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# LATE ITEMS AGENDA

## Ordinary Meeting

**Wednesday 6 March 2024**

Roma Administration Centre

### NOTICE OF MEETING

Date: 4 March 2024

Mayor:

Councillor T D Golder

Deputy Mayor:  
Councillors:

Councillor G B McMullen  
Councillor J R P Birkett  
Councillor M C Edwards  
Councillor J L Guthrie  
Councillor J M Hancock  
Councillor W L Ladbrook  
Councillor C J O'Neil  
Councillor W M Taylor

Chief Executive Officer:

Edwina Marks

Executive Management:

Erik Lambert – Director Corporate Services  
Stephen Scott – Director Bendemere  
Seamus Batstone – Director Booringa  
Lee Jackson – Director Bungil  
Thea Griffin – (Acting) Director - Regional Development,  
Environment and Planning  
Dean Ellwood – Director Roma  
Mathew Gane – Director Warroo

Attached is the agenda for the **Ordinary Meeting** to be held at the Roma Administration Centre on **6 March, 2024 at 9.00AM.**

Edwina Marks  
**Chief Executive Officer**

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**PLANNING & BUILDING DEVELOPMENT REPORT**

**Meeting:** Ordinary 6 March 2024

**Date:** 29 February 2024

**Item Number:** L.1

**File Number:** D24/20141

**SUBJECT HEADING:** Minor Change to existing Development Permit - Material Change of Use - "Undefined Use" (Ref: 2022/20698)

**Classification:** Open Access

**Officer's Title:** Manager – Planning, Building & Development Services

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**Executive Summary:**

McFellowes Distilling Pty Ltd T/A Western Queensland Spirit has submitted a Minor Change application in relation to the existing Development Approval issued for an "Undefined Use" (Distillery, Cellar Door, Function Facility and Short-term Accommodation) at 50 Bungeworgorai Lane, Roma.

The applicant wishes to change the conditions in relation to the number of events, operating hours and increase the scale of the accommodation use.

In assessing and determining the application, Council must have regard to the assessment benchmarks provided by Section 81 of the Planning Act 2016. The Planning Act 2016 sets out the procedural requirements for the minor change application process. The proposed change is not considered to result in substantially different development and is therefore supported.

**Officer's Recommendation:**

That Council issue a Change Decision notice to the in relation to the existing Development Approval (Ref: 2022/20698) for a Material Change of Use "Undefined Use" (Distillery, Cellar Door, Function Facility and Short-term Accommodation) at 50 Bungeworgorai Lane, Roma, properly described as Lot 2 on RP35389, reflecting the changes as follows:

(a) Condition 5 be amended from:

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

<b>Plan/Document Name</b>	<b>Date</b>
Western Queensland Spirit – Site Layout	26-Sep-22
Distillery Floor Plan	n.d.
Sample Accommodation Plans	n.d.

To:

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

Plan/Document Name	Date
Western Queensland Spirit – Site Layout	26-Sep-22
<b>Site Plan – Western Queensland Spirit</b>	<b>n.d.</b>
Distillery Floor Plan	n.d.
Sample Accommodation Plans	n.d.

- (b) Condition 42 be amended from:

42. Operating hours for the approved "Function Facility" are restricted to the hours of between 10:00am to 11:00pm on Fridays, Saturdays and Sundays.

To:

43. Operating hours for the approved "Function Facility" are restricted to the hours of:
- Between 10:00am to 11:00pm on Fridays, Saturdays and Sundays; **and**
  - **Between 10:00am and 9:00pm on Mondays to Thursdays.**

- (c) Condition 43 be amended from:

43. The number of events that are permitted to be held at the approved "Function facility" is strictly restricted to 20 events per year.

**Note:** Small events that occur at the premises during Distillery and Cellar Door operating hours, and which do not have the potential to cause nuisance to surrounding and nearby properties, will not be counted toward the 20 function events.

To:

44. The number of events that are permitted to be held at the approved "Function facility" is strictly restricted to:
- 20 events per year on Fridays, Saturdays and Sundays; **and**
  - **20 events per year on Mondays to Thursdays, to be wholly contained within the "Distillery" and "Cellar Door" building.**

**Operating hours for these events are to be strictly in accordance with Condition 42.**

**Note:** Small events that occur at the premises during Distillery and Cellar Door operating hours, and which do not have the potential to

cause nuisance to surrounding and nearby properties, will not be counted toward the 20 function events.

