1,380,891)	(289,178)	20.9%	
Internal Transaction	(1,082,299)	(685,107)	63.3%	
<b>Total Operating Revenue</b>	<b>(27,051,650)</b>	<b>(9,852,394)</b>	<b>36.4%</b>	
<b>Operating Expenses</b>				
Employee Costs	15,357,393	4,689,073	30.5%	
Materials and services	15,228,737	5,402,461	35.5%	
Plant hire internal	(4,328,882)	(1,205,447)	27.8%	
Overhead recovery	1,154,212	0	0.0%	
Contracts	3,782,822	598,778	15.8%	
Finance Costs	509,685	158,487	31.1%	
Depreciation Amortisation and Impairment	16,292,160	5,439,888	33.4%	
Other Expenses	14,684	8,268	56.3%	
<b>Total Operating Expenses</b>	<b>48,010,811</b>	<b>15,091,508</b>	<b>31.4%</b>	
<b>Reserve Transfers</b>				
Transfer to reserves for operational	1,262,149	0	0.0%	
Transfer from reserves for operational	(1,782,097)	0	0.0%	
Transfer to reserves for capital	1,539,148	0	0.0%	
Transfer from reserves for capital	(21,301,527)	0	0.0%	
<b>Operating (Surplus)/Deficit Before Capital Items</b>	<b>676,834</b>	<b>5,239,114</b>	<b>774.1%</b>	
<b>Capital Revenues and Expenses</b>				
Commonwealth government capital grants	(2,857,254)	0	0.0%	
State govt capital grants and subsidies	(4,854,955)	(1,549,352)	31.9%	
Other capital grants and subsidies	0	0	0.0%	
Developer capital contributions	(24,751,331)	(2,168,603)	8.8%	
<b>Operating (Surplus)/Deficit After Capital Items</b>	<b>(31,786,706)</b>	<b>1,521,159</b>	<b>-4.8%</b>	
<b>Sources and Applications of Capital Funding</b>				
<b>Capital Funding Sources</b>				
Loans Contra	0	0	0.0%	
Sale Proceeds - Contra Sales	(2,353,000)	(77,113)	3.3%	
Funded depreciation	(16,292,160)	0	0.0%	
<b>Total Capital Funding Sources Used</b>	<b>(18,645,160)</b>	<b>(77,113)</b>	<b>0.4%</b>	
<b>Capital Funding Applications</b>				
Uncapitalised Wip - Contra Assets	72,944,386	11,620,788	15.9%	
Loan redemption	748,996	186,354	24.9%	
<b>Total Capital Funding Applications</b>	<b>73,693,382</b>	<b>11,807,142</b>	<b>16.0%</b>	

Rates/Utility Billing

Rates – October 2019	
No. of rate assessments	7874
No. of payment arrangements set up	202
Value of outstanding rates for which there is a payment arrangement in place	\$795,562.46
Percentage of rates arrears in payment arrangements	15.59%
No. of rate notices issued	N/A
Value of rate notices issued	N/A
Value of payments received	\$14,206,551.99
Value of rates outstanding - Total	\$5,102,337.98
Rates outstanding as a percentage of total annual levies	26.09%
No. of assessments with an outstanding balance	1344
Documents trimmed	2613
No. of searches processed	18
No. of CRs processed	376
No. of Property Transfers processed	43
No. of Valuation changes received	71
No. of Applications for Rates Payment Arrangement received	58
Value of Rates adjustments due to changes in valuations/amalgamations/changes in services	\$625,610.07
<b>Revenue collected on behalf of others</b>	
State Emergency Services Emergency Management Levy collected, to be remitted to Queensland Fire and Emergency Services by 14/10/2019:	N/A
<b>Administration of Discounts, Remissions, Concessions</b>	
Community Organisation Concession	N/A
Pensioner Rebates	
Follow-up of Outstanding Rates Debts	<ul style="list-style-type: none"> <li>Various payment arrangements were entered into.</li> </ul>

Gas Billing - October 2019			Gas Utility Billing		
			No. of customers		581
Reconnections	6		Industrial		17
Disconnections	12		Commercial		61
New Connections	0		Domestic		503
Write Offs Processed	0				
Refunds	0		Invoiced	\$	11,898.62
<b>Letters Issued</b>			Value of gas accounts outstanding	\$	63,393.97
Reminders	128		Value of payments received	-\$	216,292.63
Notice to disconnect	3		No. of payments received	398	
Final Demands	0				
Accept arrangement	5				
<b>Total</b>	<b>136</b>				

### Outstanding Accounts

■ Industrial ■ Commercial ■ Domestic ■ Disconnected accounts

### Natural Gas Accounts outstanding

	# Accounts	\$
Industrial	9	\$ 19,986.10
Commercial	17	\$ 14,218.46
Domestic	113	\$ 19,748.01
Disconnected accounts	31	\$ 9,441.40
	170	<b>\$ 63,393.97</b>
Credit on accounts		-\$ 4,604.11
GL Trail balance		Error

## **OFFICER REPORT**

**Meeting:** General 27 November 2019

**Date:** 20 November 2019

**Item Number:** 12.1

**File Number:** D19/108669

**SUBJECT HEADING:** Capital Upgrade Request - Footpath Extension - Robert Street, Surat

**Classification:** Open Access

**Officer's Title:** Assets Officer - Transport Network

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### **Executive Summary:**

Council has received a request to extend the concrete footpath along Robert Street, Surat to improve pedestrian access to Surat State School.

### **Officer's Recommendation:**

That Council consider the extension to the Robert Street Footpath, on the northern side of the Surat State School, as part of the 2020/21 budget deliberations.

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### **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).

Surat State School – Students, staff, parents and visitors.

### **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
AMP	Asset Management Plan

### **Context:**

***Why is the matter coming before Council?***

The Surat State School have formally requested the construction of a footpath extension along Robert Street, Surat. This report provides Council with details of the request and options available.

### **Background:**

***Has anything already happened in relation to this matter?***

(Succinct overview of the relevant facts, without interpretation)

Council received a letter of request from Mrs Sue Hendriks, Acting Principal of the Surat State School, seeking an extension of the existing footpath for a distance of approximately 38m.

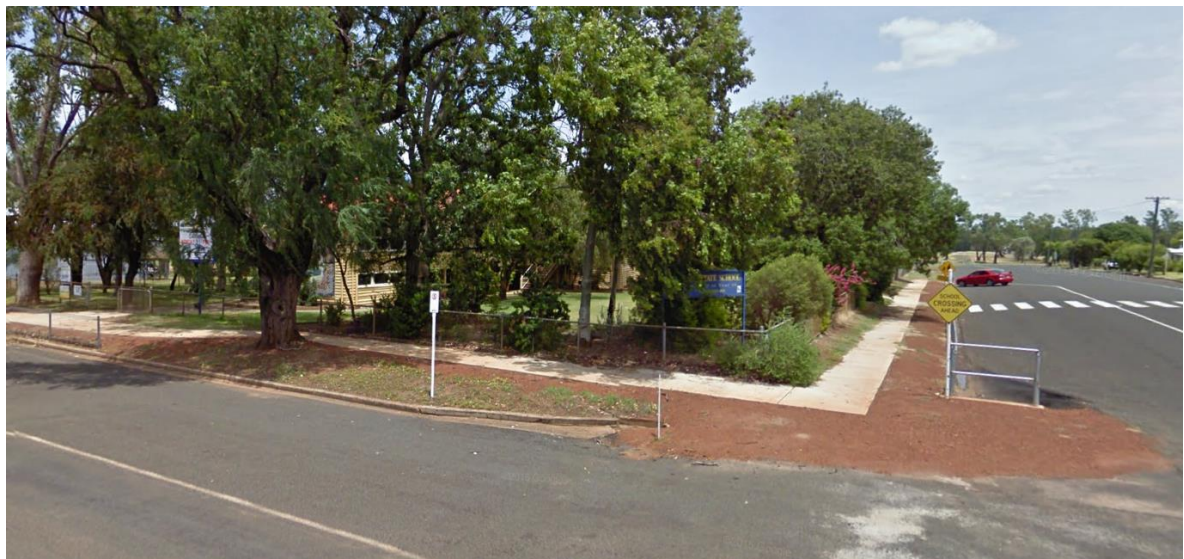


Figure 1 below shows the location of the proposed extension; and figure 2 below shows the location of existing footpaths around the school.

*Figure 1 – Robert Street, Surat - Proposed alignment of the footpath extension.*



*Figure 2 – Cnr of Cordelia Street and Robert Street Surat – Existing footpath network*



This portion of footpath area proposed for extension is in front of the main drop off and pick up area for children travelling to and from school by car.

Figures 1 & 3 indicate the proposed footpath extension in orange. The proposed extension is approximately 38 metres long. The request does not specifically mention



a desired width, however it is recommended that the width of the extension match the existing footpath - being 1.5 metres wide.

There are no existing plantings or electrical poles along the proposed extension.

The Surat State School has a driveway entrance off Robert Street.

One of the main pedestrian entrances to the school is also located in Robert Street. The main pedestrian entrance to the school for students dropped off by bus is located in Cordelia Street.

The proposed footpath extension would stop at the concrete surface at the driveway used for entry and exit to the school garden area off Robert Street.

*Figure 3 – The orange line indicates the proposed extension. The blue line highlights the existing footpath network in the immediate vicinity of the Surat State School*



#### **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)

Nil

#### **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)

*Council Policy – Road Network Standards*

In accordance with this policy, Section 4.5 – Upgrade of Road, states Council will actively pursue external sources of funding to upgrade urban streets. Should Council endorse the proposed footpath, applying for eligible funding, would be in line with Council Policy.

*Council Policy – Road Network Design Standards*

Council has adopted the Capricorn Municipal Development Guidelines (CMDG) as a guide to requirements within the Maranoa Region. The proposed footpath extension would be constructed in line with the CMDG detailed design standards.

Robert Street has the classification of Access Street, this policy identifies an *Access Street* with minimum requirements of Reserve Width at 18metres and no pathways required. Council's records show this portion of Robert Street, in front of the Surat State School, has a reserve width of 4.2metres. There is one electricity pole and natural grass in this section of the reserve.

With the current classification of Robert Street, the proposed footpath would be above design standards required for our network.

*Urban Streets – Asset Management Plan (AMP)*

Councils Asset Management plan, Section 2.2 Goals and Objectives, identifies the Corporate Goals for the Urban Street Network.

**Goal:** 4.8 Footpaths and Other pathways

**Objective:** *Provide safe passage of pedestrians adjacent roadways and through public space.*

The adopted AMP also recognises future demand in section 4 taking into account the demand drivers of consumer preferences and expectations. At the same time, reference is made to Council's continued focus on renewals and to only consider upgrades where an upgrade will reduce the maintenance costs. The need for new assets or upgrades are to be assessed on an annual basis.

*Appendices 10 B – Components Below Design Standard;*

Robert Street Surat has been identified in 3 locations as below design standard for, seal to kerb.

Relevant goals and objectives specific to the Urban Street Network are:

Corporate Goals – Urban Street Network	
Goal	Objective
<i>Strategic Priority 4: Road Network</i>	
<i>Goal 4.1 Council Roads – Provide a network that enables the safe passage of vehicles within acceptable timeframes</i>	
4.1.5 Whole of life cost reduction	Identify opportunities through design, construction methodologies and technology advancements to increase the useful life and/or reduce maintenance costs of our transport network assets.
4.1.6 Transport Network Depreciation	Undertake ongoing review of the valuation of Council's transport network (particularly road and bridge) assets, including critical analysis of component useful lives, and depreciation expense
4.1.8 Road renewals and upgrades	Undertake road program works identified through asset management condition assessment, 10 year planning and annual review by Council.
4.1.9 Road Maintenance	Refocus Council's road maintenance on proactive maintenance, informed by a well-planned inspection program and a review of service levels and associated funding
<i>Goal 4.6 Stormwater Drainage - Minimise the risk to buildings of water inundation from short term intense rainfall events</i>	
4.7.3 Urban stormwater network depreciation	Undertake ongoing review of the valuation of Council's drainage assets, including critical analysis of component useful lives, and depreciation expense
<i>4.8 Footpaths and Other pathways - Provide safe passage of pedestrians adjacent roadways and through public space.</i>	
4.8.1 Footpaths	Update the footpath strategy/plan, maintain existing footpaths, identify any emerging priorities, expand the network based on prioritised need each year, and ensure appropriate recording of depreciation
4.8.2 Pathways	Maintain existing pathways through public space and expand the network based on prioritised need each year, ensuring appropriate recording of depreciation
<i>4.9 Kerb and Channel - Protect road infrastructure through provision of kerb and channel / gutters that facilitate the removal of water from the road, and provide a barrier to prevent vehicles from leaving the road carriageway.</i>	
4.9.1 Kerb and Channel (existing)	Maintain existing kerb and channel, identify additional requirements and expand the network based on prioritised need each year, ensuring appropriate recording of depreciation

Maranoa Regional Council will exercise its duty of care to ensure public safety in accordance with the infrastructure risk management plan prepared in conjunction with this AM Plan. Management of infrastructure risks is covered in Section 6.

***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)

Manager – Program & Contract Management

Manager - Construction

Lead Infrastructure Program Funding, Budget Coordination Officer, Infrastructure Services

**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

**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?***

At the time of the request, there is currently no specific budget allocation for this particular extension in the 2019/20 year.

Cost estimate for construction of the proposed concrete footpath as per Council's standards is in the order of \$18,000 - \$20,000.

The current recommendation seeks to ensure the project will be presented to Council as part of the 2020/21 budget preparation. Should Council wish to expedite the funding of this project in 2019/20, the most logical option would be through the annual operations budget *General Ledger 2446 - School Bus Operations*. There is currently sufficient budget in this account to fund this project.

This said, *General Ledger 2446 - School Bus Operations* is typically reserved for safety related expenses that may arise during the year along school bus routes. This can include such items as visibility clearing and drop off area repairs. The request by nature would fall more under the category of a serviceability improvement, rather than that solely of safety.

It should be noted however that the current concrete works schedule is fully assigned to the end of Quarter 4, which includes the use of a number of local contractors to help achieve current approved commitments. There is a risk that even if funding approval was expedited, works may not be able to be completed until the first or second quarter of the 2020/21 financial year.

**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)

Should the project be adopted, once constructed, the asset would be added to the Urban Streets Asset Management plan to ensure budget is included for renewal and

annual maintenance schedules. A footpath currently has an estimated useful life of 50 years. Additional annual depreciation costs based on a construction cost of \$20,000 would be in the order of \$400p.a.

### 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)

Surat State School – Students, staff, parents and visitors

Other members of the community that may use this section of footpath

### 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
Should Council fund the extension	The initial request notes that the current pathway consists of rocks and dirt. Beautification of our road network, should budget permit, is likely to provide a positive community reaction.
Should Council fund the extension through the School Bus Operations General Ledger	A risk exists that future safety related expenses which are brought to Council's attention may not be able to be actioned if Council funds this pathway improvement.
Ongoing risk to users if no action is taken	Wet weather events have the ability to make the section proposed for the extension muddy and possibly slippery. It is likely that Council would be subject to community scrutiny should Council choose not to fund the extension.
Increase in capital asset base	The extent of the works is not likely to materially increase Council's footpath capital asset base. An estimate of the additional annual depreciation costs are included in the budget section of this report.

### 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)

That Council consider the project as part of funding deliberations at both quarterly reviews and annual budget preparation.

### 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 consider the extension to the Robert Street Footpath, on the northern side of the Surat State School, as part of the 2020/21 budget deliberations.

**Link to Corporate Plan:**

Corporate Plan 2018-2023

Strategic Priority 1: Getting the basics right

1.3 Manage our region's urban and rural roads

1.3.3 E Deliver the capital works program approved through the budget, focussing limited available funding on renewal of existing roads.

**Supporting Documentation:**

[1](#) Letter from Mrs Susan Hendricks - Surat State School - D19/104794  
Request for Footpath - Robert Street Surat

**Report authorised by:**

Deputy Director Infrastructure Services/Strategic Road Management

Lead Infrastructure Program Funding & Budget Coordination Officer

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





Principal: Mr Justin Washington  
Telephone: 07 – 4626 4333  
Mobile: 0429 890 710  
Facsimile: 07 – 4626 4300  
Email: [Principal@suratss.eq.edu.au](mailto:Principal@suratss.eq.edu.au)

55 Robert Street  
Surat Q 4417

11 November 2019

Dear Maranoa Council,

On behalf of Surat State School families and community members, I am writing to request that the footpath outside the school on Robert Street be extended from the existing path down towards the driveway entry to the school garden area. Please find below photographs of this area.



This is a distance of 37.3 metres and is currently rock and dirt. As this area is the main drop off and pick up area for children travelling to and from school by car, a new footpath would benefit not only families, but also community members, visitors and district support personnel.

Thank you for considering our request.

Yours sincerely

Mrs Sue Hendriks

Acting Principal

Surat State School

## **PLANNING & BUILDING DEVELOPMENT REPORT**

**Meeting:** General 27 November 2019

**Date:** 5 November 2019

**Item Number:** 13.1

**File Number:** D19/102709

**SUBJECT HEADING:** Change representations made about development permit reference 2018/19776

**Classification:** Open Access

**Officer's Title:** Lead Town Planner

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**Executive Summary:** Leesa Murray (the applicant) has made change representations about several of the development conditions imposed as part of Development Approval 2018/19776 (the approval). The approval was issued by Council for a "Garden Centre" and a "Function Facility" at 1344 Dargal Road and 105 Moorelands Lane, Bungeworgorai (the premises). The premises is more commonly known as the Moorelands Bush Nurse.

As the assessment manager, Council must consider the change representations having regard to the matters that were considered when assessing the original development application. After carrying out its assessment, Council must then decide whether it agrees or disagrees with any of the change representations.

### **Officer's Recommendation:**

#### **That Council;**

Give a Negotiated Decision Notice to the applicant that states that Council agrees to the following changes to Decision Notice 2018/19776;

#### **Change Condition 17 from;**

All lighting shall be directed or shielded so as to ensure that no glare directly affects adjoining and nearby properties.

#### **To;**

All lighting shall be directed or shielded so as to ensure that no sustained and unreasonable glare directly affects adjoining and nearby properties.

**Note:** The Queensland Government's *Environmental Protection Act 1994* regulates light nuisance offences. In most cases, Council is responsible for investigating light nuisance complaints. When carrying out an investigation, the authorised Council officer will consider amongst other things, the amount, duration, characteristics and qualities of the lighting, as well as the sensitivity of the receptor and the potential impact the light may be having on adjacent properties.



**Change Condition 18 from;**

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.

**To;**

No unreasonable and sustained 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.

**Note:** In most cases, Council is responsible for investigating nuisance complaints about smoke, dust, rubbish, contaminant, stormwater discharge or siltation. When carrying out an investigation regarding these matters, the authorised Council officer will consider amongst other things, the amount, duration, characteristics and qualities of the nuisance, as well as the sensitivity of the receptor and the potential impact the nuisance may be having on adjacent properties.

**Change Condition 19 from;**

There must not be unreasonable or sustained levels of noise or odour and no nuisance to caused to adjoining properties while the use continues.

**To;**

There must not be unreasonable or sustained levels of noise or odour nuisance caused to adjoining properties while the use continues.

**Note:** In most instances, Council is responsible for investigating noise and odour nuisance complaints. When carrying out an investigation, the authorised Council officer will consider amongst other things, the amount, duration, characteristics and qualities of the noise and/or odour nuisance, as well as the sensitivity of the receptor and the potential impact the nuisance may be having on adjacent properties.

**Change Condition 36 from;**

Operating hours for the approved "Function Facility" are restricted to the hours of 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.

**To;**

Operating hours for the approved “Function Facility” are restricted to the hours of between 9:00am to 2:00pm and 4:00pm 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

**Change Condition 37 from;**

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.

**To;**

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

**Note:** Small community group meetings that occur at the premises during Garden Centre operating hours, and which do not involve amplified noise equipment with the potential to cause nuisance to surrounding and nearby properties, will not be counted toward the 20 function events.

**Change Condition 49 from;**

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).

**To;**

The existing single lane cattle grid located at the “Site Access” shall be replaced with an 8.0 metre wide cattle grid so as to allow different vehicles to enter and exit the premises simultaneously. The cattle grid is not to be installed closer to Dargal Road than the existing single lane cattle grid.

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**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 approval holder and owner/s of the subject premises, Julie Murray and Brad and Leesa Murray; and
- Submitters to the application; Jen Healy, Shirley Jury, M.R. & C.A. Hearn and Debbie Green.

**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
N/A	

**Context:**

***Why is the matter coming before Council?***

Development Approval 2018/19776 was issued as part of a Council resolution, and therefore a determination on whether or not to make any changes to the approval should be decided by the elected Council.

**Background:**

***Has anything already happened in relation to this matter?***

*(Succinct overview of the relevant facts, without interpretation)*

Leesa Murray (the applicant) has made change representations to Council about conditions imposed as part of Development Approval 2018/19776 (the approval). The change representations have been made during the applicant's appeal period.

The approval relates to a Material Change of Use for a "Function Facility" and a "Garden Centre" at 1344 Dargal Road and 105 Moorelands Lane, Bungeworgorai (the premises). The premises is more commonly known as the Moorelands Bush Nurse.

The approval was issued subject to 63 development conditions, imposed to ensure the development complied with the applicable assessment benchmarks and other relevant matters. A copy of the approval is attached in the Supporting Documents.

The applicant has made change representations about several of the development conditions imposed by Council, being conditions 17, 18, 19, 20, 21, 36, 37 and 49. A complete copy of the applicant's change representations including commentary as to why the applicant believes the representations should be supported, are included in the Supporting Documents.

Should Council agree with any of the change representations, a negotiated decision notice must be issued to the applicant and each principal submitter. The negotiated decision notice will replace the original decision notice.

Should Council resolve not to agree to any of the changes, the applicant will be advised accordingly and the original decision notice will take effect (pending any applicant or submitter appeal).

**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 relevant sections of the *Planning Act 2016* include;

Section 65 - Permitted development conditions

*(1) A development condition imposed on a development approval must—*

*(a) be relevant to, but not be an unreasonable imposition on, the development or the use of premises as a consequence of the development; or*

*(b) be reasonably required in relation to the development or the use of premises as a consequence of the development.*

Section 75 - Making change representations

*(1) The applicant may make representations (**change representations**) to the assessment manager, during the applicant's appeal period for the development approval, about changing—*

*(a) a matter in the development approval, other than—*

*(i) a matter stated because of a referral agency's response; or*

*(ii) a development condition imposed under a direction made by the Minister under chapter 3, part 6, division 2; or*

*(b) if the development approval is a deemed approval—the standard conditions taken to be included in the deemed approval under section 64(8)(c).*

Section 76 Deciding change representations:

*(1) The assessment manager must assess the change representations against and having regard to the matters that must be considered when assessing a development application, to the extent those matters are relevant.*

*(2) The assessment manager must, within 5 business days after deciding the change representations, give a decision notice to—*

*(a) the applicant; and*

*(b) if the assessment manager agrees with any of the change representations—*

- (i) *each principal submitter; and*
  - (ii) *each referral agency; and*
  - (iii) *if the assessment manager is not a local government and the development is in a local government area—the relevant local government; and*
  - (iv) *if the assessment manager is a chosen assessment manager—the prescribed assessment manager; and*
  - (v) *another person prescribed by regulation.*
- (3) *A decision notice (a **negotiated decision notice**) that states the assessment manager agrees with a change representation must—*
- (a) *state the nature of the change agreed to; and*
  - (b) *comply with section 63(2) and (3).*
- (4) *A negotiated decision notice replaces the decision notice for the development application.*
- (5) *Only 1 negotiated decision notice may be given.*
- (6) *If a negotiated decision notice is given to an applicant, a local government may give a replacement infrastructure charges notice to the applicant.*

**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)*

Council does not have an adopted policy or plan that is followed for this type of decision, and ordinarily relies on the provisions of the *Planning Act 2016* when reaching a decision on change representations. The *Planning Act 2016* requires that when considering change representations Council must have regard to the matters considered when assessing the original development application, to the extent those matters are relevant.

**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)

Consultation about this application has occurred with:

- Manager Planning & Building Development (internal)
- OneEng Engineering (external)

The Officer's recommendation has been informed by feedback received from the persons 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?*

There is potential for Council to incur costs only in the event that its decision regarding the approval is appealed to the Court.

### **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 the public notification period for the development application. The submitters (Jen Healy, Shirley Jury, M.R. & C.A. Hearn and Debbie Green) will be *interested* in Council's decision.

### **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	

As with any planning decision made by Council, there remains a risk that the decision can be appealed to the Planning and Environment Court (the Court).

Should Council resolve to endorse the Officer recommendation and agree to some of the change representations, the risk of an applicant appeal about the development approval is considered low. The risk of an applicant appeal is considered higher in the event that Council resolve not to agree to some of the change representations.

Four properly made submissions were received during the assessment of the original development application, and there remains a risk that a submitter appeal could be made to the Court about any aspect of the approval. In this instance, regardless of Council's decision on the change representations, the risk of a submitter appeal about the development approval is likely to remain the same and is unlikely to influence a submitter's decision to appeal or not.

**Note:** The likelihood of an appeal is not a valid planning consideration and must not be used to inform Council's decision on any planning application.

**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)

That Council endorse the officer recommendation and agree with some of the change representations.

The majority of the change representations centre on providing clarity around the implementation of development conditions, as opposed to removing or amending them. The added clarity can be provided by including a note at the end of those conditions.

The other requested changes are considered relatively minor and are unlikely to increase potential for on-site or off-site impacts or result in the development becoming inconsistent with the assessment benchmarks or other relevant matters considered as part of the original assessment. Any potential inconsistency or perceived increase in impacts can be overcome having regard to;

- The other development conditions imposed on the development approval; and
- The Council approved upgrades to Dargal Road; and
- That afternoon operating times for the School Bus on Dargal Road occur between 3:00 pm and 4:00 pm; and
- The advice received by the consulting RPEQ that the construction of an 8 metre wide cattle grid at the entrance to the site is acceptable, and will address the potential issue of vehicle queuing into/out of the premises (advice attached in the Supporting Documents).

**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 and agree to some of the change representations. This decision is not contrary to an 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↓	Representations	D19/109045
2↓	Decision notice and approved	D19/66900
3↓	Advice from RPEQ	D19/109071

**Report authorised by:**

Manager - Planning & Building Development

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





# Moorelands Bush Nursery

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

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

25 September 2019

To whom it may concern,

Thank you for your recent notice of Approval (with conditions) for Moorelands Bush Nursery Material Change of Use Development Application (2018/19776) which we received on 2<sup>nd</sup> August 2019. In previous correspondence on 29 August we asked to suspend the relevant appeal period in order to make representations about aspects of the development approval. Please find our responses to the conditions outlined below:

## Condition 17

Moorelands Bush Nursery would like clarification on 'no glare directly affects adjoining and nearby properties'. We accept the condition 16 regarding the maximum light intensity as this a measurable parameter. The nearest neighbouring property is 500m away and, while they may be able to see the lights from the Function Centre, the effect of the glare is subjective and open to interpretation.

## Condition 18-21

Moorelands Bush Nursery would like clarification on Conditions 18-20, in particular the terms 'nuisance' and 'unreasonable'. These conditions are open to interpretation and are ambiguous. It is our concern that any noise, dust or odour could be considered as a nuisance by neighbouring properties, regardless of the actual impact.

## Condition 36

The Bungeworgorai bus travels along Dargal Rd between the hours of 3-4pm Monday to Friday. Moorelands Bush Nursery will ensure that no extra traffic is generated by the Function Centre or Nursery during these hours to ensure the safety of the children on the bus. We would ask that the Maranoa Regional Council consider changing the limits of the opening hours to the Function Centre to reflect the actual hours that the bus travels on the road.

## Condition 37

Moorelands Bush Nursery requests clarification on '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'. In earlier correspondence we agreed to limit the number of functions, outside of normal nursery operating hours, to 20 per year. Our concern is the definition of an event, given that many of our events have under 30 attendees, occur within normal operating hours and fall within the scope of a normal cafes' operation. There are many small community groups that use Moorelands as a space to meet during our normal operating hours on a weekend. We would like to continue to offer our space and equipment to them free of charge. The inclusion of the charity events in the 20 function/year limit would make it unfeasible for Moorelands to continue to support these charities. Our contribution to the community in terms of time and equipment would continue but we would be unable to allow charities to use the Function Facility at no cost if these events were included in the limit of 20 functions per year.

Moorelands accepts that the large functions (like Market Days) that occur during normal operating hours would need to be included in the limit of 20 functions per year. We would like the Maranoa Regional Council to disregard the smaller gatherings that occur during operating hours and the small charity events, and not include these in the limited number of functions.

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). This 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. We would like consideration of the limitations that have been placed on our operation when a decision is made relating to the rates payable on the land.

**Condition 49**

Moorelands has investigated the cost and loss of productive rural land caused by the condition 49, specifically that the single lane cattle grid be 'relocated a minimum distance of 25m from the property boundary'. It also would not reduce the traffic queuing that was the initial concern and reason that the grid movement was required. Moorelands proposes to construct an 8m wide grid at the Site Access, so there is a separate lane for entrance and exit from development site. This would reduce the risk factors associated with traffic queuing and giving way. Once a decision has been made regarding the grid, we would respectfully request an extension on the time required for Condition 49 to be met.

Thank you for considering Moorelands Bush Nursery's representations regarding the conditions in the Development Approval.

Regards,

Leesa Murray



File: 2018/19776

Enquiries to: Department of Development, Facilities and Environmental Services

31 July 2019

Mrs Leesa Murray  
Dargal Road  
Roma QLD 4455

Dear Mrs Murray

### Decision Notice – Approval (with conditions)

(Given under section 63 of the *Planning Act 2016*)

I acknowledge the below application was properly made on 6 June 2018.

#### Application details

Approval Sought:	Development Permit
Application Proposal:	Material Change of Use – “Garden Centre” and “Function Facility”
Category of Assessment:	Impact Assessment
Planning Scheme:	<i>Maranoa Planning Scheme 2017</i>

#### Location details

Street Address:	1344 Dargal Road and 105 Moorelands Lane, Bungeworgorai Qld 4455
Real Property Description:	Lot: 240 WAL: 5369 and Lot: 196 WV: 1276

#### Decision

I wish to advise that the above described application was approved subject to conditions by Council on 24 July 2019.

#### Details of the approval

	Development Permit	Preliminary Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Maranoa Regional Council  
Cnr Bungil & Quintin Streets  
Roma Queensland 4455

PHONE 1300 007 662  
FAX 07 4624 6990  
EMAIL [council@maranoa.qld.gov.au](mailto:council@maranoa.qld.gov.au)

PO Box 620, Roma Qld 4455  
ABN: 99 324 089 164  
[www.maranoa.qld.gov.au](http://www.maranoa.qld.gov.au)

### Conditions

This approval is subject to conditions in Attachment 1.

### Further Development Permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- Development Permit – Building Work
- Development Permit – Plumbing and Drainage works
- Development Permit – Operational Works; unless compliant with the requirements for Accepted development in the *Planning Regulation 2017* or the *Maranoa Planning Scheme 2017*.

### Properly made submissions

Properly made submissions were received from the following principal submitters:

Name of principal submitter	Address
Brenden and Jennifer Free	42 Feather Street, Roma Qld 4455
Shirley Jury	69 Moorelands Lane, Roma Qld 4455
Michael and Catherine Hearn	17 Williams Street, Roma Qld 4455
Debbie Green	"Always Greener" 1193 Dargal Road, Roma Qld 4455

### Referral agencies

Not Applicable - There are no referral agencies for the application.

### Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

A copy of the relevant appeal provisions are attached.

### Currency period for the approval

For Material Change of Use - This approval lapses if the first change of use does not happen within 6 years after the approval starts to have effect.

### Approved plans and specifications

Copies of the following plans, specifications and/or drawings are enclosed.

Plan/Document Number	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	
Version 1.1	Traffic Impact Report prepared by One Eng	01/06/2018
	Information request response	05/09/2018

For further information please contact Lead Town Planner, Christopher Tickner, on the phone number provided below, or via email to [planning@maranoa.qld.gov.au](mailto:planning@maranoa.qld.gov.au).

Yours faithfully



Danielle Pearn

**Manager Planning and Building Development**

Enc. Attachment 1 Assessment Manager Conditions of Approval (Maranoa Regional Council)  
Attachment 2 Adopted Infrastructure Charges Notice  
Attachment 3 Appeal Provisions  
Attachment 4 Statement of Reasons  
Attachment 5 Approved Plans and Specifications



**ATTACHMENT 1 – ASSESSMENT MANAGER CONDITIONS OF APPROVAL  
(MARANOA REGIONAL COUNCIL)**

- 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](http://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 six 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. 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.

**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%20MANAGMENT](http://www.maranoa.qld.gov.au/council/Documents/Pest_Management_Plan_2012_2016.pdf#search=PEST%20MANAGMENT).

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 100m<sup>2</sup> 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. The required signage must be installed within 3 months of the development approval taking effect.
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. The required signage must be installed within 3 months of the development approval taking effect.

#### 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 *Moorelands Bush Nursery 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

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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 30m<sup>2</sup> 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'.

## ATTACHMENT 2 - ADOPTED INFRASTRUCTURE CHARGES NOTICE

## INFRASTRUCTURE CHARGES NOTICE

This Infrastructure Charges Notice is issued by Maranoa Regional Council.

The notice is issued in accordance with the provision of Chapter 4 of the *Planning Act 2016* and related provisions

The reasons for the decision to give this Notice are explained in the attached Infrastructure Charges Information Notice.

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DEVELOPMENT APPLICATION:	2018/19776
PROPERTY ADDRESS:	1344 Dargal Road and 105 Moorelands Lane, Bungeworgorai Qld 4455
PROPERTY DESCRIPTION:	Lot: 240 WAL: 5369 and Lot: 196 WV: 1276
APPLICATION PROPOSAL:	Material Change of Use – "Function Facility" and "Garden Centre"
PLANNING SCHEME:	<i>Maranoa Planning Scheme 2017</i>
LEVIED CHARGE:	\$0.00
DOES THE MAXIMUM ADOPTED CHARGE APPLY:	Yes

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Please find attached an Adopted Infrastructure Charges Notice issued in accordance with section 119 of the *Planning Act 2016* (the Act).

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

The amount in the Adopted Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact the Planning Team at Council for review of the charge amount prior to payment.

#### Payment to Council

Payment of the infrastructure charges must be made to Maranoa Regional Council.

#### Due date for payment

Infrastructure charges are payable in accordance with section 122 of the Act.

#### Automatic increases

The adopted charge for under the *Adopted Infrastructure Charges Resolution (Bungil) 2015* may be increased automatically after the charge is levied and before it is paid to the local government. The increase will be calculated using the following method:

*The monetary contributions for trunk infrastructure that have been previously made, escalated to present value by applying the movements of the Consumer Price Index (all Groups) for Brisbane between the date that the payment was made and 1 July 2012.*



**Levied Charge Calculations:**

Charge Category and Use	Applied Adopted Infrastructure Charge	Demand	Levied Charge
Function Facility & Garden Centre	Nil	<p>The development does not propose to increase the demand on any of Council's infrastructure networks and as a result a nil infrastructure charge is payable.</p> <p>(Direct access to the premises is provided via a road that is classified as fit-for-purpose).</p>	\$0

**General Information****GST:**

The Federal Government has determined that contributions made by a developer to local government for infrastructure and services under the *Planning Act 2016* are GST exempt.

**Appeals:**

Pursuant to section 229(3) of the *Planning Act 2016* a person may appeal an infrastructure charges notice or a refusal (or deemed refusal) of conversion application. Further details about the appeal provisions see attachment 6.

**When this notice lapses:**

The infrastructure charges notice lapses if the development approval stops having effect.

**INFRASTRUCTURE CHARGES INFORMATION NOTICE****Reasons for the decision:**

The approved development will not increase demand upon the local government trunk infrastructure networks. The site has direct access to a road that is classified as fit for purpose.

## ATTACHMENT 3 - PLANNING ACT EXTRACT APPEAL RIGHTS

## Chapter 6 Dispute resolution Part 1 Appeal rights

## 229 Appeals to tribunal or P&amp;E Court

(1) Schedule 1 states—

(a) matters that may be appealed to—

- (i) either a tribunal or the P&E Court; or
- (ii) only a tribunal; or
- (iii) only the P&E Court; and

(b) the person—

- (i) who may appeal a matter (the **appellant**); and
- (ii) who is a respondent in an appeal of the matter; and
- (iii) who is a co-respondent in an appeal of the matter; and
- (iv) who may elect to be a co-respondent in an appeal of the matter.

(2) An appellant may start an appeal within the appeal period.

(3) The **appeal period** is—

- (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
- (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
- (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

(4) Each respondent and co-respondent for an appeal may be heard in the appeal.

(5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

(6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—

- (a) the adopted charge itself; or
- (b) for a decision about an offset or refund—
  - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
  - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.



**230 Notice of appeal**

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—
  - (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under
  - (d) schedule 1, table 1, item 1—each principal submitter for
  - (e) the development application; and
  - (f) for an appeal about a change application under
  - (g) schedule 1, table 1, item 2—each principal submitter for
  - (h) the change application; and
  - (i) each person who may elect to become a co-respondent
  - (j) for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
  - (k) for an appeal to the P&E Court—the chief executive; and
  - (l) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The **service period** is—
  - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

**231 Other appeals**

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The Judicial Review Act 1991, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the Judicial Review Act 1991 in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.

(4) In this section—

**decision** includes—

- (a) conduct engaged in for the purpose of making a decision; and
- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

**non-appealable**, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

## **232 Rules of the P&E Court**

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

## ATTACHMENT 4 – STATEMENT OF REASONS

The following information is provided in accordance with section 63 of the *Planning Act 2016*.

