

**MINUTES OF THE ORDINARY MEETING OF MARANOA REGIONAL COUNCIL HELD AT ROMA ADMINISTRATION CENTRE ON 23 SEPTEMBER 2020 SCHEDULED TO COMMENCE AT 9.00AM**

**ATTENDANCE**

Mayor Cr. T D Golder chaired the meeting with Deputy Mayor Cr. G B McMullen, Cr. J R P Birkett, Cr. M C Edwards, Cr. J L Guthrie, Cr. J M Hancock, Cr. W L Ladbrook, Cr. C J O'Neil (by telephone), Cr. W M Taylor, Chief Executive Officer – Julie Reitano, and Minutes Officers – Kelly Rogers (Agenda Items excluding C.3) and Director Corporate & Community Services – Sharon Frank (for Agenda Item C.3) in attendance.

**AS REQUIRED**

Deputy Chief Executive Officer/Director Development, Facilities & Environmental Services – Rob Hayward, Director Corporate & Community Services – Sharon Frank, Deputy Director / Strategic Road Management – Cameron Hoffmann, Manager Economic & Community Development – Ed Sims, Manager Procurement & Plant – Michael Worthington, Lead Town Planner – Christopher Tickner, Council Buildings & Structures Maintenance Officer / Team Coordination – Gavin Pallisier, (Acting) Lead Corporate Communications & Design Officer – Sophie Kluckhohn, Lead Rates and Utilities Billing Officer / Systems Administrator – Dana Harrison, Rates and Utilities Billing Officer – Catherine (Katie) Ballard, Planning Officer – Jessica Reiser.

**WELCOME**

The Mayor welcomed all present and declared the meeting open at 9.12am, and immediately adjourned the meeting.

The meeting resumed at 9.40am.

**CONFIRMATION OF MINUTES**

<b>Resolution No. OM/09.2020/56</b>	
<b>Moved Cr Taylor</b>	<b>Seconded Cr McMullen</b>
<b>That the minutes of the Ordinary Meeting held on 9 September 2020 be confirmed.</b>	
CARRIED	9/0

<b>Responsible Officer</b>	<b>Lead Officer – Elected Members &amp; Community Engagement</b>
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<b>Resolution No. OM/09.2020/57</b>	
<b>Moved Cr McMullen</b>	<b>Seconded Cr Birkett</b>
<b>That the minutes of the Special Meeting held on 16 September 2020 be confirmed.</b>	
CARRIED	9/0

<b>Responsible Officer</b>	<b>Lead Officer – Elected Members &amp; Community Engagement</b>
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## DECLARATION OF CONFLICTS OF INTEREST

### Cr Taylor

Item	Subject Heading
LC.10	Roma Saleyards Representative for Australian Livestock Markets Association Incorporated Membership

Cr Taylor advised:

I, Cr Wendy Taylor, declare that I have a 'Conflict of Interest' as defined by the *Local Government Act 2009*, section 175D & E for agenda Item LC.10, with the subject heading - *Roma Saleyards Representative for Australian Livestock Markets Association Incorporated Membership*. The personal interest arises because of my relationship with another person. The name of the other person is Kylie Taylor. The nature of my relationship with this person is she is my daughter. The nature of the other person's interests in the matter is Kylie works for contractor AAM.

I will be dealing with the matter by leaving the room while the matter is discussed and voted upon.

### Cr Guthrie

Item	Subject Heading
LC.11	Hay Roma Dam

Cr Guthrie advised:

I, Cr Julie Guthrie, declare that I have a 'Material Personal Interest' as defined by the *Local Government Act of 2009*, section 175B for agenda item LC.11 with the subject heading – *Hay Roma Dam*. The name of the person is myself as a partner in a Pastoral Business, and I stand to gain a benefit or suffer a loss either directly or indirectly depending on the outcome of the consideration of the matter at the meeting. The nature of the relationship to the entity Australian Country Choice (ACC) is financial because of the sale of Livestock last week to the company involving this agenda item.

In accordance with section 175C(2)(b) of the *Local Government Act 2009*, I will leave the room while the matter is discussed and voted upon.

### Cr Ladbrook

Item	Subject Heading
LC.1	Update to matters relating to Unnamed Section of Road off Humphreys Road
C.12	Bassett Park Stables Upgrade

### **LC.1 – Update to matters relating to Unnamed Section of Road off Humphreys Road**

Cr Ladbrook advised:

I, Cr Ladbrook, declare that I have a 'Conflict of Interest' as defined by the *Local Government Act 2009*, section 175D & E of agenda item number LC.1, with the subject heading – *Update to matters relating to Unnamed Section of Road off Humphreys Road*, because I am related to the people involved and I will be dealing with the matter by leaving the room while the matter is being discussed or voted on.

The CEO also enquired as to whether Cr Ladbrook had land in the area.

In response, Cr. Ladbrook confirmed that he did have land in the area. The CEO asked and if he would benefit at all from the road matter depending on Council's consideration in this matter.

Cr Ladbrook advised that there would be no benefit.

Cr Guthrie and McMullen added that this was not an access road for Cr Ladbrook.

### **C.12 – Bassett Park Stables Upgrade**

Cr Ladbrook advised:

I, Cr Ladbrook, declare that I have a 'Conflict of Interest' as defined by the *Local Government Act 2009*, section 175D & E for the agenda item C.12, with the subject heading – *Bassett Park Stables Upgrade* because I am a committee member [of the *Roma Turf Club*], and I will be dealing with this matter by leaving the room while the matter is being discussed and voted upon.

### **Cr Hancock**

<b>Item</b>	<b>Subject Heading</b>
C.6	Tender – Bottle Tree Bulletin
C.9	Policy Review – Rate Recovery
LC.11	Hay Roma Dam

### **C.6 – Tender – Bottle Tree Bulletin**

Cr Hancock advised:

I, Cr Johanne Hancock, declare that I have a 'Material Personal Interest' as defined by the *Local Government Act 2009*, section 175B for agenda item C.6, with the subject heading – Tender – Bottle Tree Bulletin. The name of the person or entity who stands to gain a benefit or suffer a loss (either directly or indirectly) depending on the outcome of the consideration of the matter at the meeting is Surat Post and News Pty Ltd. The nature of my relationship to the entity, is the entity is owned by my husband Graham Hancock and my parent's Paul and Rachel Parravicini. Describe how you or the person entity stands to gain a benefit or suffer a loss (either directly or indirectly) depending on the outcome of consideration of this matter - Surat Post & News Pty Ltd in regards to postage component of the tender.

In accordance with Section 175C (2)(b) of the *Local Government Act 2009*, I will leave the room while the matter is discussed and voted on.

### **C.9 – Policy Review – Rate Recovery**

Cr Hancock advised:

I, Cr Johanne Hancock, declare that I have a 'Material Personal Interest' as defined by the *Local Government Act 2009*, section 175B for agenda item C.9, with the subject heading – Policy Review – Rate Recovery. The name of the person or entity who stands to gain a benefit or suffer a loss (either directly or indirectly) depending on the outcome of the consideration of the matter at the meeting is Surat Post and News Pty Ltd. The nature of my relationship to the entity, is that the entity is owned by my husband Graham Hancock and my parent's Paul and Rachel Parravicini and describe how you or the person entity stands to gain a benefit or suffer a loss (either directly or indirectly) depending on the outcome of consideration of this matter - Surat Post & News Pty Ltd in regards to postage component of the report.

In accordance with Section 175C (2)(b) of the *Local Government Act 2009*, I will leave the room while the matter is discussed and voted on.

### LC.11 – Hay Roma Dam

Cr Hancock advised:

I, Cr Johanne Hancock, declare that I have a 'Material Personal Interest' as defined by the *Local Government Act 2009*, section 175B for agenda item LC.11, with the subject heading – *Hay Roma Dam*. The name of the person who stands to gain a benefit or suffer a loss (either directly or indirectly) depending on the outcome of the consideration of the matter at the meeting is Michael Hancock. The nature of my relationship to this person is this person is my son and Michael is the manager of one of the ACC Properties.

In accordance with Section 175C (2)(b) of the *Local Government Act 2009*, I will leave the room while the matter is being discussed and voted on.

### Cr Birkett

Item	Subject Heading
C.1	Booringa Heritage Group Inc.- Request to erect shed at Booringa Heritage Museum

Cr Birkett advised:

I, John Birkett, declare that I have a 'Material Personal Interest' as defined by the *Local Government Act 2009*, section 175B for agenda item C.1, with the subject heading – *Booringa Heritage Group Inc.- Request to erect shed at Booringa Heritage Museum*. The name of the person who stands to gain a benefit or suffer a loss (either directly or indirectly) depending on the outcome of the consideration of the matter at the meeting is Gary Birkett. The nature of the relationship is the person is my parent. The person or identity who either stands to gain a benefit or suffer a loss (either directly or indirectly) depending on the outcome of Council's consideration is my father - is on the Booringa Heritage Group Committee.

In accordance with Section 175C (2)(b) of the *Local Government Act 2009*, I will leave the room while the matter is discussed and voted on.

### Cr Golder

Item	Subject Heading
12.1	Roma Skatepark Master Plan – Stakeholder Engagement Strategy

### 12.1 – Roma Skatepark Master Plan – Stakeholder Engagement Strategy

Cr Golder advised:

I, Cr Tyson Golder, declare that I have a perceived 'Conflict of Interest' as defined by *Local Government Act 2009*, section 175D & E for agenda Item 12.1, with the subject heading - *Roma Skatepark Master Plan – [Stakeholder Engagement Strategy]*, because I am the President of Roma & District Junior Soccer Association Inc. and the soccer association has been mentioned as possibly [a possibility] with other sporting groups able to help with highlighting consultation at the Council skate park opposite the Roma Hospital.

I have determined that this personal interest is not sufficient that it will lead me to make a decision on the matter that is contrary to the public interest and I will best perform my responsibility of serving the overall public interest of the whole of the Council area by participating in discussions and voting on the matter.

However, I acknowledge that the remaining Councillors must now determine pursuant to section 175E(4) of the *Local Government Act 2009*:

- (a) Whether I have a real conflict of interest in the matter or a perceived conflict of interest in the matter; and
- (b) If so, whether:
  - I. I must leave the meeting while this matter is discussed or voted on; or
  - II. I may participate in the meeting in relation to the matter, including by voting on the matter.

<b>Resolution No. OM/09.2020/58</b>	
<b>Moved Cr Hancock</b>	<b>Seconded Cr McMullen</b>
<b>That Cr Golder has a real or perceived conflict of interest in the matter and notwithstanding the conflict, Cr Golder may participate in the matter, discuss and vote upon it.</b>	
CARRIED	8/0
Cr Golder did not vote on this motion as he was the declaring Councillor under consideration in this matter.	

<b>Responsible Officer</b>	<b>Lead Officer – Elected Members &amp; Community Engagement</b>
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**LC.13 - Update – Flood Mitigation Matter**

Cr Golder advised:

I, Cr Tyson Golder, declare that I have a perceived 'Conflict of Interest' as defined by the *Local Government Act 2009*, section 175D & E for agenda item LC.13, with the subject heading – *Update on Flood Mitigation Matter*, and I will be dealing with this matter by leaving the room while the matter is discussed and voted on. The personal interest arises because of my relationship with another person which is my mother - Carmen Golder, and the matter relates to flood mitigation agreement that was signed back in 2014 and has since been concluded in the last term and because of this agreement and conversation I will be dealing with this today by leaving the room while the matter is discussed and voted on.

**BUSINESS**

**CORPORATE & COMMUNITY SERVICES**

**Item Number:** 11.1 **File Number:** D20/78374

**SUBJECT HEADING:** DELEGATION OF COUNCIL POWERS TO THE CHIEF EXECUTIVE OFFICER UNDER THE LAND ACT 1994 (QLD) ("LANA")

**Officer's Title:** Governance Officer

**Executive Summary:**

*Council's delegations are reviewed and updated during the year according to changes in State Government legislation.*

*This report sought Council's approval for the delegation of Council powers under the Land Act 1994 (Qld) ("LANA") to the position of Chief Executive Officer.*

Resolution No. OM/09.2020/59

Moved Cr Hancock

Seconded Cr Birkett

That Council:

1. Under section 257 of the *Local Government Act 2009*, resolve to delegate the exercise of powers contained in Schedule 1 of the Instruments of Delegation included in the officer's report, to the Chief Executive Officer. These powers must be exercised subject to any limitations contained in Schedule 2 of the attached Instruments of Delegation for the *Land Act 1994 (Qld)* ("LANA").
2. All prior resolutions delegating the same powers to the Chief Executive Officer (CEO) are repealed.

CARRIED

9/0

Responsible Officer

Governance Officer

Item Number:

11.2

File Number: D20/78391

SUBJECT HEADING:

DELEGATION OF COUNCIL POWERS TO THE CHIEF EXECUTIVE OFFICER UNDER THE MINERAL RESOURCES ACT 1989 (QLD) ("MIRA")

Officer's Title:

Governance Officer

***Executive Summary:***

*Council's delegations are reviewed and updated during the year according to changes in State Government legislation.*

*This report sought Council's approval for the delegation of Council powers under the **Mineral Resources Act 1989 (Qld)** ("MIRA") to the position of Chief Executive Officer.*

Resolution No. OM/09.2020/60

Moved Cr Birkett

Seconded Cr Guthrie

That Council:

1. Under section 257 of the *Local Government Act 2009*, resolve to delegate the exercise of powers contained in Schedule 1 of the Instruments of Delegation included in the officer's report, to the Chief Executive Officer (CEO). These powers must be exercised subject to any limitations contained in Schedule 2 of the attached Instruments of Delegation for the *Mineral Resources Act 1989 (Qld)* ("MIRA").
2. All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

CARRIED

9/0

Responsible Officer

Governance Officer

**Item Number:** 11.3 **File Number:** D20/88025  
**SUBJECT HEADING:** INVESTMENT REGISTER AS AT 31 AUGUST 2020  
**Officer's Title:** Contractor - Finance Systems Support

**Executive Summary:**

*The purpose of this report was to present to Council the Investment report (including the trading limits report) as at 31 August 2020.*

<b>Resolution No. OM/09.2020/61</b>	
<b>Moved Cr Taylor</b>	<b>Seconded Cr McMullen</b>
<b>That the Investment report as at 31 August 2020 be received and noted.</b>	
CARRIED	9/0

<b>Responsible Officer</b>	<b>Contractor - Finance Systems Support</b>
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**INFRASTRUCTURE SERVICES**

**Item Number:** 12.1 **File Number:** D20/87262  
**SUBJECT HEADING:** ROMA SKATEPARK MASTER PLAN - STAKEHOLDER ENGAGEMENT STRATEGY  
**Officer's Title:** Deputy Director / Strategic Road Management  
 Project Officer - Program & Contract Management

**Executive Summary:**

*Council included a project within the 2020/21 Budget to develop a Master Plan for the Roma Skatepark Precinct.*

*The matter of stakeholder engagement had been discussed during a Budget Submissions & Financial Planning Standing Committee meeting when the project was being considered.*

*This report was a follow-up to these initial discussions and sought Council endorsement of the draft Stakeholder Engagement Plan for the project.*

<b>Resolution No. OM/09.2020/62</b>	
<b>Moved Cr Hancock</b>	<b>Seconded Cr Birkett</b>
<b>That Council:</b>	
<ol style="list-style-type: none"> <li>1. Approve the Stakeholder Engagement Plan for the Roma Skatepark Master Park as presented.</li> <li>2. Write to Mr Byron Hafemeister advising that a budget allocation of \$20,000 has been approved to develop a Master Plan for the Roma Skatepark and that Council will be in contact to invite him to be part of the community consultation.</li> <li>3. In conjunction with the project, discuss the option with the contractor of other projects across the region, with a further report [to be] presented to Council for consideration at a future meeting in this regard.</li> </ol>	
CARRIED	9/0

<b>Responsible Officer</b>	<b>Deputy Director / Strategic Road Management</b>
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**DEVELOPMENT, FACILITIES & ENVIRONMENTAL SERVICES**
**Item Number:** 13.1 **File Number:** D20/85653

**SUBJECT HEADING:** **DEVELOPMENT APPLICATION FOR A CAR WASH AT 92 BOWEN STREET, ROMA**
**Author and Officer's Title:** **Lead Town Planner**
**Executive Summary:**

SM and KA Duff have submitted a development application for a Material change of use for a "Car wash" (car-detailing) at 92 Bowen Street, Roma (being Lot 1 on RP93927). The premises forms part of small neighbourhood shopping centre, with a small grocery/fast food shop (Foodworks) and a bottleshop located directly adjacent. Historically, the premises has provided for small-scale, commercial and service-industry uses that cater to the local community. The site was most recently occupied by a plant nursery (Plantaroma).

