



Banana Shire Council ORDINARY MEETING MINUTES

Meeting Date: Wednesday, 23 October 2019

***Venue: Banana Shire Council Chambers
62 Valentine Plains Road, Biloela***

Time: 9.00 am

1.0 Opening of Meeting

"Council recognises that this meeting is held on the Land of the Gaangalu Nation and that the Banana Shire also includes land of the Iman People, Wulli Wulli People, Wadja People, Wakka Wakka People and Darumbal People."

2.0 Attendance including Apologies & Leave of Absence

3.0 National Anthem & Prayer

4.0 Confirmation of Minutes

4.0.1 Ordinary Meeting held 25 September 2019

5.0 Mayor's Report / Minute

6.0 Business Outstanding

6.0.1 Business Arising from Previous Meetings & Matters Lying on the Table

7.0 Declaration of Interest on Matters on the Agenda

7.5 Reception of Deputations by Appointment

8.0 Corporate & Community Services

8.1 Corporate Services

8.1.1 Financial Report P/E 30 September 2019

8.1.2 Resolutions Actions Report

8.1.3 Major Capital Projects – Monthly Actual Expenditure as at 23/09/19

8.1.4 2019/2020 Operational Plans – 1st Quarter Review

8.3 Land and Leasing

8.3.1 Termination of Partial Lease of Wowan Sports Ground

8.3.2 Lease of Land – Lot 22 T776611

9.0 Infrastructure Services

- 9.1 Infrastructure Services
 - 9.1.1 Infrastructure Monthly Report
 - 9.1.2 Resolutions Actions Report
 - 9.1.3 Major Capital Projects – Monthly Actual Expenditure as at 23/09/19
 - 9.1.4 2019/2020 Operational Plans – 1st Quarter Review

10.0 Council Services

- 10.1 Council Services
 - 10.1.1 Resolutions Actions Report
 - 10.1.2 Major Capital Projects – Monthly Actual Expenditure as at 23/09/19
 - 10.1.3 2019/2020 Operational Plans – 1st Quarter Review
- 10.2 Development & Environmental Services
 - 10.2.1 COM002-18/19 Combined Development Application for Material Change of Use for Public Facility – Other (Solar Farm) and Reconfiguring a Lot (10 Lease Areas) – Impact Assessment
 - 10.2.2 Request for Exemption Certificate – Taroom Mens Shed Association – 15 Bridge Street, Taroom
 - 10.2.3 Temporary Local Planning Instrument – Reducing Risk of Development in Muirs Road, Mount Murchison Flood Hazard Area
 - 10.2.4 Request to Transfer Development Fees
- 10.3 Water & Sewerage
 - 10.3.1 Drought Standpipe Subsidy

11.0 Executive Services

- 11.1 Executive Services
 - 11.1.1 Resolutions Actions Report
 - 11.1.2 W4Q Capital Projects – Monthly Actual Expenditure as at 23/09/19
 - 11.1.3 Administrative Action Complaints Management Report – 1 July 2019 to 30 September 2019
 - 11.1.4 2019/2020 Operational Plans – 1st Quarter Review

12.0 Close of Meeting

1.0 Opening of Meeting

The meeting commenced at 9.00 am.

2.0 Attendance including Apologies & Leave of Absence

Councillors – Mayor Nev Ferrier and Crs Snell, Middleton, Brennan, Semple, Leo and Boyce.
Officers – Chief Executive Officer (CEO), Director Corporate & Community Services

3.0 National Anthem & Prayer

Following the National Anthem, Reverend Graham Pfeffer from the Lutheran Church led Council in Prayer.

4.0 Confirmation of Minutes

Minute No: OM004503

Resolution:

That the minutes of the Ordinary Meeting held on 25 September 2019 be taken as read and confirmed.