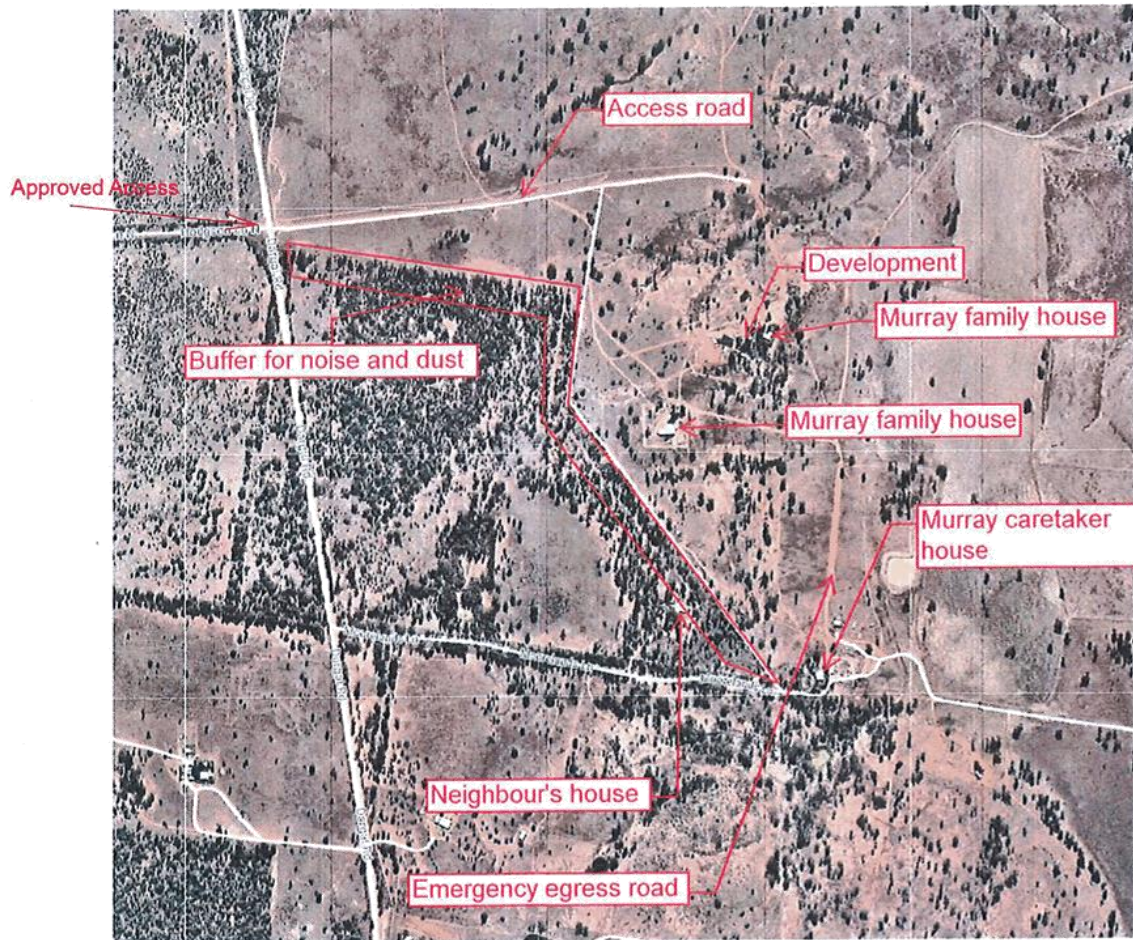
<b>Description of Development</b>	The approved development is for a Material Change of Use "Function Facility" and "Garden Centre".
<b>Assessment benchmarks</b>	<p>The proposed development was assessed against the following Assessment benchmarks;</p> <ul style="list-style-type: none"> <li>• The Darling Downs Regional Plan</li> <li>• The State Planning Policy</li> <li>• The Maranoa Planning Scheme <ul style="list-style-type: none"> <li>• Part 3 Strategic Framework</li> <li>• Part 4 Local Government Infrastructure Plan</li> <li>• Part 5 Tables of Assessment</li> <li>• Part 6 Zones <ul style="list-style-type: none"> <li>• Part 6.2.3 Rural zone code</li> </ul> </li> <li>• Part 8 Overlays <ul style="list-style-type: none"> <li>• Part 8.2.1 Agricultural Land Overlay Code</li> <li>• Part 8.2.3 Biodiversity Areas Overlay Code</li> <li>• Part 8.2.5 Flood Hazard Overlay Code</li> <li>• Part 8.2.6 Bushfire Hazard Overlay Code</li> </ul> </li> </ul> </li> </ul>
<b>Relevant matters</b>	<p>The Relevant matters are:</p> <ul style="list-style-type: none"> <li>• the Assessment benchmarks</li> <li>• submissions received about the application</li> </ul>
<b>Matters raised in submissions</b>	<p>There were four properly made submissions received about the application: one in support of the development, one in favor of the development subject to conditions, and two submissions opposing the development.</p> <p>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.</p> <p>Submissions opposing the development raised concerns that the primary road access to the site was not currently at a standard or maintained to an extent to accommodate the amount of traffic generated by the development. Concerns of noise pollution, light pollution, personal safety and access associated with the development were also raised.</p>
<b>Reasons for decision</b>	<p>On balance it is considered that the proposal presents no significant conflict with the applicable Assessment benchmarks prescribed by the <i>Planning Regulation 2017</i>. 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.</p>

**ATTACHMENT 5 – APPROVED PLANS AND SPECIFICATIONS**



PhotoMaps by nearmap

Page 1 of 2



LOCATION MAP

MARANOA REGIONAL  
COUNCIL  
Planning Act 2016  
This document comprises part  
of  
Development Permit No.  
2018/19776  
and was issued on  
24 July 2019  
In accordance with the :-  
Planning Act 2016  
as amended  
DANIELLE PEARN  
Assessment Manager  
Manager Planning and Building  
Development

Google

[http://maps.au.nearmap.com/?\\_\\_hstc=32735905.f3530c69aa6a39d6fc6a74f5da25eb36...](http://maps.au.nearmap.com/?__hstc=32735905.f3530c69aa6a39d6fc6a74f5da25eb36...) 19/01/2018

Print - PhotoMaps by nearmap

Page 1 of 1

Date: Wed, 12 Jul 2017

Notes: MOORELANDS BUSH NURSERY LAYOUT

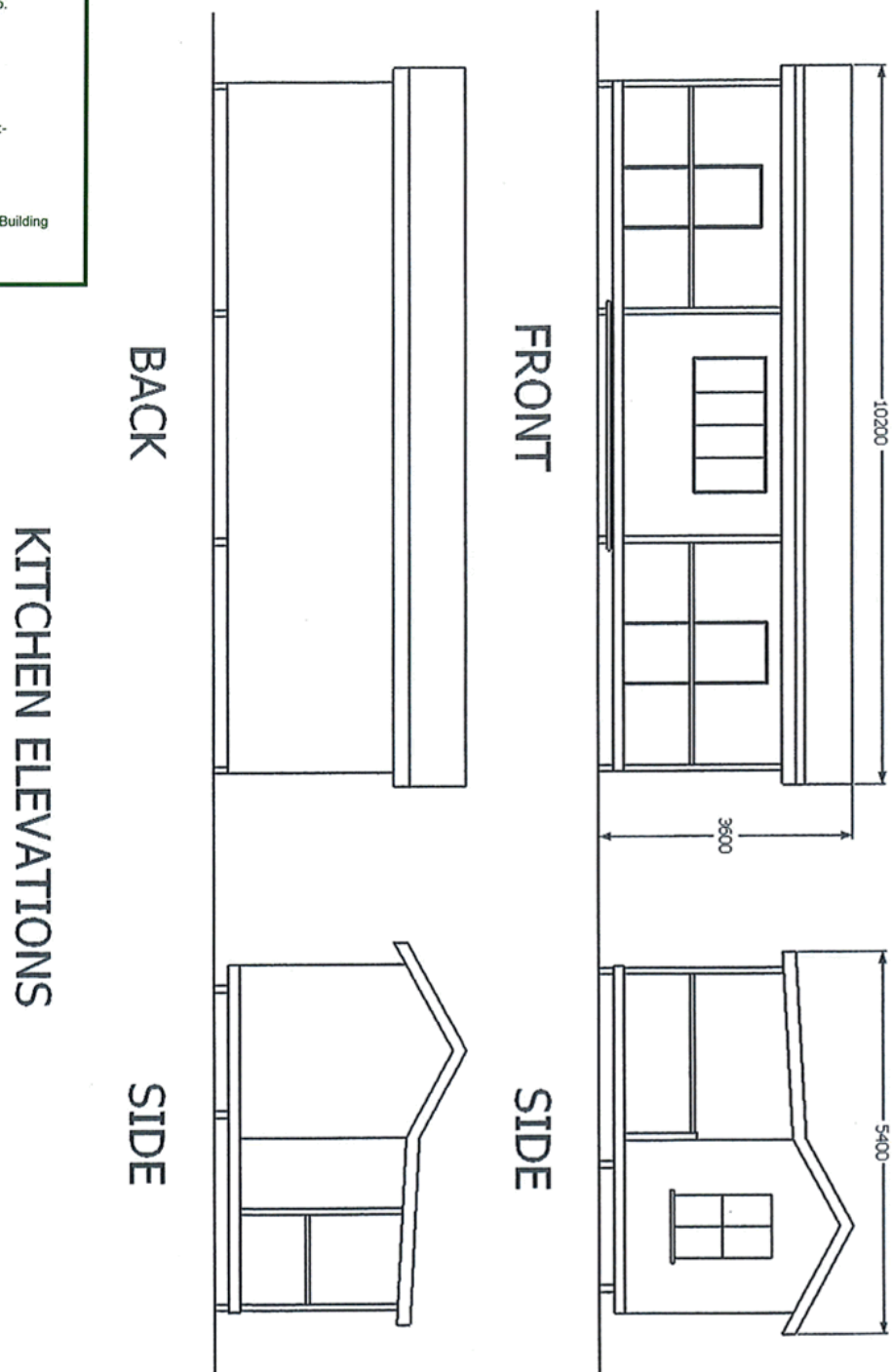


MARANOA REGIONAL  
COUNCIL  
Planning Act 2016  
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Manager Planning and Building  
Development

<http://maps.au.nearmap.com/print?north=-26.51623768234541&east=148.692801945...> 19/01/2018



FIGURE 24:  
The Feed Shed Coffee Shop



MARANOA REGIONAL  
COUNCIL  
Planning Act 2016  
This document comprises part  
of  
Development Permit No.

2018/19776

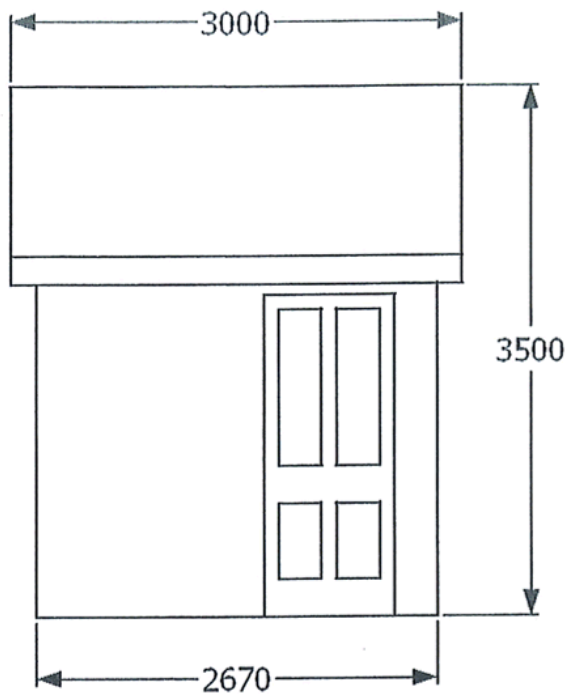
and was issued on

24 July 2019

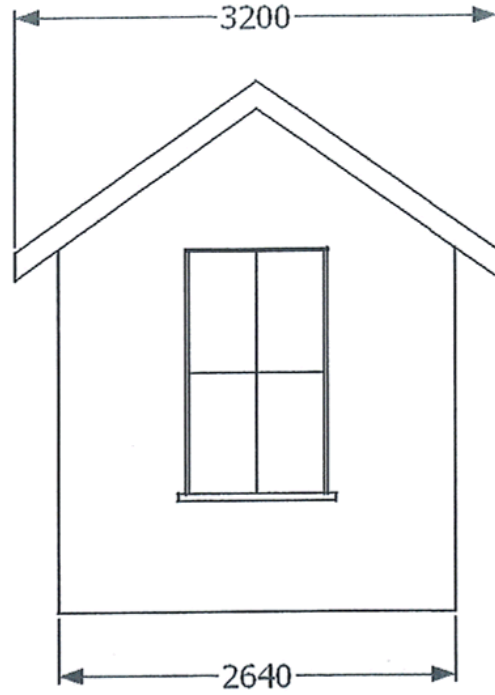
In accordance with the :-  
Planning Act 2016  
as amended

DANIELLE PEARN  
Assessment Manager  
Manager Planning and Building  
Development

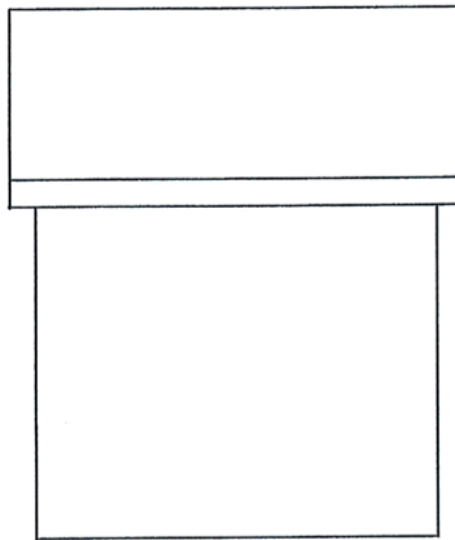
FIGURE 25  
Toilet block



SIDE

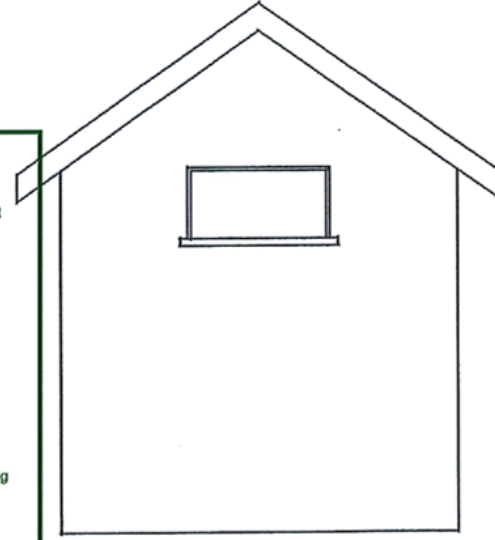


FRONT



SIDE

MARANOA REGIONAL  
COUNCIL  
Planning Act 2016  
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Assessment Manager  
Manager Planning and Building  
Development



BACK

### TOILET BLOCK ELEVATIONS





MARANGA REGIONAL  
COUNCIL  
Planning Act 2016  
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of  
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as amended

DANIELLE PEARN  
Assessment Manager  
Manager Planning and Building  
Development



# Traffic Impact Report

## Mooreland's Bush Nursery

Prepared by: Kevin Chambers (OneEng)

01 June 2018





## Moorelands Bush Nursery

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

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

MARANOA REGIONAL COUNCIL  
Planning Act 2016  
This document comprises part of  
Development Permit No.  
2018/19776  
and was issued on  
24 July 2019  
In accordance with the :-  
Planning Act 2016  
as amended  
DANIELLE PEARN  
Assessment Manager  
Manager Planning and Building  
Development

5 September 2018

Maranoa Regional Council  
57 Bungil St  
PO Box 620  
ROMA 4455

To whom it may concern:

**RE: Information Request (MRC file ref: 2018/19776)**

I have prepared the following response to the information request from the Maranoa Regional Council dated 27 June 2018. This response addresses items 2) and 3) in is to be read in conjunction with the response prepared by Kevin Chambers of OneEng that addresses item 1).

***The Maranoa Regional Council has determined the following additional information is required to assess the application:***

***2) Information submitted with the application materials indicated that the Function facility is "expected" to host 12 functions events per year (primarily market days and weddings). It is also understood that these events generally cater for up to a maximum of 100 people at any one time..***

***Whilst it is recognised that the number of function events may fluctuate throughout any one particular year, confirmation that the number of events will not exceed a capped figure is required. This will help in ensuring that the future traffic volumes remain relatively consistent with the information provided in the Traffic Impact Assessment report prepared by OneEng. It is also requested that confirmation be provided that functions will only be help on weekends and/or outside of school bus operating hours.***

### **Response from Moorelands Bush Nursery:**

The Function Centre has an optimum capacity of 100 people and at times functions will exceed this number of guests. However, it is anticipated that the **average** number of guests will be 100. Larger functions, with the exception of the Market Days that are open to the general public, will be strongly encouraged to use busses to transport guests and this will reduce the impact of road traffic. When Moorelands donates the use of the premises for large fundraising events a condition of our acceptance to host the event is that the event organisers will transport the majority of the guests on busses. We anticipate offering our venue no more than three times per year for large fundraising events.

Whilst it is difficult to foresee the possible uses and popularity of the Function centre. Moorelands would not anticipate holding more than 25 events per year and this is a generous estimate of the capacity and the demand for the venue. This averages as one function per fortnight and includes events with small numbers of guests. For several months of the year the local weather is not conducive to hosting outdoor events. The Market Days create the largest volume of traffic and these will be limited to a maximum of four per year. Weddings and parties are most likely to uses buses to transport guests, thereby reducing road traffic considerably.

Functions will be held on weekends or outside of school bus operating hours and Moorelands will continue to make every effort to minimise the road traffic at times when the school bus is travelling along Dargal Rd.



**Christopher Tickner**

---

**From:** Christopher Tickner  
**Sent:** Thursday, 21 November 2019 8:52 AM  
**To:** Christopher Tickner  
**Subject:** HPRM: FW: Moorelands DA  
  
**Record Number:** D19/109060

**Christopher Tickner**  
Lead Town Planner,  
Planning & Building Development

D: (07) 4624 0622 M: 0409 671 181 F: (07) 4624 6990

---

**From:** Kevin Chambers [mailto:kevin@oneeng.com.au]  
**Sent:** Thursday, 21 November 2019 8:50 AM  
**To:** Christopher Tickner <Christopher.Tickner@maranoa.qld.gov.au>  
**Subject:** Re: Moorelands DA

Good morning Christopher

I have reviewed your email and provide the following advice.

The original assessment and recommendation was made to allow the developer to utilise the existing grid and relocate it to accommodate the narrow structure. As an alternative to this, I have reassessed the access arrangement and can confirm that replacement of the existing grid with an 8 metre wide structure is an appropriate alternative solution. If this wider grid is adopted then it should be installed no closer to the road than the existing (the offset from the edge of the road to the closest abutment should be approximately 15 metres. For the wider grid the warning signs and hazard markers would not be required.

If you have any questions regarding this response, please contact me.

Regards  
Kevin

**Kevin Chambers** BEngT (Civil) MEPR | RPEQ

0475 595 771  
kevin@oneeng.com.au  
oneeng.com.au

ABN 25 628 894 546

**ENG**  
one eng  
plan · engineer · deliver

## **PLANNING & BUILDING DEVELOPMENT REPORT**

**Meeting:** General 27 November 2019

**Date:** 12 November 2019

**Item Number:** 13.2

**File Number:** D19/105087

**SUBJECT HEADING:** Request to extend the currency period of  
Development approval reference 2013/18608

**Classification:** Open Access

**Officer's Title:** Lead Town Planner

---

**Executive Summary:** Bickle Investments Pty Ltd C/- Murray & Associates (the applicant) has submitted an application seeking an extension to the currency period for the development approval issued by Council for a 'Hotel' and 'Tourist Facility' at 77-83 Northern Road, Roma (the approval). The premises is better known as the Romavilla winery.

The currency period is the time that an approval holder has to commence a development before the development approval lapses. The approval is set to lapse on 16 December 2019.

When assessing an application to extend the currency period, Council may consider any matter that it considers relevant, even if the matter was not relevant to assessing the original development application. After carrying out its assessment, Council must decide to give or refuse the extension sought, or extend the currency period for a period that is different from the extension sought.

### **Officer's Recommendation:**

#### **That Council;**

1. Approve the application to extend the currency period of Development Approval 2013/18608 by an additional two years;

**And;**

2. Give a decision notice to the applicant approving the extension application;

**And;**

3. Give a copy of the decision notice to the Department of State Development, Manufacturing, Infrastructure and Planning.

---

### **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 approval holder and owner of the premises, Bickle Investments Pty Ltd; and
- Submitters to the original development application, Mr. A J Orchard; Anne Gibbs; Ben Cannon/Jamelco Hotels Pty. Ltd.; and Adele and Chaz Pearce;

**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
N/A	

**Context:**

***Why is the matter coming before Council?***

Development application 2013/18608 was approved by Council resolution, and therefore a determination on whether or not to extend the currency period of the approval should be determined by the elected Council.

**Background:**

***Has anything already happened in relation to this matter?***

*(Succinct overview of the relevant facts, without interpretation)*

Council issued a development approval for a Material Change of Use – “Hotel” and “Tourist Facility” (the approval) for the premises located at 77-83 Northern Road, Roma (the subject premises) on 16 December 2015. The premises is better known as the Romavilla winery.

The approval permits restoration and other works to the State heritage listed Romavilla winery building for use as a function facility. The approval also provides for a significant accommodation component, which consists of 100 self-contained accommodation units across the balance of the 4 hectare site. A manager's villa with reception area is also proposed, as well as significant onsite landscaping.

The approval and the approved plans are attached in the Supporting Documents.

The approval was issued with a two-year currency period, which is the period that an approval holder has to commence a development before the development approval lapses. The currency period was extended by Council by an additional 2 years in November, 2017 making the date that the development has to commence the 16 December 2019.

The development has not yet started, and the applicant has submitted an extension application seeking approval from Council to extend the currency period by a further

2 years. The applicant has sited market demand as the reason that construction has been delayed.

Should Council resolve to approve the extension application, the approval holder will have until the 16 December 2021 to start 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 relevant sections of the *Planning Act 2016* include;

Section 86 - Extension applications

(1) *A person may make an application (an **extension application**) to the assessment manager to extend a currency period of a development approval before the approval lapses.*

*Note — For the making of an extension application for a development approval that was a PDA development approval, see also the Economic Development Act 2012, section 51AL.*

(2) *The extension application must be—*

(a) *made—*

- (i) *if the assessment manager has a form for the application—in the form;*
- or*
- (ii) *by notice; and*

(b) *accompanied by the required fee.*

(2A) *Also, the extension application must be accompanied by the written consent of the owner of the premises the subject of the development approval to the extent—*

(a) *the applicant is not the owner; and*

(b) *the development approval is for—*

- (i) *a material change of use of premises or reconfiguring a lot; or*
- (ii) *works on premises that are below high-water mark and outside a canal;*
- and*

(c) *the premises are not excluded premises.*

(3) *An assessment manager—*

- (a) *must accept an application that the assessment manager is satisfied complies with subsections (2) and (2A); and*

- (b) must not accept an application unless the assessment manager is satisfied the application complies with subsection (2A); and*
- (c) may accept an application that does not comply with subsection (2)(a); and*
- (d) may accept an application that does not comply with subsection (2)(b) to the extent the required fee has been waived under section 109(b).*

**Section 87 - Assessing and deciding extension applications**

- (1) When assessing an extension application, the assessment manager may consider any matter that the assessment manager considers relevant, even if the matter was not relevant to assessing the development application.*

*Note—*

*For the assessment and deciding of an extension application for a development approval that was a PDA development approval, see also the Economic Development Act 2012, section 51AL.*

- (2) The assessment manager must, within 20 business days after receiving the extension application, decide whether to —*
  - (a) give or refuse the extension sought; or*
  - (b) extend the currency period for a period that is different from the extension sought.*
- (3) The assessment manager and the applicant may agree to extend the 20 business day period.*
- (4) The assessment manager may decide the extension application even if the development approval was given because of an order of the P&E Court.*
- (5) The assessment manager must, within 5 business days after deciding the extension application, give a decision notice to -*
  - (a) the applicant; and*
  - (b) any referral agency; and*
  - (c) if the assessment manager was a chosen assessment manager—the prescribed assessment manager; and*
  - (d) if the assessment manager is not a local government and the premises are in a local government area—the local government whose local government area includes the premises; and*
  - (e) if the development approval was given because of an order of the P&E Court—the P&E Court; and*

- (f) if the development application for the development approval was called in—the Minister.*
- (6) If a decision notice is given to the P&E Court, the P&E Court must attach the notice to the court's file for the court's order.*
- (7) Despite section 85, the development approval lapses—*
- (a) if the extension application is approved—at the end of the extended period; or*
  - (b) if the extension application is refused and the applicant does not appeal—when the last of the following happens—*
    - (i) the day notice is given under subsection (5);*
    - (ii) the end of the currency period; or*
  - (c) if the extension application is refused, the applicant does appeal and the appeal is dismissed or withdrawn—when the last of the following happens—*
    - (i) the day the appeal is dismissed or withdrawn;*
    - (ii) the end of the currency period; or*
  - (d) if the extension application is refused, the applicant does appeal, and the appeal is allowed—at the end of the extended period decided by the court.*
- (8) If the applicant does appeal, the applicant may not start or carry on development until the appeal is decided, unless allowed by an order of the P&E Court.*

**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)*

Council does not have an adopted policy or plan regarding extension applications. In the past, when considering extension applications Council has considered the following matters, which were previously legislated under the now superseded *Sustainable Planning Act 2009*;

- The consistency of the approval and its conditions with current planning laws and policies applicable to the use;
- the community's current awareness of the development approval;
- whether further submission rights would be available if the application for extension were refused, and the likelihood of those submission rights being acted upon by a member of the community;



- the views of any concurrence agency for the application.

The *Planning Act 2016* states that Council can consider any matter that it considers relevant, even if the matter was not relevant to assessing the development application.

**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)

Consultation about this application has occurred with:

- Manager Planning & Building Development (internal)

Under the *Planning Act 2016*, the currency period for development involving a Material Change of Use is six years by default. The Officer's recommendation to approve the requested extension will result in a six year currency period for the approval. This is consistent with the standard currency period provided for this development type under the Act.

The Officer's recommendation has been informed by feedback received as a result of the consultation.

**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 the development approval obligations, financial or otherwise, remains the sole responsibility of the approval holder. There is potential for Council to incur costs only in the event that its decision regarding this extension application is appealed to the Court.

**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)

The Department of State Development, Manufacturing, Infrastructure and Planning (the Department) will be *interested* in Council's decision because it is the State Department now responsible for coordinating referral agency advice/conditions. The *Planning Act 2016* requires Council to provide a copy of its decision regarding this matter to the Department.

**Note:** the original application was considered by the Department of Transport and Main Roads, because the development gains access to a State Controlled Road. As well, the application was referred to the Department of Environment and Heritage, because the site contains a State Heritage Place.

Four properly made submissions about the application were received during the public notification period about the development application. The submitters will be *interested* in Council's decision.

#### 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	

As with any planning decision reached by Council, there is a risk that the applicant can appeal Council's decision to the Planning and Environment Court (the Court). In this instance the risk of an appeal is likely only in the event that Council refuse the extension application.

**Note:** The likelihood of an appeal is not a valid planning consideration and must not be used to inform Council's decision on any planning application.

#### 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)

That Council endorse the officer recommendation to extend the currency period of Development Approval Reference 2013/18608 by an additional two years.

The development approval remains consistent with current planning laws and policies applicable to the approved use and it is unlikely that there would be any significant change in circumstance or environment within the next two years which was not considered as part of the original assessment process.

An extension to the currency period will not change any key aspect of the approved development or any obligation on the operator to mitigate potential impacts resulting from the development.

#### 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)).

That Council approve a two-year extension to the currency period of development approval reference 2013/18608, making December 16, 2021 the date that the approved development must commence.

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

**N/A** - this recommendation does not suggest a decision contrary to an 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 <a href="#">↓</a>	Development approval	D15/104664
2 <a href="#">↓</a>	Approved Development Plans	D15/104353

**Report authorised by:**

Manager - Planning & Building Development

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

## Decision notice approval

*Sustainable Planning Act 2009 s.335*



File: 2013/18608  
 Enquiries to: Department of Development, Facilities & Environmental Services  
 Phone: 1300 007 662  
 Post: PO Box 620, Roma QLD 4455

23 December 2015

Bickle Investments Pty Ltd (as Tte)  
 C/- Murray & Associates (QLD) Pty Ltd  
 PO Box 246  
 Nambour QLD 4560

Attention: Blake Bell

I acknowledge receipt of the above application on 29/04/2013 and confirm the following details:

**RE: Development Application for Material Change of Use "Hotel" and "Tourist Facility"**  
**On land situated at 77-83 Northern Road, Roma 4455**  
**Described as Lot: 30 SP: 240420**

Dear Mr. Bell

I wish to advise that, on 16 December 2015, the above development application was:

Approved in full with conditions. The conditions of this approval are set out in Attachment 1. These conditions are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

### 1. Details of the approval

The following approvals are given:

	Sustainable Planning Regulation 2009, schedule 3 reference	Development Permit	Preliminary Approval
Making a material change of use assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval to which section 242 applies		<input checked="" type="checkbox"/>	

### 2. Other necessary development permits and/or compliance permits

Listed below are other development permits and/or compliance permits that are necessary to allow the development to be carried out:

☒ Development Permit – Operational Works

- ☒ Development Permit – Building Works
- ☒ Development Permit – Plumbing & Drainage Works

### 3. Submissions

There were five (5) properly made submissions about the application. Two submissions were received from the same principle submitter.

The name and address of the principal submitter for each properly made submission are as follows:

Name of principal submitter	Address
1.Mr A.J. Orchard	20 Edna Street, Roma 4455
2.Anne Gibbs	78 Northern Road, Roma 4455
3.Ben Cannon/Jamelco Hotels Pty Ltd	133A Oriel Road, Clayfield QLD 4011
4.Adele and Chaz Pearce	65-67 Northern Road, Roma 4455

### 4. Referral agencies

The referral agencies for this application are:

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
<i>Development on a Queensland heritage place made assessable under schedule 3, part 1, table 5, item 2</i>  <i>Sustainable Planning Regulation 2009, Schedule 7, Table 2, Item 19</i>	<i>Department of Environment and Heritage Protection</i>	<i>Concurrence Agency</i>	<i>Department of Environment and Heritage Protection Administration Officer Permit and License Management Implementation and Support Unit GPO Box 2454 Brisbane QLD 4001</i>
<i>An aspect of development identified in schedule 9 that-</i> <i>a) Is for a purpose mentioned in schedule 9, column 1; and</i> <i>b) Meets or exceeds the threshold -</i>	<i>Department of Transport and Main Roads</i>	<i>Concurrence Agency</i>	<i>The District Director Department of Transport and Main Roads South West Region (Roma) PO Box 126 Roma QLD 4455</i>

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
<p>(ii) for development in LGA population 2 – mentioned in Schedule 9, column 3 for the purpose.</p> <p>Sustainable Planning Regulation 2009, Schedule 7, Table 3, Item 2</p> <p>Making a Material Change of Use of premises of any part of the land-</p> <p>a) Is within 25m of a State-controlled road; or</p> <p>b) Is future State-controlled road: or</p> <p>c) Abuts a road that intersects within a State-controlled road within 100m of the land.</p> <p>Sustainable Planning Regulation 2009, Schedule 7, Table 3, Item 1</p>	Department of Transport and Main Roads	Concurrence Agency	<p>The District Director Department of Transport and Main Roads South West Region (Roma) PO Box 126 Roma QLD 4455</p>

See Attachment 1 – Part 2 for conditions of approval imposed by the Concurrence Agencies

## 5. Approved plans

The approved plans and/or documents for this development approval are listed in the following table:

Plan/Document number	Plan/Document name	Date
Drawing 000 DA002	Cover Sheet	12/16/13
Drawing 1012 DA02	Site Plans, Site and Landscape Concept Plan	12/16/13
Drawing 1011 DA02	Site Plans Existing/Demo Site Plan	12/16/13
Drawing 1021 DA02	Existing Buildings Exist/Demo Winery Ground Floor Plan	12/16/13
Drawing 1022 DA02	Existing Buildings Exist/Demo Winery Cellar & Roof Plan	12/16/13
Drawing 2011 DA02	Winery Ground Floor Plan	12/16/13
Drawing 2012 DA02	Winery Cellar Floor Plan	12/16/13
Drawing 2014 DA02	Winery Elevations North and South	12/16/13
Drawing 2015 DA02	Winery Elevations East & West	12/16/13
Drawing 2021 DA02	Central Facility Ground Floor Plan	12/16/13
Drawing 2023 DA02	Central Facility Elevations	12/16/13

Drawing 2031 DA02	Studio Accommodation Ground, First and Roof Plan	12/16/13
Drawing 2032 DA02	Studio Accommodation Elevations	12/16/13
Drawing 2041 DA02	Villa Accommodation Ground and Roof Plan	12/16/13
Drawing 2042 DA02	Villa Accommodation Elevations	12/16/13
Drawing 2051 DA02	Admin Office Managers Villa Ground and Roof Plan	12/16/13
Drawing 2052 DA02	Admin Offices & Managers Villa Elevations	12/16/13
	DSDIP Information Request Traffic Response	28 January 2014
Document Revision P1	Statement of Heritage Impact	20.03.2013
Document Job No. 2012.424.300	Romavilla Winery Structural Inspection and Report	19.02.2013
Document Version 1	Structural Engineering Inspection Report	18.07.2012

#### 6. When approval lapses if development not started (s.341)

- ☒ Two (2) years starting the day the approval takes effect.

#### 7. Appeal rights

##### *Appeals by applicants*

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal, or refusal in part of the development application
- any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242 of SPA
- the decision to give a preliminary approval when a development permit was applied for
- the length of a period mentioned in section 341
- a deemed refusal of the development application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 461(2) of SPA.

Applicants may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see SPA, chapter 7, part 2.

##### *Appeals by submitters*

A submitter for a development application may appeal to the Planning and Environment Court against:

- the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment
- the part of the approval relating to the assessment manager's decision under section 327.

Details about submitter appeal rights for the Planning and Environment Court are set out in sections 462, 463 and 464 of SPA.

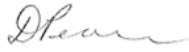
Submitters may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see SPA, chapter 7, part 2.

**Attachment 3** is an extract from SPA which details the applicant's appeal rights and the appeal rights of any submitters regarding this decision.



If you wish to discuss this matter further, please contact the Department of Development, Facilities and Environmental Services on 1300 007 662.

Yours faithfully,



Danielle Pearn

**Manager Planning & Building Development**

Attachment 1 -

Part 1 - Conditions of the approval imposed by the assessment manager

Part 2 - Concurrence agency conditions

Attachment 2 - Adopted Infrastructure Charges Notice

Attachment 3 - SPA extract on appeal rights

## ATTACHMENT 1 – CONDITIONS OF APPROVAL IMPOSED BY THE ASSESSMENT MANAGER – MARANOA REGIONAL COUNCIL

### 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 Approval is the Roma Town Planning Scheme 2006. All references to the 'Planning Scheme' and 'Planning Scheme Schedules' within these conditions refer to the above Planning Scheme.

### Use

1. The approved development is a Material Change of Use – "Hotel" and "Tourist Facility" as shown on the approved plans.
2. The approved development is permitted to occur in the following two stages:

**Stage 1:** Alterations and additions to the winery building and central facilities building (former distillery building) as shown on approved drawing numbers 1022DA02, 2012DA02, 2013DA02, 2014DA02, 2015DA02, 2021/DA02 and 2023/DA02.

**Stage 2:** Construction of accommodation units and manager's villa as shown on approved drawings 2013DA02, 2032DA02, 2041DA02, 2042DA02, 2051DA02 and 2052DA02.

All development approval conditions relating to the establishment of the approved development must be fulfilled prior to any approved use commencing. Unless otherwise stated, the conditions of approval apply to all stages of the approved development.

3. Prior to commencement of use for each approved development stage, the applicant shall contact Council to arrange a development compliance inspection.
4. An operational works permit is required prior to the commencement of any works associated with the approved use (Stage 1 and Stage 2),

### Approved Plans and Documents

5. Maintain the approved development, in accordance with the following approved plans, subject to and as modified by any conditions of this approval:

**Drawing 0000 DA02**

Cover Sheet

Prepared by WallaceBrice Architecture dated 12/16/13

**Drawing 1012 DA02**

Site Plans, Site and Landscape Concept Plan

Prepared by WallaceBrice Architecture dated 12/16/13

**Drawing 1011DA02**

Site Plans Existing/Demo Site Plan

Prepared by WallaceBrice Architecture dated 12/16/13

**Drawing 1021 DA02**

Existing Buildings Exist/Demo Winery Ground Floor Plan

Prepared by WallaceBrice Architecture dated 12/16/13

**Drawing 1022 DA02**

Existing Buildings Exist/Demo Winery Cellar & Roof Plan

Prepared by WallaceBrice Architecture dated 12/16/13

**Drawing 2011 DA02**

Winery Ground Floor Plan

Prepared by WallaceBrice Architecture dated 12/16/13

**Drawing 2012 DA02**

Winery Cellar Floor Plan

Prepared by WallaceBrice Architecture dated 12/16/13

**Drawing 2014 DA02**

Winery Elevations North and South

Prepared by WallaceBrice Architecture dated 12/16/13

**Drawing 2015 DA02**

Winery Elevations East &amp; West

Prepared by WallaceBrice Architecture dated 12/16/13

**Drawing 2021 DA02**

Central Facility Ground Floor Plan

Prepared by WallaceBrice Architecture dated 12/16/13

**Drawing 2023 DA02**

Central Facility Elevations

Prepared by WallaceBrice Architecture dated 12/16/13

**Drawing 2031 DA02**

Studio Accommodation Ground, First and Roof Plan

Prepared by WallaceBrice Architecture dated 12/16/13

**Drawing 2032 DA02**

Studio Accommodation Elevations

Prepared by WallaceBrice Architecture dated 12/16/13

**Drawing 2041 DA02**

Villa Accommodation Ground and Roof Plan

Prepared by WallaceBrice Architecture dated 12/16/13

**Drawing 2042 DA02**

Villa Accommodation Elevations

Prepared by WallaceBrice Architecture dated 12/16/13

**Drawing 2051 DA02**

Admin Office &amp; Managers Villa Ground and Roof Plan

Prepared by WallaceBrice Architecture dated 12/16/13

**Drawing 2052 DA02**

Admin Offices &amp; Managers Villa Elevations

Prepared by WallaceBrice Architecture dated 12/16/13

**Document – DSDIP Information Request Traffic Response**

Prepared by ttm dated 28 January 2014

**Document – Statement of Heritage Impact**

Revision P1

Prepared by WallaceBrice Architecture dated 20.03.2013

**Document – Romavilla Winery Structural Inspection and Report**

Job No. 2012.424.300

Prepared by Bligh Tanner Pty Ltd dated 19.02.2013

**Document – Structural Engineering Inspection Report**

Version 1

Prepared by Kehoe Myers Consulting Engineers dated 18.7.2012

**Prior to the commencement of Stage 1 works**

6. It is the responsibility of the developer to obtain all necessary permits and submit all necessary plans and policies to the relevant authorities prior to the commencement of any works associated with Stage 1 of the approved development.

**Prior to the commencement of Stage 2 works**

7. A certified sewer analysis demonstrating that the sewer has the capacity to accept the additional loading from the proposed Stage 2 works is required to be submitted to Council prior to the commencement of any works associated with Stage 2 of the development.
8. The developer is responsible for implementing reasonable and practical measures to ensure that the progress of Stage 2 works on the site do not have a detrimental impact on the State heritage listed Romavilla Winery and for obtaining any clearances required from the responsible entity in the event that there is potential for the works to have any detrimental impact.