The development application is subject to impact assessment and must be assessed against the assessment benchmarks (to the extent relevant) provided by Section 45 of the Planning Act 2016. The Development Assessment Rules set out the procedural requirements for the development assessment process. Public notification about the application was carried out in accordance with Part 4 of the Development Assessment Rules and for a period of no less than 15 business days between 7 August 2020 and the 28 August 2020. There were no properly made submissions received during this period.

The procedural requirements set out by the Development Assessment Rules to enable Council to make a decision on this application have been fulfilled. The development application is generally consistent with the assessment benchmarks provided by the Planning Act 2016. As part of the assessment of the application, planning officers have also identified a number of relevant matters that support the approval of the application. These include the absence of any adverse impacts resulting from the development; that the proposal provides for the re-use of existing buildings and the efficient use of infrastructure; the proposal represents a small-scale, service-type-industry that caters for the needs of local residents in an established neighbourhood-centre; and it will not undermine the viability of nearby centres.

**Moved Cr McMullen**
**Seconded Cr Guthrie**

**That the development application for a Material Change of Use for a "Car wash" at 92 Bowen Street, Roma (Lot: 1 RP: 93927) be approved subject to the listed Development Conditions and General Advice:**

**Development Conditions**
**Development details**

- 1. The approved development is a Material Change of Use – "Car wash" as defined in the Planning Scheme and as shown on the approved plans.**

**Compliance inspection**

- 2. All conditions relating to the establishment of the approved development must be fulfilled prior to the approved use commencing, unless noted in the approval conditions or otherwise confirmed in writing by Council.**
- 3. Prior to the commencement of the use, the applicant shall contact Council to arrange a development compliance inspection.**



#### Approved plans and documents

4. The approved development is to be carried out in accordance with the following approved plans/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
01	Existing site plan
02	Proposed site plan
03	Oil separator unit

#### Development works

5. During the course of establishing the development, 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.
6. 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 (kerb, road pavement, existing underground assets, etc.) 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).

#### Applicable standards

7. All works must comply with:
- the development approval conditions;
  - any relevant provisions in the Planning Scheme and the Capricorn Municipal Development Guidelines;
  - any relevant Australian Standard that applies to that type of work; and
  - 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.

#### Works in road reserve

8. A Works in a Road Reserve Permit will be required from Council for any works associated with the development that are undertaken within the Council road reserve by private contractor/entity. Works include, but are not limited to, cutting work, kerb and channel and site access/crossovers. All works on or near roadways shall be adequately signed in accordance with the "Manual for Uniform Traffic Control Devices – Part 3, Works on Roads".

#### Maintain the premises

9. The area 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 to pose any health and safety risks to the community.

### Refuse storage

10. Bulk refuse storage and collection facilities must be located within the development site in a location that is screened from occupants of adjoining and surrounding properties. The bulk refuse storage must not be visually obtrusive when viewed from the street.
11. Convenient access to the bulk refuse storage area must be provided for service vehicles.
12. Waste 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.
13. Refuse collection from the site must not occur before 7:00am or after 6:00 pm, or on Sundays or public holidays.

### Landscaping

14. Landscaping areas are to be provided generally in accordance with approved plan 001 – *Proposed Site Plan*. Plantings within the landscaping areas shall include a mix of shrubs and ground covers, which must contribute to the amenity of the development and the street.

Note: Refer to *Planning Scheme Policy SC6.2 – Landscaping* for Council's preferred species list.

15. Site 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.
16. All site landscaping is to be maintained throughout the duration of the approved use. Any dead and/or unhealthy plants are to be promptly removed and replaced.
17. Site landscaping must not interfere with electrical infrastructure nor restrict maintenance access to any onsite infrastructure, public utility or easement.
18. Landscaping must not interfere with site lines at access driveways for vehicle traffic.

### Access

19. Vehicle crossovers to and from the development site shall be provided from Jackson Street, generally in the location shown on approved plan '001 – *Proposed Site Plan*.
20. Vehicle crossovers must be designed to cater for the maximum vehicle size accessing the site, ensuring no damage to the roadway or kerb. Suitable flares and tapers are to be provided at the interface with the roadway to cater for vehicle swept path movements.
21. Vehicle crossovers must be located a minimum distance of one metre from any power poles, street signage, street lights, manholes, stormwater gully pits or other Council assets, unless otherwise specified in the applicable development standards and specifications.
22. The landowner is responsible for the maintenance of the vehicle crossover from the property boundary to the external road network and access ways, and for obtaining any approvals that may be required for complying with the applicable designs and standards.

### **Parking and manoeuvring**

23. A designated onsite car parking area with provision for three car parking spaces, including one carpark for persons with disabilities, is to be provided within the development site area. The car parking spaces must be for the exclusive use of staff and customers associated with the approved use.
24. The car parking area must comply with the requirements listed below;
- a. Car park design, including car parking spaces (widths and lengths), vehicle access lanes and manoeuvring areas are to comply with Australian Standard AS/NZS 2890 Part 1: Off-street car parking;
  - b. A disabled car parking bay is to be provided in accordance with Australian Standard AS/NZS 2890.6:2009 *Parking Facilities - Off-street car parking for people with disabilities* (minimum 1 PWD space);
  - c. Appropriate vehicle barriers/signage is to be provided to prevent vehicles travelling into buildings/structures and encroaching into pedestrian accessways;
  - d. Vehicle movements within the site are to be clear of proposed parking areas, buildings and landscape treatments;
  - e. Vehicle parking bays must not encroach into swept paths for vehicle movements;
  - f. Vehicles accessing the designated onsite parking area must be able to enter and leave in forward direction. Sufficient manoeuvring areas are to be provided to facilitate the turnaround of vehicles within the site, ensuring vehicles can exit to Jackson Street in forward direction.
  - g. All vehicle manoeuvres to and from the onsite parking spaces must be totally contained within the development site boundaries and must not encroach onto the adjacent roadway;
25. No on-street parking is permitted at the Jackson Street or Bowen Street frontage of the development site at any time. All vehicles associated with the approved development must be catered for and contained on site.

### **Maximum number of vehicles**

26. The maximum number of vehicles located onsite at any one time is restricted to five.  
Maximum number of employees
27. The maximum number of employees associated with the approved development is restricted to two.

### **Lighting**

28. Lighting of the approved development, 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.
29. All lighting shall be directed or shielded so as to ensure that no glare directly affects adjoining and nearby properties.

**Note:** The Queensland Government *Environmental Protection Act 1994* includes controls for light nuisances. Council is responsible for investigating light pollution complaints and enforcing the controls for light nuisances.

When investigating a lighting complaint, Council will consider amongst other matters, the amount, duration, characteristics and qualities of the lighting, as well as the sensitivity of the receptor and the potential impact of lighting on adjacent properties.

#### Avoiding nuisance

30. No unreasonable and sustained nuisance is to be caused to adjoining properties and occupiers by the way of noise, smoke, dust, rubbish, contaminant, stormwater discharge or siltation at any time during or after the establishment of the approved development.

Note: Refer to the *Environmental Protection Regulation 2019* for acceptable emission levels.

31. Dust emanating as a result of operations carried out onsite must be continually monitored and suppressed in order to prevent any dust drifting onto road networks, nearby properties and sensitive land uses.

#### Screening mechanical equipment

32. All mechanical equipment (including air conditioners and the like) and rainwater tanks are to be screened from the adjoining roadway and nearby properties.

#### Fencing

33. Fencing is to be provided/maintained along all boundaries shared with an accommodation activity. The constructed fence is to consist of a 1.8 metre high solid structure.

#### Services

34. The approved development is to be connected to Council's reticulated water supply network in accordance with the Water Services Association of Australia (WSAA) publication and the CMDG Design Guidelines – D11 'Water Reticulation', at no cost to Council.

35. The approved development is to be connected to Council's reticulated sewerage disposal system in accordance with the Sewerage Code of Australia and the CMDG Design Guideline - D12 'Sewerage Reticulation', at no cost to Council.

36. Any connection to, or works associated with Council's sewerage infrastructure must be completed by a qualified plumber/drainlayer under Council supervision. No works are to be undertaken on Council's sewerage infrastructure without first obtaining the express permission of Council.

Note: Any damage caused to Council's sewer infrastructure due to the progression of works or as a result of the approved use shall be rectified at the landowner's expense.

37. Connection of the development to a telecommunication service must be undertaken in accordance with the relevant service provider's requirements and specifications along with relevant building standards, requirements and specifications.

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.

Note: Any renewable energy systems integrated into the development are to contribute to the supply and use of electricity to and from the grid.

39. 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.
40. 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

41. Stormwater runoff from roofs and impervious surfaces is to be collected internally and directed to the existing kerb in Bowen Street as the lawful point of discharge. All stormwater is to be managed in accordance with CMDG Design Guidelines D-5 'Stormwater Drainage Design'.
42. Stormwater must not be discharged to adjoining properties or roads and must not pond on the property being developed, or adjoining properties during the development process or after the development has been completed.
43. 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.
44. 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.

#### Washbay

45. Wastewater generated from the washbay is to be collected onsite and discharged to Council's reticulated sewerage system in accordance with Council's Trade Waste Policy. A trade waste permit must be obtained from Council prior to the commencement of the approved use.
46. An oil/water separator (such as a coalescing plate separator) shall be installed in accordance with Council's Trade Waste Policy to trap oils and solids prior to discharging waste to Council's reticulated sewerage system.
47. Waste oils and solids separated from the separator are to be collected and disposed of at a licenced facility.

#### Biosecurity plan

48. A Biosecurity Plan for the premises must be prepared and implemented in accordance with the *Biosecurity Act 2014*. The plan must be prepared taking into account all approved operations on the site and addressing the risk of spread of Priority Pest Plants detailed in Council's Pest Management Plan. 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/council/Documents/Pest\\_Management\\_Plan\\_2012\\_2016.pdf](http://www.maranoa.qld.gov.au/council/Documents/Pest_Management_Plan_2012_2016.pdf). The PMP identifies, among others, Parkinsonia, Prickly Acacia, Mother of Millions and Parthenium as Priority Pest Plants to be managed in the Maranoa Region.

#### **Construction activities and erosion control**

- 49. During the course of any construction activities, soil erosion and sediment must be managed in accordance with the CMDG Design Guidelines D-7 'Erosion and Control and Stormwater Management'.**
- 50. 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.**
- 51. The developer shall immediately clean up and satisfactorily remove any deposited construction material or silt runoff from the development site.**
- 52. Stockpiles of topsoil, sand, aggregate, spoil or other 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.**
- 53. 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.**
- 54. Temporary fencing must be erected and maintained around the perimeter of the development site whilst any construction activities are carried out.**

#### **Advertising signage**

- 55. Any proposed advertising signage in addition to that identified in the approved development plans, is subject to further development approval unless compliant with the requirements for "Accepted development" or "Accepted development subject to requirements" identified in the planning scheme in force at the time.**
- 56. Any advertising signage associated with the approved use must be fully contained within the development site boundaries and must not encroach into adjoining properties or roads.**

#### **Operating hours**

- 57. Operating hours are restricted to 7:00am to 6:00pm Monday to Saturday. The development is not permitted to operate on Sundays or Public Holidays.**

#### **Delivery of goods**

- 58. Loading and unloading of goods must not occur outside the hours of 7:00am to 6:00pm Monday to Friday and 8:00am to 5:00pm on Saturdays. No loading or unloading shall occur on Sundays or Public Holidays.**
- 59. The delivery, loading and unloading of goods to the site must be undertaken within Lot 6 SP262449 and must not occur on adjoining properties or roads.**

#### **No cost to Council**

- 60. 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. This includes the costs of any services and infrastructure required in connection with the establishment of the development, survey, registration, document lodgment, easement documentation preparation and plan sealing.**



#### Latest versions

61. 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 commencement of the development works, unless a regulation or law requires otherwise.

#### Application documentation

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

#### General Advice

- (a) Refer to <http://www.cmdg.com.au/> for the Capricorn Municipal Development Guidelines (CMDG).
- (b) Refer to <http://www.maranoa.qld.gov.au/council-policies> for Council Policies.
- (c) The relevant planning scheme for this development is *Maranoa Planning Scheme 2017*. All references to the 'Planning Scheme' and 'Planning Scheme Schedules' within these conditions refer to the above Planning Scheme.
- (d) Under the Planning Scheme a *Car wash means the use of premises for the commercial cleaning of motor vehicles*.
- (e) 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.
- (f) The land use rating category may change upon commencement of any new use on the approved lot(s). Council's current Revenue Statement, which includes the minimum general rate levy for the approved use/s, can be viewed on the Council Website: [www.maranoa.qld.gov.au](http://www.maranoa.qld.gov.au).
- (g) 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.
- (h) It is the responsibility of the developer to obtain all necessary permits and submit all necessary plans and policies to the relevant authorities for the approved use.
- (i) All persons involved in the development and operation of the use of the site have a 'general biosecurity obligation' (GBO) under Queensland's *Biosecurity Act 2014* and the owner/operators are responsible for managing biosecurity risks that are:
- under their control; and
  - that they know about, or should reasonably be expected to know about.



Under the GBO, the development activities may pose a biosecurity risk, and the developer/operator must:

- take all reasonable and practical steps to prevent or minimise all biosecurity risks;
- minimise the likelihood of causing a '[biosecurity event](#)', and limit the consequences if such an event is caused; and
- prevent or minimise the harmful effects a risk could have, and not do anything that might make any harmful effects worse.