Moved: Cr Middleton

Seconded: Cr Leo

Carried

5.0 Mayor's Report / Minute

The Mayor reported on the following –

- The successfully run Council Hay Days recently held at the Biloela Showgrounds, and thanked Council staff involved in arranging and the handing out of supplies to those affected by the drought.
 - Advised of a recent meeting with a representative of Golf Australia in relation to the Biloela Golf Club as a venue in the 2020 Outback Queensland Masters, for which Council is providing sponsorship. The event will be held in June 2020.
 - The annual VDM Music Festival held at the Biloela Showgrounds on 12 October 2019.
 - The successful opening of the Brigalow Arts Festival on Friday, 18/10/19 displaying the talent of local artists and others, and which will be on display until 22 November 2019.
 - The State Government's recent approval of a local wind farm.
 - The Annual LGAQ conference held in Cairns last week attended by the Deputy Mayor, DCCS and himself.
 - Rain is still very much needed throughout the shire.
-

6.0 Business Outstanding

It was noted there is no business arising from previous meetings or matters lying on the table.

7.0 Declaration of Interest on Matters on the Agenda

It was noted there are no declaration of interest on matters on the agenda.

8.0 Corporate & Community Services

8.1.1 FINANCIAL REPORT– PERIOD ENDING 30 SEPTEMBER 2019

Date: 15 October 2019

Author: Manager Financial Services, Dave Steger

File ID: 2306

Letter ID:

Attachment: Statement of Comprehensive Income - Actual v Budget to 30 September 2019; Statement of Financial Position – Actual v Budget to 30 September 2019; Statement of Cash Flows - Actual v Budget to 30 September 2019; Statement of Changes in Equity to 30 September 2019; Account Balances, Cash Position and Rates Report to 15 October 2019; Budget Amendments for the quarter ending 30 September 2019; and 10 year Long Term Financial Statements, including 10 year financial ratios.

Minute No: OM004504

This report is a legislative requirement.

Cr Leo asked what the additional income up by 92% was. The DCCS advised he will find out and advise.

Resolution:

That Council:

- 1. Adopt the budget amendments which are attached to and form part of these minutes; and***
- 2. Receive the Financial Report as tabled for the period ending 30 September 2019.***

Moved: Cr Leo

Seconded: Cr Boyce

Carried

Report

1. Introduction

Under subsection 170(3) of the *Local Government Regulation 2012* a local government may, by resolution, amend its budget for a financial year at any time before the year ends. This allows Council to reallocate funds to programs requiring funds in excess of the original budget from programs which have been completed under budget or from programs that will not be commenced in the financial year.

Funds can be reallocated from operational expenditure to capital expenditure or vice versa within departmental programs or across departments. Constrained capital revenue such as developer contributions and capital subsidies cannot be reallocated to fund operations.

In amending its budget, as with setting its original budget, Council should ensure that its Corporate Plan objectives are still being achieved through its budget amendments.

The purpose of the Financial Report is to give Management and Council an overview of the organisation's financial performance for the period ending 30 September 2019.

It is presented in a format which compares the year to date to the 2019/2020 budget. The year to date budget is 25% of the amended budget. The financial analysis contained in this report compares; either year to date expenditure with equivalent budget to date expenditure or, in the case of rates, year to date expenditure with an appropriate cash flow position.

As the Audit has not been finalised the Balance Sheet may still change. Therefore, Council should view this statement as an estimate of Council's position at 30 September 2019.

2. Report

Budget Amendments

The significant 2019/20 budget amendments in the first review for this financial year are:

- Additional Funding:
 - \$405,000 – LGGSP 19-21 Taroom STP
 - \$361,627 – R2R
- Reduction of FAGS funding by \$84,202
- There were various scope and project changes within the Infrastructure Services capital program. These and changes in other capital programs has resulted in a net increase of \$297,245 to the overall Capital program.
- Additional Expenditure - \$225,000 for Public Toilets

For complete details of all budget amendments please refer to the attached budget amendment spreadsheet.

Comprehensive Income Statement:

Council recorded an operating surplus of \$7,258,574 in August. The result is generally consistent with the 2018-19 September surplus and a normal part of Council's operating cycle.