**Advertising signage**

9. Any advertising signage is subject to a further development approval unless compliant with the self-assessable development provisions of the planning scheme.
10. Any free-standing advertising signage or structure to be constructed on site shall be designed by an RPEQ (Structural) Engineer and certification provided for both design and construction.

**Operating Hours**

11. Hours of operation for the winery building and central facilities building are restricted from 7:00am to 11:00pm Monday to Sunday.

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.

**Amenity**

12. Waste containers shall 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.
13. Lighting of the site, including any security lighting, shall be such that the lighting intensity does not exceed 8.0 lux at a distance of 1.5 metres from the site at any property boundary.
14. All lighting shall be directed or shielded so as to ensure that no glare directly affects adjoining and nearby properties.
15. A 2 metre high acoustic fence shall be provided along the full length of the common boundary between the subject site and the adjoining property to the south, properly described as Lot 25 on RP151795.
16. Prior to the commencement of Stage 2 works, a 2 metre high acoustic fence shall be provided along the full length of the common property boundary between the development site and the two residential properties directly north-east (properly described as Lot 2 on RP30944 and Lot 1 on RP20944).

**Noise Attenuation (building materials)**

17. The walls of the proposed winery building and central facilities building are to be insulated for noise to a standard that will prevent excess noise levels to adjoining properties.

**Avoiding Nuisance**

18. The approved development and the premises are to be maintained in a clean and tidy condition and not to pose any health and safety risks to the community.
19. Access and site roadways and surrounds shall be kept in an orderly fashion and free of rubbish.
20. No nuisance is to be caused to adjoining properties and their occupiers by the way of smoke, dust, rubbish, contaminant, stormwater discharge or siltation at any time, including non-working hours.

**Loading and Unloading**

21. Loading and unloading of goods, including refuse collection, is restricted from 7:00am – 6:00pm Monday to Friday and 8:00am to 5:00pm on Saturdays.
22. No loading or unloading of goods is to occur on Sundays or Public Holidays.

**Landscaping**

23. Landscaping shall be provided generally in accordance with approved Site and Landscape Concept Plan prepared by WallaceBrice Architecture dated 12/16/13.

A list of the species to be used in the site landscaping must be submitted and approved by Council in the form of an operational works application prior to any plantings taking place. The list must be prepared by a suitably qualified professional and must only incorporate species contained on Council's Preferred List of Species (list available upon request).

**Note:** Landscaping may be staged over the two approved development stages, provided a landscape plan prepared by a suitably qualified professional, detailing the proposed planting stages, is submitted and approved by Council.

24. Landscaping is to be irrigated during an establishment period of two years and ground covers should fully cover vegetated areas within one year of planting.
25. Site landscaping must not interfere with electrical infrastructure nor restrict maintenance access to any on site infrastructure, public utility or easement.

**Managers Villa**

26. The proposed Managers Villa approved as part of Stage 2 of the development is to be used solely for the purposes of a caretaker's residence in conjunction with the approved use.

**Accommodation Units**

27. The studio accommodation and villa accommodation units approved as part of Stage 2 of the development are to be used for short term accommodation only. For the purposes of this approval, short term accommodation is defined as "premises used to provide short-term accommodation for tourists or travellers for a temporary period of time (typically not exceeding three consecutive months)."

**Earthworks**

28. All earthworks for the development shall be undertaken in accordance with the Capricorn Municipal Design Guidelines and Soil Erosion and Sediment Control – Engineering Guidelines for Queensland Construction Sites (IE Aust – or later versions).

**Erosion Control**

29. All construction works on site to be undertaken in accordance with the Institute of Engineers (Australia) (IEAUST) Soil Erosion and Sediment Control Engineering Guidelines for Queensland Construction sites and the CMDG Design Guidelines – D7.
30. Measures shall be applied to prevent site vehicles tracking sediment and other pollutants onto adjoining roads during the course of the construction period and to prevent dust nuisance during construction.
31. If there is a possibility of erosion or silt or other materials being washed off the property being developed during the development process, the developer must document and implement a management plan that prevents this from occurring.
32. Should it be necessary for the road and/or drainage system to be reinstated or cleaned up due to erosion and/or sedimentation from the site, then such works shall be undertaken at no cost to Council.

**Provision of Services**

33. Stage 1 and Stage 2 of the development is to connect to Council's reticulated sewerage disposal system in accordance with the Water Services Association of Australia (WSAA) publication WSA02-2002 Sewerage Code of Australia at no cost to Council and the CMDG Design Guideline - D12 'Sewerage Reticulation', at no cost to Council.
34. Upgrades to the existing reticulated sewerage disposal system will be required prior to the commencement of Stage 2 works.
35. Written Council approval will be required if building over or within 3 metres of any sewer infrastructure.
36. All buildings and associated building supports are to be located a minimum distance of 3 metres from the centre of any sewer manhole located within the development site.
37. The development is to be connected to Council's reticulated water supply system in accordance with the Water Services Association of Australia (WSAA) publication WSA03-2002 Water Reticulation Code of Australia (version 2.3) and the CMDG Design Guideline – D11 'Water Reticulation', at no cost to Council.
38. The development must be connected to an electricity reticulation service in accordance with the relevant service provider's requirements and specifications along with relevant building standards, requirements and specifications (as relevant).
39. If the development is connected to a telecommunications service, then such works shall be undertaken in accordance with the relevant service provider's requirements and specifications along with relevant building standards requirements and specifications (as relevant).
40. All services installation, including sewer, water, electricity and telecommunications connections to the respective networks, must comply with (i) the development approval conditions, (ii) any relevant provisions in the planning scheme for the area, (iii) Council's standard designs for such work where such designs exist (iv) the Capricorn Municipal Development Guidelines (CMDG) where it applies (v) any relevant Australian Standard that applies to that type of work and (vi) any alternative specifications that Council has agreed to in writing and which the developer must ensure do not conflict with any requirements imposed by any applicable laws and standards.

### Stormwater and Drainage

41. Stormwater run-off from roof and impervious surface areas is to be collected and stored internally and piped to a lawful point of discharge.
42. The stormwater disposal system must be designed to include appropriate pollution control devices or methods to ensure no contamination or silting of creeks or other waterways.
43. Stormwater must not be allowed to pond on the property being developed or upstream or downstream properties during the development process and after development has been completed unless the type and size of ponding has been agreed in writing by the Council or as a specific development approval condition.
44. Post-development stormwater runoff flows from the development site are not to exceed predevelopment stormwater runoff flows to adjoining properties.

### Access, Parking and Manoeuvring

45. Site access for motor vehicles to the development site shall be provided from Northern Road and Bassett Lane East only, located generally in accordance with Site and Landscape Concept Plan prepared by WallaceBrice Architects dated 12/16/13.
46. Access for motor vehicles to and from Edna Street shall be prohibited. Landscaping and/or bollards shall be placed at this access point to prevent motor vehicles from entering and exiting the site at this location.
47. The landowner shall be responsible for the construction and maintenance of vehicle crossovers from the road carriageway to the property boundary and for obtaining any approvals that may be required and for complying with the applicable design standards.
48. Each vehicle access to the site is to be constructed in accordance with CMDG-R-043 Commercial Driveway Slab Type B – Two Lane Access.
49. Vehicle crossovers to the proposed lots must be located a minimum distance of one metre from any street signage, power poles, street lights, manholes, stormwater gully pits or other Councils assets.
50. A total of 273 car parking bays, including 4 dedicated car parking bays for people with a disability, are to be provided for the overall development in accordance with approved Site and Landscape Plan prepared by WallaceBrice Architecture dated 12/16/13. Parking shall be provided in accordance with the following approved stages;

**Stage 1** of the development is to provide 73 dedicated parking spaces, including 2 dedicated car parking bays for people with a disability; and

**Stage 2** of the development is to provide a further 200 parking bays, including 2 dedicated parking bays for people with a disability.

51. Parking bay configurations (widths and lengths) are to be in accordance with AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-Street Car Parking.
52. Disabled car parking bays shall be designed in accordance with AS/NZS 2890.6:2009 Parking Facilities Part 1: Off Street Car Parking.
53. Service vehicle access and manoeuvring is to be designed in accordance with AS/NZS 2890.2:2004 – Parking facilities Part 2: Off-street commercial vehicle facility requirements.
54. A dedicated area for 10 on-site bicycle parking spaces is to be provided as part of Stage 1 of the development. The bicycle parking spaces are to be provided in an area that is well lit and sheltered and must be protected from other vehicles, deliveries and bins.



55. A total of 5 dedicated motorcycle/scooter parking spaces are to be provided in addition to the 273 car parking bays prior to the commencement of use.
56. All car parking spaces and driveway areas are to be sealed with an approved impervious surface. Surfacing shall consist of; patterned, reinforced concrete, concrete pavers, segmental clay pavers, asphaltic hotmix or two coat (primerseal/seal) bitumen seal.
57. Vehicle manoeuvring areas must be provided on-site to allow vehicles to exit designated car parking spaces and exit the site in a forward direction.
58. Any damage to roads and infrastructure that is attributable to the progress of works on the site or vehicles associated with the development of the site must be repaired to the asset owner's specification or the cost of repairs paid to Council.
59. All vehicles access and related elements shall comply with (i) the development approval conditions (ii) Schedule 2 - 'Standards for Road, Car parking, Access and Manoeuvring Areas (iii) Relevant Australian Standards (iv) the CMDG Guidelines (v) any alternative specifications that Council has agreed to in writing and which development must ensure do not conflict with any requirements imposed by any applicable laws and standards.

#### **Roads**

60. Bassett Lane East is to be upgraded to a 10 metre wide bitumen sealed road from the intersection of Northern Road and Bassett Lane East to the proposed site access from Bassett Lane East. Curb and channelling is to be provided along the portion of Bassett Lane East fronting the proposed development in accordance with Schedule 2: "Standards for Roads, Car parking, Access and Manoeuvring Areas" and Capricorn Municipal Development Guidelines D1 Geometric Road Design.

#### **Environmental**

61. The developer shall immediately clean up and satisfactorily remove any deposited construction material or silt runoff from the development site.
62. There must not be unreasonable or sustained levels of noise or odour and no nuisance caused to adjoining properties during the course of the construction works.

#### **Infrastructure Contributions**

63. In accordance with Council's Adopted Infrastructure Charges Resolutions (Roma) 2015, a \$736,500.00 Infrastructure Contribution is payable to the Council prior to the commencement of Stage 2 works. (Refer attached Adopted Infrastructure Charges Notice).

#### **No Cost to Council**

64. 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.
65. 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.
66. 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 commencement of the use.

#### **Latest versions**

67. 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.

## ATTACHMENT 1, PART 2 - CONCURRENCE AGENCY CONDITIONS

Christopher Tickner

**From:** Jason B McGuire <Jason.B.McGuire@tmr.qld.gov.au>  
**Sent:** Friday, 2 October 2015 1:47 PM  
**To:** Maranoa Regional Council  
**Cc:** Byron C Jones; Sheryl P Zajacek  
**Subject:** DTMR Referral Agency response - Att: Graham Tiffany (File 2013/18608 - 77-83 Northern Road, Roma) TMR13-006318  
**Attachments:** Northern Road ROMA \_Supported -- with conditions\_1.pdf; Community engagement.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

I Graham/Planning staff

Attached is the DTMR response/conditions in relation to the development proposed at 77-83 Northern Rd, Roma. Given the constraints of our new system not integrating well with pre-SARA, I offer my apologies re: the unfinished/highlighted look of same, however the substance of the response is there. In any decision notice issued with respect to the development, I hereby request that the following alterations to the attached response be carried out on our behalf:-

Replace last paragraph of condition No. 2 (IE.

*Where the conditioned works on Northern Road associated with the development change the surrounding landowners existing access arrangements (refer abovementioned TTM plans), the applicant must obtain written agreement (to the satisfaction of DTMR) from surrounding landowners for the changed access arrangements.*

with the following:-

*applicant must undertake community engagement and consultation generally in accordance with the Community Engagement Developer Works Strategy, prepared by DTMR dated February 2009 – in particular:-*

1. *How the proposed works shall be undertaken at different phases of the development;*
2. *Outline both the permanent and temporary road design changes that ensure safe and efficient movement of traffic through the affected area; and*
3. *To ensure the local community and elected representatives are aware of all changed traffic conditions and that all costs are at the developer's expense.*

*The applicant must provide evidence, outlining all community consultation has been undertaken in accordance with the strategy and provided to the Program Delivery and Operations Unit, DTMR, DSWR.*

The 'community engagement' documentation is also attached for the developer's information/action.

Jason McGuire  
 AI/Principal Advisor (CM&DF) | Darling Downs District / Toowoomba Office  
 Program Delivery & Operations | Department of Transport and Main Roads

1-5 Phillip Street (near Clifton Street), Toowoomba Qld 4350  
 Locked Bag 1, Warwick Qld 4370  
 P: (07) 4639 0937 | F: (07) 4639 0750

1



Department of  
Transport and Main Roads

Our ref TMR13-006318  
Your ref 2013/18608  
Enquiries Jason McGuire

1 October 2015

The Chief Executive Officer  
Maranoa Regional Council  
PO Box 620  
Roma QLD 4455

Attention: Graham Tiffany

Dear Sir/Madam

#### CONCURRENCE AGENCY RESPONSE – CONDITIONS

**Proposed Development:** Material Change of Use - Hotel and Tourist Facility  
**Real Property Description:** Lot 30SP240420  
**Street Address:** 77-83 Northern Road, Roma QLD 4455 (Lot 30 SP: 240420)  
**Assessment Manager ref.:** 2013/18608  
**Local Government Area:** Maranoa Regional Council

Reference is made to the referral agency material for the development application described above which was received by the Department of Transport and Main Roads (the department) under section 272 of the *Sustainable Planning Act 2009* (SPA) on 22 May 2013.

An assessment of the proposed development has been undertaken against the purposes of the *Transport Infrastructure Act 1994* for state-controlled roads. Based on this jurisdiction, the department provides this concurrence agency response under section 285 of the SPA.

The department advises the assessment manager that it requires conditions to attach to any development approval for the application. The department would also like to provide advice about the application to the assessment manager under section 287(6) of the SPA.

Under section 325(1) of the SPA, the assessment manager must therefore attach this response, including the enclosed Department of Transport and Main Roads Concurrence Agency Conditions and Statement of Reasons, to any approval for the application.

The department may change its concurrence agency response in accordance with section 290(1)(b) of the SPA.

Program Delivery and Operations  
Southwest Region  
30 McDowell Street Roma Queensland 4455  
PO Box 128 Roma Queensland 4455

Telephone +61 7 (07) 4639 0890  
Facsimile +61 7 4639 0750  
Website [www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)  
Email [Jason.D.McGuire@tmr.qld.gov.au](mailto:Jason.D.McGuire@tmr.qld.gov.au)  
ABN: 39 407 890 291

E: [jason.b.mcquire@tmr.qld.gov.au](mailto:jason.b.mcquire@tmr.qld.gov.au)  
W: [www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)

\*\*\*\*\*

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Opinions contained in this email do not necessarily reflect the opinions of the Department of Transport and Main Roads, or endorsed organisations utilising the same infrastructure.

\*\*\*\*\*

The department must be provided with a copy of the assessment manager's decision notice regarding the application within five (5) business days after the day the decision is made in accordance with section 334 of the SPA.

A copy of this response has been sent to the applicant for their information.

If you have any questions or wish to seek clarification about any of the details in this response, please contact Jason McGuire, Senior Town Planner on 07 (07) 4639 0698.

Yours sincerely



Jason McGuire  
**Senior Town Planner**

Enc. (Department of Transport and Main Roads Agency Conditions and Statement of Reasons)

C/c Bickle Investments Pty Ltd C/- Murray & Associated (Qld) Pty Ltd  
PO Box 246  
Nambour QLD 4560

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Department of  
Transport and Main Roads

Our ref TMR13-006318  
Your ref

C/c Bickle Investments Pty Ltd C/- Murray & Associated (Qld) Pty Ltd  
PO Box 246  
Nambour QLD 4560

Attention: Blake Bell

Please find attached correspondence for your information and action as required. Should you wish to discuss this correspondence, please contact Jason McGuire, Senior Town Planner on 07 (07) 4639 0698.

Yours sincerely

A handwritten signature in black ink, appearing to be "J McGuire".

Jason McGuire  
Senior Town Planner

1 October 2015

Enc. (Department of Transport and Main Roads Agency Conditions and Statement of Reasons)

Page 1 of 1



## Transport and Main Roads

### Department of Transport and Main Roads Concurrence Agency Conditions and Statement of Reasons

**Proposed Development:** Material Change of use - Hotel and Tourist Facility  
**Real Property Description:** Lot 30SP240420  
**Street Address:** 77-83 Northern Road, Roma QLD 4455  
**Our ref.:** TMR13-006318  
**Assessment Manager ref.:** 2013/18608  
**Local Government Area:** Maranoa Regional Council

No.	Conditions of Development	Development Permit - Material Change of Use - Hotel and Tourist Facility	Condition Timing	Jurisdiction and Reasons
1	AD01 -[Model Condition] The development must be carried out generally in accordance with the following plans: -[Site Plan prepared by Wallace Brice Architects – Project No. 130201 Drawing 1012 (Rev DA01)].		At all times	
2	NF06 -[Model Condition] Road works comprising a northbound CHR(s) and southbound AUL(s) to the Northern Road / Basset Lane intersection, and road access works (to the proposed (avern access) comprising a northbound CHR and southbound AUL(s)) to the development, for which approval under section 33 of the Transport Infrastructure Act 1994 must be obtained, at the permitted road access locations, must be provided generally in		Prior to the commencement of use and to be maintained at all times	

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## Transport and Main Roads

No.	Conditions of Development	Condition Timing	Jurisdiction and Reasons
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accordance with the plans [ "Proposed Turn treatments" prepared by TTM Consulting Dated January 2014, contained in Appendix B of the TIA prepared by TTM Consulting].

The road access works must be designed and constructed in accordance with the Department's Road Planning and Design Manual - (most recent Edition) and any material referenced therein].

Where the conditioned works on Northern Road associated with the development change the surrounding landowners existing access arrangements (refer above mentioned TTM plans), the applicant must obtain written agreement (to the satisfaction of DTMR) from surrounding landowners for the changed access arrangements.

### 3 NF04a -[Model Condition]

The existing vehicular property access located between Northern Road and the development site must be permanently closed and removed, and reinstated to match existing.

Prior to the commencement of use

### NF01 -[Model Condition]

The permitted road access location/s, for which approval under section 62 of the Transport Infrastructure Act 1994 must be obtained, are to be located generally in accordance with the plan referred to in Condition 1].

Prior to the commencement of use

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## Transport and Main Roads

No.	Conditions of Development	Condition Timing	Jurisdiction and Reasons
	<p>IP03a - [Model Condition]</p> <p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road.</p> <p>(b) Any works on the land must not:</p> <p>i. create any new discharge points for stormwater runoff onto the state-controlled road;</p> <p>ii. interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road;</p> <p>iii. surcharge any existing culvert or drain on the state-controlled road;</p> <p>iv. reduce the quality of stormwater discharge onto the state-controlled road</p> <p>[AND]</p> <p>IP03b - [Model Condition / Non-Standard Condition]</p> <p>(c) RPEQ certification must be provided to the Department of Transport and Main Roads, confirming that the development has been designed and constructed in accordance with parts (a) and (b) of this condition.</p>	Prior to the commencement of use	



Jason McGuire

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**Transport and Main Roads**

Senior Town Planner

1 October 2015

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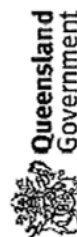
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## Transport and Main Roads

<p><b>Advice for state controlled roads</b></p>	<p>Under section 43 of the <i>Transport Infrastructure Act 1994</i>, a local government must obtain the Department of Transport and Main Roads' approval if it intends to approve the erection, alteration or operation of an advertising sign or other advertising device that would be visible from a motorway, and beyond the boundaries of the motorway, and reasonably likely to create a traffic hazard for the motorway.</p>
<p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works, including road access works, on a state-controlled road. Please contact the Department of Transport and Main Roads on [insert region phone number] to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p>	<p>An application for a Road Corridor Permit is required for any ancillary works and encroachments on the state-controlled road under section 50(2) and Schedule 6 of the <i>Transport Infrastructure Act 1994</i> and Part 5 and Schedule 1 of the <i>Transport Infrastructure (State-Controlled Roads) Regulation 2006</i>. Please contact the Department of Transport and Main Roads on [insert region phone number] to make an application for a Road Corridor Permit. Ancillary works and encroachments include but are not limited to advertising signs or other advertising devices, paths or bikeways, buildings/shelters, vegetation clearing, landscaping and planting.</p>
<p>Mandatory Part (MP) 4.4 of the <i>Queensland Development Code (QDC)</i> commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated <i>transport noise corridor</i>. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a <i>transport noise corridor</i> are designed and constructed to reduce transport noise. <i>Transport noise corridor</i> means land designated under Chapter 8B of the <i>Building Act 1975</i> as a <i>transport noise corridor</i>. Information about <i>transport noise corridors</i> is available at state and local government offices. A free online search tool can be used to find out whether a property is located in a designated <i>transport noise corridor</i>. This tool is available at the Department of Local Government and Planning website (<a href="http://www.dlgp.qld.gov.au/building/transport-noise-corridor-search-tool.html">http://www.dlgp.qld.gov.au/building/transport-noise-corridor-search-tool.html</a>) and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land.</p>	

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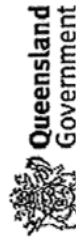


## Transport and Main Roads

<p><b>Advice for state controlled roads</b></p>	<p>Pursuant to Section 580 of the <i>Sustainable Planning Act 2009</i> it is a development offence to contravene a development approval, including any condition in the approval.</p>
<p>Pursuant to Section 80 of the <i>Transport Infrastructure Act 1994</i>, the construction, augmentation, alteration or maintenance of a public utility plant on a state-controlled road reserve, must be in accordance with the Department of Transport and Main Roads' requirements.</p>	
<p><b>Advice for public passenger transport and railways</b></p>	<p>Mandatory Part (MP) 4.4 of the <i>Queensland Development Code (QDC)</i> commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated transport noise corridor. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a transport noise corridor are designed and constructed to reduce transport noise. <i>Transport noise corridor</i> means land designated under Chapter 8B of the <i>Building Act 1975</i> as a transport noise corridor. Information about transport noise corridors is available at state and local government offices. A free online search tool can be used to find out whether a property is located in a designated transport noise corridor. This tool is available at the Department of Local Government and Planning website (<a href="http://www.dlgp.qld.gov.au/building/transport-noise-corridor-search-tool.html">http://www.dlgp.qld.gov.au/building/transport-noise-corridor-search-tool.html</a>) and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land.</p>
<p>Section 311 of the <i>Transport Infrastructure Act 1994</i> states that a person must not interfere with or carry out works on busway transport infrastructure unless the person has written approval from the Chief Executive.</p>	<p>Pursuant to section 255 of the <i>Transport Infrastructure Act 1994</i>, the railway manager's written approval is required to carry out works in or on a railway corridor or otherwise interfere with the railway or its operations.</p>
<p>To the extent any subsequent development of the land (for example, building work or operational work) involves a state resource, evidence of an allocation of, or an entitlement to, the resource will be required to support the development application. Please contact the Rail Ports &amp; Freight Division on telephone number 07 3306 7430 regarding resource entitlements for rail corridor land.</p>	

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## Transport and Main Roads

### Advice for public passenger transport and railways

Section 179 of the *Property Law Act 1974*, attaches an obligation to any land to ensure development does not withdraw support from any other land or from any building, structure or erection that has been placed on or below it.

Further information regarding development in a railway environment can be obtained from the *Guide for Development in a Railway Environment* which is available at: <http://www.tmr.qld.gov.au/Business-industry/Technical-standards-publications.aspx>

The Department of Transport and Main Roads' technical standards and publications can be accessed at <http://www.tmr.qld.gov.au/Business-industry/Technical-standards-publications.aspx>

The *Transport Planning and Coordination Regulation 2005* is available at: [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)

TransLink's TransLink Public Infrastructure Manual 2007 is available at: <http://translink.com.au/about-translink/what-we-do/public-transport-planning/public-transport-infrastructure-manual>

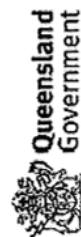
The *Queensland Development Code (QDC)*, Mandatory Part 4.1 – Sustainable Buildings requires end of trip facilities (including bicycle parking and storage facilities, lockers and change rooms) to be provided for employees or occupants in Major Developments located in designated local government areas. Major Development includes commercial office buildings, shopping centres, tertiary education facilities or hospitals with a floor area greater than 2000m<sup>2</sup> or development specified in a local government planning scheme for the purposes of QDC MP4.1. The applicant is responsible for achieving compliance with the QDC when obtaining any necessary development permits for building work for the proposed development.

Commonwealth legislation such as the *Airports Act 1996*, *Airport Regulations 1997*, *Airports (Protection of Airspace) Regulations 1996*, *Civil Aviation Act 1988*, *Civil Aviation Regulations 1988*, *Civil Aviation Safety Regulations 1998*, *Defence Act 1903* and *Defence (Areas Control) Regulations 1989* regulates development in the vicinity of airports and aviation facilities.

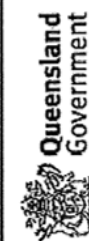
The applicant is responsible for obtaining any necessary approvals, permits and/or licences from the airport, Air Services Australia, the Civil Aviation Safety Authority (CASA) and any other relevant authority in respect of the proposed development.

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**INFORMATION ATTACHMENT TO CONCURRENCE AGENCY RESPONSE****Representations on Referral Agency Response**

If the applicant intends to make a representation to the Department of Transport and Main Roads (the department) regarding the attached concurrence agency response, the applicant needs to do this before the assessment manager decides the application.

The applicant will need to give the assessment manager written notice under section 320(1) of the *Sustainable Planning Act 2009* (SPA) to stop the decision-making period to make a representation to the department and subsequently contact the department to make the representation. The decision making period cannot be stopped for more than 3 months.

**Planning and Environment Court Appeals**

If an appeal is lodged in the Planning and Environment Court in relation to this application, the appellant must give written notice of the appeal to the department under section 482(1) of the SPA. This notice should be given to:

Chief Executive Officer  
Department of Transport and Main Roads  
C/- Planning Law Team  
Planning Management Branch  
GPO Box 213  
Brisbane QLD 4001

This notice should be given within 2 business days if the appeal is started by a submitter, or otherwise within 10 business days after the appeal is started.

## Notice

### Concurrence Agency Response

*This notice is issued by the chief executive pursuant to section 287 (concurrence agency response of the Sustainable Planning Act 2009).*

Chief Executive Officer  
Maranoa Regional Council  
PO Box 620  
Roma QLD 4455

cc. Bickle Investments Pty Ltd  
C/- Murray & Associates (Qld)  
PO Box 246  
Nambour QLD 4560



Our reference: 394916

#### Re: Concurrence Agency Response

##### 1. Application details

Applicant: Blake Bell  
Assessment Manager ref: 2013/18608  
Date application referred to the concurrence agency: 27/05/2013  
Development approval applied for: development permit  
Aspect(s) of development:

Assessable development		Referral agency reference
Various aspects of development – Queensland heritage place	Sustainable Planning Regulation 2009 - Schedule 3, Part 1, Table 5, item 2	SPCH05595513

Development description(s): MCU – "Hotel" and "Tourist Facility"

Property/Location description(s): Lot 30 SP240420, 77-83 Northern Road, Roma.

##### 2. Concurrence jurisdiction

The concurrence agency response for the concurrence agency referral jurisdiction for the aspect of development involved with the application the subject of this Notice is to tell the assessment manager as follows:

**Notice  
Concurrence Agency Response**

- a. Conditions must attach to any development approval, and those conditions are attached to this notice as:
- i) Attachment 1 – Permit SPCH05595513

3. **Approved plans and specifications**

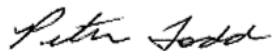
Document no.	Document name	Date
1012:DA01	Site Plans: Site & landscape Concept Plan	15/04/13
1021:DA01	Existing Buildings: Exist'Demo Winery Ground Floor Plan	9/04/13
1022:DA01	Existing Buildings: Exist'Demo Winery Cellar & Roof Plan	9/04/13
2011:DA01	Winery: Ground Floor Plan	9/04/13
2012:DA01	Winery: Cellar Floor Plan	9/04/13
2013:DA01	Winery: Roof Plan	9/04/13
2014:DA01	Winery: Elevations North & South	9/04/13
2015:DA01	Winery: elevations East & West	9/04/13
2021:DA01	Central Facility: Ground Floor Plan	9/04/13
2022:DA01	Central Facility: Roof Plan	9/04/13
2023:DA01	Central Facility: Elevations	9/04/13
	Statement of Heritage Impact	20/03/13

4. **General advice to assessment manager**

Pursuant to section 334 and section 363 of the *Sustainable Planning Act 2009*, a copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to the referral agency for the relevant application. Please send a copy of the relevant notice to Toowoomba EHP Office, PO Box 318, Toowoomba QLD 4350 and an electronic copy to palm@ehp.qld.gov.au.

The state's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager.

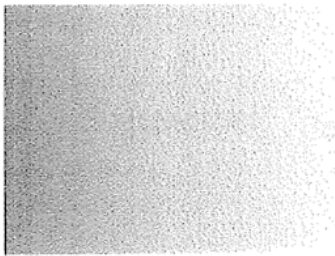
**Delegate**  
Mr Peter Todd  
Delegate, Chief Executive administering *Queensland Heritage Act 1992*, Department of Environment and Heritage Protection  
Date:



**Enquiries**  
Anthony Simmons  
Department of Environment and Heritage Protection  
203 Tor Street Toowoomba.  
PO Box 318, Toowoomba Qld 4350  
Phone: 07 45291210  
Fax: 07 46881487  
Email: anthony.simmons@ehp.qld.gov.au

**Attachment(s)**

Attachment 1 – Permit SPCH05595513

**Sustainable Planning Act 2009****EHP Permit <sup>1</sup> number: SPCH05595513**

<b>Assessment manager reference (if any):</b>	2013/18608
<b>Date application received:</b>	27 May 2013
<b>Permit type:</b>	development permit – MCU
<b>Date of decision:</b>	20 June 2013
<b>Decision:</b>	the application is approved subject to conditions, and the assessment manager's conditions are stated in this permit, and any concurrence agency conditions are attached to this permit in the exact form given by the concurrence agency named on the attachment
<b>Relevant laws and policies:</b>	Queensland Heritage Act 1992

**Jurisdiction(s):**

<b>Various aspects of development - Development on Queensland heritage place</b>	<b>Sustainable Planning Regulation 2009 - Schedule 3, Part 1, Table 5, item 2</b>	<b>EHP ref. no. - 318441 EHP Permit No. SPCH05595513</b>
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**Development Description(s)**

<b>Property/Location</b>		<b>Development</b>
Romavilla Winery 77-83 Northern Road, Roma	Lot 30 SP240420	MCU – "Hotel" and "Tourist Facility"

**Reason(s) for inclusion of conditions**

In accordance with section 289 of the *Sustainable Planning Act 2009*, the reason(s) for inclusion of conditions stated in this permit required by the concurrence agency response for the application are as follows.

<sup>1</sup> Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Heritage Protection.

EHP Permit number: SPCH05595513



**Delegate**  
Peter Todd  
Delegate, Chief Executive administering the *Queensland  
Heritage Act 1992*.  
Department of Environment and Heritage Protection  
Date:

EHP Permit number: SPCH05595513

**CONDITIONS**

EHP Ref No. 394916:601767: SPCH05595513

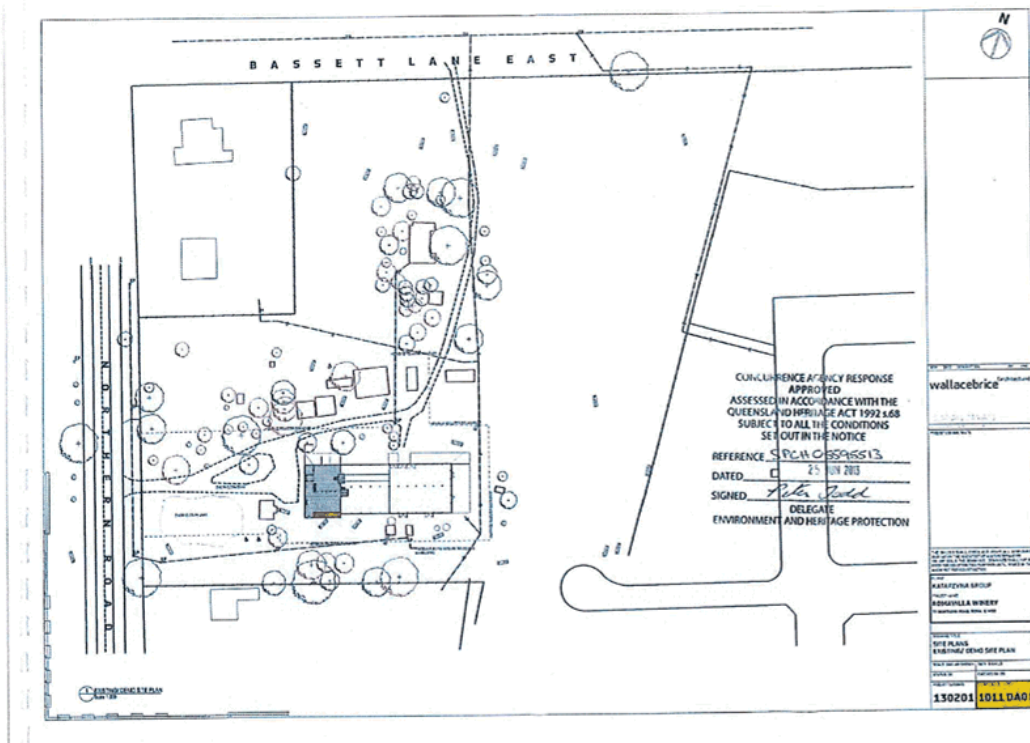
Concurrence Agency Response for development on a Queensland Heritage Place Romavilla Winery, 77-83 Northern Road, Roma. Queensland Heritage Register No. 601767	Reasons for condition
<ol style="list-style-type: none"> <li>1. All elements approved for demolition, including (structures/fitings and furnishings/plant/industrial processes/landscape elements) must be photographically recorded and described, measured drawings prepared and records archived in accordance with current EHP guidelines attached.</li> <li>2. Submit to Regional Cultural Heritage Coordinator, Environmental Standards and Compliance further detail on the extent of early fabric to be retained and the proposed policy for the interpretation of associated objects, including cataloguing, selection, storage and use in the new development.</li> <li>3. Submit to Regional Cultural Heritage Coordinator, Environmental Standards and Compliance a maintenance policy and plan for the significant heritage fabric at the Romavilla Winery.</li> <li>4. Carry out all development in accordance with drawings and documents specified in this notice. In the case of a discrepancy between documents and conditions, conditions take precedence.</li> <li>5. During development, permit access to the registered place by EHP officers if requested.</li> <li>6. During development, take appropriate precautions to protect existing building fabric and other significant elements or artefacts from incidental damage.</li> <li>7. During development, should damage occur to existing building fabric and/or other significant elements or artefacts, report such incidents immediately to Regional Cultural Heritage Coordinator, Environmental Standards and Compliance and confirm details of the incident in writing within 2 business days. The incident report must include (but is not limited to) the following information: <ol style="list-style-type: none"> <li>I. Location and name of registered place;</li> <li>II. Permit number and condition number incident report being made under;</li> <li>III. Details of incident, including time and cause of incident and damage report;</li> </ol> </li> </ol>	<p>To ensure significant fabric and buildings are accurately recorded prior to demolition.</p> <p>To ensure significant fabric are conserved during adaptive reuse.</p> <p>To ensure that the cultural heritage values of the place are appropriately recognised and managed.</p> <p>To ensure development complies with approval.</p> <p>To ensure development complies with approval.</p> <p>To ensure that the cultural heritage values of the place are appropriately recognised and managed.</p> <p>To ensure that the cultural heritage values of the place are appropriately recognised and managed.</p>