(j) Refer to Attachment 4 Adopted Infrastructure Charges Notice for infrastructure charges levied for the approved development.

(k) 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 plans and documents 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.

NO VOTE TAKEN

<b>Responsible Officer</b>	<b>Lead Town Planner</b>
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No vote was taken on the motion at that time. Following an enquiry from Cr O'Neil, Mayor Golder proposed to amend the operating hours on Saturday [Referred to under Condition 57]. Cr McMullen, as 'Mover' of the motion, indicated that he would not accept this amendment.

Mayor Golder then put forward an amended motion for Council's consideration as follows [Referred to under Condition 57 pertaining to the hours of operation]:

**Resolution No. OM/09.2020/63**

**THAT THE MOTION BE AMENDED AS FOLLOWS**

**Moved Cr Golder** **Seconded Cr O'Neil**

That the development application for a Material Change of Use for a "Car wash" at 92 Bowen Street, Roma (Lot: 1 RP: 93927) be approved subject to the listed Development Conditions and General Advice:

**Development Conditions**

**Development details**

1. The approved development is a Material Change of Use – "Car wash" as defined in the Planning Scheme and as shown on the approved plans.

**Compliance inspection**

2. All conditions relating to the establishment of the approved development must be fulfilled prior to the approved use commencing, unless noted in the approval conditions or otherwise confirmed in writing by Council.
3. Prior to the commencement of the use, the applicant shall contact Council to arrange a development compliance inspection.

#### Approved plans and documents

4. The approved development is to be carried out in accordance with the following approved plans/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
01	Existing site plan
02	Proposed site plan
03	Oil separator unit

#### Development works

5. During the course of establishing the development, 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.
6. 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 (kerb, road pavement, existing underground assets, etc.) 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).

#### Applicable standards

7. All works must comply with:
- the development approval conditions;
  - any relevant provisions in the Planning Scheme and the Capricorn Municipal Development Guidelines;
  - any relevant Australian Standard that applies to that type of work; and
  - 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.

#### Works in road reserve

8. A Works in a Road Reserve Permit will be required from Council for any works associated with the development that are undertaken within the Council road reserve by private contractor/entity. Works include, but are not limited to, cutting work, kerb and channel and site access/crossovers. All works on or near roadways shall be adequately signed in accordance with the "Manual for Uniform Traffic Control Devices – Part 3, Works on Roads".

#### Maintain the premises

9. The area 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 to pose any health and safety risks to the community.

### Refuse storage

10. Bulk refuse storage and collection facilities must be located within the development site in a location that is screened from occupants of adjoining and surrounding properties. The bulk refuse storage must not be visually obtrusive when viewed from the street.
11. Convenient access to the bulk refuse storage area must be provided for service vehicles.
12. Waste 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.
13. Refuse collection from the site must not occur before 7:00am or after 6:00 pm, or on Sundays or public holidays.

### Landscaping

14. Landscaping areas are to be provided generally in accordance with approved plan *001 – Proposed Site Plan*. Plantings within the landscaping areas shall include a mix of shrubs and ground covers, which must contribute to the amenity of the development and the street.

Note: Refer to *Planning Scheme Policy SC6.2 – Landscaping* for Council's preferred species list.

15. Site 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.
16. All site landscaping is to be maintained throughout the duration of the approved use. Any dead and/or unhealthy plants are to be promptly removed and replaced.
17. Site landscaping must not interfere with electrical infrastructure nor restrict maintenance access to any onsite infrastructure, public utility or easement.
18. Landscaping must not interfere with site lines at access driveways for vehicle traffic.

### Access

19. Vehicle crossovers to and from the development site shall be provided from Jackson Street, generally in the location shown on approved plan '*001 – Proposed Site Plan*.
20. Vehicle crossovers must be designed to cater for the maximum vehicle size accessing the site, ensuring no damage to the roadway or kerb. Suitable flares and tapers are to be provided at the interface with the roadway to cater for vehicle swept path movements.
21. Vehicle crossovers must be located a minimum distance of one metre from any power poles, street signage, street lights, manholes, stormwater gully pits or other Council assets, unless otherwise specified in the applicable development standards and specifications.
22. The landowner is responsible for the maintenance of the vehicle crossover from the property boundary to the external road network and access ways, and for obtaining any approvals that may be required for complying with the applicable designs and standards.

### **Parking and manoeuvring**

23. A designated onsite car parking area with provision for three car parking spaces, including one carpark for persons with disabilities, is to be provided within the development site area. The car parking spaces must be for the exclusive use of staff and customers associated with the approved use.
24. The car parking area must comply with the requirements listed below;
- a. Car park design, including car parking spaces (widths and lengths), vehicle access lanes and manoeuvring areas are to comply with Australian Standard AS/NZS 2890 Part 1: Off-street car parking;
  - b. A disabled car parking bay is to be provided in accordance with Australian Standard AS/NZS 2890.6:2009 *Parking Facilities - Off-street car parking for people with disabilities* (minimum 1 PWD space);
  - c. Appropriate vehicle barriers/signage is to be provided to prevent vehicles travelling into buildings/structures and encroaching into pedestrian accessways;
  - d. Vehicle movements within the site are to be clear of proposed parking areas, buildings and landscape treatments;
  - e. Vehicle parking bays must not encroach into swept paths for vehicle movements;
  - f. Vehicles accessing the designated onsite parking area must be able to enter and leave in forward direction. Sufficient manoeuvring areas are to be provided to facilitate the turnaround of vehicles within the site, ensuring vehicles can exit to Jackson Street in forward direction.
  - g. All vehicle manoeuvres to and from the onsite parking spaces must be totally contained within the development site boundaries and must not encroach onto the adjacent roadway;
25. No on-street parking is permitted at the Jackson Street or Bowen Street frontage of the development site at any time. All vehicles associated with the approved development must be catered for and contained on site.

### **Maximum number of vehicles**

26. The maximum number of vehicles located onsite at any one time is restricted to five.  
**Maximum number of employees**
27. The maximum number of employees associated with the approved development is restricted to two.

### **Lighting**

28. Lighting of the approved development, 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.
29. All lighting shall be directed or shielded so as to ensure that no glare directly affects adjoining and nearby properties.

Note: The Queensland Government *Environmental Protection Act 1994* includes controls for light nuisances. Council is responsible for investigating light pollution complaints and enforcing the controls for light nuisances. When investigating a lighting complaint, Council will consider amongst other matters, the amount, duration, characteristics and qualities of the lighting, as well as the sensitivity of the receptor and the potential impact of lighting on adjacent properties.

#### Avoiding nuisance

30. No unreasonable and sustained nuisance is to be caused to adjoining properties and occupiers by the way of noise, smoke, dust, rubbish, contaminant, stormwater discharge or siltation at any time during or after the establishment of the approved development.

Note: Refer to the *Environmental Protection Regulation 2019* for acceptable emission levels.

31. Dust emanating as a result of operations carried out onsite must be continually monitored and suppressed in order to prevent any dust drifting onto road networks, nearby properties and sensitive land uses.

#### Screening mechanical equipment

32. All mechanical equipment (including air conditioners and the like) and rainwater tanks are to be screened from the adjoining roadway and nearby properties.

#### Fencing

33. Fencing is to be provided/maintained along all boundaries shared with an accommodation activity. The constructed fence is to consist of a 1.8 metre high solid structure.

#### Services

34. The approved development is to be connected to Council's reticulated water supply network in accordance with the Water Services Association of Australia (WSAA) publication and the CMDG Design Guidelines – D11 'Water Reticulation', at no cost to Council.

35. The approved development is to be connected to Council's reticulated sewerage disposal system in accordance with the Sewerage Code of Australia and the CMDG Design Guideline - D12 'Sewerage Reticulation', at no cost to Council.

36. Any connection to, or works associated with Council's sewerage infrastructure must be completed by a qualified plumber/drainlayer under Council supervision. No works are to be undertaken on Council's sewerage infrastructure without first obtaining the express permission of Council.

Note: Any damage caused to Council's sewer infrastructure due to the progression of works or as a result of the approved use shall be rectified at the landowner's expense.

37. Connection of the development to a telecommunication service must be undertaken in accordance with the relevant service provider's requirements and specifications along with relevant building standards, requirements and specifications.

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.

Note: Any renewable energy systems integrated into the development are to contribute to the supply and use of electricity to and from the grid.

39. 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.
40. 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

41. Stormwater runoff from roofs and impervious surfaces is to be collected internally and directed to the existing kerb in Bowen Street as the lawful point of discharge. All stormwater is to be managed in accordance with CMDG Design Guidelines D-5 'Stormwater Drainage Design'.
42. Stormwater must not be discharged to adjoining properties or roads and must not pond on the property being developed, or adjoining properties during the development process or after the development has been completed.
43. 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.
44. 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.

#### Washbay

45. Wastewater generated from the washbay is to be collected onsite and discharged to Council's reticulated sewerage system in accordance with Council's Trade Waste Policy. A trade waste permit must be obtained from Council prior to the commencement of the approved use.
46. An oil/water separator (such as a coalescing plate separator) shall be installed in accordance with Council's Trade Waste Policy to trap oils and solids prior to discharging waste to Council's reticulated sewerage system.
47. Waste oils and solids separated from the separator are to be collected and disposed of at a licenced facility.

#### Biosecurity plan

48. A Biosecurity Plan for the premises must be prepared and implemented in accordance with the *Biosecurity Act 2014*. The plan must be prepared taking into account all approved operations on the site and addressing the risk of spread of Priority Pest Plants detailed in Council's Pest Management Plan. 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/council/Documents/Pest\\_Management\\_Plan\\_2012\\_2016.pdf](http://www.maranoa.qld.gov.au/council/Documents/Pest_Management_Plan_2012_2016.pdf). The PMP identifies, among others, Parkinsonia, Prickly Acacia, Mother of Millions and Parthenium as Priority Pest Plants to be managed in the Maranoa Region.

#### Construction activities and erosion control

49. During the course of any construction activities, soil erosion and sediment must be managed in accordance with the CMDG Design Guidelines D-7 'Erosion and Control and Stormwater Management'.
50. 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.
51. The developer shall immediately clean up and satisfactorily remove any deposited construction material or silt runoff from the development site.
52. Stockpiles of topsoil, sand, aggregate, spoil or other 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.
53. 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.
54. Temporary fencing must be erected and maintained around the perimeter of the development site whilst any construction activities are carried out.

#### Advertising signage

55. Any proposed advertising signage in addition to that identified in the approved development plans, is subject to further development approval unless compliant with the requirements for "Accepted development" or "Accepted development subject to requirements" identified in the planning scheme in force at the time.
56. Any advertising signage associated with the approved use must be fully contained within the development site boundaries and must not encroach into adjoining properties or roads.

#### Operating hours

57. Operating hours are restricted to 7:00am to 6:00pm **Monday to Friday and 8:00am to 6:00pm on Saturday**. The development is not permitted to operate on Sundays or Public Holidays.

#### Delivery of goods

58. Loading and unloading of goods must not occur outside the hours of 7:00am to 6:00pm Monday to Friday and 8:00am to 5:00pm on Saturdays. No loading or unloading shall occur on Sundays or Public Holidays.
59. The delivery, loading and unloading of goods to the site must be undertaken within Lot 6 SP262449 and must not occur on adjoining properties or roads.



**No cost to Council**

60. 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. This includes the costs of any services and infrastructure required in connection with the establishment of the development, survey, registration, document lodgment, easement documentation preparation and plan sealing.

**Latest versions**

61. 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 commencement of the development works, unless a regulation or law requires otherwise.

**Application documentation**

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

**General Advice**

- (a) Refer to <http://www.cmdg.com.au/> for the Capricorn Municipal Development Guidelines (CMDG).
- (b) Refer to <http://www.maranoa.qld.gov.au/council-policies> for Council Policies.
- (c) The relevant planning scheme for this development is *Maranoa Planning Scheme 2017*. All references to the 'Planning Scheme' and 'Planning Scheme Schedules' within these conditions refer to the above Planning Scheme.
- (d) Under the Planning Scheme a *Car wash means the use of premises for the commercial cleaning of motor vehicles*.
- (e) 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.
- (f) The land use rating category may change upon commencement of any new use on the approved lot(s). Council's current Revenue Statement, which includes the minimum general rate levy for the approved use/s, can be viewed on the Council Website: [www.maranoa.qld.gov.au](http://www.maranoa.qld.gov.au).
- (g) 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.

<p>(h) It is the responsibility of the developer to obtain all necessary permits and submit all necessary plans and policies to the relevant authorities for the approved use.</p> <p>(i) All persons involved in the development and operation of the use of the site have a 'general biosecurity obligation' (GBO) under Queensland's <i>Biosecurity Act 2014</i> and the owner/operators are responsible for managing biosecurity risks that are:</p> <ul style="list-style-type: none"> <li>• under their control; and</li> <li>• that they know about, or should reasonably be expected to know about.</li> </ul> <p>Under the GBO, the development activities may pose a biosecurity risk, and the developer/operator must:</p> <ul style="list-style-type: none"> <li>• take all reasonable and practical steps to prevent or minimise all biosecurity risks;</li> <li>• minimise the likelihood of causing a '<a href="#">biosecurity event</a>', and limit the consequences if such an event is caused; and</li> <li>• prevent or minimise the harmful effects a risk could have, and not do anything that might make any harmful effects worse.</li> </ul> <p>(j) Refer to Attachment 4 Adopted Infrastructure Charges Notice for infrastructure charges levied for the approved development.</p> <p>(k) 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 plans and documents 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.</p>	<p>CARRIED <span style="float: right;">8/1</span></p>
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<b>Responsible Officer</b>	<b>Lead Town Planner</b>
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With the abovementioned amendment approved, this became the substantive motion, which was voted on by Council, with the outcome recorded as follows:

<b>Resolution No. OM/09.2020/64</b>	
<b>Moved Cr McMullen</b>	<b>Seconded Cr Guthrie</b>
<p>That the development application for a Material Change of Use for a "Car wash" at 92 Bowen Street, Roma (Lot: 1 RP: 93927) be approved subject to the listed Development Conditions and General Advice:</p> <p><u>Development Conditions</u></p> <p>Development details</p> <ol style="list-style-type: none"> <li>1. The approved development is a Material Change of Use – "Car wash" as defined in the Planning Scheme and as shown on the approved plans.</li> </ol> <p>Compliance inspection</p> <ol style="list-style-type: none"> <li>2. All conditions relating to the establishment of the approved development must be fulfilled prior to the approved use commencing, unless noted in the approval conditions or otherwise confirmed in writing by Council.</li> <li>3. Prior to the commencement of the use, the applicant shall contact Council to arrange a development compliance inspection.</li> </ol>	

#### Approved plans and documents

4. The approved development is to be carried out in accordance with the following approved plans/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
01	Existing site plan
02	Proposed site plan
03	Oil separator unit

#### Development works

5. During the course of establishing the development, 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.
6. 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 (kerb, road pavement, existing underground assets, etc.) 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).