(d) A new Condition 45 be added that states:

**45. A record of all events held on site must be kept and provided to Council annually, or within 48 hours of any written request.**

(e) All other conditions are renumbered but remain unchanged.

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### Individuals or Organisations to which the report applies:

Council's decision regarding this matter is relevant to the applicant, McFellowes Distilling Pty Ltd T/A Western Queensland Spirit.

### Acronyms:

Acronym	Description
N/A	

### Context:

The original development application was decided by Council at a General Meeting on 14 December 2022. A determination to change the approval is therefore required to be made by Council resolution.

### Background:

The original development application was submitted for an "Undefined Use" (Domestic Shed) to be constructed on the subject site. The proposed shed was to be set back 10m from the road frontage, with a 10m solid wall and 6m open awning presenting to the property frontage. This proposal plan was approved by Council at its meeting on 26 October 2022.

The Applicant is seeking to change the approved orientation of the shed by rotating the shed 90° such that a 20m blank wall will present to the property frontage.

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

Pursuant to Section 81 of the Planning Act 2016 (the Act), in assessing a change application, Council must consider;

- the information the applicant included with the application; and
- all matters the responsible entity would or may assess against or have regard to, if the change application were a development application; and
- another matter that the responsible entity considers relevant.

Council must also consider any statutory instrument, or other document, as in effect when the development application for the original development approval was properly made.

The development is also required to be assessed against the definition of a minor change in Schedule 2 of the Planning Act 2016 and the definition of substantially different development in Schedule 1 of the Development Assessment Rules.

The proposed development has been submitted as a minor change application and is required to be assessed against:

- Schedule 2 of the *Planning Act 2016*
- Schedule 1 of the Development Assessment Rules

Assessment against the assessment benchmarks is provided in the table below.

<b>Provision</b>	<b>Response</b>
<p>(b) for a development approval - (i) would not result in substantially different development; and</p> <p><i>A change may be considered to result in a substantially different development if any of the following apply to the proposed change:</i></p> <ul style="list-style-type: none"> <li><i>(a) involves a new use; or</i></li> <li><i>(b) results in the application applying to a new parcel of land; or</i></li> <li><i>(c) dramatically changes the built form in terms of scale, bulk and appearance; or</i></li> <li><i>(d) changes the ability of the proposed development to operate as intended; or</i></li> <li><i>(e) removes a component that is integral to the operation of the development; or</i></li> <li><i>(f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or</i></li> <li><i>(g) introduces new impacts or increase the severity of known impacts; or</i></li> <li><i>(h) removes an incentive or offset component that would have balanced a negative impact of the development; or</i></li> <li><i>(i) impacts on infrastructure provisions.</i></li> </ul>	<p>The proposed change is not considered to be substantially different development as:</p> <ul style="list-style-type: none"> <li>• the change does not involve a new use.</li> <li>• the change does not apply to a new parcel of land.</li> <li>• the proposal to add one additional cabin is not considered to dramatically change the approved built form.</li> <li>• the proposed change does not alter the ability of the development to operate as intended.</li> <li>• the change does not remove any components of the development.</li> <li>• the change is not considered to impact on traffic flow. The existing conditions permitted events to occur midweek, up to 7pm. The proposed change permits a limited number of these events to extend to 9pm.</li> <li>• As all midweek events are conditioned to be contained within the distillery building, the proposed change is not considered to increase the severity of known impacts.</li> <li>• the site is not connected to any reticulated Council infrastructure.</li> </ul>

<b>Provision</b>	<b>Response</b>
(ii) if a development application for the development, including the change, were made when the change application is made would not cause— (A) the inclusion of prohibited development in the application; or	<b>Complies</b> The proposed change does not include any prohibited development.
(B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or	<b>Complies</b> The proposed change does not trigger referral to any external agencies.
(C) referral to extra referral agencies, other than to the chief executive; or	<b>Complies</b> The proposed change does not trigger referral to any external agencies.
(D) a referral agency, in assessing the application under section 55(2), to assess the application against, or have regard to, a matter, other than a matter the referral agency must have assessed the application against, or had regard to, when the application was made; or	<b>Complies</b> The proposed change does not require additional assessment by any referral agencies.
(E) public notification if public notification was not required for the development application.	<b>Complies</b> The original application was Impact Assessable.

**Council Policies or Asset Management Plans:**

The original development application was assessed against the current Maranoa Planning Scheme. Any perceived conflict with the assessment benchmarks in the Maranoa Planning Scheme is considered to have been resolved as part of the original development approval and will not be compromised by the proposed change.