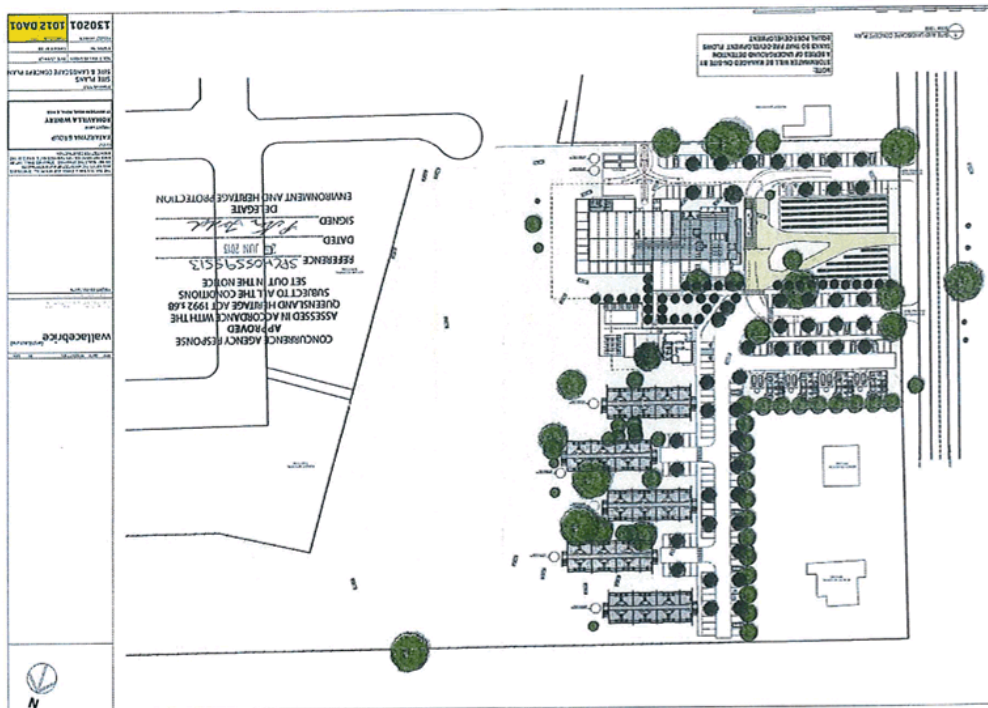


EHP Permit number: SPCH05595513

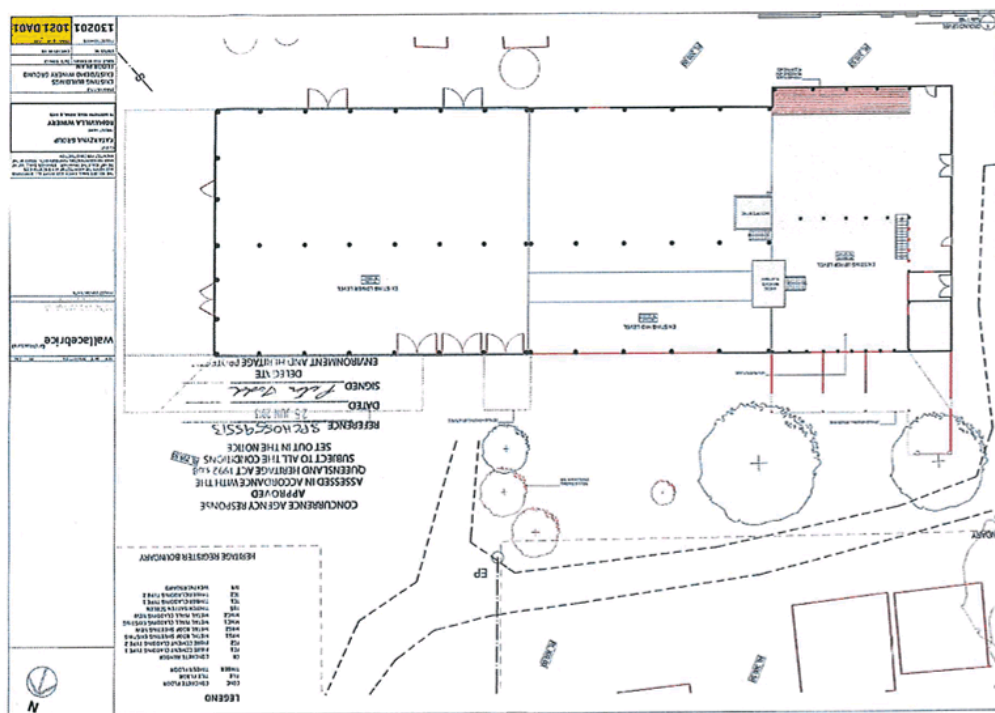
<p>IV. Details of measures that were in place at the time to protect against such incident and why these did not prevent damage;</p> <p>V. Details of proposed measures to reinstate, remediate or rectify damage; and</p> <p>VI. Name and contact details of person making report.</p> <p>8. Inform Regional Cultural Heritage Coordinator, Environmental Standards and Compliance in writing, within 10 working days of completion that development authorised under this permit is complete. State location and name of registered place and permit number and condition number this report is being made under.</p>	<p>To ensure development complies with approval.</p>
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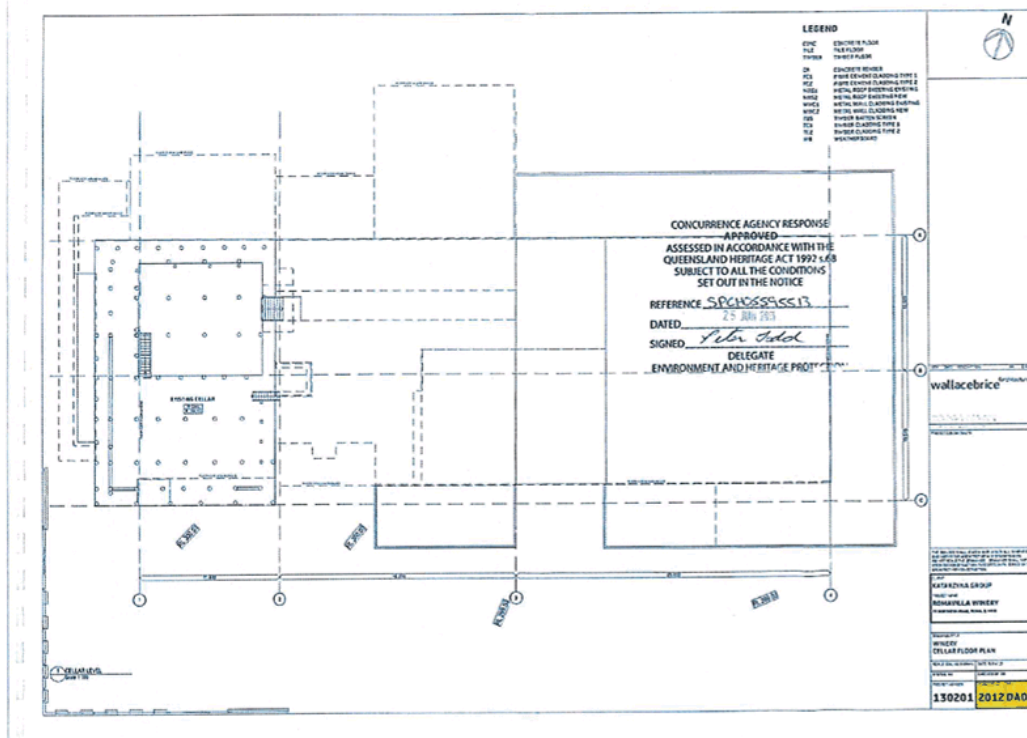
**END OF CONDITIONS**

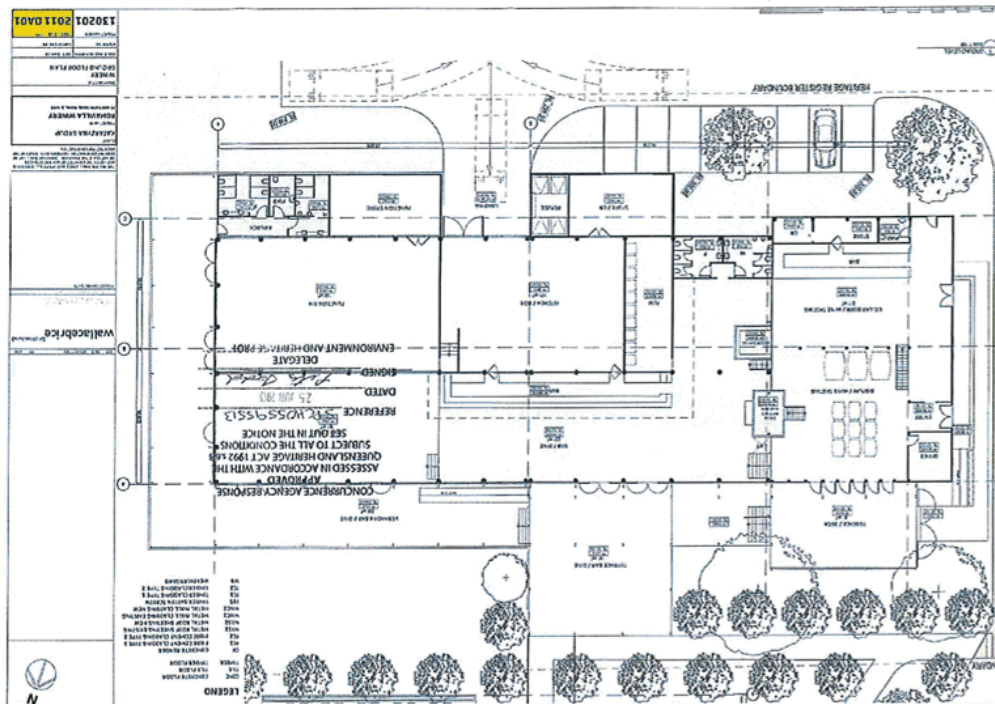




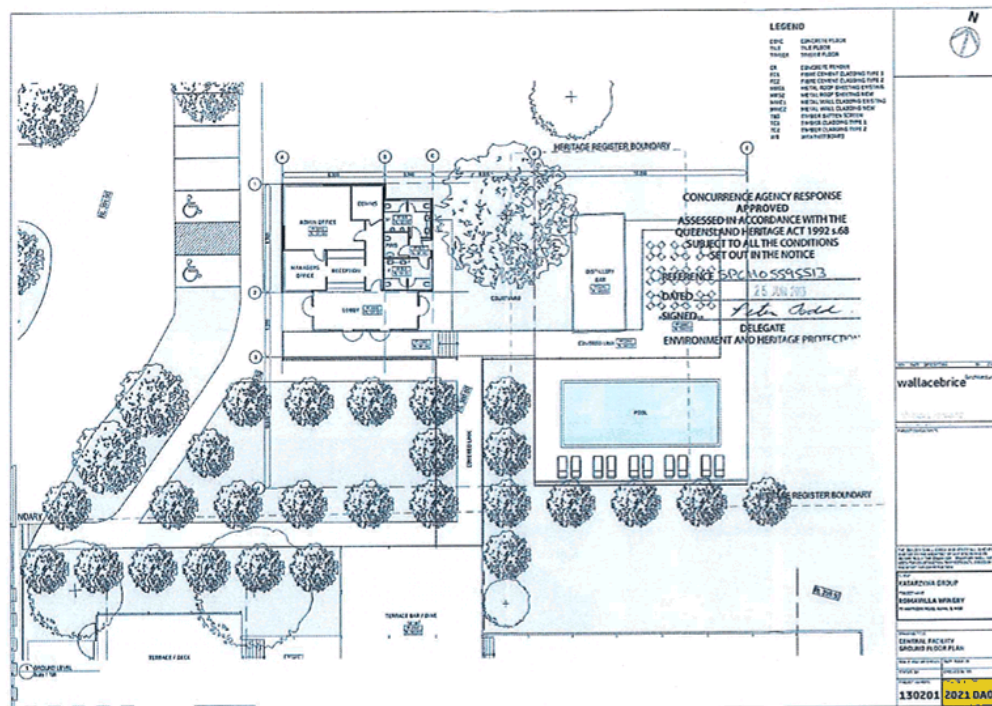
























**Statement of Heritage Impact**

Roseville Winery  
77 Northern Road  
Rams G 1435

Queensland Heritage Register No. 602757

Prepared for: Katarzyna Giepp

Prepared by: wallacebrice

Project No: 130501

Document No: 11-0501

Date: 11 March 2013


Prepared by: Emily Bice

Reviewed by: Joshua Wallace

CONCURRENCE AGENCY RESPONSE  
APPROVED  
ASSESSED IN ACCORDANCE WITH THE  
QUEENSLAND HERITAGE ACT 1992 s.68  
SUBJECT TO ALL CONDITIONS  
SET OUT IN THE NOTICE  
REFERENCE: SPX/H055/5/13

DATED: 11.03.2013  
SIGNED: [Signature]  
COLLIGATE  
ENVIRONMENT AND HERITAGE PROTECTION

**Revision History**

Revision	Date	Details	Authorised	
P1	20.03.2013	DRAFT	Name/Position	Signature
			Joshua Wallace Director	

WallaceBrice Architecture  
34/37 Pyre Street Brisbane Q 4000  
Tel: 07 3251 5555  
Fax: 07 3251 5555  
www.wallacebrice.com.au  
ABN: 25 188 202 827  
ACN: 121 847 136

Roseville Winery  
77 Northern Road  
Rams G 1435  
Heritage Register No. 602757  
Prepared by: Katarzyna Giepp  
Date: 11 March 2013



**ATTACHMENT 2 – ADOPTED INFRASTRUCTURE CHARGES NOTICE****Development Application No 2013/18608****ADOPTED INFRASTRUCTURE CHARGES NOTICE****This Infrastructure Charges Notice is issued by Maranoa Regional Council.****The notice is issued in accordance with the provision of Chapter 8 of the *Sustainable Planning Act 2009* and related provisions****The reasons for the decision to give this Notice are explained in the attached Infrastructure Charges Information Notice.**

**Application No:** 2013/18608

**Real Property Description:** Lot 30 on SP240420

**Property location:** 77-83 Northern Road, Roma

**Development Approval Details:** Material Change of Use – "Hotel" and "Tourist Facility"

**Levied Charge:** \$736,500.00

**Does the maximum adopted charge apply:** Yes**Payment to Council -** \$736,500.00**Due date for payment**

Payment of the levied charges is required prior to the commencement of Stage 2 of the approved development (accommodation units and managers villa).

**Automatic increases**

The adopted charge for *Roma Town Planning Scheme* may be increased automatically after the charge is levied and before it is paid to the local government. The increase will be calculated using the following method:

*The monetary contributions for trunk infrastructure that have been previously made, escalated to present value by applying the movements of the Consumer Price Index (all Groups) for Brisbane between the date that the payment was made and 1 July 2012.*

**Levied Charge Calculations:**

Charge Category and Use	Applied Adopted Infrastructure Charge	Demand	Levied Charge
Accommodation(short term) – “Hotel” and “Tourist Park”	<p>For a short term accommodation hotel or tourist park</p> <p>\$7,500 per suite (with 1 or 2 bedrooms)</p> <p><b>Trunk Infrastructure:</b></p> <ul style="list-style-type: none"> <li>• Transport</li> <li>• Water</li> <li>• Sewerage</li> <li>• Stormwater</li> <li>• Parks and Community Land</li> </ul>	<p><u>Accommodation created by the development</u></p> <p>101 short term accommodation units (1 or 2 bedroom)</p> <p><u>Charge per accommodation unit is \$7,500</u></p> <p>101 accommodation units x \$7,500 = \$750,000</p> <p><u>Credit</u></p> <p>Existing lawful use of 1 residential lot = \$21,000 (Credit is based on the capacity to construct a three bedroom dwelling on the lot)</p> <p><u>Difference between the accommodation created and the credit for three bedroom house</u></p> <p>= \$757,500– \$21,000 = \$736,500.00</p> <p><b>Note:</b> Proposed works on the existing Romavilla Winery and the Distillery Building will not attract an Infrastructure Contribution because there is no increase in the existing GFA.</p>	<p>Total charge</p> <p><b>\$736,500</b></p>

**General Information****GST:**

The Federal Government has determined that contributions made by a developer to local government for infrastructure and services under the *Sustainable Planning Act 2009* are GST exempt.

**Appeals:**

Pursuant to section 478 and 478A of the *Sustainable Planning Act 2009* a person may appeal an infrastructure charges notice or a refusal (or deemed refusal) of conversion application.

Further details about the appeal provisions are attached at the end of the infrastructure charges information notice.

**When this notice lapses:**

The infrastructure charges notice lapses if the development approval stops having effect.

## INFRASTRUCTURE CHARGES INFORMATION NOTICE

### Reasons for the decision:

The approved development will increase demand upon the following local government trunk infrastructure networks:

- transport
- water
- sewerage
- stormwater
- public parks and community facilities

The costs of meeting the increase in demand may be recovered from the developer up to the limits set by the Queensland Government.

To encourage development, the Maranoa Regional Council charges less than the limits set by the Queensland Government.

The infrastructure charges to be paid are based on the *Sustainable Planning Act 2009* (primarily chapter 8) and related regulatory provisions and guidelines.

The Maranoa Regional Council has made a *Resolution to adopt Infrastructure Charges for the Roma Planning Scheme under the State planning regulatory provision (adopted charges), 2015*. This resolution sets out the infrastructure charges that apply to development within the Priority Infrastructure Area (PIA) of the *Roma Town Planning Scheme* administered by the Maranoa Regional Council.

As the developer is not required to construct any trunk infrastructure, (which is infrastructure which services other premises) then there are no offsets or refunds for the provision of trunk infrastructure by the developer.

The development has been given credits for existing uses in accordance with Adopted Infrastructure Charges Resolution (Roma) 2015.

## APPEAL PROVISIONS

Use the following link to access the *Sustainable Planning Act 2009*  
<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/S/SustPlanA09.pdf>

Key provisions about appeals are reproduced below.

If you are considering an appeal, you should also refer (in particular) to Division 11 "Making an appeal to court" in the *Sustainable Planning Act 2009*

### LEGAL ADVICE IS RECOMMENDED IF YOU ARE CONSIDERING AN APPEAL

#### 478 Appeals about infrastructure charges notice

- (1) The recipient of an infrastructure charges notice may appeal to the court about the decision to give the notice.
- (2) However, the appeal may be made only on 1 or more of the following grounds—
  - (a) the charge in the notice is so unreasonable that no reasonable relevant local government could have imposed it;
  - (b) the decision involved an error relating to—
    - (i) the application of the relevant adopted charge; or
    - (ii) the working out, for section 636, of additional demand; or
    - (iii) an offset or refund;
  - (c) there was no decision about an offset or refund;

*Examples of possible errors in applying an adopted charge—*

  - the incorrect application of gross floor area for a non-residential development
  - applying an incorrect 'use category' under an SPRP (adopted charges) to the development
  - (d) if the infrastructure charges notice states a refund will be given—the timing for giving the refund.
- (3) To remove any doubt, it is declared that the appeal must not be about—
  - (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund—
    - (i) the establishment cost of infrastructure identified in an LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.
- (4) The appeal must be started within 20 business days after the day the recipient is given the relevant infrastructure charges notice.

#### 478A Appeals against refusal of conversion application

- (1) The applicant for a conversion application may appeal to the court against a refusal, or deemed refusal, of the application.

- (2) The appeal must be started within the following period—
- (a) if the applicant is given written notice of the refusal—20 business days after the day the applicant is given the notice;
  - (b) otherwise—20 business days after the end of the required period under section 660(5) for the application.

**481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

### ATTACHMENT 3 – SPA EXTRACT ON APPEAL RIGHTS

#### Division 8 Appeals to court relating to development applications and approvals

##### 461 Appeals by applicants

- (1) An applicant for a development application may appeal to the court against any of the following—
  - (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
  - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

##### 462 Appeals by submitters—general

- (1) A submitter for a development application may appeal to the court only against—
  - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
  - (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
  - (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

#### Division 11 Making an appeal to court

##### 481 How appeals to the court are started

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.

- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

#### **482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
- (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
  - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any referral agency; and
    - (iv) the applicant; or
  - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
    - (i) the chief executive; and
    - (ii) the assessment manager for the development application to which the notice relates; and
    - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
    - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
  - (d) if the appellant is a person mentioned in section 466(1)—
    - (i) the chief executive; and
    - (ii) the responsible entity for making the change to which the appeal relates; and
    - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
    - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
  - (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
- (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
- (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.



- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - (a) the assessment manager is the respondent; and (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
  - (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
  - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

#### **488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

#### **489 Minister entitled to be party to an appeal involving a State interest**

If the Minister is satisfied an appeal involves a State interest, the Minister may, at any time before the appeal is decided, elect to be a party to the appeal by filing in the court a notice of election in the approved form.

#### **490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.

# ROMAVILLA WINERY

ADDRESS: 77 NORTHERN ROAD ROMA Q 4455  
CLIENT: KATARZYNA GROUP

## CONTENTS:

NO.	COVER PAGE	130201 0A00	COVER SHEET	130201 0A00
1000	SITE	130201 0A00	EXISTING DEMO SITE PLAN	130201 0A00
1000	EXISTING BUILDINGS	130201 0A00	EXISTING DEMO WINEY BUILDINGS FLOOR PLAN	130201 0A00
1000	EXISTING BUILDINGS	130201 0A00	EXISTING DEMO WINEY CELLAR & ROOF PLAN	130201 0A00
2000	WINEY	130201 0A00	GROUND FLOOR PLAN	130201 0A00
2000	WINEY	130201 0A00	CELLAR FLOOR PLAN	130201 0A00
2000	WINEY	130201 0A00	ROOF PLAN	130201 0A00
2000	WINEY	130201 0A00	ELEVATIONS NORTH & SOUTH	130201 0A00
2000	WINEY	130201 0A00	ELEVATIONS EAST & WEST	130201 0A00
3000	CENTRAL FACILITY	130201 0A00	GROUND FLOOR PLAN	130201 0A00
3000	CENTRAL FACILITY	130201 0A00	ROOF PLAN	130201 0A00
3000	CENTRAL FACILITY	130201 0A00	ELEVATIONS N, S, E & W	130201 0A00
4000	VILLA ACCOMMODATION	130201 0A00	GROUND FLOOR & ROOF PLAN	130201 0A00
4000	VILLA ACCOMMODATION	130201 0A00	ELEVATIONS N, S, E & W	130201 0A00
5000	ADMIN OFFICE AND HANDBLER ACCOMMODATION	130201 0A00	GROUND FLOOR PLAN	130201 0A00
5000	ADMIN OFFICE AND HANDBLER ACCOMMODATION	130201 0A00	ELEVATIONS N, S, E & W	130201 0A00
6000	PROPOSED VIEWS	130201 0A00	PERSPECTIVES	N/A
6000	PROPOSED VIEWS	130201 0A00	PERSPECTIVES	N/A

## SITE INFORMATION

LOT	30 (OPENING 2, 16)
RIP	80% (OPENING 2, 16)
PARCEL	ROMA
SITE AREA	61,373 sqm
GFA	
WINEY GROUND FLOOR	1,352 sqm
WINEY CELLAR	310 sqm
CENTRAL FACILITY ADMIN OFFICE	122 sqm
CENTRAL FACILITY HANDLER	70 sqm
CENTRAL FACILITY (ADMIN & HANDLER)	70 sqm
MANAGER VILLA	87 sqm
STUDIO UNITS TYPE 1 (20 @ 27 sqm)	440 sqm
STUDIO UNITS TYPE 2 (20 @ 45 sqm)	2700 sqm
VILLAS (20 @ 35 sqm)	700 sqm
GFA (TOTAL)	4882 sqm (11.8 %)
FLOOR RATIO	0.1
SITE COVER	42.70% (10%)
CAR PARKING	
ACCOMMODATION DAYS	150
VILLAS (20 @ 35 sqm)	20
WINEY (20 @ 45 sqm)	70
TOTAL PARKING DAYS	370
LANDSCAPED AREA	24,811 sqm



1 SITE LOCALITY PLAN  
Scale 1:2500

MARANO REGIONAL COUNCIL  
Sustainable Planning Act 2009  
This document comprises part of  
Development Permit No.

2013/18606

and was issued on

22 December 2015

In accordance with the  
Sustainable Planning Act 2009  
as amended

DANIELLE PEARN  
Assessment Manager  
Manager Planning and Building  
Development

REV DATE DESCRIPTION BY CONC  
wallacebrice (architecture)

100% (100% for wallacebrice 01/01/2015)  
100% (100% for wallacebrice 01/01/2015)  
100% (100% for wallacebrice 01/01/2015)  
PROJECT CONSULTANTS:

THE BUILDER SHALL CHECK AND VERIFY ALL DIMENSIONS  
AND REPORT TO THE ARCHITECT OF ANY DISCREPANCIES.  
DO NOT SCALE THE DRAWINGS. DIMENSIONS SHALL NOT BE  
USED FOR CONSTRUCTION PURPOSES UNLESS ISSUED BY THE  
ARCHITECT FOR CONSTRUCTION.

CLIENT:  
KATARZYNA GROUP  
PROJECT NAME:  
ROMAVILLA WINERY  
77 NORTHERN ROAD, ROMA, Q 4455

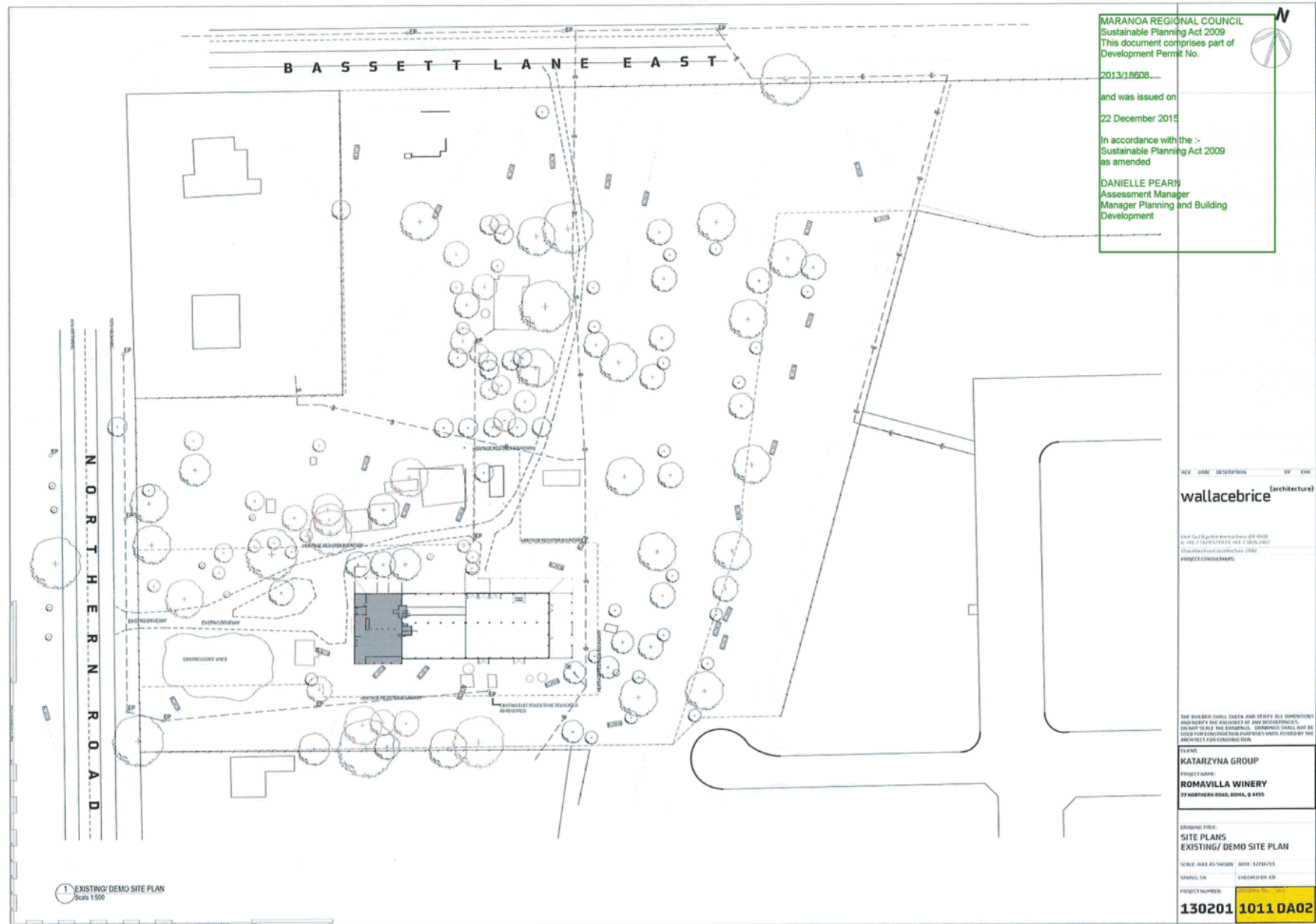
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COVER SHEET

SCALE: DAY AS SHOWN DATE: 01/01/2015

STATUS: SK CHECKED BY: ED

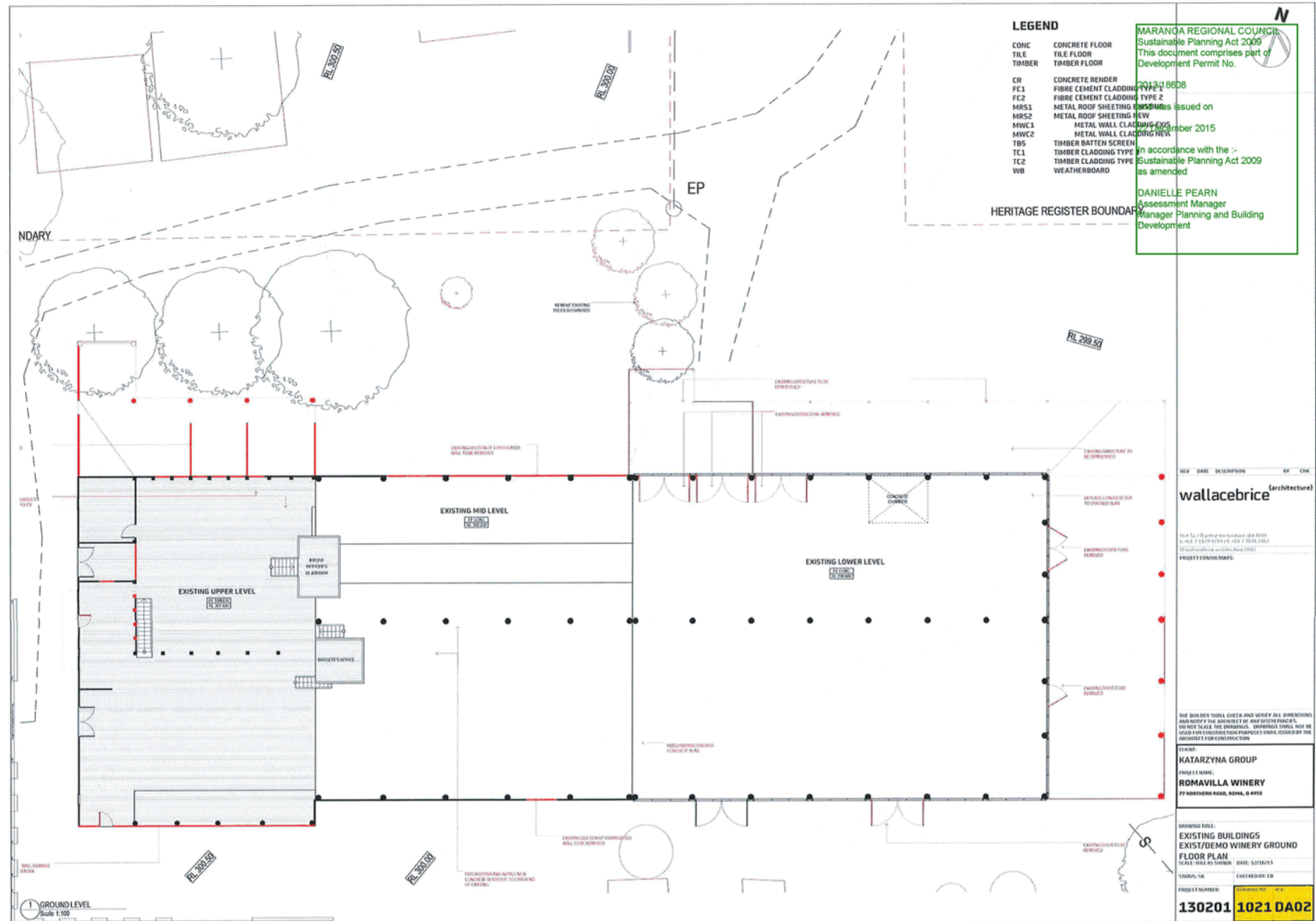
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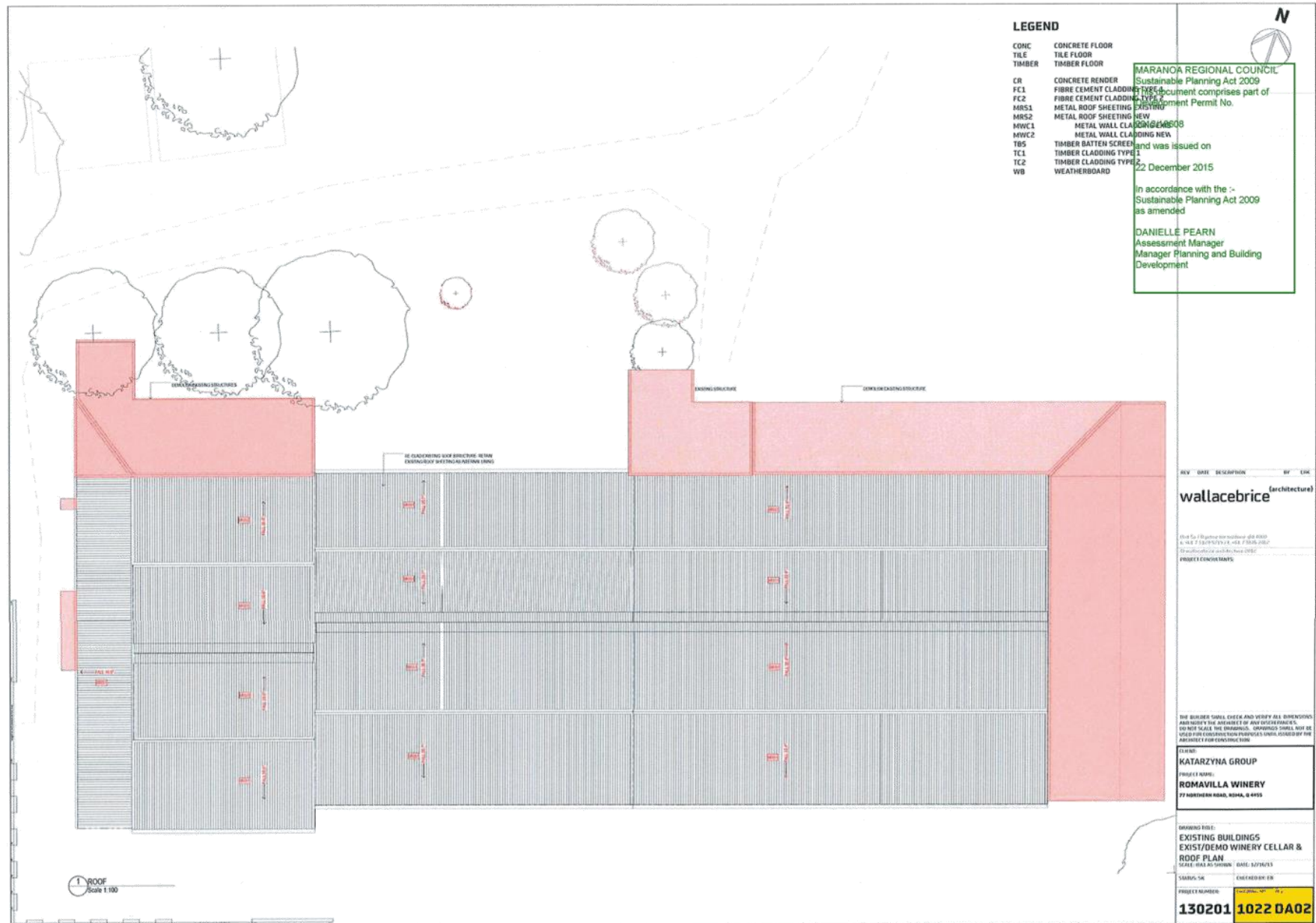
130201 0000 DA02