#### Applicable standards

7. All works must comply with:
- the development approval conditions;
  - any relevant provisions in the Planning Scheme and the Capricorn Municipal Development Guidelines;
  - any relevant Australian Standard that applies to that type of work; and
  - 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.

#### Works in road reserve

8. A Works in a Road Reserve Permit will be required from Council for any works associated with the development that are undertaken within the Council road reserve by private contractor/entity. Works include, but are not limited to, cutting work, kerb and channel and site access/crossovers. All works on or near roadways shall be adequately signed in accordance with the "Manual for Uniform Traffic Control Devices – Part 3, Works on Roads".

#### Maintain the premises

9. The area 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 to pose any health and safety risks to the community.

### Refuse storage

10. Bulk refuse storage and collection facilities must be located within the development site in a location that is screened from occupants of adjoining and surrounding properties. The bulk refuse storage must not be visually obtrusive when viewed from the street.
11. Convenient access to the bulk refuse storage area must be provided for service vehicles.
12. Waste 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.
13. Refuse collection from the site must not occur before 7:00am or after 6:00 pm, or on Sundays or public holidays.

### Landscaping

14. Landscaping areas are to be provided generally in accordance with approved plan *001 – Proposed Site Plan*. Plantings within the landscaping areas shall include a mix of shrubs and ground covers, which must contribute to the amenity of the development and the street.

Note: Refer to *Planning Scheme Policy SC6.2 – Landscaping* for Council's preferred species list.

15. Site 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.
16. All site landscaping is to be maintained throughout the duration of the approved use. Any dead and/or unhealthy plants are to be promptly removed and replaced.
17. Site landscaping must not interfere with electrical infrastructure nor restrict maintenance access to any onsite infrastructure, public utility or easement.
18. Landscaping must not interfere with site lines at access driveways for vehicle traffic.

### Access

19. Vehicle crossovers to and from the development site shall be provided from Jackson Street, generally in the location shown on approved plan *'001 – Proposed Site Plan*.
20. Vehicle crossovers must be designed to cater for the maximum vehicle size accessing the site, ensuring no damage to the roadway or kerb. Suitable flares and tapers are to be provided at the interface with the roadway to cater for vehicle swept path movements.
21. Vehicle crossovers must be located a minimum distance of one metre from any power poles, street signage, street lights, manholes, stormwater gully pits or other Council assets, unless otherwise specified in the applicable development standards and specifications.
22. The landowner is responsible for the maintenance of the vehicle crossover from the property boundary to the external road network and access ways, and for obtaining any approvals that may be required for complying with the applicable designs and standards.

### **Parking and manoeuvring**

23. A designated onsite car parking area with provision for three car parking spaces, including one carpark for persons with disabilities, is to be provided within the development site area. The car parking spaces must be for the exclusive use of staff and customers associated with the approved use.
24. The car parking area must comply with the requirements listed below;
- a. Car park design, including car parking spaces (widths and lengths), vehicle access lanes and manoeuvring areas are to comply with Australian Standard AS/NZS 2890 Part 1: Off-street car parking;
  - b. A disabled car parking bay is to be provided in accordance with Australian Standard AS/NZS 2890.6:2009 *Parking Facilities - Off-street car parking for people with disabilities* (minimum 1 PWD space);
  - c. Appropriate vehicle barriers/signage is to be provided to prevent vehicles travelling into buildings/structures and encroaching into pedestrian accessways;
  - d. Vehicle movements within the site are to be clear of proposed parking areas, buildings and landscape treatments;
  - e. Vehicle parking bays must not encroach into swept paths for vehicle movements;
  - f. Vehicles accessing the designated onsite parking area must be able to enter and leave in forward direction. Sufficient manoeuvring areas are to be provided to facilitate the turnaround of vehicles within the site, ensuring vehicles can exit to Jackson Street in forward direction.
  - g. All vehicle manoeuvres to and from the onsite parking spaces must be totally contained within the development site boundaries and must not encroach onto the adjacent roadway;
25. No on-street parking is permitted at the Jackson Street or Bowen Street frontage of the development site at any time. All vehicles associated with the approved development must be catered for and contained on site.

### **Maximum number of vehicles**

26. The maximum number of vehicles located onsite at any one time is restricted to five.  
**Maximum number of employees**
27. The maximum number of employees associated with the approved development is restricted to two.

### **Lighting**

28. Lighting of the approved development, 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.
29. All lighting shall be directed or shielded so as to ensure that no glare directly affects adjoining and nearby properties.

Note: The Queensland Government *Environmental Protection Act 1994* includes controls for light nuisances. Council is responsible for investigating light pollution complaints and enforcing the controls for light nuisances. When investigating a lighting complaint, Council will consider amongst other matters, the amount, duration, characteristics and qualities of the lighting, as well as the sensitivity of the receptor and the potential impact of lighting on adjacent properties.

#### Avoiding nuisance

30. No unreasonable and sustained nuisance is to be caused to adjoining properties and occupiers by the way of noise, smoke, dust, rubbish, contaminant, stormwater discharge or siltation at any time during or after the establishment of the approved development.

Note: Refer to the *Environmental Protection Regulation 2019* for acceptable emission levels.

31. Dust emanating as a result of operations carried out onsite must be continually monitored and suppressed in order to prevent any dust drifting onto road networks, nearby properties and sensitive land uses.

#### Screening mechanical equipment

32. All mechanical equipment (including air conditioners and the like) and rainwater tanks are to be screened from the adjoining roadway and nearby properties.

#### Fencing

33. Fencing is to be provided/maintained along all boundaries shared with an accommodation activity. The constructed fence is to consist of a 1.8 metre high solid structure.

#### Services

34. The approved development is to be connected to Council's reticulated water supply network in accordance with the Water Services Association of Australia (WSAA) publication and the CMDG Design Guidelines – D11 'Water Reticulation', at no cost to Council.

35. The approved development is to be connected to Council's reticulated sewerage disposal system in accordance with the Sewerage Code of Australia and the CMDG Design Guideline - D12 'Sewerage Reticulation', at no cost to Council.

36. Any connection to, or works associated with Council's sewerage infrastructure must be completed by a qualified plumber/drainlayer under Council supervision. No works are to be undertaken on Council's sewerage infrastructure without first obtaining the express permission of Council.

Note: Any damage caused to Council's sewer infrastructure due to the progression of works or as a result of the approved use shall be rectified at the landowner's expense.

37. Connection of the development to a telecommunication service must be undertaken in accordance with the relevant service provider's requirements and specifications along with relevant building standards, requirements and specifications.

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.



Note: Any renewable energy systems integrated into the development are to contribute to the supply and use of electricity to and from the grid.

39. 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.
40. 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

41. Stormwater runoff from roofs and impervious surfaces is to be collected internally and directed to the existing kerb in Bowen Street as the lawful point of discharge. All stormwater is to be managed in accordance with CMDG Design Guidelines D-5 'Stormwater Drainage Design'.
42. Stormwater must not be discharged to adjoining properties or roads and must not pond on the property being developed, or adjoining properties during the development process or after the development has been completed.
43. 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.
44. 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.

#### Washbay

45. Wastewater generated from the washbay is to be collected onsite and discharged to Council's reticulated sewerage system in accordance with Council's Trade Waste Policy. A trade waste permit must be obtained from Council prior to the commencement of the approved use.
46. An oil/water separator (such as a coalescing plate separator) shall be installed in accordance with Council's Trade Waste Policy to trap oils and solids prior to discharging waste to Council's reticulated sewerage system.
47. Waste oils and solids separated from the separator are to be collected and disposed of at a licenced facility.

#### Biosecurity plan

48. A Biosecurity Plan for the premises must be prepared and implemented in accordance with the *Biosecurity Act 2014*. The plan must be prepared taking into account all approved operations on the site and addressing the risk of spread of Priority Pest Plants detailed in Council's Pest Management Plan. 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/council/Documents/Pest\\_Management\\_Plan\\_2012\\_2016.pdf](http://www.maranoa.qld.gov.au/council/Documents/Pest_Management_Plan_2012_2016.pdf). The PMP identifies, among others, Parkinsonia, Prickly Acacia, Mother of Millions and Parthenium as Priority Pest Plants to be managed in the Maranoa Region.

#### Construction activities and erosion control

49. During the course of any construction activities, soil erosion and sediment must be managed in accordance with the CMDG Design Guidelines D-7 'Erosion and Control and Stormwater Management'.
50. 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.
51. The developer shall immediately clean up and satisfactorily remove any deposited construction material or silt runoff from the development site.
52. Stockpiles of topsoil, sand, aggregate, spoil or other 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.
53. 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.
54. Temporary fencing must be erected and maintained around the perimeter of the development site whilst any construction activities are carried out.

#### Advertising signage

55. Any proposed advertising signage in addition to that identified in the approved development plans, is subject to further development approval unless compliant with the requirements for "Accepted development" or "Accepted development subject to requirements" identified in the planning scheme in force at the time.
56. Any advertising signage associated with the approved use must be fully contained within the development site boundaries and must not encroach into adjoining properties or roads.

#### Operating hours

57. Operating hours are restricted to 7:00am to 6:00pm Monday to Friday and 8:00am to 6:00pm on Saturday. The development is not permitted to operate on Sundays or Public Holidays.

#### Delivery of goods

58. Loading and unloading of goods must not occur outside the hours of 7:00am to 6:00pm Monday to Friday and 8:00am to 5:00pm on Saturdays. No loading or unloading shall occur on Sundays or Public Holidays.
59. The delivery, loading and unloading of goods to the site must be undertaken within Lot 6 SP262449 and must not occur on adjoining properties or roads.

**No cost to Council**

60. 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. This includes the costs of any services and infrastructure required in connection with the establishment of the development, survey, registration, document lodgment, easement documentation preparation and plan sealing.

**Latest versions**

61. 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 commencement of the development works, unless a regulation or law requires otherwise.

**Application documentation**

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

**General Advice**

- (a) Refer to <http://www.cmdg.com.au/> for the Capricorn Municipal Development Guidelines (CMDG).
- (b) Refer to <http://www.maranoa.qld.gov.au/council-policies> for Council Policies.
- (c) The relevant planning scheme for this development is *Maranoa Planning Scheme 2017*. All references to the 'Planning Scheme' and 'Planning Scheme Schedules' within these conditions refer to the above Planning Scheme.
- (d) Under the Planning Scheme a *Car wash means the use of premises for the commercial cleaning of motor vehicles*.
- (e) 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.
- (f) The land use rating category may change upon commencement of any new use on the approved lot(s). Council's current Revenue Statement, which includes the minimum general rate levy for the approved use/s, can be viewed on the Council Website: [www.maranoa.qld.gov.au](http://www.maranoa.qld.gov.au).
- (g) 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.

- (h) It is the responsibility of the developer to obtain all necessary permits and submit all necessary plans and policies to the relevant authorities for the approved use.
- (i) All persons involved in the development and operation of the use of the site have a 'general biosecurity obligation' (GBO) under Queensland's Biosecurity Act 2014 and the owner/operators are responsible for managing biosecurity risks that are:
- under their control; and
  - that they know about, or should reasonably be expected to know about.
- Under the GBO, the development activities may pose a biosecurity risk, and the developer/operator must:
- take all reasonable and practical steps to prevent or minimise all biosecurity risks;
  - minimise the likelihood of causing a '[biosecurity event](#)', and limit the consequences if such an event is caused; and
  - prevent or minimise the harmful effects a risk could have, and not do anything that might make any harmful effects worse.
- (j) Refer to Attachment 4 Adopted Infrastructure Charges Notice for infrastructure charges levied for the approved development.
- (k) 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 plans and documents 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.

CARRIED

8/1

Cr. 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. Birkett	Cr. McMullen
Cr. Edwards	
Cr. Golder	
Cr. Guthrie	
Cr. Hancock	
Cr. Ladbrook	
Cr. O'Neil	
Cr. Taylor	

<b>Responsible Officer</b>	<b>Lead Town Planner</b>
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**Item Number:** 13.2 **File Number:** D20/75735

**SUBJECT HEADING:** **DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - "EXTRACTIVE INDUSTRY" (5,000 TO 100,000 TONNES QUARRY) (REF: 2020/20072)**

**Location:** Sunnyside Road, Wallumbilla North 4428 (Lot 355 on WV290)

**Applicant:** Harley and Ellen Nixon T/A Beauview Partnership Pty Ltd C/- Danya Elizabeth Cook

**Officer's Title:** **Planning Officer**

**Executive Summary:**

*Harley and Ellen Nixon (T/A Beauview Partnership Pty Ltd) C/- Danya Elizabeth Cook is seeking a development approval for a Material Change of Use for an "Extractive Industry" (5,000 to 100,000 tonnes quarry) on land situated on Sunnyside Road, Wallumbilla North, properly described as Lot 355 on WV290 (the subject premises). The subject premises is located approximately 6.5 kilometres north-east of the township of Wallumbilla.*

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

*Public notification about the application was carried out in accordance with Part 4 of the Development Assessment Rules and for a period of no less than 15 business days between 15 July 2020 and 7 August 2020. There were no submissions received about the application during this period.*

*The procedural requirements set out by the Development Assessment Rules to enable Council to make a decision on this application have been fulfilled, including a response by the applicant to information request issued by the State Assessment and Referral Agency (SARA), public notification about the application and receipt of a referral agency response. The development application is generally consistent with the assessment benchmarks provided by the Planning Act 2016 and any perceived conflict with the assessment benchmarks can be addressed by way of conditions of development approval and having regard to the relevant matters.*

Council discussed hours of operation and potential noise implications for neighbouring properties at length as the Mayor raised concerns about noise. At the conclusion of those discussions, the Deputy Chief Executive Officer / Director Development, Facilities & Environmental Services suggested that Council lay the matter on the table until later in the meeting to allow officers to refine wording incorporating discussion points.