The main points to consider from this month's report are:

- The adjusted due date for the payment of rates is 16 October 2019.
- At the end of September, net rates are 0.74% above the cashflow position. It is also evident that a large proportion of rates were paid prior to the original due date of 16 September 2019.
- The other main areas of revenue are below the year-to-date cashflow position: fees and charges – down by 4.93%; operating grants – down by 9.82%; interest revenue – down by 14.04%; contract and recoverable works – down by 14.29%; and other income – up by 92.17%. At this stage most of these differences will be related to timing issues, for example: when grants will be received; or when contract work will be performed.
- Total operating expenditure is 0.2% below the year to date budget position. The contributing factors are:
 - Employee benefits – 6.11% above year-to-date budget. This is likely a reflection of budgeted vacancy efficiencies not being able to be realised in the early part of the financial year.
 - Materials and Services – 2.24% below the year-to-date budget position.
 - Finance Costs are 11.971% below the year-to-date cashflow position.

Capital Expenditure:

Capital expenditure – see separate report.

3. Conclusion

Given the likely audit result (an operational deficit of about \$3.7 million) and the operational deficit of \$1.9 million in the budget, it will be important for Management to continue to proactively monitor both revenue claims and expenditure and quickly adjust to changes in an effort to ensure that Council achieves the best possible end of year result.

Considerations

1. Corporate Plan

This matter has direct reference to Corporate Plan Strategy 1.2. (a), (b), (c) and (d).

2. Policy and Legal Implications

N/A

3. Financial and Resource Implications

Management will monitor revenue, expenditure and cashflow to ensure that Council has sufficient financial resources to deliver its budgeted commitments and achieve the best possible operating result for Council.

4. Risk Assessment

N/A

[illegible]

2019/20 BUDGET AMENDMENTS for the quarter ending 30th September 2019

ACCOUNT/JOB NUMBER	DESCRIPTION	ORIGINAL BUDGET	AMENDED BUDGET	NOTES	CHANGE	INCOME	DISCOUNT	OP COST	EMP COST	CAPITAL	RESERVES
					\$ -						
					\$ -						
					<u>-\$ 21,680</u>	<u>-\$ 419,125</u>	<u>\$ -</u>	<u>\$ 225,000</u>	<u>\$ -</u>	<u>\$ 172,445</u>	<u>\$ -</u>
Water Services											
6000-1301-0000	Taroom SPS1 Upgrade	\$ -	\$ 49,447	Returned from Trust	-\$ 49,447	-49,447					
					\$ -						
					\$ -						
					\$ -						
					\$ -						
					<u>-\$ 49,447</u>	<u>-\$ 49,447</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
Sewerage Services											
6500-1300-0000	9ML Res Repair	\$ -	\$ 22,184	Returned from Trust	-\$ 22,184	-22,184					
7650-1553-0003	LGGSP 19-21 Taroom STP	\$ -	\$ 405,000	30% Funding received July 2019	-\$ 405,000	-405,000					
					\$ -						
					\$ -						
					<u>-\$ 427,184</u>	<u>-\$ 427,184</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
Total											
					<u>-\$ 231,811</u>	<u>-\$ 754,056</u>	<u>\$ -</u>	<u>\$ 225,000</u>	<u>\$ -</u>	<u>\$ 297,245</u>	<u>\$ -</u>
								<u>-\$ 231,811</u>			

NOTES

8.1.2 ACTION REPORT ON PREVIOUS COUNCIL RESOLUTIONS – CORPORATE & COMMUNITY SERVICES

Date: 17 October 2019
Author: Thomas Upton - Director Corporate & Community Services
File No:
Letter No:
Attachment: Resolutions Action Report
Minute No: OM004505

Cr Boyce asked about the Football Clubhouse at Taroom, and the CEO advised it is part of the Works for Queensland funding still to be approved by the State.

Resolution:

That the Resolutions Action Report for Corporate & Community Services as presented be noted and received.

Moved: Cr Snell

Seconded: Cr Boyce

Carried

Report

This report is to advise Council of the outstanding matters currently being dealt with by the organisation.