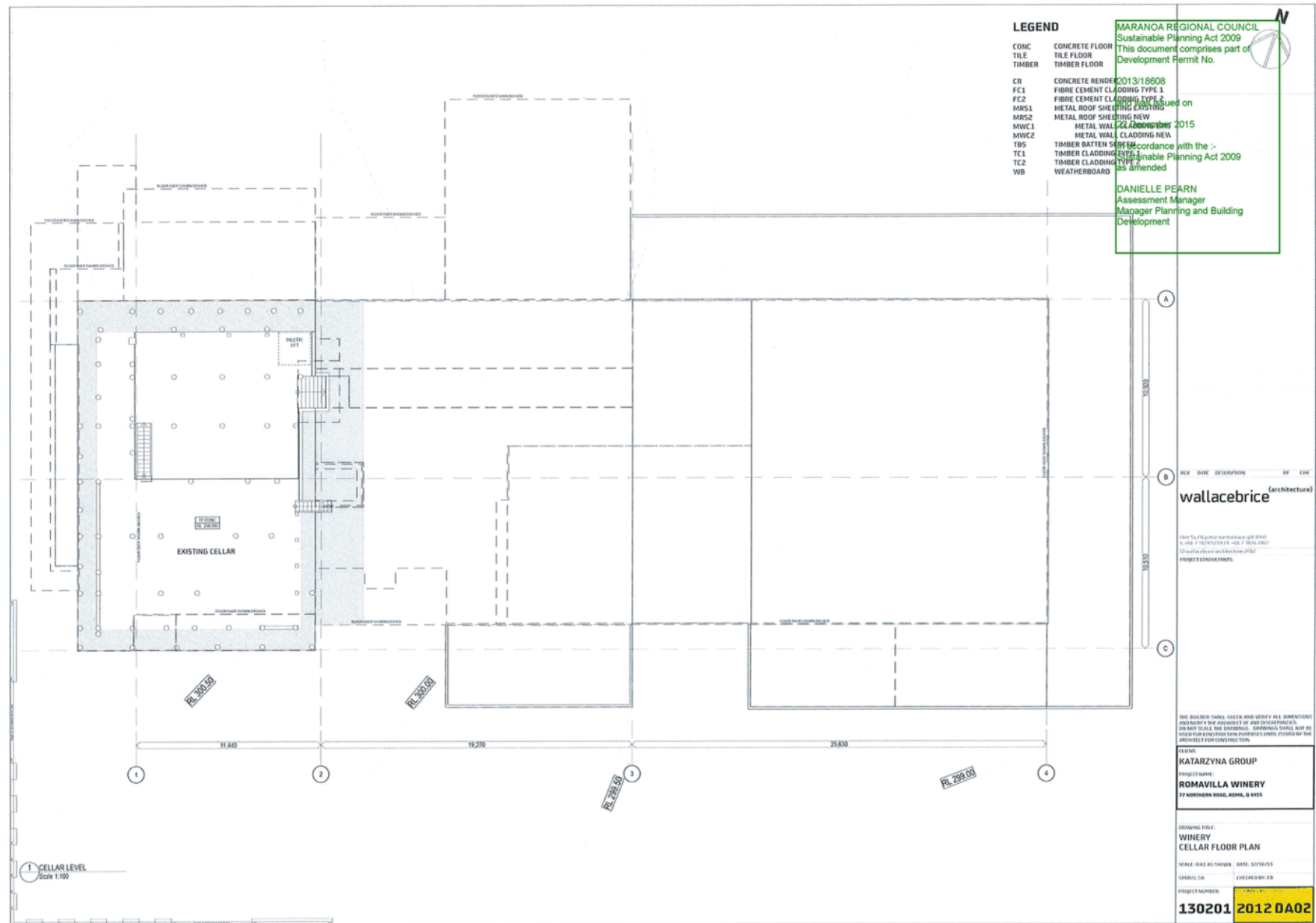




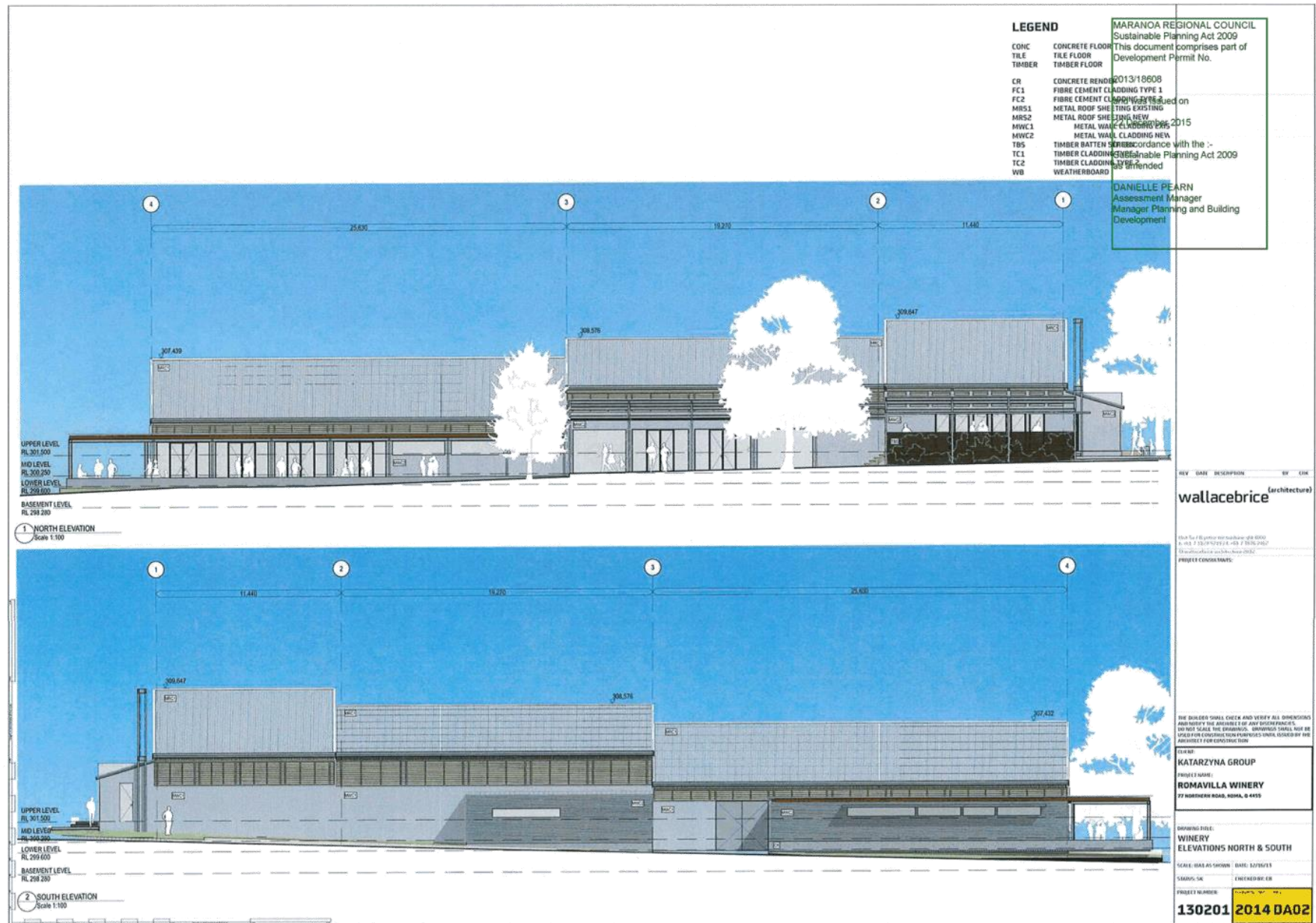
















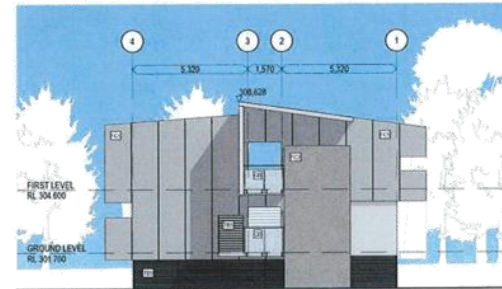












2 EAST ELEVATION STUDIO ACCOM. TYPE  
Scale 1:100



CONCRETE  
TILE FLOOR  
TIMBER FL  
  
CONCRETE  
FIBRE CEM  
FIBRE CEM  
METAL RO  
METAL RO  
  
MET  
MET  
TIMBER BA  
TIMBER CL  
TIMBER CL  
WEATHER

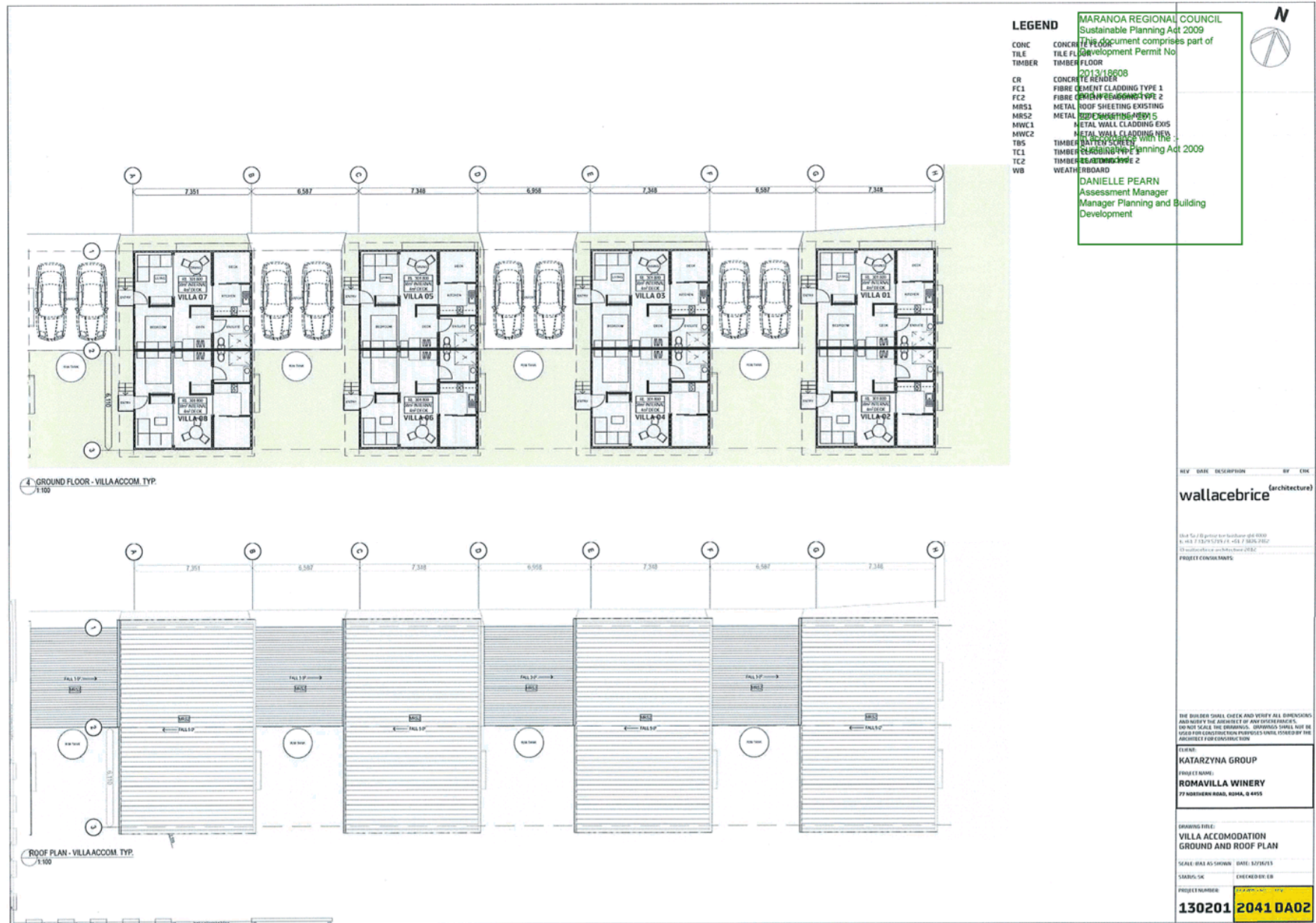
MARANAO REGIONAL COUNCIL  
Sustainable Planning Act 2009  
This document comprises part  
of Development Permit No.  
2013/18608

TE FLOOR  
DOOR FLOOR

TE RENDER  
EMERGENCY EVACUATION  
ROOF CLADDING TYPE 2  
ROOF SHEETING EXIST 2015  
ROOF SHEETING NEW  
RETAIN WALL CLADDING EXIST  
BAT TRAP/CLEANING NEW THE -  
BAT Sustainable Planning Act 2009  
CLADDING REPELLED  
CLADDING TYPE 2  
RENDER

NIELLE PEARN  
Assessment Manager  
Manager Planning and Building  
Development

PROJECT NUMBER:	130201	2032 DA02
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## **PLANNING & BUILDING DEVELOPMENT REPORT**

**Meeting:** General 27 November 2019

**Date:** 14 November 2019

**Item Number:** 13.3

**File Number:** D19/106537

**SUBJECT HEADING:** Change Representations About Matters in Development Approval 2018/19837

**Classification:** Open Access

**Officer's Title:** Lead Town Planner

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**Executive Summary:** Corbet Quarries and Concrete Pty Ltd C/- Groundwork Plus (the applicant) has made change representations to Council about conditions imposed as part of Development Approval 2018/19837. The change representations have been made during the applicants appeal period.

As the assessment manager, Council must consider the change representations having regard to the matters that were considered when assessing the original development application. Council must then decide whether it agrees or disagrees with any of the change representations.

### **Officer's Recommendation:**

#### **That Council;**

- a. Not agree to any of the change representations;

And;

- b. Give a decision notice to the applicant stating that Council does not agree with any of the change representations.

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### **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 quarry operator, Corbet Quarries and Concrete Pty. Ltd.;
- The owner of the land subject of the application, Mr. D. S. Brumpton; and
- Submitters to the application, Mr. and Mrs. Gerard and Gay Burey and Mr. Malcolm Burey.

## 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
DES	Department of Environment and Science
EA	Environmental Authority
SDMIP	Department of State Development, Manufacturing, Infrastructure and Planning.

## Context:

### Why is the matter coming before Council?

Development Approval 2018/19837 was issued as part of a Council resolution, and therefore a determination on whether or not to make any changes to the approval should be decided by the elected Council.

## Background:

### Has anything already happened in relation to this matter?

*(Succinct overview of the relevant facts, without interpretation)*

Corbet Quarries and Concrete Pty Ltd C/- Groundwork Plus (the applicant) has made change representations to Council about conditions imposed as part of Development Approval 2018/19837 (the approval). The change representations have been made during the applicant's appeal period.

The approval relates to a Material Change of Use for an "Extractive industry" and an "Environmentally Relevant Activity" (ERA) and Operational Work for "Vegetation Clearing" over Lot 30, 32 and 33 on DUB:5359 and Lot 2 on RP:154619 (the premises). The premises is located on the Warrego Highway, approximately 6 kilometres west of the township of Amby, and is more commonly known as Corbet's Amby Quarry.

The approval was issued subject to 59 development conditions which were imposed by Council to, amongst other things, mitigate potential on-site and off-site impacts as a consequence of the development and to ensure compliance with the relevant assessment benchmarks. The approval also includes concurrence agency conditions provided by the SDMIP. A copy of the approval is attached in the Supporting Documents.

The change representations that have been made by the applicant relate to two of the 59 development conditions imposed by Council, being Conditions 30 and 33. These conditions require the applicant to submit additional studies demonstrating how the development will mitigate environmental nuisance and how the development will avoid any impacts to groundwater.

As the assessment manager, Council must consider the change representations having regard to the matters that were considered when assessing the original development application. Council must then decide whether it agrees or disagrees with any of the change representations.



If Council agrees with any of the change representations, a negotiated decision notice must be issued to the applicant and the principal submitter that made a properly made submission about the development (Mr. Burey). The negotiated decision notice would replace the original decision notice.

Should Council resolve not to agree to any of the changes, the applicant will be given a decision notice about Council's decision and the original decision notice will take effect, pending any applicant or submitter appeal.

The conditions subject to the change representations, as well as the applicant's suggested changes, are shown in the table below. A complete copy of the applicant's change representations including a discussion as to why the applicant believes the representations should be supported, are included in the Supporting Documents.

<b>No.</b>	<b>Condition Wording</b>	<b>Condition Timing</b>	<b>Requested changes</b>
30.	<i>Submit noise, air quality and blasting impact reports prepared by suitably qualified professionals demonstrating that amenity levels set by the Environmental Protection Act 1994 can be achieved at the nearest sensitive receptor to the development site. The recommendations of the aforementioned reports are to be implemented and maintained at all times</i>	<i>Prior to commencement of use</i>	<i>Delete condition</i>
33.	<i>Undertake an on-site investigation and monitoring regime (by an adequately qualified professional) to determine whether the proposed works are likely to encounter groundwater. If groundwater is encountered, the report to demonstrate that there will be no impacts on the hydrologic regime of the area as a result of the proposed development. The recommendations of the report are to be implemented and maintained at all times.</i>	<i>Prior to commencement of use</i>	<i>Reword condition to;</i>  <i>The development is not to intercept groundwater.</i>  <i>If groundwater is intercepted, notification must be provided to Council.</i>

In summary, the applicant contends that Condition 30 is not required because the management plans submitted with the application materials and approved by Council demonstrate that the development can achieve amenity levels set by the *Environmental Protection Act 1994*. Also, that the application was assessed by DES, who have issued an EA for the development. The applicant contends that the

development will operate to comply with the conditions of the EA, including conditions relating to noise, dust and blasting limits.

The applicant maintains that Condition 33 should be amended as Groundwater is a State resource and is regulated by DES through the EA. Additionally, the applicant has stated that DES have assessed the application and determined that groundwater is not a significant risk that needs to be regulated by way of conditions in the EA and does not require on going monitoring or investigation.

Both of these matters were reviewed by Council's legal representative and external planning consultant during the assessment of the original development application and again as part of the assessment of the change representations. Both parties have reaffirmed their view on these matters, offering Council the following advice:

- The representations made by the applicant do not include any additional information and largely repeat the representations made in response to Council's further issues letter.
- With respect to noise, air quality and blasting impacts (the matters raised in condition 30) it's noted that the applicant did not provide any technical reporting with the application, nor in response to Council's further issues letter. For example, while a number of management procedures were recommended to mitigate noise impacts, no assessment of the existing background noise levels or measurement of noise emissions from quarry equipment was provided.
- Similarly, with respect to groundwater (raised in Condition 33), the applicant did not undertake any on site investigations to determine whether Groundwater would be encountered with the application, nor in response to Council's further issues letter.
- It's worth noting that while on balance it was considered that there is sufficient certainty in the information supplied by the applicant (having regard to the particular circumstances of the site and proposal), for Council officers to be confident that the application will meet the assessment benchmarks, the conditions requiring additional technical reports were applied to ensure that Council has a record of the compliance and any mitigation measures that are required in relation to these matters.
- Although DES have an ability to regulate and assess the same potential impacts under the EA, this doesn't give Council the right to abdicate their responsibility to assess the impacts of the applications in accordance with the *Planning Act 2016* (see *paras 35 and 55 of Golder decision attached in the Supporting documents*).
- Ultimately the conditions need to satisfy the requirements of s.65 of the *Planning Act 2016* – that is they must be relevant to but not an unreasonable imposition on the development as a consequence of the development OR be reasonably required.

- Conditions 30 and 33 are both reasonable and 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 relevant sections of the *Planning Act 2016* include;

Section 65 - Permitted development conditions

*(1) A development condition imposed on a development approval must—*

*(a) be relevant to, but not be an unreasonable imposition on, the development or the use of premises as a consequence of the development; or*

*(b) be reasonably required in relation to the development or the use of premises as a consequence of the development.*

Section 75 - Making change representations

*(1) The applicant may make representations (**change representations**) to the assessment manager, during the applicant's appeal period for the development approval, about changing—*

*(a) a matter in the development approval, other than—*

*(i) a matter stated because of a referral agency's response; or*

*(ii) a development condition imposed under a direction made by the Minister under chapter 3, part 6, division 2; or*

*(b) if the development approval is a deemed approval—the standard conditions taken to be included in the deemed approval under section 64(8)(c).*

Section 76 Deciding change representations;

*(1) The assessment manager must assess the change representations against and having regard to the matters that must be considered when assessing a development application, to the extent those matters are relevant.*

*(2) The assessment manager must, within 5 business days after deciding the change representations, give a decision notice to—*

*(a) the applicant; and*

*(b) if the assessment manager agrees with any of the change representations—*

*(i) each principal submitter; and*

- (ii) *each referral agency; and*
  - (iii) *if the assessment manager is not a local government and the development is in a local government area—the relevant local government; and*
  - (iv) *if the assessment manager is a chosen assessment manager—the prescribed assessment manager; and*
  - (v) *another person prescribed by regulation.*
- (3) *A decision notice (a **negotiated decision notice**) that states the assessment manager agrees with a change representation must—*
- (a) *state the nature of the change agreed to; and*
  - (b) *comply with section 63(2) and (3).*
- (4) *A negotiated decision notice replaces the decision notice for the development application.*
- (5) *Only 1 negotiated decision notice may be given.*
- (6) *If a negotiated decision notice is given to an applicant, a local government may give a replacement infrastructure charges notice to the applicant.*

**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)*

Council does not have an adopted policy or plan that is followed for this type of decision, and ordinarily relies on the provisions of the *Planning Act 2016* when reaching a decision on change representations. The *Planning Act 2016* requires that when considering change representations Council must have regard to the matters considered when assessing the original development application, to the extent those matters are relevant.

**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)*

Consultation about this application has occurred with:

- Manager Planning & Building Development (internal)
- Holding Redlich Lawyers (external)
- Reel Planning (external)

The Officer's recommendation has been informed by feedback received from the persons 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?***

There is potential for Council to incur costs only in the event that its decision regarding the approval is appealed to the Court.

### **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)

The Department of State Development, Manufacturing, Infrastructure and Planning (the Department) were a referral agency for this application. They would be interested in Council's decision only if Council were to issue a negotiated decision notice (i.e. agree to the change representations.)

Submitters to the original development application are likely to be interested in Council's decision. In the event that Council were to agree to the change representations, they are also likely to be impacted by Council's decision.

### **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	

Should Council resolve to endorse the Officer recommendation and not agree to the change representations, there is a higher risk that the applicant could appeal the approval to the Planning and Environment Court (the Court). The appeal would be against the approval, and not Council's decision on the change representations.

As well, a properly made submission was received during the assessment of the original development application, and there remains a risk that a submitter appeal could be made to the Court about any aspect of the approval. In this instance, the risk of a submitter appeal is considered higher if Council were to resolve to approve

the change representations because the matters under consideration were highlighted in the submission.

**Note:** The likelihood of an appeal is not a valid planning consideration and must not be used to inform Council's decision on any planning application.

**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)

That Council endorse the officer recommendation and not agree with any of the change representations. The conditions subject to the change representations are considered necessary in ensuring that the development meets the assessment benchmarks that were used in assessing the original development application.

Advice received from Council's legal representative as well as an external planning consultant maintain that the conditions that are the subject to the change representations are both reasonable and required as a consequence of the development. In support of this advice, case law has been provided and is attached with this report.

The matters subject to the change representations were also raised as part of the properly made submissions received about the application. In part, the conditions were imposed to address concerns raised in this submission, which were considered relevant matters.

**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 and not agree to any of the change representations. This decision is not contrary to an 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 [Development approval](#)

D19/91493

2 [Representations](#)

D19/107279



3 [↓](#) Case Law

D19/107450

**Report authorised by:**

Manager - Planning & Building Development

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



File: 2018/19837

Enquiries to: Department of Development, Facilities and Environmental Services

Ref: D19/86628

2 October 2019

Corbet Quarries and Concrete Pty. Ltd.  
C/- Megan Benham  
Groundwork Plus  
PO Box 1779  
MILTON QLD 4064

Dear Ms. Benham,

### Decision notice–Approval (with conditions)

(Given under section 63 of the *Planning Act 2016*)

I acknowledge the below application was properly made on 17 October, 2018.

#### Application details

Approval Sought:	Development Permit
Application Proposal:	Material Change of Use- "Extractive Industry"
Category of Assessment:	Impact Assessment
Planning Scheme:	Maranoa Planning Scheme 2017

#### Location details

Street Address:	Warrego Highway, Amby QLD 4462
Real Property Description:	Lot: 30 DUB: 5359, Lot: 32 DUB: 5359, Lot: 33 DUB: 5359 and Lot 2: RP: 154619

#### Decision

I wish to advise that the above described application was approved subject to conditions by Council on 25 September, 2019.

#### Details of the approval

	Development Permit	Preliminary Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Maranoa Regional Council  
Cnr Bungil & Quintin Streets  
Roma Queensland 4455

PHONE 1300 007 662  
FAX 07 4624 6990  
EMAIL [council@maranoa.qld.gov.au](mailto:council@maranoa.qld.gov.au)

PO Box 620, Roma Qld 4455  
ABN: 99 324 089 164  
[www.maranoa.qld.gov.au](http://www.maranoa.qld.gov.au)

Carrying out operational work for the clearing of native vegetation <i>Planning Regulation 2017</i> reference: Schedule 10, part 3, division 2	<input checked="" type="checkbox"/>	
Making a material change of use of premises for an environmentally relevant activity <i>Planning Regulation 2017</i> reference: Schedule 10, part 5, division 2	<input checked="" type="checkbox"/>	

### Conditions

This approval is subject to conditions in Attachment 1, Part 1 and Attachment 1, Part 2.

### Further Development Permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- Development Permit – Operational Works.

### Properly made submissions

Properly made submissions were received from the following principal submitter/s:

Name of principal submitter	Address
Mr. Gerard Burey	"Spring Hill", 46 Amby Springfield Road, Amby QLD 4462

### Referral agencies

The referral agencies for this application are:

Referral agency	Advice/Concurrence
State Assessment and Referral Agency Department of State Development, Manufacturing, Infrastructure and Planning PO Box 825 Toowoomba QLD 4350	<p>Concurrency Agency</p> <p>For an application involving:</p> <p><b>Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 of the <i>Planning Regulation 2017</i>;</b></p> <p><b>State transport infrastructure</b></p> <p><i>Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorising instrument, if all or part of the premises –</i></p> <p>(a) <i>are within 25m of a State transport corridor; or</i></p> <p>(b) <i>are a future State transport corridor; or</i></p>

	<p>(c) are—</p> <ul style="list-style-type: none"> <li>(i) adjacent to a road that intersects with a State-controlled road; and</li> <li>(ii) within 100m of the intersection</li> </ul> <p><b>Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 of the <i>Planning Regulation 2017</i>;</b></p> <p><b>State transport infrastructure</b></p> <p><i>Development application for an aspect of development stated in schedule 20 that is assessable development under a local categorising instrument or section 21, if—</i></p> <ul style="list-style-type: none"> <li>(a) the development is for a purpose stated in schedule 20, column 1 for the aspect; and</li> <li>(b) the development meets or exceeds the threshold – <ul style="list-style-type: none"> <li>(i) for development in local government area 1—stated in schedule 20, column 2 for the purpose; or</li> <li>(ii) for development in local government area 2—stated in schedule 20, column 3 for the purpose; and</li> </ul> </li> <li>(c) for development in local government area 1—the development is not for an accommodation activity or an office at premises wholly or partly in the excluded area</li> </ul> <p><i>However, if the development is for a combination of purposes stated in the same item of schedule 20, the threshold is for the combination of purposes and not for each individual purpose.</i></p> <p><b>Schedule 10, Part 3, Division 4, Table 3 of the <i>Planning Regulation 2017</i>;</b></p> <p><b>Clearing native vegetation</b></p> <p><i>Development application for a material change of use that is assessable development under a local categorising instrument and relates to a lot that is 5ha or larger, if—</i></p>
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	<p>(a) the application—</p> <p>(i) is for a preliminary approval that includes a variation request; and</p> <p>(ii) relates to a lot that contains native vegetation shown on the regulated vegetation management map as a category A area or category B area; and</p> <p>(iii) is for a material change of use, other than a non-referable material change of use; or</p> <p>(b) the application is not stated in paragraph (a) and all of the following apply—</p> <p>(i) the material change of use does not involve prescribed clearing;</p> <p>(ii) accepted operational work may be carried out because of the material change of use, or the material change of use involves operational work that is assessable development under section 5;</p> <p>(iii) the accepted operational work or assessable operational work includes development other than the clearing of regulated regrowth vegetation on freehold land, indigenous land, land the subject of an occupation licence under the Land Act, or land the subject of a lease given under the Land Act for agriculture or grazing purposes.</p> <p><b>Schedule 10, Part 5, Division 4, Table 2 of the Planning Regulation 2017;</b></p> <p><b>Environmentally relevant activities</b></p> <p><i>Development application for a material change of use that is assessable development under section 8, if—</i></p> <p>(a) the environmentally relevant activity the subject of the application has not been devolved to a local government under the Environmental Protection Regulation; and</p> <p>(b) the chief executive is not the prescribed assessment manager for the application.</p>
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Refer to Attachment 1, Part 2 for conditions of approval imposed by the Department of State Development, Manufacturing, Infrastructure and Planning as a result of the referral/s.

#### Environmental authority

Environmental authority number: EA0001750 was issued to Corbet Quarries and Concrete Pty Ltd by the Department of Environment and Science on 23 April, 2019 for the following environmentally relevant activities on Lot 2 on RP: 154619:

- Prescribed ERA, ERA 16 – Extraction and Screening, 2: Extracting, other than by dredging, in a year, the following quantity of material, (b) more than 100,000t but not more than 1,000,000t.

Environmental authority number: EPPR01743113 was issued to Corbet Quarries and Concrete Pty Ltd by the Department of Environment and Heritage Protection on 13 March, 2017 for the following environmentally relevant activities on Lot 33 on DUB: 5359, Lot 30 on DUB5359 and Lot 32 on DUB:5359:

- ERA 16(2b) Extractive and screening activities – extracting, other than by dredging, in a year, the following quantity of material – more than 100,000t but not more than 1,000,000t.
- ERA 16(3b) Extractive and screening activities – screening in a year, the following quantity of material – more than 100,000t but not more than 1,000,000t.

#### Approved plans and specifications

Copies of the following plans, specifications and/or drawings are enclosed.

Plan/Document Number	Plan/Document Name	Date
2017.DRG.011	Site and Surrounds	04/04/2018
2017.DRG.013 Rev 4	Long Term Quarry Development Plan	18/03/2019
2017/DRG.018	Conceptual Site Layout Plan and Mapped Remnant Vegetation	18/03/2019
2017.810.001 Issue 2	Amby Quarry Extension Stormwater Management Plan prepared by Groundwork Plus, including as an addendum the updated Stormwater Management Plan drawing number 2017.DRG.016 Rev 2 prepared by Groundwork Plus, dated 9 September 2019	19/03/2019
2017_610_002	Amby Quarry Extension Environmental Management Plan prepared by Groundwork Plus  <i>Note: Attachment 2 to this document has been superseded by Approved document 2017.810.001 Issue 2</i>	08/2018
	Traffic Impact Assessment prepared by Baker Rossow Consulting Engineers	22/07/2013

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**Currency period for the approval**

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This approval lapses if the first change of use does not happen within 6 years after the approval starts to have effect.

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**Rights of appeal**

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The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

A copy of the relevant appeal provisions are attached.

For further information please contact Christopher Tickner, Lead Town Planner on the phone number provided below or via email to: [planning@maranoa.qld.gov.au](mailto:planning@maranoa.qld.gov.au).

Yours faithfully



Danielle Pearn

**Manager Planning and Building Development**

- cc. Referral Agency - State Assessment and Referral Agency  
Department of State Development, Manufacturing,  
Infrastructure and Planning  
PO Box 825  
Toowoomba QLD 4350
- enc. Attachment 1, Part 1 - Assessment Manager Conditions of Approval  
Attachment 1, Part 2 - Concurrence Agency Response (Amended)  
Attachment 2 - Appeal Provisions  
Attachment 3 - Statement of Reasons  
Attachment 4 - Approved Plans and Specifications



## ATTACHMENT 1, PART 1 – ASSESSMENT MANAGER CONDITIONS OF APPROVAL

## 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. 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.
- iv. 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.
- v. 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](http://www.maranoa.qld.gov.au).
- vi. 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.
- vii. This approval is subject to future Operational Works approval/s. The Operational Works application/s must meet the requirements of the *Planning Act 2016*, the Maranoa Planning Scheme 2017 and Council's adopted design standards in effect at the time of application (as applicable).
- viii. All persons involved in the operation or use of the site have an obligation to take all reasonable and practical measures to prevent or minimise any biosecurity risk under the *Biosecurity Act 2014*.
- ix. Refer to Attachment 2 – Adopted Infrastructure Charges Notice for infrastructure charges levied for the approved development.
- x. 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 Material Change of Use - "Extractive industry" and "Environmentally Relevant Activity" and Operational Works – "Clearing Vegetation" as defined in the Planning Scheme and as shown on the approved plans and documents.

Note: This development approval does not replace Negotiated Decision Notice reference 2013/18568 dated 31 January 2014, which was issued for an "Extractive industry" over Lot 30, 32 and 33 on DUB5359. All development conditions attached to Negotiated Decision Notice 2013/18568 remain in effect and must be complied with while the approved use continues.

2. The approved extraction tonnage is capped at 360,000 tonnes per annum. The capped extraction threshold includes material being extracted as part of Negotiated Decision Notice 2013/18568 dated 31 January 2014. This approval does not allow the extraction of an additional 360,000 tonnes per annum of extractive material.
3. This approval does not permit the standalone use of Lot 2 for Extractive Industry purposes.

#### Compliance inspection

4. All conditions relating to the establishment of the approved development must be fulfilled prior to the approved use commencing, unless otherwise noted within these conditions.
5. Prior to the commencement of use the applicant shall contact Council's Planning Department and arrange a development compliance inspection.

#### Approved Plans and Documents

6. The approved development is to be carried out generally in accordance with following approved plans and documents, and subject to the approval conditions. Where there is any conflict between the approval conditions and the details shown on the approved plans, the approval conditions prevail.

Plan/Document Number	Plan/Document Name	Date
2017.DRG.011	Site and Surrounds	04/04/2018
2017.DRG.013 Rev 4	Long Term Quarry Development Plan	18/03/2019
2017/DRG.018	Conceptual Site Layout Plan and Mapped Remnant Vegetation	18/03/2019
2017.810.001 Issue 2	Amby Quarry Extension Stormwater Management Plan prepared by Groundwork Plus, including as an addendum the updated Stormwater Management Plan drawing number 2017.DRG.016 Rev 2 prepared by Groundwork Plus, dated 9 September 2019	19/03/2019
2017_610_002	Amby Quarry Extension Environmental Management Plan prepared by Groundwork Plus	08/2018
	Traffic Impact Assessment prepared by Baker Rossow Consulting Engineers	22/07/2013

#### Development works

7. All works must comply with:
  - (a) this development approval;
  - (b) Council's standard designs for such work where such designs exist;



- (c) the Capricorn Municipal Development Guidelines; and
- (d) any relevant Australian Standard that applies to that type of work.

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

#### Biosecurity Plan

8. A Biosecurity Plan for the premises 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 prior to commencement of the approved development.

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/pest-management-plan>. The PMP identifies, among others, Parkinsonia, Prickly Acacia and Parthenium as Priority Pest Plants to be managed in the Maranoa Region.

#### Internal Haulage Route

9. All weather vehicle internal access shall be provided for traffic movement within the development site area.
10. Internal roads are to be watered to mitigate dust and upon receipt of any reasonable complaint regarding dust nuisance caused by vehicle movements within the site.

#### Access Road

11. An Operational Works application must be obtained in accordance with the *Planning Act 2016* for the proposed "Access Road" shown on Approved Plan 2017.DRG.013 Rev 4 Long Term Quarry Development Plan dated 18/03/2019 prior to the commencement of works.

The Operational Works application must be generally in accordance with the approved plans and documents identified in this decision notice, must demonstrate how compliance with the applicable design guidelines and standards will be achieved and must demonstrate how the access road is an adequate standard to accommodate the type and frequency of traffic generated.

Note: All plans and documents required to be submitted to Council as part of the Operational Works application/s will be assessed against the applicable planning instrument/s and Council's adopted standards that are in force at the relevant time.

12. All operational works must be undertaken in accordance with the relevant development approval/s prior to the commencement of the approved use.
13. Dust emanating from the Access Road that is attributable to the approved "Extractive Industry" must be continually monitored and suppressed in order to prevent any dust nuisance to adjoining properties.
14. A Management Plan that includes operating procedures to mitigate any potential conflict/s between vehicles associated with the approved use that access the Access Road and livestock that may be present in the area must be prepared prior to the commencement of use. All persons involved in the operation of the approved

development (including on-site staff and visitors) shall be made aware of the Management Plan, its content, and the procedures that need to be followed.

#### **Access, Parking and Manoeuvring**

15. Vehicles entering and exiting the development site must be able to enter and leave in forward direction. Vehicle manoeuvres in this regard are to be totally contained within the development site boundaries.
16. All heavy vehicle access, parking and standing areas must be separated from designated light vehicle parking areas.
17. Prior to commencement of the use, a designated area for staff parking must be provided within the "Proposed extraction footprint" located within Lot 2 on RP154619, as identified on Approved Plan 2017.DRG.013 Rev 4 Long Term Quarry Development Plan dated 18/03/2019. This area shall be clearly delineated from the main operation areas. The location of the designated parking area can change from time to time depending on the staging of the development, however sufficient parking is to be made available for the life of the development.

#### **Electricity supply**

18. An adequate supply of electricity must be provided for the approved development. In the event that an adequate supply of electricity cannot be achieved through efficient design, alternative energy technologies or portable generators, a connection to the reticulated electricity network must be made available.

#### **Signage**

19. Signage is to be provided at the entrance of the site displaying information including details of, and the contact phone numbers for;
  - (i) The operator of the site; and
  - (ii) Person/s responsible for the management of the site.

Signage is limited to the necessary contact information and must not impact upon the visual amenity of the locality

#### **Fencing**

20. Safety fencing is to be provided and maintained to prevent unauthorised access to resource extraction/processing areas, stockpiles and any other high risk areas. Warning signs advising of the nature of use and any danger or hazard, are to be placed on the perimeter fence (every 200m or part thereof) on any frontage to a public road and boundary to land used for a sensitive land use.

#### **Biodiversity**

21. No vegetation is cleared outside the designated resource/processing area/s or haulage route/s without prior approval/s from the relevant regulatory authorities.

#### **Operating Hours**

22. Hours of operation are restricted to 6:00am to 6:00pm Monday to Saturday. Operations are not permitted on Sundays or public holidays. Hours of operation include heavy vehicle movements to and from the site and the transportation of extracted material from the site.

Note: The quarry operator may apply to Council to vary the hours of operation for a particular project where the extended operating hours are necessary in the opinion of the

Council having considered the requirements and community benefits of the particular project and the duration of the additional impacts upon the local community.

Any Council approval of the varied hours will be restricted to the duration of the project, and may be rescinded by the Council on seven days' notice if the extended hours of operation are considered to be causing undue nuisance or disruption to other persons.

23. Blasting operations are limited to between the hours of 9.00am to 3.00pm Monday to Friday and 9.00am to 1.00pm on Saturdays, excluding public holidays.

#### Emergency events

24. A Bushfire Hazard Management Plan, having regard to the site characteristics and management procedures in the event of a bushfire, shall be prepared prior to the commencement of use. The owner and/or operator, staff and visitors to the site 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 any compliance inspection carried out by Council.

25. The approved development must be provided with access to a reliable and adequate water supply for firefighting purposes.
26. The manufacture or storage of hazardous material on the premises is prohibited.
27. All material and machinery with the potential to cause harm by way of floating debris or potential contamination during a wet weather event must be stored in water proof containers that are adequately secured. Any material or machinery with the potential to cause harm or contamination shall be stored in such a manner as to be easily accessed and relocated off-site ahead of a major wet weather event.

#### Avoiding Nuisance

28. Approved operations shall be carried out in accordance with the Amby Quarry Extension - Environmental Management Plan prepared by Groundwork Plus dated August 2018 and the Amby Quarry Extension - Stormwater Management Plan prepared by Groundwork Plus dated 19 March 2019.

In the event that unreasonable nuisance is caused to adjoining properties and occupiers by the way of smoke, dust, noise, odour, rubbish, contaminant, stormwater discharge or siltation at any time, reasonable measures in addition to those outlined in the approved Amby Quarry Extension - Environmental Management Plan prepared by Groundwork Plus dated August 2018 and the Amby Quarry Extension - Stormwater Management Plan prepared by Groundwork Plus dated 19 March 2019 shall be implemented in order to mitigate the nuisance.

29. The approved use 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.
30. Prior to the commencement of the use submit noise, air quality and blasting impact reports prepared by suitably qualified professionals demonstrating that amenity levels set by the *Environmental Protection Act 1994* can be achieved at the nearest sensitive receptor to the development site. The recommendations of the aforementioned reports are to be implemented and maintained at all times.



### Sloping Land

31. Development is to be undertaken to ensure vulnerability to landslip erosion and land degradation is minimized and that the safety of persons and property is not compromised. All operations are to comply with the *Mining and Quarry Safety and Health Act 1999* to avoid erosion, land degradation and possible safety issues.

### Erosion and Sediment Control

32. Erosion and Sediment Control is to be managed in accordance with;
- (a) Amby Quarry Extension - Stormwater Management Plan prepared by Groundwork Plus dated 19 March 2019; and
  - (b) Capricorn Municipal Development Guidelines D7 'Erosion Control and Stormwater Management'.

### Groundwater

33. Prior to the commencement of the use undertake an on-site investigation and monitoring regime (by an adequately qualified professional) to determine whether the proposed works are likely to encounter groundwater. If groundwater is encountered, the report is to demonstrate that there will be no impacts on the hydrologic regime of the area as a result of the proposed development. The recommendations of the report are to be implemented and maintained at all times.

### Stormwater and Drainage

34. Stormwater and drainage is to be managed in accordance with:
- (a) Amby Quarry Extension – Stormwater Management Plan prepared by Groundwork Plus dated 19 March 2019; and
  - (b) Capricorn Municipal Development Guidelines D5 'Stormwater Drainage Design'.
35. Discharge of stormwater runoff from the development shall drain freely in all cases, and no nuisance of ponding will be created within the vicinity of the development.
36. There must be no increases in any silt loads or contaminants in any overland flow from the property being developed during the development process and after the development has been completed. All stormwater from the approved operation is to be collected onsite using appropriate pollution control devices or methods to ensure no contamination or silting of creeks or other waterways.
- If there is a possibility of erosion or silt or other materials being washed off the property during the development process or after the development is completed, the developer must document and implement a management plan that prevents this from occurring.
37. The developer shall immediately clean up and satisfactorily remove any deposited construction material or silt runoff from the development site.
38. Stockpiles of material capable of being moved by the action of running water shall be stored clear of drainage paths and be prevented from entering the road and/or drainage system.
39. Should it be necessary for the road and/or drainage system to be reinstated or cleaned up due to erosion and/or sedimentation from the site, then such works shall be at no cost to Council. Such works shall be undertaken immediately where there is a potential hazard to pedestrians and/or passing traffic.
40. Runoff from premises ensures the quality of surface water is suitable for:

- (a) the biological integrity of aquatic ecosystems;
- (b) recreational use;
- (c) supply as drinking water after minimal treatment; and
- (d) agricultural use or industrial use.

#### Diversion Drain

41. An Operational Works application must be obtained in accordance with the *Planning Act 2016* for the proposed "External Catchment Diversion Channel" shown on figure 1 of the approved Amby Quarry Extension – Stormwater Management Plan prepared by Groundwork Plus dated 19 March 2019 prior to the commencement of works.