Mayor Golder proposed the following Procedural Motion:

**Resolution No. OM/09.2020/65**

**Moved Cr Golder**

**I'm happy to lay it on the table until later in the meeting.**

CARRIED 9/0

<b>Responsible Officer</b>	<b>Lead Officer – Elected Members &amp; Community Engagement</b>
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**COUNCIL ADJOURNED THE MEETING**  
 TO RECEIVE A DEPUTATION, FOLLOWED BY MORNING TEA AT 10.43AM

**SUBJECT HEADING: RESUMPTION OF STANDING ORDERS**  
 COUNCIL RESUMED THE MEETING AT 1.06PM

## COUNCILLOR BUSINESS

**Item Number:** 14.1 **File Number:** D20/84553

**SUBJECT HEADING:** INVESTIGATION INTO SECURITY MEASURES FOR PEOPLE AND PROPERTY

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

***Executive Summary:***

*A resident has approached the Mayor about the vandalism that is occurring in a particular area in Roma.*

*A report was requested seeking investigation of potential measures to reduce vandalism and improve personal safety in the Maranoa.*

**Resolution No. OM/09.2020/66**

**Moved Cr Golder**

**Seconded Cr Ladbrook**

**That a report be prepared for an upcoming Council meeting.**

CARRIED

9/0

**Responsible Officer**

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

**Item Number:** 14.2

**File Number:** D20/85450

**SUBJECT HEADING:** COUNCIL OWNED PRIVATE LABEL MEAT WORKS

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

***Executive Summary:***

*It was initially proposed that Council consider undertaking community consultation for a Council owned private labelled meat works in the Maranoa. However it was identified that it was necessary for the new term of Council to receive a full briefing on the extensive work that has been undertaken by Council seeking to encourage investment in a Meatworks for Roma. The Deputy CEO advised that a briefing is planned for 7 October 2020. It was identified that it would be helpful for this to be considered in the context of the Maranoa Liveability Strategy / Economic Development Strategy.*

**Resolution No. OM/09.2020/67**

**Moved Cr Golder**

**That the matter lay on the table until the next Ordinary Meeting on 14 October 2020.**

CARRIED

9/0

**Responsible Officer**

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

**Item Number:** 14.3 **File Number:** D20/86978

**SUBJECT HEADING:** IMPROVED DISABLED PARKING FOR MITCHELL

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

**Executive Summary:**

*The report tabled a proposal to improve disabled parking for residents in Mitchell. The report sought to focus on the area in Alice Street Mitchell, providing access to the CBD.*

*Council updated the Executive Summary to clarify the location for investigation.*

<b>Resolution No. OM/09.2020/68</b>	
<b>Moved Cr Golder</b>	<b>Seconded Cr Edwards</b>
<b>That a report be prepared for an upcoming Council meeting.</b>	
CARRIED	9/0

<b>Responsible Officer</b>	<b>Deputy Director / Strategic Road Management</b>
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**COUNCIL ADJOURNED THE MEETING  
FOR LUNCH AT 1.27PM**

**SUBJECT HEADING: RESUMPTION OF STANDING ORDERS  
COUNCIL RESUMED THE MEETING IN CLOSED SESSION AT 2.31PM**

**CONFIDENTIAL ITEMS**

In accordance with the provisions of section 275 of the *Local Government Regulation 2012*, Council resolved to close the meeting to the public to discuss items C.1 – C.13 and LC.1 – LC.15, 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;
- (d) rating concessions;
- (e) contracts proposed to be made by it;
- (f) starting or defending legal proceedings involving the local government;
- (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.

<b>Resolution No. OM/09.2020/69</b>	
<b>Moved Cr Birkett</b>	<b>Seconded Cr Taylor</b>
<b>In accordance with the provisions of section 275 of the <i>Local Government Regulation 2012</i>, a local government may resolve to close a meeting to the public to discuss confidential items that its Councillors or members consider it necessary to close the meeting [at 2.32pm].</b>	
CARRIED	9/0

<b>Responsible Officer</b>	<b>Lead Officer – Elected Members &amp; Community Engagement</b>
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Cr. Birkett, having previously foreshadowed a 'Material Personal Interest' for the item C.1, for reasons stated under the Section 'COUNCILLOR DECLARATIONS OF CONFLICTS OF INTEREST,' left the meeting at 2.33pm, taking no part in discussion on the matter.

At cessation of discussion on the abovementioned item, Cr Birkett returned to the meeting at 2.37pm.

The minute taker left the meeting prior to Council's consideration of Item C.3 at 2.41pm.

At cessation of discussion on the abovementioned item, the minute taker returned to the meeting at 2.54pm.

Cr. Hancock, having previously foreshadowed a 'Material Personal Interest' for the item C.6, for reasons stated under the Section 'COUNCILLOR DECLARATIONS OF CONFLICTS OF INTEREST,' left the meeting at 3.07pm, taking no part in discussion on the matter.

At cessation of discussion on the abovementioned item, Cr Hancock returned to the meeting at 3.32pm.

Cr. Hancock, having previously foreshadowed a 'Material Personal Interest' for the item C.9, for reasons stated under the Section 'COUNCILLOR DECLARATIONS OF CONFLICTS OF INTEREST,' left the meeting at 3.33pm, taking no part in discussion on the matter.

At cessation of discussion on the abovementioned item, Cr Hancock returned to the meeting at 4.23pm.

Cr. Ladbrook, having previously foreshadowed a 'Conflict of Interest' for the item C.12, for reasons stated under the Section 'COUNCILLOR DECLARATIONS OF CONFLICTS OF INTEREST,' left the meeting at 4.48pm, taking no part in discussion on the matter.

At cessation of discussion on the abovementioned item, Cr Ladbrook returned to the meeting at 4.54pm.

Cr. Ladbrook, having previously foreshadowed a 'Conflict of Interest' for the item LC.1, for reasons stated under the Section 'COUNCILLOR DECLARATIONS OF CONFLICTS OF INTEREST,' left the meeting at 4.57pm, taking no part in discussion on the matter.

At cessation of discussion on the abovementioned item, Cr Ladbrook returned to the meeting at 5.33pm.

Cr Birkett left the meeting at 5.49pm, and returned at 5.51pm.

Cr. Taylor, having previously foreshadowed a 'Conflict of Interest' for the item LC.10, for reasons stated under the Section 'COUNCILLOR DECLARATIONS OF CONFLICTS OF INTEREST,' left the meeting at 6.04pm, taking no part in discussion on the matter.

At cessation of discussion on the abovementioned item, Cr Taylor returned to the meeting at 6.05pm.

Councillors Hancock and Guthrie, having previously foreshadowed a 'Material Personal Interest' for the item LC.11, for reasons stated under the Section 'COUNCILLOR DECLARATIONS OF CONFLICTS OF INTEREST,' left the meeting at 6.05pm, taking no part in discussion on the matter.

Cr Edwards left the meeting at 6.11pm, and returned at 6.13pm.

At cessation of discussion on Item LC.11, Councillors Hancock and Guthrie returned to the meeting at 6.48pm.

Cr. Taylor left the meeting at 6.55pm, and returned at 6.57pm.



Mayor Golder, having previously foreshadowed a perceived 'Conflict of Interest' for the item LC.13, for reasons stated under the Section 'COUNCILLOR DECLARATIONS OF CONFLICTS OF INTEREST,' left the meeting at 7.05pm, taking no part in discussion on the matter.

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

Cr. Ladbrook left the meeting at 7.15pm, and returned at 7.17pm.

At cessation of discussion on the abovementioned item, Mayor Golder returned to the meeting at 7.34pm, assuming the Chair.

<b>Resolution No. OM/09.2020/70</b>	
<b>Moved Cr McMullen</b>	<b>Seconded Cr Taylor</b>
<b>That Council open the meeting to the public at 8.29pm.</b>	
CARRIED	9/0

<b>Responsible Officer</b>	<b>Lead Officer – Elected Members &amp; Community Engagement</b>
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<b>Resolution No. OM/09.2020/71</b>	
<b>Moved Cr McMullen</b>	<b>Seconded Cr Guthrie</b>
<b>That Council add Item Number LC.16 – Subject Heading - Glen Olive Road Matter, Mt Howe [to the Late Confidential Agenda, for reasons that are in accordance with Section 275 [1](h) of the Local Government Regulation 2012].</b>	
CARRIED	9/0

<b>Responsible Officer</b>	<b>Lead Officer – Elected Members &amp; Community Engagement</b>
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<b>Resolution No. OM/09.2020/72</b>	
<b>Moved Cr McMullen</b>	<b>Seconded Cr Edwards</b>
<b>In accordance with the provisions of section 275 of the <i>Local Government Regulation 2012</i>, a local government may resolve to close a meeting to the public to discuss confidential items that its Councillors or members consider it necessary to close the meeting [at 8.31pm].</b>	
<b>[The reasons are listed against each agenda report].</b>	
CARRIED	9/0

<b>Responsible Officer</b>	<b>Lead Officer – Elected Members &amp; Community Engagement</b>
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Cr. Guthrie left the meeting at 8.32pm, and returned at 8.34pm.

**Resolution No. OM/09.2020/73**

**Moved Cr McMullen**

**Seconded Cr Birkett**

**That Council open the meeting to the public [at 8.44pm].**

CARRIED

9/0

**Responsible Officer**

**Lead Officer – Elected Members & Community Engagement**

**LATE ITEMS**

**Item Number:**

**L.1**

**File Number: D20/88488**

**SUBJECT HEADING:**

**CLOSURE OF SURAT LIBRARY SERVICES FOR ELECTRICAL WORKS**

**Officer's Title:**

**Support Officer - Economic & Community Development**

***Executive Summary:***

*The report sought closure of Surat library services and the Cobb and Co Changing Station for electrical works on Saturday 10 October and Sunday 11 October 2020.*

**Resolution No. OM/09.2020/74**

**Moved Cr Hancock**

**Seconded Cr Taylor**

**That Council endorse the closure of the Surat Council Library Services and Cobb and Co Changing Station to allow needed electrical works to take place on Saturday 10 October and Sunday 11 October 2020.**

CARRIED

9/0

**Responsible Officer**

**Support Officer - Economic & Community Development**

**Item Number:**

**L.2**

**File Number: D20/89029**

**SUBJECT HEADING:**

**UNDERCOVER SPORTS AREAS IN WALLUMBILLA**

**Officer's Title:**

**Regional Sport & Recreation Development Coordinator**

***Executive Summary:***

*Correspondence was received through the Office of the Mayor in relation to the lack of shade cover over sporting areas in Wallumbilla. The letter was tabled to Council for consideration.*

**Resolution No. OM/09.2020/75**

**Moved Cr McMullen**

**Seconded Cr Edwards**

**That the matter be further investigated.**

***[Wording amended by Cr McMullen from his original motion following discussion with Councillors and a suggestion from the Chief Executive Officer, which Cr McMullen confirmed he was happy to accept].***

CARRIED

9/0

**Responsible Officer**

**Regional Sport & Recreation Development Coordinator**

**Item Number:** L.3 **File Number:** D20/88589

**SUBJECT HEADING:** MONTHLY FINANCIAL REPORTS AS AT 31 AUGUST 2020

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

**Executive Summary:**

*The purpose of this report was 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 August 2020 (including year to date).*

<b>Resolution No. OM/09.2020/76</b>	
<b>Moved Cr Birkett</b>	<b>Seconded Cr Ladbrook</b>
That the monthly financial report for the period ending 31 August 2020 be received and noted.	
CARRIED	9/0

<b>Responsible Officer</b>	<b>Contractor - Finance Systems Support</b>
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**CONFIDENTIAL ITEMS**

Cr. Birkett, having previously foreshadowed a 'Material Personal Interest' for the following item, for reasons stated under the Section 'COUNCILLOR DECLARATIONS OF CONFLICTS OF INTEREST,' left the meeting at 8.48pm, taking no part in discussion and debate on the matter.

**Item Number:** C.1 **File Number:** D20/84646

**SUBJECT HEADING:** BOORINGA HERITAGE GROUP INC. - REQUEST TO ERECT SHED AT BOORINGA HERITAGE MUSEUM

**Officer's Title:** Administration Officer - Land Administration

**Executive Summary:**

*Correspondence was received from Booringa Heritage Group Inc. seeking Council's approval to erect a colour bond shed in the Museum grounds at 4 Elizabeth Street, Mitchell.*

<b>Resolution No. OM/09.2020/77</b>	
<b>Moved Cr McMullen</b>	<b>Seconded Cr Guthrie</b>
That Council as Trustee of land described as Lot 1 on SP265643 grant approval for the Booringa Heritage Group Inc. to erect a colour bond shed 12m (Long) x 7.5m (Wide) x 3.2m (High) on the premises subject to Council's standard building and planning approvals.	
CARRIED	8/0

<b>Responsible Officer</b>	<b>Administration Officer - Land Administration</b>
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At cessation of discussion and debate on the abovementioned item, Cr Birkett returned to the meeting at 8.49pm.

**Item Number:** C.2 **File Number:** D20/82546

**SUBJECT HEADING:** STATE GOVERNMENT SURPLUS PROPERTIES - MARANOA REGION

**Officer's Title:** Administration Officer - Land Administration

**Executive Summary:**

*Council received details of State Government property listed as surplus in the Maranoa Region for the period 17 to 24 August 2020.*

<b>Resolution No. OM/09.2020/78</b>	
<b>Moved Cr Guthrie</b>	<b>Seconded Cr Edwards</b>
<b>That:</b>	
1. Council note the Government Land Register Report for the period of 17 August 2020 to 24 August 2020.	
2. Future reports pertaining to State Government surplus properties include an indicative price/range for purchase wherever possible.	
CARRIED	9/0

<b>Responsible Officer</b>	<b>Administration Officer - Land Administration</b>
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The minutes officer left the meeting at 8.51pm.

**Item Number:** C.3 **File Number:** D20/82967

**SUBJECT HEADING:** EXPRESSION OF INTEREST - AGISTMENT OF Paddock - POLICE Paddock NO. 2, DARGAL ROAD, ROMA

**Officer's Title:** Administration Officer - Land Administration

**Executive Summary:**

*Council publicly invited interested parties to submit Expressions of Interest for the agistment of a Council owned paddock described as Police Paddock No. 2, Dargal Road, Roma. The closing date of the Expression of Interest was 7 September 2020.*

*Eleven (11) responses were received.*

<b>Resolution No. OM/09.2020/79</b>	
<b>Moved Cr Taylor</b>	<b>Seconded Cr Hancock</b>
<b>That Council conduct a ballot draw to decide the successful applicant.</b>	
<b><i>The Ballot was drawn by the Chair announcing the successful applicant: <u>Cheryl Rogers</u></i></b>	
CARRIED	9/0

<b>Responsible Officer</b>	<b>Administration Officer - Land Administration</b>
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**Resolution No. OM/09.2020/80**

**Moved Cr McMullen**

**Seconded Cr Birkett**

**That Council enter into a formal grazing agreement with Ms Cheryl Rogers for use of Paddock No. 2, Dargal Road, Roma for a maximum of four (4) horses.**

CARRIED

9/0

**Responsible Officer**

**Administration Officer - Land Administration**

The minutes officer returned to the meeting at 8.56pm.

**Item Number:**

**C.4**

**File Number: D20/83493**

**SUBJECT HEADING:**

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

**Officer's Title:**

**Administration Officer - Land Administration**

***Executive Summary:***

*Council received a claim for out-of-pocket expenses in relation to an incident that occurred on 8 June 2020 when a pedestrian tripped and fell on a footpath in Arthur Street, Roma.*

**Resolution No. OM/09.2020/81**

**Moved Cr Taylor**

**Seconded Cr McMullen**

**That Council reimburse the Claimant \$617.15 being for the out-of-pocket expenses incurred on the following conditions:**

1. Council and the Claimant acknowledge that Council are not legally liable for the incident.
2. The Claimant agrees to accept the amount of \$617.15 as a full and final settlement of all claims arising from the alleged incident on 8 June 2020.