The proposed change is therefore assessed against the relevant assessment benchmarks, with any new areas of inconsistency addressed below.

<b>PERFORMANCE OUTCOMES</b>	<b>ACCEPTABLE OUTCOMES</b>	<b>RESPONSE</b>
<b><i>PLANNING</i></b>		
<b><i>Use, density and built form</i></b>		
<b>PO 11 Operating Hours</b> Uses are operated in a	<b><i>For Business and Entertainment activities:</i></b>	<b>Alternative Solution</b> The original development

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	RESPONSE
<p>manner that ensures that local amenity is protected.</p>	<p><b>AO 11.1</b> Uses are operated between the hours of 6.00 am and 6.00 pm.</p> <p><b>For Community activities:</b> <b>AO 11.2</b> <b>Community activities</b> are operated between the hours of 7.00 am and 8.00 pm where adjoining land in the General Residential Zone, Rural Residential Zone or land designated as Future Urban or Rural Residential on a Strategic Plan Map.</p> <p><b>For Industry activities:</b> <b>AO 11.3</b> Uses are operated between the hours of 6.00 am and 6.00 pm, Monday to Saturday only, and not including public holidays.</p> <p><b>For all other uses:</b> <b>AO 11.4</b> No solution specified.</p>	<p>application proposed to operate the site from 7:00am to 7:00pm generally, with up to 30 events per year operating until 11:30pm.</p> <p>As the event operating hours had the potential to impact on the local amenity of the area, an alternative to the applicant's proposal was conditioned with 20 events per year until 11:00pm, on Fridays, Saturdays and Sundays. Small events were permitted 7 days a week, up to 7pm where contained within the distillery building. The proposed change will increase events to permit an additional 20 events between Monday and Thursday, up to 9pm. The proposed change is not considered to significantly increase the potential impacts on the amenity and the existing conditions of approval are considered to address potential impacts.</p>

**Input into the Report & Recommendation:**

Consultation about this application has occurred with:

- Manager, Planning, Building and Development Services (prior to leave)

**Funding Bodies:**

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



**This Financial Year's Budget:**

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

**Future Years' Budgets:**

As above.

**Impact on Other Individuals or Interested Parties:**

The proposed change application will have impact on the landowners, MJ McLaughlin and WJ Fellowes, and the applicant McFellowes Distilling Pty Ltd T/A Western Queensland Spirit.

Interested parties may include submitters to the original development application and nearby residents.

**Risks:**

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

As with any planning decision reached by Council, there is a risk that the applicant or a submitter can appeal any aspect of the decision to the Planning and Environment Court (the Court).

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

**Advice to Council:**

It is considered that on balance, the proposed change maintains the established grounds to support the overall development despite any perceived inconsistency with the applicable assessment benchmarks.

The proposed changes to the conditions have been recommended to ensure compliance to the greatest extent possible. Any residual inconsistency with the assessment benchmarks needs to be considered in light of various relevant matters including:

- the proposed change is not considered to be substantially different development;
- conditions will be maintained to protect the residential amenity of the surrounding land uses; and

- the development generates an economic benefit to the region.

**Recommendation:**

That Council endorse the officer recommendation to approve the Minor Change application to the existing Development Approval for a Material Change of Use for an "Undefined Use" (Distillery, Cellar Door, Function Facility and Short-term Accommodation) at 50 Bungeworgorai Lane, Roma, being Lot 2 on RP35389, subject to the recommended changed conditions.