The Operational Works application must be generally in accordance with the approved plans and documents identified in this decision notice, must demonstrate how compliance with the applicable design guidelines and standards will be achieved and must demonstrate how the diversion drain will adequately convey stormwater without causing ponding.

Note: All plans and documents required to be submitted to Council as part of the Operational Works application/s will be assessed against the applicable planning instrument/s and Council's adopted standards that are in force at the relevant time.

42. All operational works must be undertaken in accordance with the relevant development approval/s prior to the commencement of the approved use.

#### Advertising signage

43. Any proposed advertising signage that does not form part of this approval is subject to further development approval unless otherwise meeting the requirements for Accepted development in the Planning Scheme, or other applicable planning instrument in force at the relevant time.
44. 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

45. A permanent enclosed bulk refuse storage area must be provided within the premises. The refuse storage area must be located so as to be screened from the road and adjoining uses.
46. All 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.

#### Lighting

47. 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 Development site area.
48. All lighting shall be directed or shielded so as to ensure that no glare directly affects land uses outside of the Development site area.



### Provision of Services

49. The site must be provided with an on-site water supply with sufficient capacity to meet all operational needs, including watering to minimise dust nuisance and also a potable water supply sufficient to meet the needs of staff and visitors to the site.
50. The site must be connected to an on-site sewerage treatment system 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.
51. The number of employees and visitors on site at any one time 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.
52. If the development is connected to a telecommunication service, then such works shall be undertaken in accordance with the relevant service provider's requirements and specifications along with relevant building standards requirements and specifications.
53. 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.
54. Prior to commencement of the use amenities (e.g. port-a-loo) are to be provided in proximity to operational/work areas within the "Proposed extraction footprint" located within Lot 2 on RP154619, as identified on Approved Plan 2017.DRG.013 Rev 4 Long Term Quarry Development Plan dated 18/03/2019. The amenities location can change from time to time depending on staging of the development but must be provided for the life of the development.

### Waterways

55. No direct interference or modification of watercourse channels, banks or riparian and in-stream habitat occurs without approval from the relevant regulatory authorities.

### No Cost to Council

56. 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.
57. 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 construction commencing.

### Latest versions

58. 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 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

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

## ATTACHMENT 1, PART 2 – CONCURRENCE AGENCY RESPONSE (AMENDED)

RA20-N



Department of  
State Development,  
Manufacturing,  
Infrastructure and Planning

SARA reference: 1810-8154 SRA  
Council reference: 2018/19837  
Applicant reference: 2017.DA1.315.001

1 May 2019

Chief Executive Officer  
Maranoa Regional Council  
PO Box 620  
ROMA QLD 4405  
planning@maranoa.qld.gov.au

Attention: Mr Christopher Tickner

Dear Mr Tickner

**Changed SARA response—Warrego Highway, AMBY**

(Given under Section 28 of the Planning Act 2016)

On 30 April 2019, the department proposed to change its referral agency response. The department has received written consent from the applicant in relation to these changes and now provides this changed referral agency response which replaces the response dated 29 April 2019.

**Response**

Outcome:	Referral agency response – with conditions.
Date of response:	29 April 2019
Conditions:	The conditions in Attachment 1 must be attached to any development approval.
Advice:	Advice to the applicant is in Attachment 2.
Reasons:	The reasons for the referral agency response are in Attachment 3.

**Development details**

Description:	Development Permit	Material Change of Use (Extractive Industry)
	Environmental Authority	ERA No. 16 (Extractive and Screening Activities)

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Wide Bay Burnett regional office  
Level 1, 7 Takalvan Street, Bundaberg  
PO Box 979, Bundaberg QLD 4670

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Maranoa Regional Council  
Cnr Bungil & Quintin Streets  
Roma Queensland 4455

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PO Box 620, Roma Qld 4455  
ABN: 99 324 089 164  
www.maranoa.qld.gov.au

1810-8154 SRA

SARA role:	Referral Agency
SARA triggers:	<p>Schedule 10, Part 3, Division 4, Subdivision 3, Table 1 (<i>Planning Regulation 2017</i>) – clearing native vegetation</p> <p>Schedule 10, Part 5, Division 4, Subdivision 2, Table 1 (<i>Planning Regulation 2017</i>) – non-devolved environmentally relevant activities</p> <p>Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 (<i>Planning Regulation 2017</i>) – development impacting on State transport infrastructure and thresholds</p> <p>Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (<i>Planning Regulation 2017</i>) – Material change of use of premises near a State transport corridor</p>
SARA reference:	1810-8154 SRA
Assessment Manager:	Maranoa Regional Council
Street address:	Warrego Highway, AMBY QLD 4462
Real property description:	Lots 30, 32 & 33 on DUB5359 & Lot 2 on RP154619
Applicant name:	Corbet Quarries and Concrete Pty Ltd C/- Groundwork Plus
Applicant contact details:	PO Box 1779 MILTON QLD 4064 Via email: <a href="mailto:planning@groundwork.com.au">planning@groundwork.com.au</a>
Environmental Authority:	<p>This referral included an application for an environmental authority under Section 115 of the <i>Environmental Protection Act 1994</i>. Below are the details of the decision:</p> <ul style="list-style-type: none"> <li>• Approved</li> <li>• Reference: EA0001750</li> <li>• Effective date: 23 April 2019</li> <li>• Prescribed environmentally relevant activity (ERA): ERA No. 16(2) – Extracting, other than by dredging, in a year, the following quantity of material, (b) more than 100,000t but not more than 1,000,000t</li> </ul> <p>If you are seeking further information on the environmental authority, the Department of Environment and Science's website includes a register. This can be found at: <a href="http://www.des.qld.gov.au">www.des.qld.gov.au</a></p>
State-controlled road access permit:	<p>This referral included an application for a road access location, under Section 62A(2) of <i>Transport Infrastructure Act 1994</i>. Below are the details of the decision:</p> <ul style="list-style-type: none"> <li>• Approved</li> <li>• Reference: TMR18-025944</li> <li>• Date: 30 April 2019</li> </ul> <p>If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at <a href="mailto:Downs.South.West.IDAS@tmr.qld.gov.au">Downs.South.West.IDAS@tmr.qld.gov.au</a></p>

1810-8154 SRA

### Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (Section 30 of the Development Assessment Rules).

Copies of the relevant provisions are in Attachment 4.

A copy of this response has been sent to the applicant for their information.

For further information please contact Peter Mulcahy, Principal Planning Officer, on (07) 4331 5603 or via email [WBBSARA@dsdmip.qld.gov.au](mailto:WBBSARA@dsdmip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Bernadette Plummer  
A/Manager (Planning)

cc Corbet Quarries and Concrete Pty Ltd  
C/- Groundwork Plus  
[planning@groundwork.com.au](mailto:planning@groundwork.com.au)

Department of Transport and Main Roads  
[Downs.South.West.IDAS@tmr.qld.gov.au](mailto:Downs.South.West.IDAS@tmr.qld.gov.au)

Department of Natural Resources, Mines and Energy  
[vegsouthregion@dnrme.qld.gov.au](mailto:vegsouthregion@dnrme.qld.gov.au)

Department of Environment and Science  
[SaraDES@des.qld.gov.au](mailto:SaraDES@des.qld.gov.au)

enc Attachment 1 - Referral agency conditions  
Attachment 2 - Advice to the applicant  
Attachment 3 - Reasons for referral agency response  
Attachment 4 - Change representation provisions  
Attachment 5 - Approved plans and specifications



1810-8154 SRA

**Attachment 1—Referral agency conditions**

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
<b>Material Change of Use – Extractive Industry</b>		
Schedule 10, Part 3, Division 4, Table 3—The Chief Executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Natural Resources, Mines and Energy to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
<b>Native vegetation clearing</b>		
1.	No clearing of vegetation is to occur within Area A as shown on the attached Technical Agency Response (Vegetation) Plan (TARP) 1810-8154 SRA dated 4 April 2019.	At all times.
2.	No built structure is to be established, constructed or located within area identified as Area B as shown on the attached Technical Agency Response (Vegetation) Plan (TARP) 1810-8154 SRA dated 4 April 2019.	At all times.
3.	In order to protect the root system of the regulated vegetation, no earthworks are to occur within the area identified as Area B as shown on the attached Technical Agency Response (Vegetation) Plan (TARP) 1810-8154 SRA dated 4 April 2019.	At all times.
<b>Material Change of Use – Extractive Industry</b>		
Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 and Schedule 10, Part 9, Division 4, Subdivision 2, Table 4—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
<b>Road works on a state-controlled road (SCR)</b>		
4.	(a) Road works comprising a BAL/BAR type intersection treatment designed to cater for Type 1 Road Trains must be provided at the approved vehicular access location on Lot 32 on DUB5359.  (b) The road works must be designed and constructed in accordance with the Department of Transport and Main Roads' <i>Road Planning and Design Manual</i> , and any material referenced therein.	Prior to the commencement of use.
<b>Monetary Contributions</b>		
5.	(a) Pay a monetary contribution of 27.90 cents per tonne of material hauled to the Department of Transport and Main Roads' (DTMR) South West Region for the maintenance and/or accelerated reduction in pavement life of the SCR network. The monetary payment:  i. Must be calculated at six monthly intervals commencing on the first day that material hauled under this approval is transported from the site by road; and ii. Is to be indexed based on the Road and Bridge Construction Index, Queensland – Class 3101, published quarterly by the	(a) Within 30 days of the end of each six monthly interval until the transportation of material hauled from the site by road under this approval ceases.

1810-8154 SRA

	<p>Australian Bureau of Statistics (ABS Cat No. 6427, Series ID A2333727L) to the date of payment.</p> <p>iii. Is to be indexed from the date of the commencement of use as per development approval 2013/18568.</p> <p>(b) Maintain records which document the quantity of material hauled on the SCR network and submit these records to the DTMR at the time of payment referenced in part (a) of this condition.</p>	(b) As indicated.
<b>Stormwater</b>		
6.	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the SCR.</p> <p>(b) Any works on the land must not:</p> <p>(i) create any new discharge points for stormwater runoff onto the SCR;</p> <p>(ii) interfere with and/or cause damage to the existing stormwater drainage on the SCR;</p> <p>(iii) surcharge any existing culvert or drain on the SCR;</p> <p>(iv) reduce the quality of stormwater discharge onto the SCR.</p>	<p>(a) At all times.</p> <p>(b) At all times.</p>
<b>State-controlled road triggers</b>		
7.	The permitted road access location, is to be located, designed and constructed in accordance with the Section 62 approval (Reference: TMR18-025944) granted by DTMR dated 30 April 2019 under the <i>Transport Infrastructure Act 1994</i> .	At all times.

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**Attachment 2—Advice to the applicant**

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) Version 2.3. If a word remains undefined it has its ordinary meaning.
Road access works approval	
2.	Under Sections 62 and 33 of the <i>Transport Infrastructure Act 1994</i> , written approval is required from the Department of Transport and Main Roads (DTMR) to carry out road works that are road access works (including driveways) on a SCR. Please contact the DTMR on (07) 4639 0828 to make an application for road works approval. This approval must be obtained prior to commencing any works on the SCR reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). The road access works approval process takes time – please contact DTMR as soon as possible to ensure that gaining approval does not delay construction.



1810-8154 SRA

**Attachment 3—Reasons for referral agency response**

(Given under Section 58(7) of the Planning Act 2016)

**The reasons for the department's decision are:**

- The proposed development is considered to avoid vegetation clearing to the greatest extent practicable and conditions have been applied in relation to the protection of remnant 'of concern' vegetation on the subject site (including the establishment of built structures and protecting the root section of the remnant vegetation)
- The proposed development is considered to ensure safety and operational efficiency of the state-controlled road (SCR) network via the construction of an upgraded intersection (BAR/BAL standard) at the existing vehicle access location (Lot 32 on DUB5359) and any development related impacts (haulage on the SCR network) are appropriately mitigated via condition
- The proposed development is considered to ensure that stormwater impacts on the SCR are minimised via condition

**Material used in the assessment of the application:**

- The development application material and submitted plans
- Response to SARA Information Request (received 1 April 2019)
- *Planning Act 2016*
- *Planning Regulation 2017*
- The *State Development Assessment Provisions* (Version 2.3), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

1810-8154 SRA

**Attachment 4—Change representation provisions**

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Department of State Development, Manufacturing, Infrastructure and Planning

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1810-8154 SRA

**Attachment 5—Approved plans and specifications**

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Department of State Development, Manufacturing, Infrastructure and Planning

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**Maranoa Regional Council**  
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## Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules<sup>1</sup> regarding representations about a referral agency response

### Part 6: Changes to the application and referral agency responses

#### 28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
  - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
  - (c) the applicant has given written agreement to the change to the referral agency response.<sup>2</sup>
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
  - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

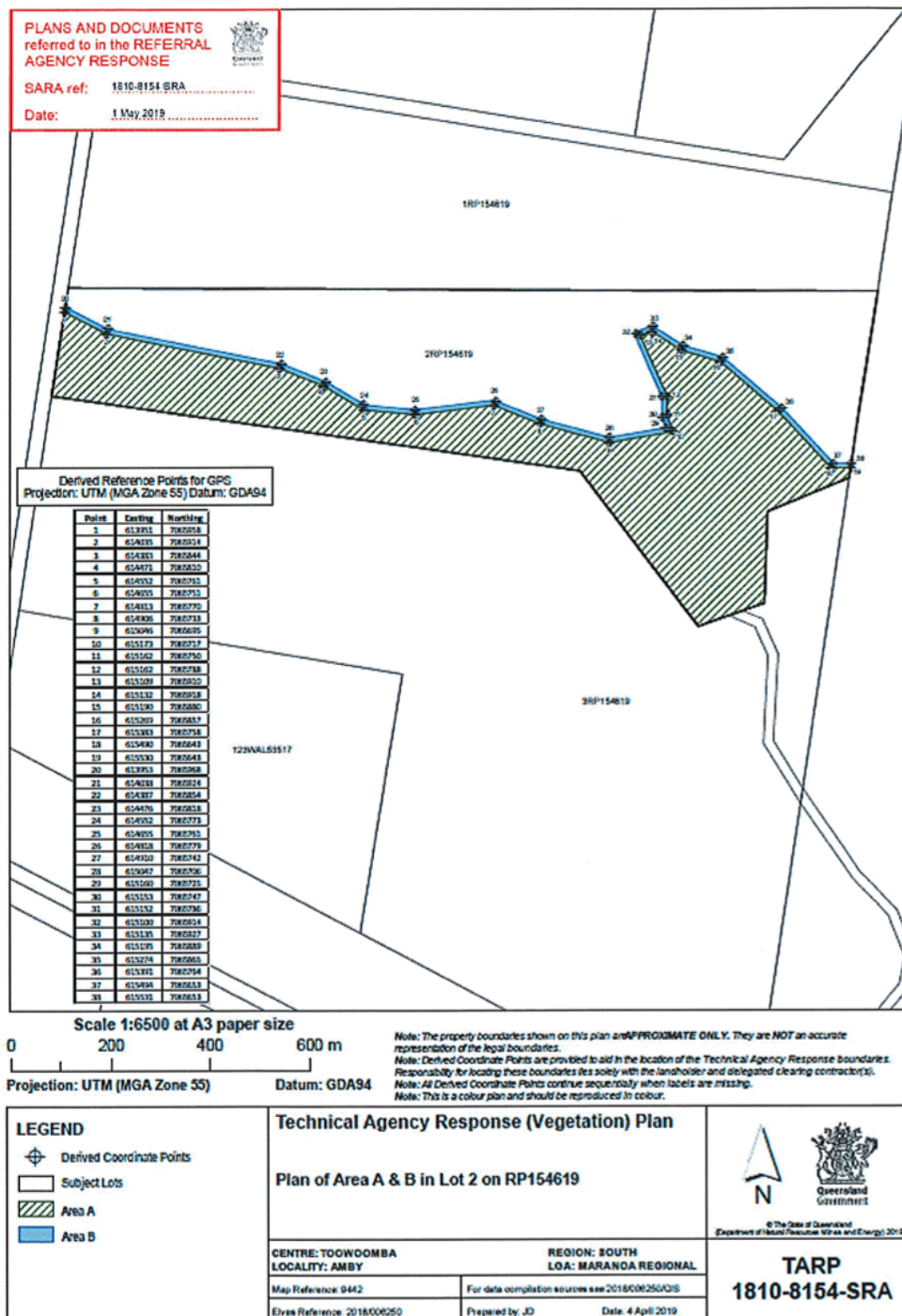
<sup>2</sup> In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

## Part 7: Miscellaneous

### 30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.<sup>3</sup>

<sup>3</sup> An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.





Our ref TMR18-025944  
 Your ref  
 Enquiries Jeff Lavey



Department of  
 Transport and Main Roads

30 April 2019

### Decision Notice – Permitted Road Access Location (s62(1) Transport Infrastructure Act 1994)

*This is not an authorisation to commence work on a state-controlled road<sup>1</sup>*

Development application reference number 2018/19837, lodged with Maranoa Regional Council involves constructing or changing a vehicular access between Lot 32 DUB5359, the land the subject of the application, and the Warrego Highway (a state-controlled road).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

#### Applicant Details

Name and address Corbet Quarries and concrete Pty Ltd c/- Groundwork Plus  
 PO Box 1779  
 Milton QLD 4064

#### Application Details

Address of Property Warrego Highway, Amby QLD 4462  
 Real Property Description Lot 32 DUB5359  
 Aspect/s of Development Material Change of Use for Extractive Industry

#### Decision (given under section 67 of TIA)

It has been decided to approve the application, subject to the following conditions:

Vehicular access to the state-controlled road		
1	<p>(a) The existing vehicular access to Lot 32 DUB5359 is to be upgraded/constructed to accommodate a Type 1 Road Train.</p> <p>(b) The road works must be designed and constructed in accordance with the Department of Transport and Main Roads' Standard Access (Drawing No.D04-221) and the <i>Road Planning and Design Manual</i>, and any material referenced therein.</p>	Prior to the commencement of use.

<sup>1</sup> Please refer to the further approvals required under the heading 'Further approvals'

Program Delivery and Operations Branch  
 Southwest Region, 30 McDowall Street Roma Queensland 4455  
 PO Box 126 Roma Queensland 4455

Telephone (07) 4639 0737  
 Website [www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)  
 ABN: 39 407 690 291



**Reasons for the decision**

The reasons for this decision are as follows:

- a) The location and design standard of the access has been conditioned to maintain the efficiency, safety and operation of the state-controlled road network.

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

**Information about the Decision required to be given under section 67(2) of TIA**

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

**Further information about the decision**

1. In accordance with section 67(7) of TIA, this decision notice:
  - a) starts to have effect when the development approval has effect; and
  - b) stops having effect if the development approval lapses or is cancelled; and
  - c) replaces any earlier decision made under section 62(1) in relation to the land.
2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

**Further approvals**

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

If further information about this approval or any other related query is required, Mr Jeff Lavey, Planner should be contacted by email at [Jeffrey.J.Lavey@tmr.qld.gov.au](mailto:Jeffrey.J.Lavey@tmr.qld.gov.au) or on (07) 4639 0737.

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Yours sincerely



Scott McDonald  
A/Senior Planner

Attachments: Attachment A – Decision evidence and findings  
Attachment B - Section 70 of TIA  
Attachment C - Appeal Provisions

Page 3 of 9

## Attachment A

## Decision Evidence and Findings

Findings on material questions of fact:

- Access to the proposed development will be via a state-controlled road;

Evidence or other material on which findings were based:

- Development application material submitted in support of Maranoa Regional Council application number 2018/19837;
- State Development Assessment Provisions – Assessment Code 1 (Development in a state-controlled road environment);
- DTMR's Road Planning and Design Manual.

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Attachment B  
Section 70 of TIA

*Transport Infrastructure Act 1994*  
Chapter 6 Road transport infrastructure  
Part 5 Management of State-controlled roads

**70 Offences about road access locations and road access works, relating to decisions under s 62(1)**

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
- (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
  - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
  - (c) obtain any other access between the land and the road contrary to the decision; or
  - (d) use a road access location or road access works contrary to the decision; or
  - (e) contravene a condition stated in the decision; or
  - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
  - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

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**Attachment C**  
**Appeal Provisions**

*Transport Infrastructure Act 1994*  
Chapter 16 General provisions

**485 Internal review of decisions**

- (1) A person whose interests are affected by a decision described in schedule 3 (the *original decision*) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
  - (a) applies to the review; and
  - (b) provides—
    - (i) for the procedure for applying for the review and the way it is to be carried out; and
    - (ii) that the person may apply to QCAT to have the original decision stayed.

**485B Appeals against decisions**

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
  - (a) applies to the appeal; and
  - (b) provides—
    - (i) for the procedure for the appeal and the way it is to be disposed of; and
    - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
  - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and

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- (b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.
- (5) The court may order—
  - (a) the appeals to be heard together or 1 immediately after the other; or
  - (b) 1 appeal to be stayed until the other is decided.
- (6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.
- (7) In this section—

*original decision* means a decision described in schedule 3.

*reviewed decision* means the chief executive's decision on a review under section 485.



*Transport Planning and Coordination Act 1994*  
Part 5, Division 2 – Review of Original Decisions

### 31 Applying for review

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
  - (a) the notice did not state the reasons for the original decision; and
  - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)
 the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

### 32 Stay of operation of original decision

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
  - (a) may be given on conditions the relevant entity considers appropriate; and
  - (b) operates for the period specified by the relevant entity; and
  - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.

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(8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

*relevant entity* means—

- (a) if the reviewed decision may be reviewed by QCAT—QCAT; or
- (b) if the reviewed decision may be appealed to the appeal court—the appeal court.

### 35 Time for making appeals

(1) A person may appeal against a reviewed decision only within—

- (a) if a decision notice is given to the person—28 days after the notice was given to the person; or
- (b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(2) However, if—

- (a) the decision notice did not state the reasons for the decision; and
- (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.

## ATTACHMENT 2 – PLANNING ACT EXTRACT APPEAL RIGHTS

### Chapter 6 Dispute resolution Part 1 Appeal rights

#### 229 Appeals to tribunal or P&E Court

(1) Schedule 1 states—

- (a) matters that may be appealed to—
  - (i) either a tribunal or the P&E Court; or
  - (ii) only a tribunal; or
  - (iii) only the P&E Court; and
- (b) the person—
  - (i) who may appeal a matter (the **appellant**); and
  - (ii) who is a respondent in an appeal of the matter; and
  - (iii) who is a co-respondent in an appeal of the matter; and
  - (iv) who may elect to be a co-respondent in an appeal of the matter.

(2) An appellant may start an appeal within the appeal period.

(3) The **appeal period** is—

- (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
- (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
- (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

(4) Each respondent and co-respondent for an appeal may be heard in the appeal.

(5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

(6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—

- (a) the adopted charge itself; or
- (b) for a decision about an offset or refund—
  - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
  - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

**230 Notice of appeal**

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—
  - (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under
  - (d) schedule 1, table 1, item 1—each principal submitter for
  - (e) the development application; and
  - (f) for an appeal about a change application under
  - (g) schedule 1, table 1, item 2—each principal submitter for
  - (h) the change application; and
  - (i) each person who may elect to become a co-respondent
  - (j) for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
  - (k) for an appeal to the P&E Court—the chief executive; and
  - (l) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The **service period** is—
  - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

**231 Other appeals**

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The Judicial Review Act 1991, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the Judicial Review Act 1991 in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.



(4) In this section—

**decision** includes—

- (a) conduct engaged in for the purpose of making a decision; and
- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

**non-appealable**, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

## 232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

## ATTACHMENT 3 – STATEMENT OF REASONS

The following information is provided in accordance with section 63 of the *Planning Act 2016*.

<b>Description of Development</b>	The approved development is for a Material Change of Use – “Extractive industry”
<b>Assessment benchmarks</b>	<p>The proposed development was assessed against the following Assessment benchmarks;</p> <ul style="list-style-type: none"> <li>the Darling Downs Regional Plan;</li> <li>the State Planning Policy;</li> <li>the Maranoa Planning Scheme: <ul style="list-style-type: none"> <li>Part 3 Strategic framework</li> <li>Part 4 Local Government Infrastructure Plan</li> <li>Part 5 Tables of assessment</li> <li>Part 6 Zones <ul style="list-style-type: none"> <li>Part 6.2.1 Rural zone code</li> </ul> </li> <li>Part 8 Overlays <ul style="list-style-type: none"> <li>Part 8.2.1 Agricultural land overlay code</li> <li>Part 8.2.2 Extractive resources overlay code</li> <li>Part 8.2.3 Biodiversity areas overlay code</li> <li>Part 8.2.6 Bushfire hazard overlay code</li> <li>Part 8.2.7 Infrastructure Overlay Code</li> </ul> </li> <li>Part 9 Development Codes <ul style="list-style-type: none"> <li>Part 9.3.3 Extractive industry code</li> </ul> </li> </ul> </li> </ul>
<b>Relevant matters</b>	<p>The relevant matters include;</p> <ul style="list-style-type: none"> <li>the existing lawful use of Lot 30, 32 and 33 on DUB: 5359 (Extractive industry) and the previous use of Lot 2 on RP:154619 (Extractive industry); and</li> <li>the Key Resource Area that covers the proposed development site; and</li> <li>quarry resources are an essential product to the community and the proposed development will ensure continuity of resource for an existing, established operation. This in turn ensures efficiency of existing infrastructure and ensures the continued contribution to the community which includes employment; and</li> <li>the land is well located to road infrastructure which is highly desirable for the transport of quarry materials to ensure a sustainable economic return for the community; and</li> <li>the availability of the resource; and</li> <li>the proposed development advances the purpose of the Planning Act 2016 in that it will facilitate development when appropriately conditioned that will not have any adverse impacts. Further the</li> </ul>



	development will allow the development of a natural resource and contribute to economic development.
<b>Matters raised in submissions</b>	Matters raised in the submission include; the development is inappropriate because it is defective, deficient and incomplete; the proposed use is unclear; the development presents a clear and significant conflict with the provisions of the Planning Scheme; is contrary to the orderly and planned use of the surrounding locality; will result in adverse amenity impacts; is contrary to sound traffic and access principles; will result in adverse impacts on water resources; and the application has not demonstrated a justifiable planning need.
<b>Reasons for decision</b>	It is considered that on balance, the proposal presents no significant inconsistency with the applicable assessment benchmarks. Development conditions have been imposed to ensure compliance to the greatest extent possible. Any residual inconsistency with the assessment benchmarks needs to be considered in light of the various relevant matters.

**ATTACHMENT 4 – APPROVED PLANS AND SPECIFICATIONS**



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7 November 2019  
Ref: 2017.DA1.340.003

The Chief Executive Officer  
Maranoa Regional Council  
PO Box 620  
ROMA QLD 4455

Attention: Christopher Tickner – Lead Town Planner

Via email: [planning@maranoa.qld.gov.au](mailto:planning@maranoa.qld.gov.au)

Dear Christopher,

**CHANGE REPRESENTATIONS – 2018/19837**

**MATERIAL CHANGE OF USE – DEVELOPMENT PERMIT FOR EXTRACTIVE INDUSTRY AND ASSOCIATED ENVIRONMENTALLY RELEVANT ACTIVITY (ERA) 16(2)(B) AT WARREGO HIGHWAY, AMBY QLD 4462, PROPERLY DESCRIBED AS LOT 30 DUB5359, LOT 32 DUB5359, LOT 3 DUB5359 AND LOT 2 RP154619**

Groundwork Plus continues to act on behalf of Corbet Quarries and Concrete Pty Ltd, in relation to the development application for a Material Change of Use – Development Permit for Extractive Industry and associated Environmentally Relevant Activity ('ERA') at Warrego Highway, Amby. The development application was approved by Maranoa Regional Council ('Council') on 25 September 2019, with a decision notice being issued by post on 2 October 2019 (Council reference: 2018/19837).

In accordance with section 75(1) of the *Planning Act 2016*, we have provided change representations to the conditions included within Council's decision notice.

In summary, it is requested that changes be made to the following conditions imposed for this development:

- **Condition 30** – request for removal.
- **Condition 33** – request for removal or amendment.

The conditions have been replicated, followed by a discussion on the suggested changes

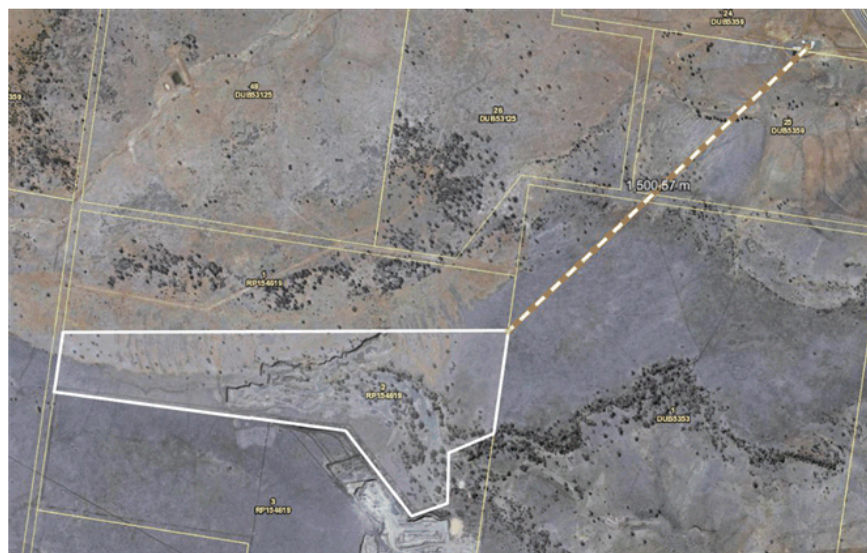
No.	Condition Wording	Condition Timing
30	<i>Submit noise, air quality and blasting impact reports prepared by suitably qualified professionals demonstrating that amenity levels set by the Environmental Protection Act 1994 can be achieved at the nearest sensitive receptor to the development site. The recommendations of the aforementioned reports are to be implemented and maintained at all times</i>	<i>Prior to commencement of use</i>

**Discussion:**

As previously discussed with Council, the proposed quarry operation has been comprehensively assessed by the Department of Environment and Science ('DES') who have issued an Environmental Authority ('EA') for the operation (EA reference: EA0001750). DES are the assessing authority for the EA component of the application which regulates the proposed quarry operation for environmental matters including, noise, dust and blasting. The conditions of the EA contain specific criteria and limits for noise, dust and blasting that the operator of the quarry must adhere to. The proposed quarry will be designed and operated with the specific intent to comply with the conditions of the EA and operate within the amenity levels that are prescribed by the *Environmental Protection Act 1994*. If there is ever an instance when the operation exceeds the prescribed limits for noise, dust and blasting within the conditions of the EA, the operator is required to notify DES (being the administering authority) as soon as practicable to resolve the matter.

Monitoring is required to be undertaken by the operator throughout the life of the quarry to ensure consistent, well documented data is available to be provided to DES on request. This will help ensure that the operation is fulfilling its obligation to use water trucks and sprayers where necessary to limit dust emissions, and correct practice is occurring on site to minimise any potential noise impacts beyond the boundaries of the site. Any blasting will be undertaken by a suitable qualified licensed blasting contractor. The contractor is required to ensure that all blasting is carried out in a manner such that the conditions of the EA are adhered to.

The Environmental Management Plan submitted as Attachment 5 of the Planning Assessment Report includes an Air Quality Management Plan (section 4.1), Noise Management Plan (section 4.4) and a Blasting Management Plan (section 4.5) which outline the performance targets, strategies/mitigation measures, monitoring controls and contingency plans for the operation. The Environmental Management Plan was approved by Council and included in Condition 6 of the decision notice as an approved document that the development must be carried out generally in accordance with. These management plans along with the significant separation distance between the proposed quarry pit and closest sensitive receptor (approximately 1.5km, refer **Figure 1** below) are considered to be sufficient for ensuring the quarry operation can adhere to the amenity levels set by the *Environmental Protection Act 1994*, as evidenced by the fact that the Environmental Management Plan was approved by both DES and Council.



**Figure 1 – Closest Sensitive Receptor**

Although we appreciate Council's objective of ensuring the operation does not cause any undue impacts onto surrounding nearby sensitive receptors, the information provided throughout the development application process coupled with the approval and EA from DES should provide confidence to Council that the quarry operation can adhere to the amenity levels set by the *Environmental Protection Act 1994*. It is in the operator's best interest to comply with the conditions of the EA which provide strict limits for noise, dust and blasting. The proposed operation is considered to be in line with surrounding land which includes three existing quarry operations. Any additional conceptual reporting to be prepared for the proposed operation for noise, dust or blasting is considered to be unnecessary and is not anticipated to provide any new information.

**Request:**

Based on the above discussion, it is requested that condition 30 be deleted.

No.	Condition Wording	Condition Timing
33	<i>Undertake an on-site investigation and monitoring regime (by an adequately qualified professional) to determine whether the proposed works are likely to encounter groundwater. If groundwater is encountered, the report to demonstrate that there will be no impacts on the hydrologic regime of the area as a result of the proposed development. The recommendations of the report are to be implemented and maintained at all times.</i>	<i>Prior to commencement of use</i>

**Discussion:**

As Council will recall, the matter of groundwater was raised in the information request issued by the State Assessment and Referral Agency ('SARA') on 18 November 2018. Groundwork Plus provided a response to this information request via letter, dated 21 March 2019. The groundwater item raised in SARA's information request and the response prepared by Groundwork Plus has been provided for Council's reference:

Groundwater

16. The supporting information supplied with the application refers to a registered groundwater bore approximately 6.8km south of Lot 2 on RP154619 which is located below the elevation of the subject site and within a different geological unit to that encountered on the subject site.

The applicant is requested to provide the following information:

- Relevance of the bore mentioned above and the geological contrast identified to the proposed extractive industry activity
- Whether any on-site investigations of groundwater have been conducted
- Any relevant deductions made from existing operations located on Lots 30, 32 & 33 DUB5359
- Investigations in relation to the quality of groundwater within the area and the depth (in metres AHD) at which it was found to occur on the subject site
- Details of the presence and extent of any groundwater dependant ecosystems



Response:

As discussed above, previous resource investigations of the Amby Basalts indicate the basalt flow is between 10m to 20m thick over the underlying sedimentary rocks. As the thickness of the basalt flow may vary across the site it is not possible to confirm the maximum depth of extraction in this instance. The extraction will be limited to the basalt flow which logically will limit the depth of extraction. This is consistent with the existing Quarry Site regulated by EPPR01743113 and the adjacent quarry to the south west of Lot 2 on RP154619 under EA EPPR01412813. Review of the environmental authorities for those operations confirms groundwater monitoring and depth of extraction is not regulated for those operations. Based on those operations it is unlikely that the proposed development will encounter groundwater.

Similarly to the noise, dust and blasting, groundwater is a State resource and is regulated by DES through the EA. DES have assessed the application and determined that groundwater is not a significant risk that needs to be regulated by way of conditions in the EA and does not require ongoing monitoring or investigation. Additional assessment and regulation of groundwater by Council is not considered to be necessary.

**Request**

Based on the assessment undertaken by SARA and DES on the potential for groundwater impacts on site, it is requested that condition 33 be deleted or amended to read as follows:

No.	Condition Wording	Condition Timing
33	<i>The development is not to intercept groundwater.</i>  <i>If groundwater is intercepted, notification must be provided to Council.</i>	<i>At all times</i>

**Summary:**

This request for change representations seeks to amend the conditions package of the Council decision notice. It is requested that condition 30 be deleted and condition 33 be deleted or amended. If Council would like to discuss the abovementioned changes, we suggest a meeting to talk through the relevant points. Should you need any further details in relation to the above matters, please contact me by telephone: (07) 3871 0411, or via email: [slyons@groundwork.com.au](mailto:slyons@groundwork.com.au).

Yours faithfully  
Groundwork Plus



**Sam Lyons**  
Town Planning Consultant



## PLANNING & ENVIRONMENT COURT OF QUEENSLAND

CITATION: *Golder v Maranoa Regional Council & Ors* [2014] QPEC 68

PARTIES: **TYSON GOLDER**  
(applicant)

v

**MARANOA REGIONAL COUNCIL**  
(first respondent)

and

**WE KANDO PTY LTD ACN 076 843 993**  
(second respondent)

and

**DEPARTMENT OF ENVIRONMENT AND HERITAGE  
PROTECTION**  
(third respondent)

and

**WESTREX SERVICES PTY LTD**  
(fourth respondent)

FILE NO/S: 2012/14

DIVISION: Planning & Environment Court

PROCEEDING: Originating Application

ORIGINATING  
COURT: Planning & Environment Court at Brisbane

DELIVERED ON: 28 November 2014

DELIVERED AT: Maroochydore

HEARING DATE: 29<sup>th</sup> July and 8<sup>th</sup> August 2014

JUDGE: Robertson DCJ

ORDER:

1. I declare that the First Respondent erred in law in deciding the development application on 13 November 2013 ( the approval) in deciding it on the basis that it should not refuse it on any grounds which were within the scope of the environmental authority granted by the Third Respondent.
2. I order that the approval be set aside.
3. The application is otherwise adjourned to a date to

**be fixed after the parties have considered these reasons.**

**4. Liberty to apply by the giving of 3 days notice.**

CATCHWORDS: PLANNING & ENVIRONMENT COURT –  
 ORIGINATING APPLICATION – Where submitter Appellant/Applicant seeks declarations in an Originating Application filed in the context of extant submitter appeals by him and Fourth Respondent against a Council decision to approve a development approval for a waste water storage pond for receipt of treated and untreated effluent from CSG operations in region – DEHP was a concurrence where agency and had issued its response which included an environmental permit to conduct an Environmentally Relevant Activity which permit contained conditions.

PUBLIC NOTIFICATION – Where Applicant argued that public notification in relation only to the sign on the land was insufficient, in that it did not comply with the law – where sign in fact (on the best evidence) complied with the relevant Regulation.

FINALITY – Where both submitters contend that Condition 21 of the approval lacked finality in that it left to a later decision an important aspect of the development, which had the potential to alter significantly the nature of the development.

ADMINISTRATIVE LAW – Where submitters argue that Council's decision was unlawful in that it had been lead into error by the report before it at the time it made its decision, by impermissibly abdicating its responsibility to decide the application in relation to environmental issues to the concurrence agency – where submitters objected to a large body of evidence put on by Council on the basis that it was clear that the only Council Officer report before Council at its general meeting was the report noted in the minutes.

DECLARATIONS – Whether orders sought lacked utility in that the court was now seised of all issues and obliged to assess the development application *de novo* in circumstances in which the approval had not taken effect pending the outcome of the appeals.

EXCUSAL – Whether any non-compliance can be excused pursuant to s 440 of the SPA.