**Further that Council wishes the claimant well in their recovery.**

CARRIED

9/0

**Responsible Officer**

**Administration Officer - Land Administration**

**HEADING: FOOTPATH ASSESSMENT – FOOTPATH NETWORK**

**Resolution No. OM/09.2020/82**

**Moved Cr McMullen**

**Seconded Cr Guthrie**

**That a Councillor Briefing be arranged on the outcome of a recent footpath assessment conducted on Council's footpath network.**

***[Wording amended by Cr McMullen from his original motion following a suggestion from the Chief Executive Officer].***

CARRIED

9/0

**Responsible Officer**

**Deputy Director / Strategic Road Management**

**Item Number:** C.5 **File Number:** D20/82643

**SUBJECT HEADING:** TENDER 20031 - NEW HOUSE CONSTRUCTION AT 171 ALICE STREET MITCHELL QLD 4465

**Officer's Title:** Council Buildings & Structures Maintenance Officer / Team Coordination

**Executive Summary:**

*Maranoa Regional Council invited suitably qualified and experienced builders to submit a lump sum price and supporting documentation for the construction of a four bedroom house in Mitchell Queensland 4465.*

*This project consists of all works required for the construction of a new house at 171 Alice Street Mitchell on Lot 3 on M15121 as per plans supplied. The house is to be turnkey ready to occupy.*

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

**Resolution No. OM/09.2020/83**

**Moved Cr Golder**

**Seconded Cr Edwards**

**That Council:**

1. **Select Allwood Building Services Pty Ltd as the recommended tenderer for Tender 20031 – New House Build at 171 Alice Street Mitchell QLD 4465.**
2. **Authorise the Chief Executive Officer (CEO) (or delegate) to enter into final negotiations with Allwood Building Services Pty Ltd noting the tendered value of \$284,778.00 excluding GST (\$313,255.80 inclusive of GST), and execute the contract if the final terms are acceptable.**
3. **Assign the expenditure to Work Order 21882 (171 Alice Street Mitchell – Renewal).**

*[Mayor Golder refined point 3 of the resolution].*

CARRIED

9/0

**Responsible Officer**

**Council Buildings & Structures Maintenance Officer / Team Coordination**

Cr. Hancock, having previously foreshadowed a 'Material Personal Interest' for the following item, for reasons stated under the Section 'COUNCILLOR DECLARATIONS OF CONFLICTS OF INTEREST,' left the meeting at 9.00pm, taking no part in discussion and debate on the matter.

**Item Number:** C.6 **File Number:** D20/83489

**SUBJECT HEADING:** TENDER - BOTTLE TREE BULLETIN

**Officer's Title:** Communications Officer - Infrastructure Services Manager - Procurement & Plant

**Executive Summary:**

*Council publicly invited tenders from suitably qualified and experienced entities (individuals, community groups or companies) to submit a lump sum price (per issue) and supporting documentation for the design, publication, printing, and distribution of the community newsletter (Bottle Tree Bulletin).*

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



**Resolution No. OM/09.2020/84**
**Moved Cr Birkett**
**Seconded Cr McMullen**
**That Council:**

1. Enter into a contract with Booringa Action Group Incorporated to produce and distribute the Bottle Tree Bulletin for the next 24 months.
2. Select Option 1 – Existing Format as provided by Booringa Action Group.
3. Select 12 pages per edition.
4. Note that Council is open to discussions about a new logo design if Booringa Action Group wishes to pursue a distinctive alternative design.
5. Authorise the Chief Executive Officer (or delegate) to enter into final negotiations with *Booringa Action Group Incorporated*, noting the tendered value of \$196,800 (Incl GST) – for a 24 month period, and accept the contract if the final terms are acceptable.
6. Assign the expenditure to GL 2018.2210.2002.

CARRIED

8/0

**Responsible Officer**
**Communications Officer - Infrastructure Services / Lead Corporate Communications Officer**

At cessation of discussion and debate on the abovementioned item, Cr. Hancock returned to the meeting at 9.01pm.

**Item Number:**
**C.7**
**File Number: D20/68441**
**SUBJECT HEADING:**
**APPLICATION FOR COMMUNITY ORGANISATION CONCESSION – ASSESSMENTS 14015218, 14010029, 14011183**
**Officer's Title:**
**Lead Rates and Utilities Billing Officer / Systems Administrator**
***Executive Summary:***

*An application for Rates and Water Access concession for Community Organisations has been received for Council's consideration.*

**Resolution No. OM/09.2020/85**
**Moved Cr McMullen**
**Seconded Cr Edwards**

**That Council grant the applicant the following concessions in accordance with the Rates and Charges Rebates and Concessions Policy (Community Organisations), effective from 1 July 2020:**

Assessment	Concession Class
14015218	B
14010029	B
14011183	H

CARRIED

9/0

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

**Item Number:** C.8 **File Number:** D20/86493

**SUBJECT HEADING:** APPLICATION FOR COMMUNITY ORGANISATION CONCESSION - ASSESSMENT 12000634

**Officer's Title:** Rates & Utilities Billing Officer

**Executive Summary:**

*An application for Rates and Water Access Concession for Community Organisations was received for Council's consideration.*

**Resolution No. OM/09.2020/86**

**Moved Cr Birkett**

**Seconded Cr Edwards**

**That Council grant the applicant a "Concession Class C" concession in accordance with the Rates and Charges Rebate and Concession Policy effective from 1 January 2020.**

CARRIED

9/0

**Responsible Officer**

**Rates & Utilities Billing Officer**

Cr. Hancock, having previously foreshadowed a 'Material Personal Interest' for the following item, for reasons stated under the Section 'COUNCILLOR DECLARATIONS OF CONFLICTS OF INTEREST,' left the meeting at 9.03pm, taking no part in discussion and debate on the matter.

**Item Number:** C.9 **File Number:** D20/86313

**SUBJECT HEADING:** POLICY REVIEW - RATE RECOVERY

**Officer's Title:** Rates & Utilities Billing Officer

**Executive Summary:**

*The purpose of this report was to review the Rate Recovery Policy. Rates and charges revenue provides Council with funds to deliver services and projects. It is therefore important that this revenue is collected in a timely manner to ensure sufficient cash flow for Council to operate.*

**Resolution No. OM/09.2020/87**

**Moved Cr Golder**

**That the matter lay on the table until the next Ordinary Meeting on 14 October 2020.**

CARRIED

8/0

**Responsible Officer**

**Rates & Utilities Billing Officer / Lead Officer  
Elected Members & Community Engagement**

At cessation of discussion and debate on the abovementioned item, Cr. Hancock returned to the meeting at 9.04pm.

**Item Number:** C.10 **File Number:** D20/86490

**SUBJECT HEADING:** RELIEF FOR WATER SUPPLY INVOICES - DEBTOR  
77244.24

**Officer's Title:** Manager - Water, Sewerage & Gas

**Executive Summary:**

*A crop sprayer who has purchased water from the Surat Airport is seeking relief for this purchase, as it benefits local farmers.*

**Resolution No. OM/09.2020/88**

Moved Cr Hancock

Seconded Cr Ladbrook

**That Council:**

1. Waive the fee (invoice numbers 51031 and 51032) on this occasion only.
2. Advise the applicant that water access at the Surat Airport is locked and that an account must be set up with Council for payment of future water purchases.
3. Advise landowners about access to the Surat Airport for crop dusting and water access.

CARRIED

9/0

**Responsible Officer**

**Manager - Water, Sewerage & Gas**

**Resolution No. OM/09.2020/89**

Moved Cr McMullen

Seconded Cr O'Neil

**That Council investigate the installation of AVDATA for water monitoring at the Surat Airport and options for bore water access, with a report to be brought back to Council at a future meeting.**

*[Wording amended by Cr McMullen from his original motion following a clarifying question asked by Cr O'Neil and further discussion with Councillors.]*

CARRIED

9/0

**Responsible Officer**

**Manager - Water, Sewerage & Gas / Manager Airports (Roma, Injune, Surat, Mitchell)**

**Item Number:** C.11 **File Number:** D20/68132

**SUBJECT HEADING:** REQUEST FROM ASSESSMENT 11007721

**Officer's Title:** Manager - Water, Sewerage & Gas

**Executive Summary:**

*The applicant requested water to their lot to allow them to water the horses. There is a water main across the road from their lot but they are outside of the Regional Water Supply Zone. They have therefore requested that Council extend the boundary of the supply zone to allow them to access this network.*

**Resolution No. OM/09.2020/90**

**Moved Cr Taylor**

**Seconded Cr McMullen**

**That Council:**

1. **Approve this request to expand the Regional Water Supply Zone.**
2. **Advise the applicant of this decision.**

CARRIED

9/0

**Responsible Officer**

**Manager - Water, Sewerage & Gas**

Cr. Ladbrook, having previously foreshadowed a 'Conflict of Interest' for the following item, for reasons stated under the Section 'COUNCILLOR DECLARATIONS OF CONFLICTS OF INTEREST,' left the meeting at 9.09pm, taking no part in discussion and debate on the matter.

**Item Number:**

**C.12**

**File Number: D20/87352**

**SUBJECT HEADING:**

**BASSETT PARK STABLES UPGRADE**

**Officer's Title:**

**Manager - Procurement & Plant**

***Executive Summary:***

*This report summarised the evaluation process undertaken for Tender 21005 – Bassett Park Stables Upgrade Roma QLD 4455. The tender period opened on 31 July 2020 with a closing date of 24 August 2020.*

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

**Resolution No. OM/09.2020/91**

**Moved Cr Edwards**

**Seconded Cr Birkett**

**That Council:**

1. **Select JEM Building Pty Ltd as the recommended tenderer for Tender 21005 – Bassett Park Stables Upgrade.**
2. **Authorise the Chief Executive Officer (or delegate) to enter into final negotiations with JEM Building Pty Ltd, noting the tendered value of \$580,629.56 including GST, and accept the contract if the final terms are acceptable.**
3. **Assign expenditure to Work Order 22132.**

CARRIED

8/0

**Responsible Officer**

**Manager - Procurement & Plant**

At cessation of discussion and debate on the abovementioned item, Cr. Ladbrook returned to the meeting at 9.11pm.

**Item Number:** C.13 **File Number:** D20/88206

**SUBJECT HEADING:** REPLACEMENT OF CONCRETE CAUSEWAY TO  
CULVERT – GUNNEWIN WEST ROAD

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

**Executive Summary:**

*This report was presented to Council following a site visit with the landowner and available Councillors.*

**Resolution No. OM/09.2020/92**

**Moved Cr Guthrie**

**Seconded Cr Taylor**

**That Council investigate options to design a culvert for this road at the same height as the concrete causeway, and for the information to be brought back to a future Ordinary meeting.**

***[Wording amended by Cr Guthrie to clarify arrangements regarding the investigation following further discussion].***

]CARRIED

9/0

**Responsible Officer**

**Deputy Director / Strategic Road  
Management**

**LATE CONFIDENTIAL ITEMS**

Cr. Ladbrook, having previously foreshadowed a 'Conflict of Interest' for the following item, for reasons stated under the Section 'COUNCILLOR DECLARATIONS OF CONFLICTS OF INTEREST,' left the meeting at 9.13pm, taking no part in discussion and debate on the matter.

**Item Number:** LC.1 **File Number:** D20/87887

**SUBJECT HEADING:** UPDATE TO MATTERS RELATING TO UNNAMED  
SECTION OF ROAD OFF HUMPHREYS ROAD

**Officer's Title:** Deputy Director / Strategic Road Management

**Executive Summary:**

*An unnamed section of road off Humphreys Road has been the subject of several ongoing matters raised by residents living in the area.*

*An update was provided to Council on 13 May 2020, where it was resolved that written correspondence be issued to one of the residents in the area.*

*This action has been completed, with Council now in receipt of the response from the resident. This report provides Council with an overview of the more recent actions relating to the matter and outlines a number of possible options to consider.*

**Resolution No. OM/09.2020/93**

**Moved Cr McMullen**

**Seconded Cr Golder**

**That Council:**

- 1. Confirm Resolution OM/05.2020/55 and advise the applicant that the request for a permit to occupy the unnamed section of road off Humphreys Road adjacent to Lot 11 on WAL53496 *is not* supported.**

2. **Subject to compliance with the procedural requirements specified in *Local Law No. 1 (Administration) 2011*:**
  - a. **cancel the licences for gate number 535 and gate number 536, and**
  - b. **issue a compliance notice requiring the owner of Lot 11 on WAL53496 to fence the northern boundary of the unnamed section of road off Humphreys Road where the road abuts Lot 11 on WAL53496 to the extent that the land is not currently fenced, and remove the 2 gates from Council’s road network.**
  
3. **Recognising that the actions as outlined in Part 2 of this resolution do come at a cost to the land owner:**
  - a. **provide a period of six (6) months to complete action as outlined in Part 2 of this resolution; and**
  - b. **reimburse the owner of the licensed gates, as contemplated in Council’s Gates and Grid Policy Incentive to “Fence Out”, at a value of \$1,500 per structure/gate.**
  
4. **Confirm that the unnamed section of road off Humphreys Road between the end of Humphreys Road and Brookfield Road be added to the Council’s Road Register and classified as Rural Access – Secondary.**

CARRIED

8/0

<b>Responsible Officer</b>	<b>Deputy Director / Strategic Road Management</b>
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At cessation of discussion and debate on the abovementioned item, Cr. Ladbrook returned to the meeting at 9.16pm.

**Item Number:** LC.2 **File Number:** D20/88897

**SUBJECT HEADING:** MARANOA PLACE BASED SUICIDE PREVENTION PROJECT

**Officer’s Title:** Manager - Economic & Community Development

***Executive Summary:***

*Council holds funding which the Western Queensland Primary Health Network (WQPHN) and the Queensland Mental Health Commission (QMHC) have provided to employ a Project Officer to create a regional suicide prevention strategy and coordinate the allied agencies in the Maranoa in its implementation.*

*The Project Officer was appointed on 11 September 2019 and resigned in August 2020, to take up a similar role with Lifeline Darling Downs and South West (Lifeline). Subsequent discussions with the funding body about advertising for a replacement officer and the potential for lost time and productivity associated with that process, has uncovered support for the concept of transferring the project to Lifeline. This will enable the project to continue in a seamless manner, avoiding potential duplication and confusion in the community.*

*The WQPHN has written to Council confirming the agreement of all parties to the transfer, and this report sought the resolution of Council to action the transfer and release of remaining funds and assets associated with the role, which were purchased with the funding.*

<b>Resolution No. OM/09.2020/94</b>	
<b>Moved Cr Hancock</b>	<b>Seconded Cr Birkett</b>
<b>That Council:</b>	
<ol style="list-style-type: none"> <li>1. <b>Terminates the funding deed for the Maranoa Place Based Suicide Prevention Project.</b></li> </ol>	

<p><b>2. Transfers all remaining assets relevant to the funding deed to Lifeline Darling Downs and South West.</b></p>	
CARRIED	9/0

<b>Responsible Officer</b>	<b>Manager - Economic &amp; Community Development</b>
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**Item Number:** LC.3 **File Number:** D20/88690

**SUBJECT HEADING:** SURAT EARLY CHILDCARE EDUCATION CENTRE - REQUEST TO REMOVE CHILD SAFE FENCE TO USE AREA TO SOUTHERN AND WESTERN BOUNDRY OF LOT 703 ON S282.