**Link to Corporate Plan:**

Corporate Plan 2018-2023

Strategic Priority 4: Growing our region

4.7 Plan and manage the growth of our towns

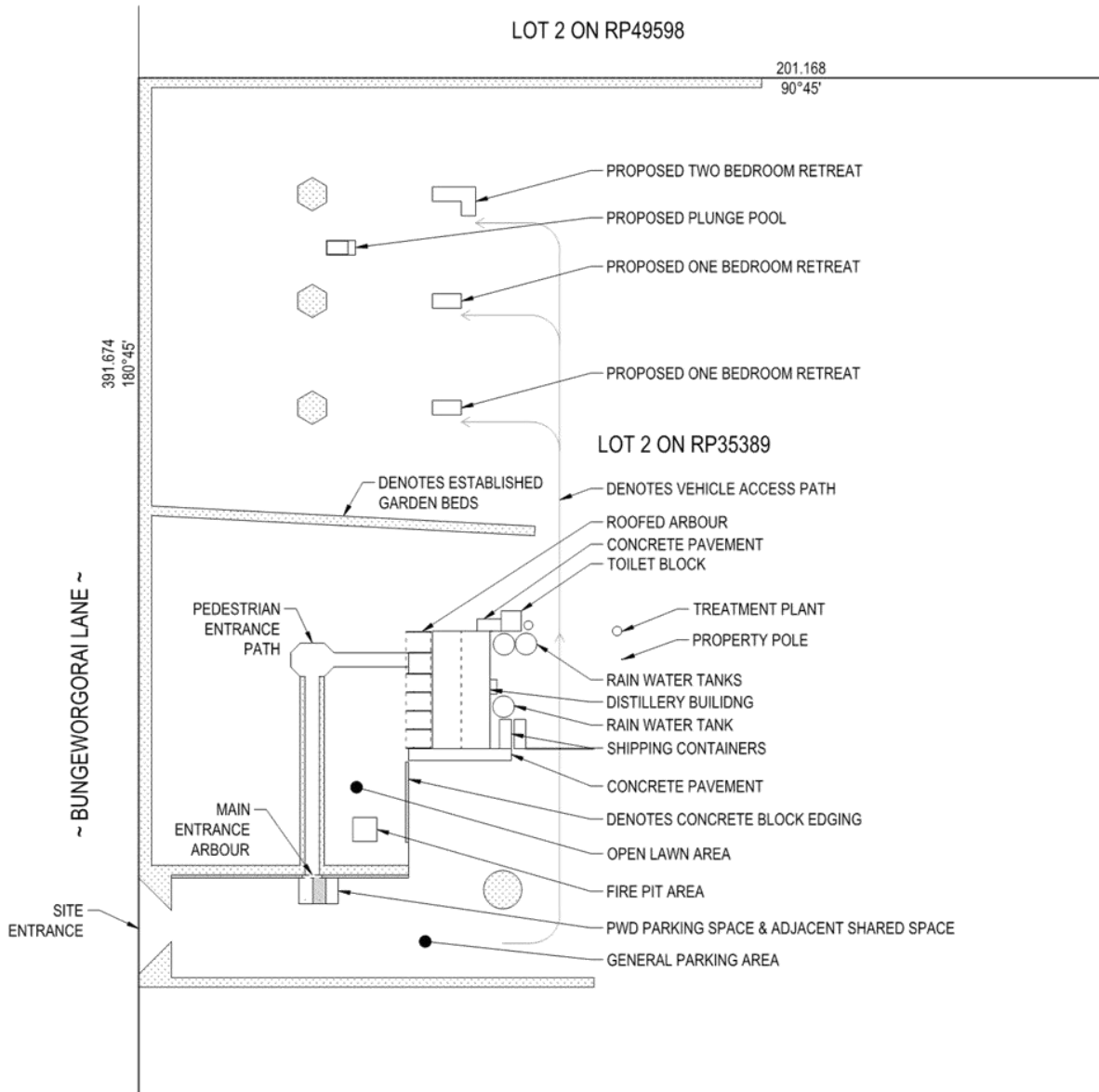
**Supporting Documentation:**

[1](#) Change Application Site Plan

D24/16344

(Acting) Director - Regional Development, Environment & Planning

SITE PLAN - WESTERN QUEENSLAND SPIRIT



**COUNCILLOR REQUEST FOR AN AGENDA REPORT**

**Meeting:** Ordinary 6 March 2024

**Date:** 4 March 2024

**Item Number:** L.2

**File Number:** D24/21200

**SUBJECT HEADING:** Traffic signage at the intersection of Foott Street and Jackson Street Roma.

**Classification:** Open Access

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

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**Executive Summary:**

Community concerns have been raised about the lack of traffic signage at the intersection of Foott Street and Jackson Street Roma.

**Councillor's Recommendation:**

That a report be prepared for an upcoming Council meeting.

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**Details of Requested Agenda Report:**

The local community has raised concerns about the insufficient traffic signage at the Foott Street and Jackson Street intersection in Roma. Residents have highlighted the potential confusion for motorists due to the lack of adequate signage. In response to these concerns, a report is requested to be brought back to the Council.

This report should outline options to enhance the intersection for the benefit of motorists and residents. The assessment should cover the current state of traffic signage, identify specific areas lacking signage, evaluate potential safety hazards, explore best practices for similar intersections, propose solutions for improved signage, estimate associated costs, and outline a plan for stakeholder engagement, including feedback from local residents and businesses. This initiative aims to address the community's apprehensions and contribute to the overall safety and functionality of the intersection.

**Supporting Documentation:**

Nil