**Legislation**

*Environmental Protection Act 1994*

*Sustainable Planning Regulation 2009*

**Cases**

*Caloundra City Council v Pelican Links Pty Ltd & Anor*  
[2005] QPELR 128

*City of Unley v Claude Neon Ltd* (1983) 32 SASR 329

*Cox & Ors v Maroochy Shire Council & Ors* [2006] QPELR 628

*Dunlop v Woollahra Municipal Council* (1975) 2 NSWLR 446

*Leichardt Municipal Council v The Minister* (1992) 77 LGRA 64

*Liquorland (Australia) Pty Ltd v Gold Coast City Council*  
[2001] 2 Qd R 476

*McBain v Clifton Shire Council* [1996] 2 Qd. R. 493

*Minister for Aboriginal Affairs v Peko-Wallsend Ltd* (1986) 162 CLR 24

*Mison and Ors v Randwick Municipal Council* (1991) 23 NSWLR 734

*Mt Marrow Blue Metal Quarries Pty Ltd v Moreton Shire Council* [1996] 1 Qd.R. 347

*Pinjarra Hills Pty Ltd* [1995] Q.P.L.R. 334

*Schroders Australia Property Management Ltd v Shoalhaven City Council & Anor* [2001] NSWCA 74

*Scott & Ors v Wollongong City Council* (1992) 75 LGRA 112

*Telstra Corporation Ltd v Kendall* (1994) 55 FCR 221

*R v Brisbane City Council; ex-parte Read* [1986] 2 Qd R 22

*Wyatt v Albert Shire Council* [1986] Q.P.L.R. 62

*Westfield Management Pty Ltd v Brisbane City Council & Anor* [2003] QPELR 520

COUNSEL: Applicant – Mr Gore QC and Mr Haydon

First Respondent – Ms Kefford

Second Respondent – Mr Hughes QC and Mr Lyons

Third Respondent – Excused from attendance

Fourth Respondent – Mr Gibson QC and Mr Loos

SOLICITORS: Applicant – Shine Lawyers

First Respondent – McInnes Wilson Lawyers

Second Respondent – Emanate Legal

Third Respondent – Excused from attendance

Fourth Respondent – Corrs Chambers Westgarth

- [1] On 3 June 2014 his Honour Judge Jones ordered that three issues raised by Mr Golder in Originating Application no. 2012 of 2014 be heard and determined as preliminary matters. The Originating Application was filed on 29 May 2014 in the context of Mr Golder’s submitter appeal no. 24 of 2014 and a submitter appeal by the fourth respondent Westrex Services Pty Ltd (“Westrex”) in its appeal no. 4921 of 2013.
- [2] The submitter appeals challenge the decision of Council made on 23 November 2013 to approve a development application made by We Kando on 24 April 2013 to grant:
  - (a) a development permit for a material change of use – High Impact Industry (wastewater storage pond); and
  - (b) a development permit for Environmentally Relevant Activity 56 – Regulated Waste Storage.
- [3] The development application was impact assessable and public notification was required.
- [4] The site the subject of the development application is at 1915 Carnarvon Road, Euthulla, which is within the local government area of the Council.
- [5] Both submitter appeals raise issues of conflict with the relevant planning scheme, which is the Bungil Shire Council Planning Scheme, an IPA scheme promulgated in 2006. The appeals also raise amenity and other issues including alienation of Good Quality Agricultural land (GQAL).
- [6] On 22 May 2013, the Department of Environment and Heritage Protection as a concurrence agency notified Council and We Kando that it had no requirements relating to the application and provided a permit under the *Environmental Protection Act 1994* subject to conditions.

- [7] Before his Honour Judge Jones, Mr Gore QC, senior counsel for Mr Golder, described the development proposal in the following terms:

“The facility proposed ... is, essentially, a very rudimentary sewerage treatment plant. The material is clear (sic) that it would be treated but, more relevantly, untreated effluent coming from mining camps, what the material calls both black water and grey water ...”

- [8] The development is described more technically in the material in these terms:

“... the development will comprise construction of a single storage pond for treated and untreated effluent, sourced from Coal Seam Gas (CSG) operations within the region. General site and operational constraints provided by We Kando include:

- total storage capacity of around 50ML;
- 60% of effluent received at the site will be untreated effluent;
- 40% of the effluent received at the site will be treated effluent;
- nominal operational pond depth (for storage purposes) will be 1.0m; and
- minimum free bore depth (vertical height between maximum operational level and embankment crest) will be 0.5m.”

### **The Originating Application**

- [9] The three issues referred for a preliminary determination are shortly described as the “public notification” issue, that Condition 21 of the approval lacks finality as it leaves for later decision an important aspect of the approval which could alter the nature of the use approved; and the “abdicating responsibility” point, which is essentially an argument that in making its decision to approve as part of its General Meeting on 13.11.13, Council was led into procedural error by the report of Specialist Compliance Officer Warren Oxnam, which was before Council at its meeting and upon which it based its decision, such that the decision was invalid. Council and We Kando submit that substantively none of the points raised have merit and that, in any event, as the approval has not taken effect and this Court is now required to consider the merits of the proposal *de novo* and act (as it were) anew as assessment manager, there is no utility in “sending it back to the Council to make a fresh decision”. Both Council and We Kando also submit that if an error has been made, the Court has wide power to deal with the matter pursuant to s 440 of the SPA.

- [10] As my reasons will expose, I think one of the referred issues has merit and will invalidate the Council’s decision notice. I will however deal with the other issues

because Mr Golder's application also seeks costs against Council and We Kando. Westrex did not join in the argument in relation to the public notification point.

### **The Public Notification Point**

- [11] As I have noted, this issue was advanced only by Mr Golder.
- [12] The allegation is that public notification of the development application was defective in that:
- "A. The Co-Respondent [We Kando] has failed to give sufficient and/or adequate public notification in that:
    - (a) the sign on the land was not on or within 1,500mm of the road frontage; and/or
    - (b) the sign on the land was not clearly or adequately visible from the road as it could not be seen or was not clearly observable to persons passing by on the Carnarvon Highway; ..."
- [13] Section 297 of the SPA requires, inter alia, that public notice of a relevant application requires the applicant (or the assessment manager) to:
- "(b) place a notice on the land in the way prescribed under a regulation; ..."

This in turn invokes s 16(2)(a) and (c) of the *Sustainable Planning Regulation 2009* ("the Regulation"), whereby a public notification sign must be placed on, or within, 1,500mm of the road frontage and positioned so that it is visible from the road.

- [14] As described by Mr Gore QC and Mr Haydon (for Mr Golder) in their written outline, the basic problem, based on the evidence gathered on behalf of Mr Golder, was that the public notice on the land was about 74 metres from the carriageway of the Carnarvon Road, and was obscured by tall grass. Mr Golder's property also fronts the Carnarvon Road, about 4,500 metres away, so too does a property owned by Mr Clem Boughen. Both regularly travel along the road, and neither saw the notice until it was brought to their attention by a third party, and both in their affidavits deal with difficulties in seeing the sign. Mr Golder became aware of the public notice in time to exercise his rights as a submitter, but Mr Boughen did not.
- [15] In preparation for the hearing before me, We Kando has filed an affidavit by Mr Andrew Campbell whose firm has conducted a proper survey of the boundary



which establishes that the fence on which the public notification sign was placed was on the surveyed boundary of the land.

[16] Mr Golder accepts this evidence, and to the extent that Mr Ovenden's opinion based on aerial photographs conflicts with Mr Campbell's evidence, Mr Golder does not rely on Mr Ovenden's opinions.

[17] This Court has previously held with respect to similar requirements in planning legislation that:

- (a) the sign must be placed on the land itself and not on the road;
- (b) the reference to "road" is to a dedicated road and not to the constructed carriageway of the road;
- (c) the word "visible" does not mean legible;
- (d) there is no requirement upon a developer to place the sign on the most visible location from the point of view of users of the road; and
- (e) the intent of the provision is sufficiently carried into effect by regarding the obligation as fulfilled if the notice is visible to a person on the road in a position in front of the sign (see citations footnoted to this paragraph, which is directly quoted from paragraph 13 of the written submission of Mr Hughes QC and Mr J G Lyons of counsel for We Kando).

[18] As they submit, on road reserve including a highway that has a speed limit of 100km/h and a larger road reserve than the constructed carriageway, there will always be difficulty, if not impossibility, for parties trying to read the contents of a public notification sign. That is not the requirement of the Regulation. The sign on the land is one of three forms of public notification required. Here the evidence shows that the sign was visible, and the visibility of the sign is intended to put someone on notice as to the existence of the development application on the relevant land. As the Court of Appeal has stressed, a person seeking to consider making a legitimate submission will not obtain the precise details of the application from the sign on the land (or the advertisement in the newspaper), but can be expected to inspect the application proper, which is required to be kept available by the local government: *Liquorland (Australia) Pty Ltd v Gold Coast City Council* [2001] 2 Qd R 476 at paragraphs [20] and [31].

- [19] The evidence of Mr Hooke (manager of We Kando) is unchallenged. He undertook public notification of the development application on behalf of the company. His evidence, supported by photographs, is that in fact the sign was visible from the road. As We Kando submits, despite the difficulties expressed by Mr Golder and Mr Boughen, Mr Golder nevertheless was able to exercise his rights to make a submission in time, as did eight others, suggesting that public notification did ensure that the development application was properly advertised.
- [20] For these reasons, I am satisfied that We Kando has complied with the requirement in relation to placing the public notification sign on, or within 1,500mm of the road frontage, and that on the best evidence, this sign was visible from the road.

### **The finality point**

- [21] Both Mr Golder and Westrex argue that Condition 21 attached to the decision notice is invalid as it lacks finality. Condition 21 is under the heading “Environmental” and is one of three conditions under that heading in the conditions package. It is in the following terms:
- “The developer is to submit an Environmental Management Plan to Council to be approved prior to commencement of use. This plan is to be in accordance with Schedule 9: ‘Environmental Management Plan Guidelines’ in Bungil Shire Council Planning Scheme 2006.”
- [22] The contention of both Mr Golder and Westrex as pleaded in the Originating Application is:
- “Condition 21 is central to the approval, but it lacks finality, because it leaves for later preparation and approval the terms of the Environmental Management Plan, in circumstances where that plan will involve an important aspect of the development, and may alter the development as described in the development application in a material respect.”
- [23] The relevant principles were discussed by me in *Caloundra City Council v Pelican Links Pty Ltd & Anor* [2005] QPELR 128 in the following terms:

“[47] The starting point is the judgment of Wells J in *Corporation of the City of Unley v Claude Neon Ltd* (1983) 32 SASR 329 at 332:  
*‘...For this purpose, it is essential to bear in mind that the granting of a consent is an act in law that is final in the disposition of the application; the consent must be either refused, or granted unconditionally, or granted*

*subject to conditions. A condition which imparts to consent a quality in virtue of which it ceases to be final is not one, in my judgment, that falls within the structure of the Act. A condition so annexed ought to be directed, and directed only, to circumscribing, with reasonable particularity, the acts of land use to which the authority ... has given its consent ...'.*

[48] This passage was quoted with approval by Clarke J.A. in *Mison and Ors v Randwick Municipal Council* (1991) 23 NSWLR 734 at 739. In that case, a development application to erect a building had been approved subject to a condition that the overall height of the dwelling house be 'reduced to the satisfaction of Council's chief town planner'. Clarke J.A. said (at 740):

*'That this aspect of the development was of critical importance was beyond question. The height, and positioning of the building on site were, arguable, the two most critical features of the development ...'*

and, (at 740):

*'Where a consent leaves for later decision an important aspect of the development and the decision on that aspect could alter the proposed development in a fundamental respect it is difficult to see how that consent could be regarded as final.'*

[49] Priestly J.A. said of the test (at 737):

*'in my opinion, if the fulfilment of a condition imposed upon a consent will significantly alter the development in respect of which the application was made, there has been no consent to the application. Further however, if the effect of an imposed condition is to leave open the possibility that development carried out in accordance with the consent and the condition will be significantly different from the development for which the application was made, then again, it seems to me that the Council has not granted consent to the application made.'*

[50] It is common ground that the tests enunciated in *Mison* represent the present state of the law in Queensland: *Mt Marrow Blue Metal Quarries Pty Ltd v Moreton Shire Council* [1996] 1 Qd. R. 347 at 354 per McPherson J.A. and Ambrose J; and *McBain v Clifton Shire Council* [1996] 2 Qd. R. 493 at 496.

[51] It seems to me therefore that there are, as it were, two aspects to the 'test', and if the condition infringes either or both it is invalid. These can be stated relevantly to the facts here in the following way. Firstly, if a condition imposed (on an approval) by Council has the effect of significantly altering the development in respect of which the development application is made, then the proposed approval is no approval at all. Secondly, where a condition leaves for later decision an important aspect of the development, and the decision on

that aspect could alter the proposed development in a fundamental way, then the approval with that condition cannot be regarded as final.”

- [24] In *Cox & Ors v Maroochy Shire Council & Ors* [2006] QPELR 628 Skoien SJDC said:

“[93] Questions of finality have been discussed in a number of cases. In *McBain v Clifton Shire Council* (1994) 2 Qd.R. 493 at 496 this appears:

*‘Under the Act, it is a Council which must decide whether or not to approve an application and, if it approves the application, what, if any, conditions are to apply. Further, there is a statutory process to be followed, including advertising the application and consideration of objections. Decisions which the statute requires the Council to make cannot be delegated or deferred, at least if deferral would circumvent or subvert the statutory scheme.*

*On the other hand, conditions are specifically authorised by the Act and, obviously, many approvals routinely include conditions which operate prospectively; i.e., require to be performed or fulfilled following the grant of the approval. Further, prior satisfaction of a condition imposed by an approval will frequently be a prerequisite to the utilisation of the approval ...’*

[94] It should be noted that *McBain* involved an application which required public notification (under *IPA* that would be impact assessment), a matter which the Court regarded as relevant as the approval of the Council effectively excluded public notification of applications for future extensions of the development. It should also be noted that *McBain* recognised the validity of a condition for prospective reconsideration by the Council of some matters.

[95] Such conditions are routinely applied and are lawful as long as they do not block the rights of submitters (*McBain*) or relate to an important matter, the future decision on which could alter the development in a fundamental way (*McBain*; *Mison v Randwick Municipal Council* (1991) 23 NSWLR 734; *Mt Marrow Blue Metal Quarries Pty Ltd v Moreton Shire Council* (1996) 1 Qd.R. 347).”

- [25] The Environmental Management Plan Guidelines are located in Schedule 9 of the Bungil Shire Planning Scheme 2006. Relevantly the Schedule provides that:

- (a) “An Environmental Management Plan shall be submitted with an application that conserves and protects areas identified by and/or considered by Council to be subjected to, or potentially subject to landslip, erosion, erosive flooding, salinity or any other form of land

degradation, or for areas where building work may impact on the environment and amenity of the neighbourhood”;

- (b) Council may refuse an application if an Environmental Management Plan has not been completed to Council’s satisfaction; and
- (c) The Environmental Management Plan shall contain specific information, and other matters at the discretion of Council.

[26] The only time the Planning Scheme assessment provisions call up Schedule 9 is in a footnote to Performance Criterion PC48 of the Rural Zone Code which provides that “surrounding area is protected from adverse environmental impacts.”

[27] The footnote attached to Performance Criterion PC48 of the Rural Zone Code relevantly provides:

“One way to demonstrate compliance with this PC is to prepare an Environmental Management Plan in accordance with Schedule 9: ‘Environmental Management Plan Guidelines’.”

[28] While Schedule 9 of the Planning Scheme contemplates the provision of an Environmental Management Plan as part of a development application and that Council may refuse an application if an Environmental Management Plan is not completed to its satisfaction, Schedule 9 does not mandate the provision of such a plan, nor does it require Council to refuse a development application in the absence of an Environmental Management Plan.

[29] Mr Golder’s and Westrex’s argument is that condition 21 offends the finality principle in both respects. Mr Gibson QC and Mr Loos in their written submission submit:

“30. The Council’s conditions do not otherwise provide for the environmental aspect of the environment to be controlled. The importance of the Environmental Management Plan with respect to the management, conduct and operation of a wastewater storage pond is obvious. Yet condition 21 leaves the fundamental matter of environmental management for later determination.

31. The requirement of an Environmental Management Plan is similar in nature to the requirement for a noise impact report in *Leichardt Municipal Council v The Minister* (1992) 77 LGRA 64 and to the condition requiring advice from a monetary review committee in respect of proposed

expansion of pig numbers in *McBain v Clifton Shire Council* [1996] 2 Qd R 493. The contents of the Environmental Management Plan have the potential to materially affect the nature and extent of the use proposed by the development application as well as the day-to-day operation of the use.”

- [30] In assessing the challenge to Condition 21, it is appropriate to consider Condition 21 as part of the overall package of conditions. In this regard Condition 3 is an important condition. Condition 3 is in the following terms:

“3. All works and operations are to be carried out in accordance with the approved plans and specifications listed in the following table. Where approved plans are in conflict with the Assessment Manager’s Conditions, the Assessment Manager’s Conditions shall take precedence.

Plan/Document number	Plan/Document name	Date
001 Rev A	Existing Conditions Showing Development Layout	04/2013
002 Rev A	Storage Pond Layout and Setout	04/2013
003 Rev B	Sections and Details	04/2013
11238802R01a	Geotechnical Assessment	05/2013
11238802 (02a)	Groundwater Monitoring Plan	05/2013
11238802 (S01-a)	Technical Specification for Constructions Works	05/2013

”

- [31] I agree with Council and We Kando that when construed as a whole the nature and extent of the development said to be approved is clear and certain. The Plans referenced in Condition 3 require compliance and are not framed in the manner of many such conditions i.e. “to be generally in accordance with;” and clearly a number impact on environmental issues. Its parameters are apparent by reference to conditions such as Condition 3 to require all works and operations to be carried out in accordance with listed approved plans and specifications.
- [32] The approved plans and specifications include key details defining the extent of the use approved including details of the size, location and profile of the storage pond and operational constraints such as total storage capacity of the pond and the extent of treated and untreated effluent to be received. Both Council and We Kando in



their submissions rely on a large number of affidavits from Council Officers and external consultants which were provided subsequent to the decision of his Honour Judge Jones to refer the preliminary points to me. Both Mr Golder and Westrex object to this evidence on the grounds of relevancy. I make it clear that in reaching a conclusion that Condition 21 does not offend the finality principle I do not take into account the evidence of the Council Officers referred to in paragraph 35 of We Kando's submission.

- [33] In my view, the condition in its effect, and when construed in light of all the conditions, does not have the potential to significantly alter the nature of the development, nor does it leave for later decision an important aspect of the development. The condition is similar to the impugned condition in *Scott & Ors v Wollongong City Council* (1992) 75 LGRA 112. In those circumstances there is no need for me to consider the argument that condition 21 can be severed from the development approval or to consider whether non-compliance can be excused pursuant to s 440 of the SPA.

#### **The abdicating responsibility point**

- [34] The minutes of the General Meeting of the Council on 13 November 2013 are in evidence before me. They reveal that We Kando's development application was considered as Item 13.5 in a meeting which commenced at 9.00am and concluded at 4.47pm. It is not suggested that anything other than the report of Mr Oxnam was before the Council when it came to consider the development application.
- [35] It is well established that a decision maker falls into procedural error, and errs in law, by failing to take into account a relevant consideration that it is bound to take into account in making the decision, and by taking into account a consideration that is not relevant to the making of the decision: *Minister for Aboriginal Affairs v Peko-Wallsend Ltd* (1986) 162 CLR 24 per Mason J at 39. It is fundamental that the decision must be made by the decision maker upon whom authority is conferred by the relevant statute. In consequence, it is an error of law for a decision maker to act at the dictatorial behest of another or to give "... no real independent attention to the discretion which is conferred upon him or her, so that the exercise of discretion

is really the exercise of that discretion by some other person.”: *Telstra Corporation Ltd v Kendall* (1994) 55 FCR 221 at 231.

- [36] The development application was impact assessable. Schedule 3 of the SPA defines “impact assessment” as meaning “the assessment under s 314 of - :

“(a) the environmental effects of the proposed development;”  
and  
“(b) the ways of dealing with the effects.”

- [37] The Council was the assessment manager for the development application. As such, it was the entity that was obliged to decide the development application. Sections 3, 4 and 5 of the SPA identify that the purpose of the SPA “is to seek to achieve ecological sustainability” and identifies how that purpose is to be advanced by reference to the short and long term environmental effects of the development and associated matters.

- [38] Clearly then, “the environmental effects of proposed development” and “the ways of dealing with [those] effects” are considerations that the assessment manager was bound to take into account in deciding an impact assessable development application under the SPA. Further, as the assessment manager for the development application, Council was the sole repository of authority to decide that application, but was obliged to consider the (Department’s) response.

- [39] As noted above, Mr Oxnam provided a report to assist the Councillors in deciding We Kando’s development application. The report is 11 pages in length, and contains attachments in which he has set out what he says are the relevant parts of the Planning Scheme against which he has provided comments and assessment responses. The report commences with an executive summary and his recommendation, and sets out the 54 Conditions to be attached to the decision if Council accepts his recommendation. The report at page 9 then sets out a number of details which form the basis of the arguments now advanced by Mr Golder and Westrex. Relevantly, the report to Council is in these terms:

**“Risk Assessment (Legal, Financial, Political etc.):**

Because the environmental management of wastewater storage facilities is controlled by an environmental authority which is approved by the Department of Environment and Heritage Protection, the Council should not refuse a development application on any grounds which are within the scope of the environmental

authority. If Council were to refuse a development application on grounds associated with the environmental management of wastewater storage facilities approved by that Department it would need to defend its refusal against both the applicant and the Department in the event of an appeal.

The other types of impacts (mainly transport, surrounding land uses, future use of site) appear reasonable and can be addressed by appropriate development conditions.

**Policy Implications:**

The proposed method of wastewater disposal is not a preferred method of disposal for wastewater in the Maranoa Regional Council area. It is a very low cost method with minimal treatment of the waste. It effectually relies on long-term evaporation of the wastewater to leave behind an accumulating layer of sludge which eventually needs to be removed and taken to a landfill site.

Other wastewater treatment systems approved for the Maranoa Regional Council area are based on the wastewater being processed to remove the suspended material and make the water fit for other purposes. When there are un-authorised contaminants in the wastewater stream, the other wastewater treatment systems are often adversely affected and this provides an inbuilt incentive (or requirement) to ensure the wastewater does not contain un-authorised contaminants.

...

The wastewater treatment process is controlled by an environmental authority issued by the Department of Environment and Heritage Protection. The Queensland Government has recently written to Queensland local governments, including Maranoa Regional Council, advising against duplication of development controls in development approvals. This is consistent with the approach already taken by the Council where a development includes an Environmentally Relevant Activity. It means that Councillors should not be setting conditions for the management of the treatment process if these are provided by a government agency.

However, this means that the management (and enforcement) of conditions contained in an environmental authority primarily rests with the Department of Environment and Heritage Protection and is dependent upon the willingness of that agency to take action now and into the future.

Further, it should be accepted that the defence of the environmental authority and its condition should be left to the agency that imposed them. This will be relevant in any appeal.

Council must still deal with impact such as traffic, impacts on other land uses and the use of the site after the wastewater treatment activity has ceased."

...

[40] Those views expressed by the Council Officer do not accord with the statutory assessment regime that the Council was obliged to follow. In fact they openly take account of policy matters outside the scope of the statutory decision rules.

[41] This is an important issue because paragraph 19 of Council's outline filed on 24 July 2014 states:

“19. Were the Court to focus only on (the statements of Mr Oxnam in the officer report) ... it might be persuaded to make the declaration sought by the submitters however, the materials the court ought to consider are much more extensive.”

[42] This observation by Ms Kefford is a reference to a large body of affidavit material filed by Council since his Honour's referral of the three preliminary points to me. It is common ground that the only Council Officer's report that was before Council at its General Meeting on 13 November 2013 is the report of Mr Oxnam which is dated 4 November 2013 and which contains the impugned statements set out above. The affidavits now relied upon by Council and We Kando include affidavits of Danielle Pearn, Manager of the “Planning and Building Development team” at Council; Ruth Golden, a Development Engineer in “the Planning and Building Development Support department” at Council (she swears that she was at the General Meeting on 13 November 2013 when “the Councillors discussed and voted” (on the application); but she does not suggest that she participated or was asked to give any advice about any issue in Mr Oxnam's report); Jessica Reiser, a Planning Officer with the Council who provided co-ordination of the assessment process prior to the General Meeting; Warren Oxnam; Luigi Scarpato, Town Planner retained by Ms Reiser on 11.9.2013 to review the “Council Officer report” which appears to be a reference to material prepared by Ms Golden; and Mr Robert Heywood, Director of Development, Facilities and Environment at Council.

[43] Relevantly the thrust of this evidence put on by Council is neatly summarised in para 45 of the written outline of Mr Hughes QC and Mr Lyons:

“45. The development application was the subject of a thorough and rigorous assessment by the Council including:

- (a) the development application, or relevant parts of it, were sent to a number of specialist offices by the Council and an external consultant;

- (b) the Council Officer who undertook the engineering assessment of the development application did carry out “a independent assessment of the environmental management facility” and in particular:
  - (i) considered the relevant development application material;
  - (ii) considered the Planning Scheme;
  - (iii) was aware of an existing facility similar to the proposed development operated by We Kando and had previously considered compliance issues related to that development;
  - (iv) conducted a site inspection;
  - (v) conducted a site inspection of We Kando’s site at Chinchilla to familiarise herself with the type of development being assessed and gain a better understanding of the type of operation to be conducted if approval was granted;
  - (vi) properly considered all of the relevant environmental topics;
  - (vii) in considering these topics did not regard the work conducted by the Concurrence Agency as determinative to her assessment and considered the topics in terms of potential off-site impact and the potential for impact on the community;
  - (viii) had discussions with officers from the Western Downs Regional Council regarding their experience with a similar facility constructed by We Kando in Chinchilla;
  - (ix) requested further information by way of information request;
  - (x) sought further information from the geo-technical engineer assisting We Kando;
  - (xi) sought further information from We Kando that was required to assess the development application;
  - (xii) conducted internal discussions with other Council officers regarding environmental matters related to waste disposal;
  - (xiii) considered the submissions received during public notification and prepared a document dealing with the issues raised in the submissions and a response to those issues;
  - (xiv) considered a preliminary opinion of an external consultant;
  - (xv) had various discussions with Council officers regarding the imposition of a bond;

- (xvi) attended a workshop with other Council officers and Councillors regarding the development application;
- (xvii) attended a subsequent site inspection with two Councillors and had meetings with a Councillor and other officers of the Council;
- (xviii) in forming her view about whether for engineering reasons the development application ought to be approved or refused, did not consider herself bound by the decision of the Concurrence Agency to issue an Environmental Authority and did a more global assessment that took into account the potential off-site impacts of the proposed development and potential for impact on the community;
- (c) similar considerations of relevant issues were undertaken by other Council officers involved with the assessment of the development application;
- (d) the Council officer from the specialist compliance section who was involved in assessing the development application;
  - (i) considered the relevant development application material;
  - (ii) reviewed the Environmental Protection Regulation Code and Planning Scheme criteria to ensure that the Concurrence Agency had not missed anything in drafting their Environmental Authority in considering the environmental issues;
  - (iii) formed the opinion that the Council did, through its officers, independently assess all aspects of the development application and in doing so could not find any significant conflict with the Planning Scheme;
  - (iv) discussed with other Council Officers the prospect of wildlife coming into contact with the contaminated material;
  - (v) was clearly inclined to refuse the development application but could find no proper basis to do so... (this is a reference to the Council Officer who provided the report upon which Council's resolution to approve on 13 November 2013 was based, namely Warren Bruce Oxnam)."
- (e) a workshop with respect to the development application with Councillors and Council Officers to inform the Councillors about the nature of the application and the issues the Council Officers had considered in their assessment



- (f) site inspections which were undertaken by councillors prior to considering whether to approve or refuse the development application; and
- (g) a split vote made by the councillors on the development application (8 in favour in one against) demonstrating a level of independent consideration by the individual councillors themselves.”

[44] The preliminary question therefore for me is whether this additional material, the effect of which is fairly summarised in We Kando’s submission as set out above, is relevant in considering Mr Golder’s and Westrex’s argument in relation to the abdicating responsibility point. Mr Golder and Westrex object to it on the ground of relevance.

[45] In support of the admissibility of this evidence put on by Council Ms Kefford relies upon the decision of Brabazon QC DCJ in *Westfield Management Pty Ltd v Brisbane City Council & Anor* [2003] QPELR 520 at 532-3:

“[59] What material should the court look at, when an attack is made on the decision itself? Should the court look just at the actual decision (Exhibit 10) or should it look at the things which it took into account – such as the town planner’s report?

[60] The correct approach can be found in the decision of the New South Wales Supreme Court in *Dunlop v Woollahra Municipal Council* (1975) 2 NSWLR 446 at 484-5:

‘Both parties agreed that, in scrutinising the Council’s actions, I should have regard, not only to the terms of the resolutions passed by Council, but to the past history of consideration of the land in question, and of the reports to Council by its officers and committees which were before the Council when it made its decisions...

... Most of the material is in the form of reports of Council Officers, which, in the absence of any indication to the contrary, may reasonably be inferred to have been the basis of Council resolutions, and, therefore, supply a basis for attributing to the Council the intentions, purposes, motives, beliefs and state of mind revealed therein.’”

[46] In *Westfield Management*, the applicant had applied for declarations that a Council approval of a Code assessable development application should be set aside. Council had relied upon a Town Planner’s report recommending approval. The applicant

was a commercial competitor of the developer and was not exercising submitter appeal rights because the application was Code assessable. It was held that the Town Planner had taken irrelevant considerations into account, and had asked the wrong questions for a Code assessable application. The issue was whether the Court could have regard to the Town Planner's report as a link in the chain which resulted in the Council's decision to approve. The *Dunlop* decision, a judgment of Wootten J, focused on a different question, namely whether the Council in that case had acted unfairly in passing resolutions which adversely affected the use rights of the applicant, and is clearly distinguishable, in that there was no dispute as to what his Honour could look at in deciding on what basis the Council's decision was made. However, the principle averted to is trite and is to be applied in the particular circumstances of a case.

[47] I agree with Mr Gore that this is an even clearer case than *Westfield's*. The only report before Council was Mr Oxnam's report of 4 November 2013. There is no evidence that Council relied on anything else. As I have noted Ms Golden was at the meeting but she does not suggest she said anything, and that the Minutes do no record her presence let alone any contribution.

[48] In her Outline, Ms Kefford also quotes [62] of Judge Brabazon's judgment in *Westfield*:

“[62] A decision of the Full Court of Queensland illustrates the proposition, that it is necessary to look at all the known facts which influence the final decision, rather than just look at the formal processes which led to that decision. In *R v Brisbane City Council; ex-parte Read* [1986] 2 Qd R 22, Council had entered into an improper agreement with a developer who was seeking the re-zoning of land. It was found as a fact that the final decision of Council was wrongly influenced by the existence of the agreement.”

[49] *Read* was concerned within an entirely different scenario. In the course of an appeal by objectors to a forerunner of this Court, the Local Government Court, against a decision to approve a re-zoning to permit the expansion of an existing quarry, documents were discovered which indicated that Council's decision was a fait accompli before the application to re-zone was made, and the objectors then sought relief before the Full Court of the Supreme Court of Queensland in its original jurisdiction by way of prerogative writs, so the comments of Judge Brabazon must be seen in that light. On the issue of relevance, it is very clear here that other

reports, or indeed subjective views of Council Officers, were not before Council other than the report of Mr Oxnam, and logically this is the basis on which Council made its decision. The references in many of the affidavits of Council Officers to Councillors (for example) speaking with Officers about the proposal, or undertaking site inspections, or attending a workshop; in the absence of other direct evidence of what Councillors did consider at the meeting, apart from Mr Oxnam's report; is of little weight in determining what Council did take into account (apart from Mr Oxnam's report) in reaching its decision.

- [50] Perhaps appreciating the difficulties faced by Council in maintaining the validity of its 13 November decision, based only on Mr Oxnam's report, We Kando has sought to rely upon some principles set out in *Schroders Australia Property Management Ltd v Shoalhaven City Council & Anor* [2001] NSWCA 74 in support of its submission that any material in the possession of Council will generally be treated as being in possession of Councillors at the time the decision is made. The case was factually similar in some respects to the *Westfield* case. Council had approved a shopping centre development on land partially zoned under relevant planning controls which did not allow for retail uses that would compete with the local retail centre. The developer proposed that there would be a Woolworths erected on the site. *Schroder* applied unsuccessfully to the Land and Environment Court for a declaration that the consent was invalid, and appealed to the New South Wales Court of Appeal which unanimously dismissed the appeal.
- [51] Relevantly, Council had received advice from a consultant which in turn recorded legal advice from a barrister, Mr Webster, which was to the effect that the proposal was not inconsistent with the relevant planning control objectives. The argument advanced was that because this advice was received shortly before Council made its decision, it should be inferred that Council did not consider the issue i.e. that it had omitted to take into account a relevant consideration.
- [52] In that case there had been a full hearing before the Chief Judge of the Land and Environment Court where evidence was called. It is not apparent from the judgment of the Full Court that there was any objection to evidence about the history of the land and Council Officers and Committee decisions and reports being before the Primary Judge. The reference by Ipp AJA (with whom the Chief Justice

and Sheller JA agreed) at [67] to *Minister for Aboriginal Affairs v Peko-Wallsend Ltd* (supra) at 31 per Gibbs J (as he then was) is unhelpful in the circumstances of this case. *Peko-Wallsend* was again a case in which the decision maker (the Minister) had failed to take into account a relevant consideration because it was omitted in the material placed before him. Gibbs J conventionally applied authority that in such a case the material in the possession of the Department would be deemed to be in the possession of the Minister. The qualification in Ipp AJA's reference to *Peko-Wallsend* that "material in possession of the Council will, generally, be treated as being in the possession of the Councillors..." (my emphasis), is apposite here.

- [53] In this case, the clear unequivocal evidence is that only Mr Oxnam's report was before Council, and the inescapable conclusion is that it formed the basis of the decision. It follows that in considering the arguments of Westrex and Mr Golder on this point the Court should have regard to the whole of the report, including the impugned words, and disregard the other evidence put on by Council except to the extent that it is reflected in Mr Oxnam's report.
- [54] Ms Kefford argues in the alternative, that when viewed as a whole, the report of Mr Oxnam does involve an assessment of the environmental effects of the proposed development or an assessment of the ways of dealing with the effects as required for impact assessment under Schedule 3 of the SPA. As she correctly submits the report or at least the attachment to the report refers to some provisions in the Planning Scheme which are relevant to environmental matters, but it cannot be seriously argued that given the prominent position of the incorrect advice of Mr Oxnam quoted above, it could not have materially affected the Council's decision to approve the development application.
- [55] The result is that Council impermissibly abrogated its duty to properly assess the application by abrogating its duty to the concurrence agency and therefore the decision was invalid. *Wyatt v Albert Shire Council* [1986] Q.P.L.R. 62, 65; and *Pinjarra Hills Pty Ltd* [1995] Q.P.L.R. 334, 341-342, are examples where this Court and its predecessor held that where the jurisdiction of public bodies such as a Council and a State Government Department overlap, one cannot simply rely upon the exercise of the other's exercise of discretion. The point made by Mr Hughes QC

and Mr Lyons relating to s.314 (3) (c) of the SPA is not made out. Council was deflected from properly exercising its own discretion “having regard to” the Department’s response by the incorrect advice before it in Mr Oxnam’s report. Although it still involves the drawing of an inference, it is the only inference that can be drawn from the fact that the report was the only document before Council at its meeting when the decision to approve was made.

- [56] Unlike the barrister’s advice to the Council in *Schroder’s* case, where he had made it “crystal clear” that despite his advice, the decision was for the Council itself, there is no such qualification in the incorrect propositions contained in Mr Oxnam’s report. Apart from Condition 21 which is reproduced in the report as part of the conditions package ultimately adopted by Council, there is no reference to the footnote to PC48 in the Rural Zone Code; and his Assessment Responses to what he regarded as relevant Performance Criteria in the Code which were also covered by the Concurrence Agency Permit (air, noise, water quality, separation of incompatible land uses), could be construed as being in line with the impugned advice in the earlier part of the report, but, as this was not argued, it plays no part in my conclusions.

#### **Discretionary considerations**

- [57] This leads to consideration of the alternative arguments made by We Kando and the Council to the effect that given that the approval has not taken effect, and this Court now acts in the place of the assessment manager, and is obliged to consider the merits of the application *de novo*, there is no utility in granting the relief sought by the applicants.
- [58] It is also necessary for me to consider whether the error of law made by the Council can be excused under s 440. In my view s 440 does not extend to such a fundamental error and indeed the explanatory notes to the second reading of the SPA Bill tendered by Mr Gibson QC which included s 440 confirm in my mind that it would be inappropriate to excuse under that provision what is in effect an unlawful decision by the local authority as assessment manager.

[59] In my view there are two aspects of the utility argument that come into play. I have deliberately quoted above from the submission of Mr Hughes QC and Mr Lyons in which they set out the effect of the material put on by Council in relation mainly to the abdication of responsibility point but also marginally relevant to the finality point. It does show that prima facie Council Officers and external consultants did undertake a very extensive assessment of the development application and although the argument made by Westrex and Mr Golder, as I have found, has legal utility, the practical utility of setting aside Council's decision is a more difficult question. One of the effects of setting aside Council's decision is to place We Kando in a position where it is faced with a deemed refusal. In those circumstances, We Kando (which carries the onus whether it is the appellant against a refusal or whether it is responding to a submitter appeal) can then appeal to this court against the deemed refusal. It would also follow that both submitter appeals would be allowed on this limited basis.

[60] As far as I can tell from the files neither of the submitter appeals have proceeded to a point where the matters are ready for trial, but certainly all parties have undertaken preparation, and some expert reports have been obtained. I am not convinced that the observations of Thomas J (as he then was) in *Read* referred to in Mr Golder's outline at [25] are apposite here because of the quite different results that can follow here from a declaration of invalidity. As his Honour noted in the passage immediately before that quoted by Mr Gore QC and Mr Hayden, the issue there was to do with "fair play and the avoidance of "mischievous practices"" which is not the case here. It is however a matter of considerable public interest that decision makers such as Councils act on correct advice so that decisions made can be seen to be lawfully based. It is doubtful here that the submitters will have Council "as...an ally in the litigation" but that involves speculation.

[61] The exercise of the power to grant declaratory relief is discretionary and the matters set out above impact on the exercise of discretion. Given that the error made by Council is so fundamental, I have determined to grant the relief sought in paragraphs C and D of Mr Golder's Originating Application.