**Applicant:** FGP Moreton Inc.

**Officer's Title:** Council Buildings & Structures Maintenance Officer / Team Coordination

***Executive Summary:***

*Council received correspondence from FGP Moreton Inc, requesting an extension to their lease area.*

<b>Resolution No. OM/09.2020/95</b>	
<b>Moved Cr Hancock</b>	<b>Seconded Cr Edwards</b>
<b>That Council:</b>	
<p>1. Give in-principle support for the removal of the existing fence and installation of new fencing within the area described as Lease C on Survey Plan 703 on S282 (Annexure A) in the Surat Early Childcare Education Centre Management Deed. Subject to the following conditions:</p> <ul style="list-style-type: none"> <li>a) Prior support is obtained from adjoining landowners; or</li> <li>b) The child safe fence is kept inside the existing boundary fence.</li> </ul> <p>2. Remove the above ground stormwater pipe and install a bubbler system and cost associated expenses to Work Order 14164.2332 Surat Childcare Centre Maintenance - Plumbing.</p>	
CARRIED	9/0

<b>Responsible Officer</b>	<b>Council Buildings &amp; Structures Maintenance Officer / Team Coordination</b>
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**Item Number:** LC.4 **File Number:** D20/88393

**SUBJECT HEADING:** AUDIT COMMITTEE - APPOINTMENT OF EXTERNAL MEMBERS

**Officer's Title:** Director - Corporate & Community Services

***Executive Summary:***

*Council is required to establish an Audit Committee.*



*The purpose of this report was to review the results of the next step in the process and consider appointing an External Audit Committee Member to form a new Audit Committee.*

**Resolution No. OM/09.2020/96**

**Moved Cr Edwards**

**Seconded Cr Guthrie**

**That Council:**

1. **Appoint Michael Booth as [an] External Audit Committee Member.**
2. **Note that the Audit Committee meeting scheduled for 17 September 2020 was postponed to 28 September 2020.**
3. **Call for expressions of interest for the remaining position of external member (one position).**
4. **In the event that attendance is required in person, expenses be reimbursed at cost or at the rate set by the Australian Taxation Office for the cents per kilometre method for car expenses (when travelling from outside the region).**
5. **On the basis of the resolution from the meeting on 9 September 2020 in relation to Item 8.1, update the Audit Committee Terms of Reference so that all Councillors are invited to attend the meeting, as follows:**

**Committee composition**

**The membership of the committee will comprise two (2) Councillors and two (2) external members, appointed by Council. Council will appoint one of the external members of the Audit Committee as Chairperson. All other councillors (non audit committee members) are invited to attend the Audit Committee meetings as observers.**

6. **The Audit Committee Terms of Reference be updated so that any Committee member or attendee may participate via teleconferencing:**

**Teleconferencing**

**Where practical or necessary, any member or attendee may participate in a committee meeting via the use of a telephone, video conferencing equipment or other means of instant communication that allows a person to take part in discussions as they happen. Those participating in a committee meeting via teleconference must ensure they are in a place that maintains the confidentiality of the committee meeting discussions, without others present – where applicable in accordance with the Confidentiality Procedure.**

CARRIED

9/0

**Responsible Officer**

**Director - Corporate & Community Services**

Item Number: LC.5 File Number: D20/88765

SUBJECT HEADING: TENDER 21010 - SALE OF VACANT LAND LOCATED AT ROSE SMITH LANE, MUCKADILLA QLD 4461 - LOT 17 ON M3831

Officer's Title: Council Buildings & Structures Maintenance Officer / Team Coordination

**Executive Summary:**

Council publicly invited interested parties to submit tenders for the sale of vacant land located at Rose Smith Lane, Muckadilla QLD 4461, described as Lot 17 on M3831. The evaluation report was tabled for Council's consideration.

**Resolution No. OM/09.2020/97**

Moved Cr McMullen

Seconded Cr Edwards

That Council:

1. Select MB & CM Coomber as the recommended Tenderer for Tender 21010 – Sale of vacant land located at Rose Smith Lane, Muckadilla QLD 4461 – Lot 17 on M3831.
2. Delegate authority to the Chief Executive Officer to sign documentation necessary to settle the sale.

CARRIED

9/0

Responsible Officer

Council Buildings & Structures Maintenance Officer / Team Coordination

Item Number: LC.6 File Number: D20/89585

SUBJECT HEADING: NEIL TURNER WEIR - LICENCE AGREEMENT - MITCHELL

Officer's Title: Council Buildings & Structures Maintenance Officer / Team Coordination

**Executive Summary:**

Sunwater proposed to enter into a Licence Agreement with Council over Sunwater owned freehold land adjacent the Neil Turner Weir, Mitchell.

**Resolution No. OM/09.2020/98**

Moved Cr Birkett

Seconded Cr Ladbrook

That Council:

1. Enter into an Agreement with Sunwater Limited, [in] respect to land described as over Lot 3 on RP 53700, Lot 8 on RP 53700 and Part of Lot 6 on RP 53700.
2. Authorise the Chief Executive Officer (CEO), or delegate, to negotiate and execute the agreement and any other associated documentation if those terms are acceptable.

*[Wording amended by Cr Birkett in regard to point 2 following a further suggestion from the Deputy CEO and Chief Executive Officer (CEO). Cr Birkett indicated he was happy to accept the amendment].*

CARRIED

9/0

Responsible Officer

Council Buildings & Structures Maintenance Officer / Team Coordination

**Item Number:** LC.7 **File Number:** D20/89346  
**SUBJECT HEADING:** RATES BUSINESS SERVICE - RATES ON DEMAND  
**Officer's Title:** Manager - Communication, Information & Administration Services

**Executive Summary:**

*The report sought authorisation to approve the extension of the Rates Business Service on Demand Agreement which offers personalised on-call business advice and assistance for Council's Rates, Property, Water and Utility Billing Processes.*

**Resolution No. OM/09.2020/99**

**Moved Cr McMullen**

**Seconded Cr Guthrie**

**That:**

1. Pursuant to section 235(b) of the *Local Government Regulation 2012* Council is satisfied there is only one supplier due to the specialised nature of the services that are sought.
2. Council approve the Chief Executive Officer (CEO) to sign the Agreement for the Rates Business Service on Demand for a period of 1 (one) year if the final terms are acceptable.

CARRIED

9/0

**Responsible Officer**

**Manager - Communication, Information & Administration Services**

**Item Number:** LC.8 **File Number:** D20/89649  
**SUBJECT HEADING:** DECLARATION OF STATE-CONTROLLED ROADS BY TRANSPORT AND MAIN ROADS  
**Officer's Title:** Deputy Director / Strategic Road Management

**Executive Summary:**

*The Department of Transport and Main Roads ("Department"), under cover of a letter dated 10 August 2020 has written to Council advising that revocation and declaration actions are being undertaken as part of a State-wide project to accurately define the State's existing transport corridors.*

*This report outlined the details of the letter, proposed actions by the Department and recommendation to Council regarding a response to the matter.*

**Resolution No. OM/09.2020/100**

**Moved Cr Hancock**

**Seconded Cr Taylor**

**That Council:**

1. Note receipt of the correspondence from the Department of Transport and Main Roads, dated 10 August 2020, advising that revocation and declaration actions are being proposed to define the State's existing transport corridors.
2. Authorise the Chief Executive Officer (CEO) to formally provide a submission to the Department of Transport and Main Roads consistent with the letter attached to this Officer's Report.

3. Provide a copy of the submission to the Chief Executive of the Local Government Association (LGAQ), and email notification to the President of the Local Government Association of Queensland (LGAQ).
4. Provide the Western Queensland Alliance and the South West Queensland Council of Mayors an overview of the matter, highlighting key elements of the submission.

CARRIED

9/0

Responsible Officer	Deputy Director / Strategic Road Management
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Item Number: LC.9 File Number: D20/89722

SUBJECT HEADING: RASLIE ROAD UPGRADE - GRAVEL RE-SHEET & MINOR REALIGNMENT - LANDOWNER COMPENSATION AGREEMENT

Officer's Title: Manager - Construction

**Executive Summary:**

*With reference to the report presented to Council on 22 July 2020 (GM/07.2020/67), regarding formalising a road opening on Raslie Road, this report provided an update to Council with further information regarding consultation with the affected landowner.*

**Resolution No. OM/09.2020/101**

Moved Cr McMullen

Seconded Cr Edwards

That Council authorise the Chief Executive Officer (CEO) or delegate to:

1. Formally enter into a Road Agreement with the landowner of Lot 2 on Registered Plan RP200575 in accordance with Section 15 of the *Acquisition of Land Act 1967*.
2. Authorise the payment of all reasonable legal fees incurred by the affected landowner to complete the road opening process.
3. Authorise compensation payment to the affected landowner consistent with Option 2 as outlined in the body of the report.

*[Cr McMullen incorporated a minor amendment to terminology to that read out following a request for clarification].*

CARRIED

9/0

Responsible Officer	Manager - Construction
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Cr. Taylor, having previously foreshadowed a 'Conflict of Interest' for the following item, for reasons stated under the Section 'COUNCILLOR DECLARATIONS OF CONFLICTS OF INTEREST,' left the meeting at 9.31pm, taking no part in discussion and debate on the matter.

**Item Number:** LC.10 **File Number:** D20/89923

**SUBJECT HEADING:** ROMA SALEYARDS REPRESENTATIVE FOR AUSTRALIAN LIVESTOCK MARKETS ASSOCIATION INCORPORATED MEMBERSHIP

**Officer's Title:** Manager - Saleyards

**Executive Summary:**

*The Roma Saleyards is a member of the Australian Livestock Markets Association Inc (the Association). The purpose of this report is to nominate a member representative on behalf of the Roma Saleyards, which will include participation at the general meeting and any special general meetings of the Association.*

**Resolution No. OM/09.2020/102**

**Moved Cr Guthrie**

**Seconded Cr Ladbrook**

**That Council endorse the Manager Saleyards as the Roma Saleyards member representative for the Australian Livestock Markets Association Inc., including any general meeting and any special general meetings of the Association.**

CARRIED

8/0

**Responsible Officer**

**Manager - Saleyards**

At cessation of discussion and debate on the abovementioned item, Cr. Taylor returned to the meeting at 9.32pm.

Councillors Hancock and Guthrie, having previously foreshadowed a 'Material Personal Interest' for the following item, for reasons stated under the Section 'COUNCILLOR DECLARATIONS OF CONFLICTS OF INTEREST,' left the meeting at 9.32pm, taking no part in discussion and debate on the matter.

**Item Number:** LC.11 **File Number:** D20/90426

**SUBJECT HEADING:** HAY ROMA DAM

**Officer's Title:** Lead Officer - Elected Members & Community Engagement

**Executive Summary:**

*Correspondence was received from the office of the Minister for Natural Resources, Mines and Energy regarding Hay Roma Dam.*

*Correspondence was also forwarded to the Minister by residents of the area. That correspondence was tabled as part of this report.*

**Resolution No. OM/09.2020/103**

**Moved Cr Ladbrook**

**Seconded Cr Birkett**

**That Council:**

1. Receive and note the letter of response received from the Office of the Hon Dr Anthony Lynham, Minister for Natural Resources, Mines and Energy dated 10 September 2020.
2. Receive and note the email circulated to all Councillors from Vicki Knight dated 18 September 2020 (including attached supporting documentation).

3. Subject to confirmation from the Minister's office, provide a copy of the received correspondence to interested landholders.

CARRIED

7/0

**Responsible Officer**

**Lead Officer - Elected Members & Community Engagement**

At cessation of discussion and debate on the abovementioned item, Councillors Hancock and Guthrie returned to the meeting at 9.34pm.

**Item Number:** LC.12 **File Number:** D20/90445

**SUBJECT HEADING:** TENDER 21007 - SALE OF LAND AND BUILDINGS AT 29 BOWEN STREET AND 45-47 HAWTHORNE STREET, ROMA.

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

**Executive Summary:**

*Council publicly invited tenders for the purchase or lease of the land and buildings at 29 Bowen Street and 45-47 Hawthorne Street Roma. Tenders closed on 24 August 2020. The purpose of this report was to consider Tender 21007.*

**Resolution No. OM/09.2020/104**

**Moved Cr Golder**

**Seconded Cr Edwards**

**That Council:**

1. Receive and note the information.
2. Conclude the tender process.
3. Decline the offer received after the close of tender to purchase 29 Bowen Street and 45 – 47 Hawthorne Street, Roma.

CARRIED

9/0

**Responsible Officer**

**Manager - Procurement & Plant**

Mayor Golder, having previously foreshadowed a perceived 'Conflict of Interest' for the following item, for reasons stated under the Section 'COUNCILLOR DECLARATIONS OF CONFLICTS OF INTEREST,' left the meeting at 9.35pm, taking no part in discussion and debate on the matter.

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

**Item Number:** LC.13 **File Number:** D20/90607

**SUBJECT HEADING:** UPDATE - FLOOD MITIGATION MATTER

**Officer's Title:** Chief Executive Officer

**Executive Summary:**

*The report tabled correspondence for Council's consideration.*

**Resolution No. OM/09.2020/105**

**Moved Cr Ladbrook**

**Seconded Cr Edwards**

**That Council authorise the Chief Executive Officer (CEO) to further discuss Option 4 as outlined in the letter.**

CARRIED

8/0

**Responsible Officer**

**Chief Executive Officer**

At cessation of discussion and debate on the abovementioned item, Mayor returned to the meeting at 9.37pm.