[62] As I have noted, one of the legal consequences of making the order sought in D of the application is to give the developer the opportunity to lodge an appeal against a



deemed refusal. Before proceeding to order that the submitter appeals be allowed on the limited basis referred to above, and before considering costs, I will adjourn the application to a date to be fixed to enable all parties including We Kando to consider the reasons and to consider its position. As it correctly submits, it is an innocent party in the sense that it had no part in the legal error made by Council. If I have the jurisdiction, and if We Kando does appeal, I would be strongly inclined in those proceedings to order that the steps taken by it in these appeals be steps taken in that appeal. It would be pointless it seems to me for We Kando to be faced with having again to satisfy the Court about public notification. If Mr Golder and Westrex choose to join any such appeal I would be inclined to make similar orders for their benefit. I have a 2 week civil sittings commencing in Maroochydore on the 19<sup>th</sup> January and, subject to the availability of dates in that time, there may be a day that suits all parties in that period which can be set aside administratively to deal with the outstanding issues. I am prepared to come to Brisbane to suit the parties. I will allow liberty to apply, and written submissions, if that is what the parties agree.

## **INFORMATION REPORT**

**Meeting:** General 27 November 2019

**Date:** 15 November 2019

**Item Number:** 13.4

**File Number:** D19/107138

**SUBJECT HEADING:** Information Regarding Roma Airport Use for Qantas Group Training

**Classification:** Open Access

**Officer's Title:** Manager - Airports (Roma, Injune, Surat, Mitchell)

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### **Executive Summary:**

At its meeting on 13 November, Council resolved that a report be prepared for the next Council meeting showcasing how best to highlight the benefits of Roma as a satellite airport for pilot training.

This report provides background information to Council regarding the capabilities of Roma Airport and how it could service the training academy.

### **Officer's Recommendation:**

That Council receive and note the Officer's report as presented.

### **Background:**

At its General Meeting held on 13 November 2019, Council resolved as follows:

#### ***Resolution No. GM/11.2019/20***

***That a report be drafted and tabled at the next Council meeting showcasing how best to highlight the benefits of Roma as a satellite airport for pilot training.***

This request is on the back of leveraging the establishment of a pilot training academy at Brisbane West Wellcamp Airport as an opportunity to promote Roma Airport and encourage Qantas trainers to utilise Roma Airport for their training operations.

This report serves to provide Council with information relating to both the Qantas Group fleet and how Roma Airport may be able to service the training academy.

### **Body of Report:**

The Qantas Group consists of a number of companies with varying fleets, a summary of the aircraft available in Australia that are operated by these companies and their ability to operate at Roma Airport is provided below:

<b>Qantas Group Business</b>	<b>Aircraft in Fleet</b>	<b>Able to land at Roma</b>
Qantas	Boeing 787-9	No
	Airbus A380	No
	Airbus A330	No
	Airbus A320	No
	Boeing 747-400	No
	Boeing 737-800	No
	Boeing 717	No
QantasLink	Airbus A320	No
	Boeing 717	No
	Fokker F100	No
	Q400	Yes (currently operating)
	Q300	Yes (currently operating)
	Q200	Yes
Jetstar	Boeing 789 Dreamliner	No
	Airbus A321neo (LR)	No
	Airbus A320	No
	Airbus A321	No
	Q300	Yes

As shown above, the only aircraft in the Qantas Group fleet that are able to operate at Roma Airport are the Bombardier Q400, Q300 and Q200 as they are turboprop type aircraft that are within the weight capacity of the movement areas and are able to land and take off (albeit with restricted weight in high temperatures for the Q300 and Q400), with the runway length provided.

It is the Author's understanding that student pilots progressively attain type ratings on specific aircraft over time or may elect themselves for specific type ratings on their Commercial Pilot Licence. This process involves theory, simulation and in cockpit time with trainers. Typically a student pilot will jumpseat on an operating aircraft while they are progressively familiarised with the type, eventually taking more and more command under supervision before being issued their type rating. This typically happens on existing commercial services, meaning that Roma Airport will potentially be used for pilot training irrespective of any specific approach to the flying school.

Roma Airport does not house any facilities that would be of benefit to the flying school such as training rooms, pilot rooms or instrument precision terminal flight procedures. Students being trained on the Q300 and Q400 aircraft while operating through Roma Airport will only have the turnaround time of the aircraft on the ground negating the opportunity to utilise any on ground facilities.

In the Author's opinion, the only opportunities to encourage the flying school to utilise Roma Airport for their training operations is through the simplicity of the terminal flight procedures with straight in approaches and relatively low traffic volumes, which the Qantas Group are already aware of. Though there is very limited benefit to the airport or the community in doing so as it is extremely unlikely that additional aircraft into the region or commercial benefit would result.

**Link to Corporate Plan:**

Corporate Plan 2018-2023

Strategic Priority 4: Growing our region

4.4 Provide airports that contribute to economic and community development of the region

4.4.16 Assist in identifying and implementing marketing and promotional activities for the Roma Airport.

**Supporting Documentation:**

Nil

**Report authorised by:**

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

**INFORMATION REPORT****Meeting:** General 27 November 2019**Date:** 15 November 2019**Item Number:** 13.5**File Number:** D19/107306**SUBJECT HEADING:** Regional Pool Report October 2019**Classification:** Open Access**Officer's Title:** Administration Officer - Council Buildings & Structures**Executive Summary:**

Across the region, Council maintains five swimming pool complexes and the Great Artesian Spa complex.

Contractors operate the pools under Management Agreements, and provide monthly reports to Council identifying attendance, pool temperatures, chemical levels, maintenance issues and consumables.

Reports presented for the Month of October 2019 include Injune Pool, Wallumbilla Pool, Surat Pool, Mitchell Pool, Roma Pool and The Great Artesian Spa. Roma Pool report for the month of September 2019 is also included.

**Officer's Recommendation:**

That Council receive the Regional Swimming Pool reports for Injune Pool, Wallumbilla Pool, Surat Pool, Mitchell Pool, Roma Pool and the Great Artesian Spa for the month of October 2019 and Roma Pool September report

**Background:**

Due to the risk and nature of public pools, this report is presented to Council to keep Councillors informed of any ongoing issues with our regional pools as reported by Pool contractors.

**Body of Report:**

<b>Roma Swimming Pool</b>	<b>Consumables</b>	None required.
<b>September</b>	<b>First Aid</b>	None required.
	<b>Maintenance</b>	Decommissioning of Learn to Swim pool. Capital works project.
	<b>Maintenance</b>	Non-slip coating is flaking in both bathrooms. Waiting on outcome of community consultation.
<b>October</b>	<b>Consumables</b>	Ordered 15/11/19 Req 24634
	<b>First Aid</b>	Items ordered 12/11/19
	<b>Maintenance</b>	Decommissioning of Learn to swim pool. Capital works project

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	<b>Maintenance</b>	Non-slip coating is flaking in both bathrooms. Waiting on outcome of feasibility study.
	<b>Maintenance</b>	Request for handrail to be installed outside the ladies bathroom. Waiting on outcome of feasibility study.
	<b>Maintenance</b>	Pool vacuum sent for repair. Returned to the pool for use.
	<b>Safety</b>	5 incident reports submitted to Council for minor incidents.
<b>Great Artesian Spa</b>	<b>Consumables</b>	Order placed req 24630
	<b>First Aid</b>	Ordered 7/11/19
	<b>Maintenance</b>	Gum tree requires removal 1 quote received. Calling for second quote. Propose to complete while spa is closed for recoating (2 December 2019 for 2 weeks)
<b>Injune Pool</b>	<b>Consumables</b>	Ordered PO:148387
	<b>First Aid</b>	Non required
	<b>Maintenance</b>	Water is pooling in both change rooms. Floor is sinking causing the drain to be higher than the floor level. Proposed budget considerations for capital works program.
	<b>Maintenance</b>	Chlorine tank gauge repaired.
	<b>Maintenance</b>	Request for hot water showers to be installed at the pool. Proposed budget consideration for capital works program.
<b>Wallumbilla Pool</b>	<b>Consumables</b>	None required.
	<b>First Aid</b>	Ordered 8/11/19
	<b>Maintenance</b>	Taps in the girls bathroom leaking. Plumbers have inspected & new taps required.
	<b>Maintenance</b>	Tap handle on pop up sprinklers broken. Referred to school for



		repair.
	<b>Maintenance</b>	Tap handle broken in the green box that works the sprinkler. Referred to the School for repair.
	<b>Maintenance</b>	Removal of topsoil that is contaminated top dressing to establish lawns, referred to the school for action.
	<b>Maintenance</b>	Air conditioning of Kiosk. Referred to the school for consideration.
	<b>Maintenance</b>	Leaking taps in ladies bathroom and outside tap on the wall of toilets referred to Council plumbers for repair. CRM17213/2019
	<b>Maintenance</b>	Additional lighting required for night use of the pool. Referred to the school for consideration.
	<b>Maintenance</b>	Pool hoist required, as there are no steps just a ladder. Referred to school for consideration.
<b>Surat Pool</b>	<b>First Aid</b>	None required.
	<b>Consumables</b>	Ordered 14/10/19
	<b>Maintenance</b>	Leaking seal on sand filter. Repairs to be carried out as part of the capital upgrade.
	<b>Maintenance</b>	Wading pool valve on filter leaking while backwashing. Part of capital upgrade on wading pool.
	<b>Maintenance</b>	Wading pool opening and closing valve needs replacing. Part of capital upgrade on wading pool.
	<b>Maintenance</b>	Wading pool drainpipe replacement. Part of capital upgrade on wading pool.
	<b>Maintenance</b>	Rust coming through the wall on the 25m pool. Requires fibre glassing to coping tile to prevent

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		further decay of pool. This will require future capital upgrade. Under investigation.
	<b>Maintenance</b>	Bearing on the Pool Blanket Roller completed.
	<b>Maintenance</b>	Chemical shed door replacement completed.
	<b>Maintenance</b>	Pool blankets are falling apart require replacement. Requested quotes.
	<b>Safety</b>	Concrete BBQ area. Budget considerations.
	<b>Safety</b>	First aid room. Future budget considerations.
	<b>Safety</b>	Mosquito breeding area requires additional drainage into the recreational oval behind the pool to prevent the water entering the pool grounds. Funds included in 2019/20 budget to undertake drainage works.
	<b>Signage</b>	Deep Water sign ordered.
	<b>Signage</b>	4 signs require replacement due to sun damage. Signs have arrived and will be installed.
<b>Mitchell</b>	<b>First Aid</b>	Emailed order 8/11/19 – completed
	<b>Consumables</b>	Ordered
	<b>Maintenance</b>	Lock for new chemical shed, and key for pool complex.
	<b>Maintenance</b>	Wheelie bin for chemical storage. PO issued 148535.
	<b>Maintenance</b>	Request for power point to be installed in the disabled shower and toilet building. Requested quotes.
	<b>Maintenance</b>	Concrete path from the new chemical shed to the gate to assist with delivery of goods. Budget consideration.
	<b>Maintenance</b>	Request for tap to be

		installed on the eastern side of the pool. Requested quotes.
	<b>Maintenance</b>	Garden bed rocks for behind the new chemical shed.
	<b>Maintenance</b>	Top dressing of the pool grounds in the off-season.

**Link to Corporate Plan:**

Corporate Plan 2018-2023

Strategic Priority 4: Growing our region

4.9 Manage Council's land and buildings that contribute to the provision of a range of services across the region and are used by residents, visitors, business, industry and Council

4.9.4 Manage the region's 6 swimming pools.

**Supporting Documentation:**

<a href="#"><u>1</u></a>	Roma Pool October Monthly Pool Management Report	D19/107044
<a href="#"><u>2</u></a>	Roma Pool September Monthly Pool Management Report	D19/95484
<a href="#"><u>3</u></a>	Great Artesian Spa October Monthly Pool Management Report	D19/103919
<a href="#"><u>4</u></a>	Injune Pool October Monthly Pool Management Report	D19/103304
<a href="#"><u>5</u></a>	Wallumbilla Pool October Monthly Pool Management Report	D19/104176
<a href="#"><u>6</u></a>	Surat Pool October Monthly Pool Management Report	D19/107288
<a href="#"><u>7</u></a>	Mitchell Pool October Monthly Pool Management Report	D19/104168

**Report authorised by:**

Lead Land Administration Officer

Manager - Facilities (Land, Buildings & Structures)

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

**Maranoa Regional Council**  
**Monthly Pool Management Report**  
**For the Month of October 2019**

**Pool Name – Denise Spencer Memorial Pool**

**1. Pool Entries**

	General Entry	School Group	Swimming Club	Learn to Swim	SEASON PASS
Adult	1467	NA	120	18	271
Children	1372	NA	275	297	230
Seniors	40			76	

**Comments:**

Junior Campus 239

Middle Campus 103

Saint Johns 697

Charleville School of Distant Education 99

76 patrons for Water Aerobics

168 Squad Entries

Sign in folders for individual groups on front counter for more accurate figures this season. Club nights every family must sign in and out. All school groups, Allied health and vital health will do the same. Season Pass holders still sign in as they enter the pool and hourly head counts continue.

Charleville School of Distance Education visited 29<sup>th</sup> to 31<sup>st</sup> October from 1-2 pm.

Barry Prime to run a coaching clinic on Sunday 17<sup>th</sup> November and David from Nudgee to Assist me later this month.

**2. Pool Chemical Log**

Averages	Chlorine PPM	PH	Total Alkalinity	Calcium
Week 1	1.5-2.0	7.7	79	30
Week 2	4.0	7.7	88	30
Week 3	3-4	7.6	88	40
Week 4	2-3	7.7	73	20

**Comments:-**

I had been struggling with figuring out how complicated it was to maintain water quality. After talking with specialists in the field I have a better understanding of what is happening. Please find attached one sheet of water addition measurements.

Town water

Week 3 Alkalinity Hi and Calcium hardness 0

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Week 4 Alkalinity Hi and Calcium hardness 10

Water loss is recorded and kept in the 50m pump shed if council is interested.

### 3. Pool Temperature

	Daily Average
Week 1	28
Week 2	28
Week 3	28
Week 4	28

Comments:-

First Aid Kit Check/ Oxygen Resuscitation Kit - Replacement Supplies Required (please list):-

### 4. Consumables

Items required eg. Toilet paper, hand towel, soap (please list):-

Toilet paper, Disinfectant, Disposable gloves x 3

### 5. Maintenance Issues (please list):-

Decommissioned above ground pool is still to be removed.

Non slip coating is flaking in both bathrooms. Areas do not appear slippery or have sharp edges at this moment.

One of the patrons who recently slipped at our facility would like to see a hand rail from the ladies bathroom to the closer to the pool.

### +7. Safety Issues (Please list)

### 8. Safety Issues Resolved

### 9. Incidents (please ensure all incidents are reported to council the same day they occur on council's incident form )

5 x Incidents

### 10. Issues with unruly patrons ect (Drunk, abusive, violation of pool rules)

### 11. Any other issues that should be reported to council

We had a small vacuum returned to us which looks like it may have been serviced. Is it ours? I lent mine to Mel at Surat but was not aware it had been serviced. Could this be hers?

Name & Signature of Pool Manager

Signed:- Stacey Robertson

Date : 01/11/19

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**Maranoa Regional Council**  
**Monthly Pool Management Report**  
**For the Month of September 2019**

**Pool Name – Denise Spencer Memorial Pool**

**1. Pool Entries**

	General Entry	School Group	Swimming Club	Learn to Swim	SEASON PASS
Adult	653	NA	NA	NA	135
Children	462	NA	NA	150	89
Seniors	12			33	

**Comments:**

Sign in folders for individual groups on front counter for more accurate figures this season. Club nights every family must sign in and out. All school groups, Allied health and vital health will do the same. Season Pass holders still sign in as they enter the pool and hourly head counts continue.

Swimming Club resumes this week. School swimming starts next week.

Charleville School of Distance Education visits 29<sup>th</sup> to 31<sup>st</sup> October from 1-2 pm.

Craig Tobin brought a team of Special Olympians to do 4 x 2 hour training sessions over 3 days at the Denise Spencer. An invitation to join the training camp went out to all adults and teenagers within the Maranoa.

**2. Pool Chemical Log**

Averages	Chlorine PPM	PH	Total Alkalinity	Calcium
Week 1	2-3	7.6	124	80
Week 2	2-3	7.6	83	80
Week 3	2-3	7.6	54	100
Week 4	2.0	7.4	120	80

**Comments:-**

New chlorine tanks have been installed.

Water loss is recorded and kept in the 50m pump shed if council is interested.

**3. Pool Temperature**

	Daily Average
Week 1	27
Week 2	28
Week 3	28
Week 4	28

**Comments:-**



4. First Aid Kit Check/ Oxygen Resuscitation Kit - Replacement Supplies Required (please list):-

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5. Consumables

Items required eg. Toilet paper, hand towel, soap (please list):- Toilet paper, Disinfectant

6. Maintenance Issues (please list):-

Decommissioned above ground pool is still to be removed.

Non slip coating is flaking in both bathrooms. Areas do not appear slippery or have sharp edges at this moment.

- +7. Safety Issues (Please list)

8. Safety Issues Resolved

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9. Incidents (please ensure all incidents are reported to council the same day they occur on council's incident form )

10. Issues with unruly patrons ect (Drunk, abusive, violation of pool rules)

11. Any other issues that should be reported to council

David from Myrtha Pools came to Roma to talk to me about what he could do for our community and our pool. I talk with many different commercial Pool Maintenance companies at conferences and discuss what is happening and what I need help with. As Myrtha are making the FINA approved pools at a reasonable cost I thought it would be interesting to see what solutions he could offer. I contacted Councillor Peter Flynn to listen to what David had to say as I wanted to make the most out of his visit and I wanted Council to have some firsthand advice and information.

Name & Signature of Pool Manager

Signed:- Stacey Robertson

Date : 01/10/19

**Maranoa Regional Council**  
**Monthly Pool Management Report**  
**For the Month of October 2019**

**Pool Name – Great Artesian Spa**

**1. Pool Entries**

	General Entry	School Group	Swimming Club	Learn to Swim	Other
<b>Adult</b>	1446				1067
<b>Children</b>	Combined with adults				

Comments:-

Friday Morning Tea – 27, Sunday Breakfast – 120, Wednesday Roast Night - 58

**2. Gymnasium Use :**

Comments:

Gym – 257, Yoga – 36, Vital Health – 29

**3. Cold Pool Chemical Log**

Averages	Chlorine PPM	PH	Total Alkalinity	Calcium
<b>Week 1</b>	3.81	7.40	1.9AF	1.9CF
<b>Week 2</b>	3.60	7.28	1.8AF	1.5CF
<b>Week 3</b>	3.94	7.74	2.0AF	1.3CF
<b>Week 4</b>	3.77	8.03	2.0AF	1.5CF

Comments:-

**4. Hot Pool Chemical Log**

Averages	Chlorine PPM	PH	Total Alkalinity	Calcium
<b>Week 1</b>	3.50	7.20	0.7AF	1.6CF
<b>Week 2</b>	2.90	7.23	1.5AF	1.3CF
<b>Week 3</b>	3.36	7.51	1.7AF	1.0CF
<b>Week 4</b>	1.70	7.54	1.6AF	1.3CF

Comments: -

## 5. Cold Pool Temperature

	Daily Average
Week 1	26
Week 2	23
Week 3	25
Week 4	24.9

Comments:-

## 6. Hot Pool Temperature

	Daily Average
Week 1	40
Week 2	40
Week 3	40
Week 4	38.9

Comments:-

## 7. First Aid Kit Check

## Replacement Supplies Required (please list): -

I have completed an audit on the First Aid Kit for any out of date items. Items needed are as follows:

Band aids/adhesive strips, non-allergenic adhesive tape, 2 x eye pads, 5 x safety pins, 4 x gauze squares, 2 x sterile saline/water, 3 x antiseptic solution, 2 x antiseptic/burns/soothing cream, 1 x hydrogel burns dressing, 1 x large burns sheet.

## 8. Consumables

## Items required eg. Toilet paper, hand towel, soap (please list):-

1 Pallet Chlorine 20L Drums, cleaning consumables order (see attached)

## 9. Maintenance Issues (please list):-

## 10. Any other Issues Requiring Reporting

Name &amp; Signature of Pool Manager

Signed:-



Jeffrey Watson

Date : 04/11/2019

**Maranoa Regional Council**  
**Monthly Pool Management Report**  
**For the Month of October 2019**  
**Pool Name – Injune Swimming Pool**

**1. Pool Entries**

	General Entry	School Group	Swimming Club	Learn to Swim	Other
Adult	273	12	45	36	
Children	344	92	67	82	

**Comments** Injune Swimming Club opened for the new season and Injune State School has started swimming lessons.

**Pool Chemical Log**

Averages	Chlorine PPM	PH	Total Alkalinity	Calcium
Week 1	1.9	7.8	78	240
Week 2	3.1	7.9	83	170
Week 3	2.9	7.9	105	190
Week 4	2.6	7.7	101	210

**Comments:**

**2. Pool Temperature**

	Daily Average
Week 1	24.5
Week 2	25.8
Week 3	26.1
Week 4	25.4

**Comments:-**

**3. First Aid Kit Check/ Oxygen Resuscitation Kit - replacement Supplies Required (please list):-****4. Consumables Items required eg. Toilet paper, hand towel, soap (please list):**

Unleaded petrol 30 litres

**5. Safety Issues (Please list) Issues with unruly patrons ect (Drunk, abusive, violation of pool rules**  

Water is pooling in the change rooms creating a slippery surface, the floor drains need to be lowered.

**6. Safety Issues Resolved incidents (please ensure all incidents are reported to council the same day they occur on council's incident form****7. Any other issues that should be reported to council**

Repairs completed for chlorine tank gauge and taps for wading pool fountain.

Hot showers required to recover children's body temperature after swim lessons and improve use of the pool.

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Name & Signature of Pool Manager

Signed:- K. Wolski

Date : 6/11/19

**Maranoa Regional Council**  
**WALLUMBILLA POOL MANAGEMENT REPORT**  
**For the Month of October 2019.**

**1. Pool Entries**

	General Entry	Schools	Race Night	Squad	Learn to Swim	AquaFit	Total
Adult	99	0	0	0	0	0	99
Children	127	0	0	0	13	0	140
<b>Total</b>							<b>239</b>

Comments: I do not know the numbers for school swimming.

**2. Pool Chemical Log**

Averages	Chl PPM	PH	T/A	CaH	Temp	TDS	SI
Week 1	2 - 4	8.00	180	235	24°	5.0	0.2
Week 2	2 - 4	8.00	180	200	22°	5.0	0.1
Week 3	2 - 4	8.00	150	229	24°	5.0	0.1
Week 4	2 - 4	7.90	180	132	24°	4.7	0.1

Comments:- Water clarity is great.

**3. First Aid Kit Check/ Oxygen Resuscitation Kit - Replacement Supplies Required (please list):-**

Sting and bite cream

**4. Consumables - Items required e.g. Toilet paper, hand towel, soap (please list):-**

None required

**5. Maintenance request (please list):-**

1 leaking tap, 1 in the girls toilet hand basin.

Tap handle for pop up sprinkler (at deep end) is broken.

Tap for pop up sprinkler with green lid on northern side behind shade structure is frozen.

Removal of trees – there are gum trees around the pool that create a huge mess daily and the flowers are hard to get rid of as they float on top of the water.

Removal of contaminated dirt and top dressing with feed lot manure to establish grass. Is there a grant that could help with this?

**7. Safety Issues (Please list)**

- Pool hoist as there is no steps for older people to enter the water. This was also identified by a patron as their friend couldn't come to the pool as she couldn't enter or exit the pool.

- Extra lighting for night use (photo below)

**8. Safety Issues Resolved**

NA

**9. Incidents (please ensure all incidents are reported to council the same day they occur on council's incident form )**

None to report

**10. Issues with unruly patrons ect (Drunk, abusive, violation of pool rules)**

No

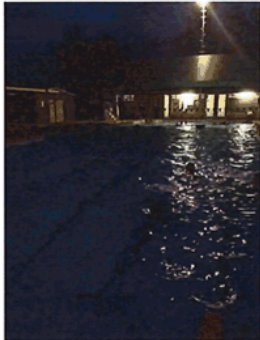
**11. Any other issues that should be reported to council**

The kiosk is not lined and has no air conditioning and really is a hot box. We took the thermometer in there and it was 36 degrees with everything open. Could you approach school and see if they would like to go halves in lining it. Christmas holidays last year Kirsten York (swim club) made mention of wanting to get it done. Disposal of chemical drums. Where is the nearest depot for disposable chemical drums?

Could we please get blankets for the pool?

**Photos**

- Needs more lighting for night use.

**Off Season Jobs**

- Pest control - to spray all buildings and sheds.
- Service mowers, whipper snipper, blower – 1 x ride on, 1 x push mower, 1 x whipper snipper
- Service dosing pumps

**Name & Signature of Pool Manager**

Signed:- M N SUTTON

Date : 8.11.2019



**Maranoa Regional Council**  
**SURAT POOL MANAGEMENT REPORT**  
**Month of October 2019.**

• **Pool Entries**

	General Entry	Schools	Race Night	Squad	Learn to Swim	Aqua Ducks	Total
Adult	144	64	-	-	-	3	211
Children	283	227	-	120	95	-	775
Total							986

Comments:

• **Pool Chemical Log**

25m Pool	Averages	Chl PPM	PH	T/A	CaH	Temp	TDS	SI
	Week 1	3.5	7.80	100	190	24°	1900	0.1
	Week 2	3.5	7.85	100	190	24°	1900	0.15
	Week 3	3.5	7.80	100	190	24°	1900	0
	Week 4	3.5	7.80	100	190	26°	1900	0
	Week 5	3.5	7.70	85	190	26°	1900	.05
Wading Pool	Averages	Chl PPM	PH	T/A	CaH	Temp		
	Week 1							
	Week 2							
	Week 3							
	Week 4							

**Comments:-** Water clarity is excellent. Running the pH around the 7.80 to keep my alkalinity above 80 without adding bicarb all the time.

Wading pool is empty waiting to be fixed.

- **First Aid Kit Check/ Oxygen Resuscitation Kit - Replacement Supplies Required (please list):-**  
None required

- **Consumables - Items required e.g. Toilet paper, hand towel, soap (please list):-**  
Weed and Feed x 6 (ordered August report, have not yet received)  
Light bulbs for toilets  
**PPE**  
Respirator Mask – expired.

**Cleaning Products**

Leaf scoop x 1  
2 x kitchen broom heads (#551)

1-x straw broom  
 1-x dustpan and brush (#1029)  
 Bio Green All Purpose Cleanser  
 GOJO luxury foam handwash x 6  
 Red heavy-duty wipes x 5  
 Green heavy-duty wipes x 5  
 Heavy duty buckets (not the cheap plastic ones please they last about 2 weeks) x 4  
**Lovibond testing tablets**  
 Phenol Red Photometer 10 x 100 tablets  
 DPD 1 tablets 6 x 100  
 DPD 3 tablets 4 x 100  
 Triple A batteries bulk pack for Lovibond test kit

#### Maintenance Issues (please list): -

##### New Issues

Perspex on my inline filter needs replacing it has hairline splits in it  
 Inline one way valve on inlet needs replacing  
 Josh (the plumber) came and helped me prime the pumps due to the inline filter being blocked. It has some rust in it.  
 Pool blankets are falling apart.

##### Signs

- Deep water sign (broken)
- ~~Corrosive (broken)~~
- ~~Danger, Chemical Storage Area (Sun-damaged) \*~~
- ~~Sodium hypochlorite (Sun-damaged) \*~~
- ~~No Smoking (Sun-damaged) \*~~

\* Note: Sun damaged signs are readable, took photo so you can decide if it would pass an audit)

##### Ongoing Maintenance Issues

- Main circulation pump is corroded (Josh Broadhead was ordering parts to replace). This has been ongoing.
- Leaking seal on Sand filter. (photo below) reported 10/01/18
- Sharp point on handrail. A patron came across it on 1/12/17 and notified me. (have put putty over it)
- Wading pool – opening and closing valve needs replacing.
- Wading pool - valve on the filter leaks after doing a backwash.
- Wading Pool – drainpipe will need to be replaced in the off season.
- Rust coming through in 25m pool – *pictured below*.
- Handrail on ladder located deep end West side is rusted out.
- Blanket roller bearing is damaged and needs replacing.
- There are holes and gaps appearing around the concourse. Some have been there a long time and have been checked and cleared however I think it's time to have them rechecked as there are new holes appearing.

Note: I rang Rob Hayward on the 28/11/18 to explain how the concourse has sagged taking photos of it doesn't really show how bad it has gotten.

#### Safety Issues (Please list)

##### New Issues

- HAZMAT Chem Alert needs to be updated at your end, I have gone through and updated mine and will attach a separate document to this email for you to cross reference. Also, fire evacuations need updating and putting a site plan in the HAZMAT box putting the 'YOU ARE HERE' from the HAZMAT box on Robert street. (have photos below)

Ongoing Safety Issues

- Shade/ shelter area as identified in the audit. Surat Pool has no shelter for patrons to stand under when it rains.
- HEALTH HAZZARD in October I had problems with the ladies amenities blocking and have discovered that the septic and storm water is all connected. I had faeces coming up in the change room and over flowing in the BBQ area. I have moved the BBQ outside the fenced area until we can make the BBQ area hygienic again. I have suggested concreting the area that way if the drain trap (DT) overflows again we can wash the area down with sanitiser. Emailed Facilities 26/10/17. UPDATE: new toilets and pipes have been put in, can we lay a cement pad down for hygiene?
- Mosquito breeding ground at the back gate every time it rains as there is no drainage between the Rec oval and the pool. *Picture below.*
- First aid room. Identified in the audit.

**Safety and Maintenance Issues Resolved this month**

I received signs not yet put up

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- **Incidents (please ensure all incidents are reported to council the same day they occur on council's incident form)**  
Minor incident 18<sup>th</sup> October reported to Council.  

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- **Issues with unruly patrons ect (Drunk, abusive, violation of pool rules)**  
Two brothers had a fight at the pool, the mother was there. I told them to get out of the pool and that behaviour will not be tolerated. One week ban.  

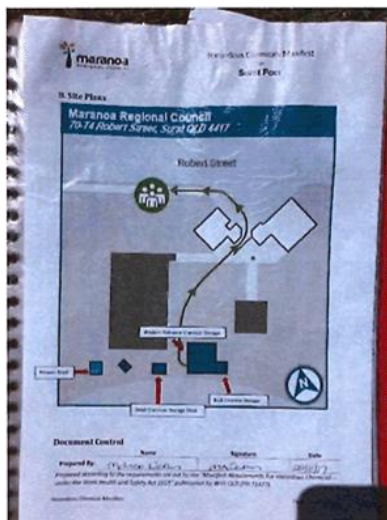
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- **Any other issues or notifications that should be reported to council**
  - The change rooms now have a roof!! It has been well done and the kids just love it.
  - 13, 14 & 15th November Teelba State Schools annual Swim Camp is on between 9:00am and 3:00pm
  - 22nd November - Surat State School Swim carnival 8am to 3pm

## Photos

- Pump/chemical shed door and the Padlock we installed



- Evacuation signs



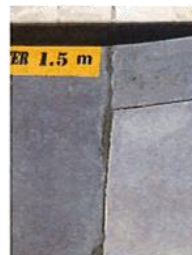
- Leaking seal on Sand filter.



- Rust – there is rust coming through at the shallow end of 25m pool



- Gaps in concourse - Hard to see in the photo.



- Hand rail rusted out.



- Mosquito breeding ground





## Off Season Jobs

- Wading Pool – drain pipe will need to be replaced in the off season. April 2018
- Pest control - to spray all buildings and sheds. Sprayed May 2017
- Service mowers, whipper snipper, blower – 1 x ride on, 1 x push mower, 1 x whipper snipper, 1 x blower
- Service dosing pumps – August is a good time to do this. Last serviced 19/09/2017

## Wish List

- Covered area for shelter and shade. There is a small area at the entrance of the facility that people can take shelter if it rains. (Patrick measured this up when he was here)
- Tables and chairs for the sheltered area
- Office/first aid room – on Ros Waldron's pool visit (26/10/17) we spoke about my lack of room and how much I am cramming into a small space. I have previously had in my monthly reports about turning the front room (adjacent the kiosk, though the wall of picture 3) into an office. If we can put a double door through that wall it can be a first aid and office combined ticking off on issues brought up in our audit.  
When Ricky Jones was here measuring up the amenities I asked if he could look at the possibility of doing this. Firstly he said it could be done, secondly he said that the brick wall is a load bearing wall and that there will need to be electrical work done as in rerouting wiring and split system air conditioner.



## Name &amp; Signature of Pool Manager

Name:- Mel Sutton – Outback Swim School - Manager Surat Pool

Signed:- Mel Sutton  
M N SUTTON

Date : 04.10.2019

**Maranoa Regional Council**  
**Monthly Pool Management Report**  
**For the Month of October 2019.**

**Pool Name – Mitchell Memorial Swimming Pool**

**1. Pool Entries**

	General Entry	Average per day pool is open	School Group	Swimming Club	Learn to Swim	Other
Adult	14	0.5	N/A	N/A	N/A	N/A
Children	35	1.3	Mungallala-8 MSS-190 Dunkeld-9	N/A	N/A	N/A
Family (2Adults&2Children)	2		N/A	N/A	N/A	N/A

Comments:-

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**Pool Chemical Log**

Averages	Chlorine PPM	PH	Total Alkalinity	Calcium
Week 1	1.60	7.60	150	30
Week 2	2.15	7.80	130	40
Week 3	1.59	7.80	130	60
Week 4	1.87	7.80	130	70

Comments:-

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**2. Pool Temperature**

	Daily Average
Week 1	21.4
Week 2	23.8
Week 3	22.8
Week 4	24.0

Comments:-

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3. First Aid Kit Check/ Oxygen Resuscitation Kit - Replacement Supplies Required (please list):-

- 1 x sterile saline solution (only 2 provided)
- 2 x antiseptic solution
- 6 x sting relief cream, gel or spray

4. Consumables

Items required eg. Toilet paper, hand towel, soap (please list)

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5. Maintenance Issues (please list):

- 2 x No Diving 1.4m Signs (ones at pool have turned black due to heat).
- Lock for new chemical shed.
- Bunding for Calcium Chloride (wheelie bin).
- Spare pool key be issued to myself for relief staff.
- 2 x lawn seed.
- Power point to be installed in the disabled toilet/change room to facilitate working patrons who utilise the pool in the mornings before work eg. Hairdryer.
- Is it possible to get a cement path from the new chemical shed to the cement surrounding the pool to assist with carting chemicals from the new chemical shed to the pool pump shed and unloading from the pallet as the forklift cannot get close enough to the new chemical shed.
- Tap be installed on the Eastern side of the pool for watering.
- Garden bed rocks for behind and the side of the new chemical shed.
- Put steps in place to top dress the pool yard when the pool closes for the season (April 2020)

NOTES

- I would like to thank Council for the permission given for me to utilise social media (Facebook) to advertise pool services, events etc.

August

- Old pump needs to be removed from pump shed.

6. Safety Issues (Please list)

- Does the new chemical storage shed require an eye wash facility?
- Do I require PPE for the new chemical shed or am I ok to use the PPE in the Pool Pump Shed?

7. Safety Issues Resolved

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8. Incidents (please ensure all incidents are reported to council the same day they occur on council's incident form )

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9. Issues with unruly patrons ect (Drunk, abusive, violation of pool rules)

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11. Any other issues that should be reported to Council

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Name & Signature of Pool Manager

Signed:- Katrina Mansfield

Date :- 7<sup>th</sup> October 2019



## **OFFICER REPORT**

**Meeting:** General 27 November 2019

**Date:** 20 November 2019

**Item Number:** 13.6

**File Number:** D19/108629

**SUBJECT HEADING:** Surat Shire Hall - Funeral Services

**Classification:** Open Access

**Officer's Title:** Administration Officer - Land Administration

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### **Executive Summary:**

Council's consideration is requested to the fee charged for the use of the Surat Shire Hall for the purpose of conducting a funeral service.

### **Officer's Recommendation:**

That Council amend its schedule of fees and charges for the 2019/2020 financial year to allow use of the Surat Shire Hall free of charge for the purpose of conducting funeral services, noting that this does not cover the wake which will incur normal fees and charges as applicable.

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### **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).

Surat and district community

### **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
Nil	Nil

### **Context:**

***Why is the matter coming before Council?***

A number of funeral services are conducted at the Surat Shire Hall and Council is requested to consider the fees charged for the use of the hall for the purpose of conducting a funeral service. Any wakes following the funeral service would attract normal fees and charges as applicable.

### **Background:**

***Has anything already happened in relation to this matter?***

(Succinct overview of the relevant facts, without interpretation)

Over the last couple of years residents of Surat and district have been hiring the Surat Shire Hall for the purpose of conducting funeral services.

The reason behind this is for a number of reasons, including the closure of churches and the difficulties that sometimes arises in obtaining a Religious Minister to officiate at the Church Service.

Surat had three (3) churches; Catholic, Anglican and Presbyterian.

The Surat Catholic Church is available for funeral services for all religious denominations.

The Surat Anglican Church formally closed this year, 2019. The last funeral service to be held at the Surat Anglican Church was in November 2017.

The Surat Presbyterian Church closed over a decade ago.

Hall Bookings taken for the hire of the Surat Shire Hall for funeral services indicates –

- 2017 – one (1) booking
- 2018 – five (5) bookings
- 2019 – four (4) bookings

**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)

*Local Government Act 2009*

S262(3)(c)

Powers in support of responsibilities

- (3) The powers include all the powers that an individual may exercise, including for example –
- a) Power to enter into contracts; and
  - b) Power to acquire, hold, deal with and dispose of property; and
  - c) Power to charge for a service or facility, other than a service or facility for which a cost-recovery fee may be fixed.

**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)

Council's 2019/2020 Fees and Charges schedule indicates the following charges for the hire of a Category 1 Hall (includes Surat Shire Hall).

- Commercial Rate – Bond \$301.00 bond
- Commercial Rate – Daily \$301.00
- Commercial Rate – Hourly (min 2 hr hire) \$45.20 per hour,
- Maranoa Resident Rate – Bond \$150.60
- Maranoa Resident Rate – Daily \$150.60
- Maranoa Resident Rate – Hourly (min 2 hr hire) \$22.50

**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)

Customer Service Officer Surat

### 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)

Nil

### 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?**

Nil

### 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)

Nil

### 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)

Surat and district community

### 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
Setting a precedent	Funeral services are rarely being held in other halls within the region.

### 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)

With respect to members of the local Surat community, Council amend its schedule of fees and charges to allow the use of the Shire Hall free of charge for the purpose of conducting funeral services.

### 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 amend its schedule of fees and charges for the 2019/2020 financial year to allow use of the Surat Shire Hall free of charge for the purpose of conducting funeral services, noting that this does not cover the wake which will incur normal fees and charges as applicable.

**Link to Corporate Plan:**

Corporate Plan 2018-2023

Strategic Priority 4: Growing our region

4.9 Manage Council's land and buildings that contribute to the provision of a range of services across the region and are used by residents, visitors, business, industry and Council

4.9.2 Support the management and use of arts and cultural facilities within the region.

**Supporting Documentation:**

Nil

**Report authorised by:**

Manager - Facilities (Land, Buildings & Structures)

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