**Item Number:**

**LC.14**

**File Number: D20/90880**

**SUBJECT HEADING:**

**PRELIMINARY QUERIES FOR COUNCIL'S PROPOSED ORGANISATIONAL STRUCTURE**

**Officer's Title:**

**Chief Executive Officer**

***Executive Summary:***

*The agenda item sought Councillors' input into the initial queries. This information, once compiled, will be incorporated into information sheets as part of the consultation process. It aims to help those who are speaking with employees about the proposed changes to communicate the elected Council's vision and to accurately describe the proposed effects on employees' roles.*

*In addition to this, the Chief Executive Officer's report provided the opportunity for discussion about a presentation by the elected Council to the combined workforce.*

**Resolution No. OM/09.2020/106**

**Moved Cr Golder**

**Seconded Cr Ladbrook**

**That:**

- 1. Council consider the preliminary queries that have been raised and come together for further discussion at a briefing and then formal consideration at a future meeting.**
- 2. Through Councillors diary arrangements some possible dates to be identified for the Elected Members to hold a briefing for the workforce about Council's vision for the proposed structure.**

***[Wording amended by Mayor Golder following a suggestion from the Chief Executive Officer (CEO) and further discussion. Mayor Golder indicated he was happy to accept the amendment, as was the Seconder].***

CARRIED

9/0

**Responsible Officer**

**Chief Executive Officer**



**Item Number:** LC.15 **File Number:** D20/90890

**SUBJECT HEADING:** CONTRIBUTION TO IQ-RAP ELECTION PLATFORM

**Officer's Title:** Chief Executive Officer

**Executive Summary:**

*The report sought a small contribution of \$300 to the election platform. A copy of the information received was circulated via e-mail. The broader decision as to whether to continue with the initiative will come to a future meeting.*

**Resolution No. OM/09.2020/107**

**Moved Cr McMullen**

**Seconded Cr Ladbrook**

**That Council contribute \$300 towards the election platform for [Inland Queensland Roads Action Project] (IQ-RAP).**

CARRIED

9/0

**Responsible Officer**

**Chief Executive Officer**

**Item Number:** 13.2 **File Number:** D20/75735

**SUBJECT HEADING:** DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - "EXTRACTIVE INDUSTRY" (5,000 TO 100,000 TONNES QUARRY) (REF: 2020/20072)

**Location:** Sunnyside Road, Wallumbilla North 4428 (Lot 355 on WV290)

**Applicant:** Harley and Ellen Nixon T/A Beauview Partnership Pty Ltd C/- Danya Elizabeth Cook

**Officer's Title:** Planning Officer

**Executive Summary:**

*Harley and Ellen Nixon (T/A Beauview Partnership Pty Ltd) C/- Danya Elizabeth Cook sought a development approval for a Material Change of Use for an "Extractive Industry" (5,000 to 100,000 tonnes quarry) on land situated on Sunnyside Road, Wallumbilla North, properly described as Lot 355 on WV290 (the subject premises). The subject premises is located approximately 6.5 kilometres north-east of the township of Wallumbilla.*

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

*Public notification about the application was carried out in accordance with Part 4 of the Development Assessment Rules and for a period of no less than 15 business days between 15 July 2020 and 7 August 2020. There were no submissions received about the application during this period.*

*The procedural requirements set out by the Development Assessment Rules to enable Council to make a decision on this application have been fulfilled, including a response by the applicant to information request issued by the State Assessment and Referral Agency (SARA), public notification about the application and receipt of a referral agency response.*

The development application is generally consistent with the assessment benchmarks provided by the Planning Act 2016 and any perceived conflict with the assessment benchmarks can be addressed by way of conditions of development approval and having regard to the relevant matters.

This matter had been laid on the table earlier during the meeting to allow officers additional time to review conditions on the basis of indications provided by Council earlier during the meeting regarding hours of operation. Council resumed its deliberations.

**Resolution No. OM/09.2020/108**

**Moved Cr Golder**

**Seconded Cr Edwards**

That the application for a Material Change of Use for an “Extractive Industry” (5,000 tonnes to 100,000 tonnes quarry) on land situated on Sunnyside Road, Wallumbilla North and properly described as Lot 355 on WV290 be approved subject to the listed Development Conditions and General Advice: *(Noting the amendments for clause 18 as read during the meeting and now incorporated below)*

**Development Conditions:**

**Use**

1. The approved development is for a Material Change of Use for an “Extractive Industry” as defined in the Planning Scheme and as shown on the approved plans and documents.
2. The approved extraction tonnage is capped at 100,000 tonnes per annum.
3. All works and operations are to be carried out 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.

Reference no:	Drawing/report title:	Date:
8744-41113	Site Plan (as marked in <b>Red</b> by Council)	07/02/2020
A-000 Issue A	(MP6030) Multipurpose 6.0 x 3.0 Cover Sheet	
A-100 Issue A	(MP6030) Multipurpose 6.0 x 3.0 Floor Plan	
A-200 Issue A	(MP6030) Multipurpose 6.0 x 3.0 Elevations	
A-000 Issue A	(TD3030) Toilet Male 6.0m x 3.0m Cover Sheet	
A-100 Issue A	(TD3030) Toilet Male 6.0m x 3.0m Floor Plan	
A-200 Issue A	(TD3030) Toilet Male 6.0m x 3.0m Elevations	
BEA-001 Revision 0	Site-based Management Plan Prepared by Attexo Group Pty Ltd	21/02/2020

#### 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 in these conditions.
5. Prior to the commencement of the use, the applicant shall contact Council to arrange a development compliance inspection.

#### Works in road reserve

6. A Works in a Road Reserve Permit will be required from Council for any works associated with the development that are undertaken within the Council road reserve by private contractor/entity. All works on or near roadways shall be adequately signed in accordance with the "Manual for Uniform Traffic Control Devices – Part 3, Works on Roads".

#### Development works

7. During the course of constructing the works, 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.
8. 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 (roadway, existing underground and aboveground assets, etc.) 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).

#### Applicable standards

9. All works must comply with:
  - a) the development approval conditions;
  - b) any relevant provisions in the Planning Scheme and the Capricorn Municipal Development Guidelines;
  - c) any relevant Australian Standard that applies to that type of work; and
  - d) 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.

#### Biosecurity plan

10. The applicant has a 'general biosecurity obligation' (GBO) under Queensland's [Biosecurity Act 2014](#). And the applicant is responsible for managing [biosecurity risks](#) that are:
  - under their control; and
  - that they know about, or should reasonably be expected to know about.

Under the GBO, the applicants activities may pose a biosecurity risk, and the applicant must:

- take all reasonable and practical steps to prevent or minimise all biosecurity risks;

- minimise the likelihood of causing a '[biosecurity event](#)', and limit the consequences if such an event is caused; and
- prevent or minimise the harmful effects a risk could have, and not do anything that might make any harmful effects worse.

A Biosecurity Plan for the premises must be prepared and implemented in accordance with the *Biosecurity Act 2014*. The plan must be prepared taking into account all approved operations on the site and addressing the risk of spread of Priority Pest Plants detailed in Council's Pest Management Plan. 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/council/Documents/Pest\\_Management\\_Plan\\_2012\\_2016.pdf](http://www.maranoa.qld.gov.au/council/Documents/Pest_Management_Plan_2012_2016.pdf). The PMP identifies, among others, Parkinsonia, Prickly Acacia, Mother of Millions and Parthenium as Priority Pest Plants to be managed in the Maranoa Region.

#### Avoiding nuisance

11. Approved operations must be carried out in accordance with the Site-based Management Plan prepared by Attexo Group Pty Ltd, dated 21/02/2020, Revision 0.
12. 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 Site-based Management Plan prepared by Attexo Group Pty Ltd, dated 21/02/2020, Revision 0 shall be implemented in order to mitigate the nuisance.
13. 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 to pose any health and safety risks to the community.

#### Lighting

14. 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 metres from the Development site area.
15. All lighting shall be directed or shielded so as to ensure that no glare directly affects land uses outside of the Development site area.

#### Refuse storage

16. At all times while the use continues, waste containers shall be provided on the site and maintained in a clean and tidy state and shall be emptied and the waste removed from the site on a regular basis. All waste containers are to be shielded from the view of travelling public and neighbours and accessible by the vehicles used by Council, its agents and/or others.

#### Sloping land

17. 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 Quarrying Safety and Health Act 1999* to avoid erosion, land degradation and possible safety issues.

### Operating hours

- 18.a. General hours of operation are restricted to between 6:00am to 6:00pm Monday to Friday and between 8:00am to 5:00pm on Saturdays. General hours of operation include heavy vehicle movements to and from the site, loading, scraping and pushing of extracted material and general maintenance and administrative activities carried out on site.
- 18.b. Screening and crushing of extracted material is restricted to between 8:00am to 5:00 pm Monday to Saturday.
- 18.c. Operations are not permitted on Sundays or public holidays.
- 18.d. The quarry owner/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.

**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.

### Internal access roads

19. All weather vehicle internal access shall be provided for traffic movement within the development site area.
20. Dust emanating as a result of approved quarrying activities (including extraction areas and internal access road) onsite must be continually monitored and suppressed in order to prevent any dust drifting onto road networks, nearby properties and sensitive land uses.

### Access, parking and manoeuvring

21. The landowner is responsible for providing access to the site and maintaining vehicle crossovers from the road carriageway to the property boundary. Should any damage be caused to Sunnyside Road, 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.
22. The proposed entry point/access as shown on approved plan 8744-4113 – 'Site Plan', dated 7/02/2020 (marked in Red by Council) is to be relocated further north in order to provide sufficient sight stopping distance from Swans Road.

**Note:** By relocating the site access further north, potential conflict between any future upgrade of Swans Road (including intersection with Sunnyside Road) and the approved site entry will be avoided.

23. A vehicle access from Sunnyside Road to the development site boundary is to be constructed in accordance with CMDG Drawing CMDG-R-040 Rev E, 'Rural Road Access and Property Access Over Table Drains' dated 12/2016. The design of the vehicle crossovers must cater for the maximum design vehicle size accessing the site, ensuring turning movements are fully contained within the crossover and no damage is caused to Sunnyside Road.

24. 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.
25. All heavy vehicle parking and standing areas must be separated from designated light vehicle parking areas.

#### Haulage travel routes

26. Heavy vehicles associated with the approved use are prohibited from using the section of Sunnyside Road that runs south-west of the approved site entry (i.e. between the site entry and the southernmost intersection of Sunnyside Road and Wallumbilla North Road).

All heavy vehicles associated with the approved use are to access the wider road network using the section of Sunnyside Road that runs north of the site entry toward Wallumbilla North Road, and in accordance with section 3.3 of the Site-based Management Plan prepared by Attexo Group Pty Ltd, dated 21/02/2020, Revision 0.

Note: A heavy vehicle is considered any vehicle that has a gross vehicle mass (GVM) or aggregate trailer mass (ATM) of more than 4.5 tonnes.

#### Road/intersection upgrades

27. Sunnyside Road is to be upgraded north from the site entry point to the northernmost intersection of Sunnyside Road and Wallumbilla North Road (travelling north from the site access) in accordance with the following standards:

- a) formation width: 8.0 metres;
- b) pavement width: 7.0 metres;
- c) pavement design:  
CMDG Table D2.08.1 'Rural & Rural Residential' <100 vpd;
- d) rural design criteria:

Table D1.21.03 'Rural Road Elements for Maranoa Regional Council, 40 - 99 VPD Rural Access – Primary A'; and otherwise generally in accordance with Capricorn Municipal Development Guidelines D1 'Geometric Road Design.'

28. The intersection at Wallumbilla North Road/Sunnyside Road must be upgraded to accommodate the largest type of vehicle associated with approved use. Intersections upgrades are to be carried out in accordance with Capricorn Municipal Development Guidelines D1 'Geometric Road Design'.
29. Stopping Sight Distance assessment to be completed on the Wallumbilla North Road, with any works (including vegetation clearing) to be undertaken to achieve the minimum requirements as outlined in Capricorn Municipal Development Guidelines D1 'Geometric Road Design'.
30. Operational Works approval will be required for any works carried out on Councils road network, unless the works are undertaken by Council as part of a private works agreement.

Any application for 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.

31. Signage is to be provided at the entrance of the site displaying information including details of, and the contact phone numbers for;
- The operator of the site; and
  - Person/s responsible for the management of the site.

**Note:** Signage is limited to the necessary contact information and must not impact upon the visual amenity of the locality.

#### **Provision of services**

32. 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.
33. 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, firefighting purposes and also a potable water supply sufficient to meet the needs of staff and visitors to the site.
34. The site must be connected to an on-site effluent disposal 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.
35. 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.

36. 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.
37. 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.

#### **Fencing**

38. 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 on any frontage to a public road and boundary to land used for a sensitive land use.

#### **Emergency events**

39. 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.

40. The manufacture or storage of hazardous material on the premises is prohibited.

**Erosion and sediment control**

41. Erosion and Sediment Control is to be managed in accordance with approved Site-based Management Plan prepared by Attexo Group Pty Ltd, dated 21/02/2020, Revision 0 and Capricorn Municipal Development Guidelines D7 'Erosion Control and Stormwater Management'.

**Stormwater and drainage**

42. Stormwater and drainage is to be managed in accordance with with approved Site-based Management Plan prepared by Attexo Group Pty Ltd, dated 21-02-2020, Revision 0 and Capricorn Municipal Development Guidelines D5 'Stormwater Drainage Design'.
43. 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.
44. 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.
45. 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.
46. The developer shall immediately clean up and satisfactorily remove any deposited construction material or silt runoff from the development site.
47. 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.
48. 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.
49. 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.

**Advertising signage**

50. Any additional advertising signage established at the premises is subject to further development approval unless compliant with the requirements for "Accepted development" or "Accepted development subject to requirements" identified in the planning scheme in force at the time.
51. Any advertising signage associated with the approved use must be fully contained within the development site boundaries and must not encroach into adjoining properties or roads.

**No cost to Council**

52. 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. This includes the costs of any services and infrastructure required in connection with the establishment of the development.

**Latest versions**

53. 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 commencement of the development works, unless a regulation or law requires otherwise.

**Application documentation**

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

**General Advice:**

- (a) The Capricorn Municipal Development Guidelines apply to this development. Refer to <http://www.cmdg.com.au/> for the Capricorn Municipal Development Guidelines (CMDG).
- (b) 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.
- (c) 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.
- (d) 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.
- (e) 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).
- (f) 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.
- (g) The approved development is an Environmentally Relevant Activity and requires an Environmental Authority to be issued by the State Department of Environment and Science prior to the commencement of use. Information about obtaining an environmental authority can be located on the departments website at [www.des.qld.gov.au](http://www.des.qld.gov.au).

- (h) This approval may be subject to future Operational Works approval/s. The Operational Works application/s (as applicable) 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.
- (i) A permit from the National Heavy Vehicle Regulator (NHVR) to access the road network may be required.
- (j) 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*.
- (k) 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.

CARRIED

8/1

Cr. 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. Birkett	Cr. McMullen
Cr. Edwards	
Cr. Golder	
Cr. Guthrie	
Cr. Hancock	
Cr. Ladbrook	
Cr. O'Neil	
Cr. Taylor	

<b>Responsible Officer</b>	<b>Planning Officer</b>
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**Item Number:**

**LC.16**

**File Number: N/A**

**SUBJECT HEADING:**

**GLEN OLIVE ROAD MATTER, MT HOWE**

**Officer's Title:**

**Deputy Director/ Strategic Road Management**

***Executive Summary:***

*The agenda item facilitated an update on the matter of Glen Olive Road, Mt Howe.*

**Resolution No. OM/09.2020/109**

**Moved Cr McMullen**

**Seconded Cr Taylor**

**That Council:**

- Draft correspondence to the residents of "Lying Downs" and "Glen Olive" summarising the outcome of the recent deputations on the matter.**
- Continue to progress the matter with a detailed report to be presented to an upcoming meeting of Council that outlines the process and potential costs for all parties associated with establishing an access for the residents of "Lying Downs" off Glen Olive Road.**

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CARRIED	9/0
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<b>Responsible Officer</b>	<b>Deputy Director / Strategic Road Management</b>
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## CLOSURE

There being no further business, the Mayor thanked Council for their attendance and declared the meeting closed at 9.57pm.

**These Minutes are to be confirmed at the next Ordinary Meeting of Council to be held on 14 October 2020, at Mitchell Memorial Hall.**

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Mayor.

.....  
Date.