Considerations

1. **Corporate Plan**
N/A
2. **Policy and Legal Implications**
Policy and legal implications will be addressed through each matter.
3. **Financial and Resource Implications**
Budget impacts will be addressed in resolving each matter.
4. **Risk Assessment**
N/A

8.1.3 MAJOR CAPITAL PROJECTS – MONTHLY ACTUAL EXPENDITURE – CORPORATE & COMMUNITY SERVICES

Date: 10 October 2019
Author: Thomas Upton - Director Corporate & Community Services
File No:
Letter No:
Attachment: Capital Expenditure Report
Minute No: OM004506

Resolution:

That Council note and receive the Major Capital Expenditure Report as at 23 September 2019 for Corporate & Community Services.

Moved: Cr Middleton

Seconded: Cr Semple

Carried

Report

Providing a report on Council's Major Capital Expenditure as at 23 September 2019 for Corporate & Community Services.

Refer attachment.

8.1.4 2019/20 CORPORATE & COMMUNITY SERVICES OPERATIONAL PLAN ASSESSMENT AS AT 30/09/2019

Date: 10 October 2019
Author: Tom Upton - Director Corporate & Community Services
File No:
Letter No:
Attachment: 2019/20 Operational Plan – 1st Quarter Review
Minute No: OM004507

Resolution:

That Council receive Corporate & Community Services' first quarter assessment of the 2019/20 Operational Plan.

Moved: Cr Leo

Seconded: Cr Snell

Carried

Report

Corporate & Community Services first quarter assessment of 2019/20 Operational Plan is attached.

8.3.1 TERMINATION OF PARTIAL LEASE OF WOWAN SPORTS GROUND

Date: 16 September 2019
Author: Dean Smoothy – Land and Lease Management Coordinator
File No:
Letter No:
Attachment: #1500686, #1501428
Minute No: OM004508

The **Mayor** raised the issue of the Skate Park on the grounds and the DCCS outlined the process that would be followed.

Resolution:

That Council agree to the six (6) month termination notification of the partial lease over Lot 19 on RN 1275 known as the Wowan Sports Ground, 12 Dee River Road Wowan, to be sent.

Moved: Cr Semple

Seconded: Cr Snell

Carried

Report

The Wowan Sports Club Inc has held a formal registered lease on the Wowan Sports Ground (Lot 19 on RN 1275) since April 2019. A letter (#1500686) has since been received stating that in December 1982, permission was given for the adjustment of three (3) horses within the area identified by the green outlining in the map below. It has been noted that in recent times, no horses have been seen on the lot and that the area in question was used to run cattle. Condition five (5) of the December 1982 approval letter states, “*Council reserving the right to terminate the lease on six (6) months’ notice*”.

Wowan Sports Club Inc is the actual financial lease holder of this Lot as a community group and not as a commercial enterprise. It has been agreed (#1501428) that the area marked in red has been made available to Council for the storage of materials and additional parking area for Council vehicles.

Considerations

1. **Corporate Plan**
1.1 (k), 2.1 (c),
2. **Policy and Legal Implications**
Allocation of assets with formal process
3. **Financial and Resource Implications**
NIL
4. **Risk Assessment**
NIL



8.3.2 LEASE OF LAND – LOT 22 on T77611

Date: 17 September 2019
Author: Dean Smoothy – Land and Lease Management Coordinator
File No:
Letter No:
Attachment:
Minute No: OM004509

Resolution:

That Council accept the offer for lease of land situated at 1 Railway Parade (L22 T77611) Theodore in accordance with the Commercial-in-Confidence report to Council.

Moved: Cr Boyce

Seconded: Cr Brennan

Carried

Report

A Commercial-in-Confidence report has been provided for Council's reference.

Council again discussed Agenda Item 8.1.1 as requested by Cr Leo, in particular the Budget Amendments, and the DCCS outlined same.

It was resolved to bring forward Agenda Item 11.1.1 to consider while waiting for the Manager Infrastructure Technology to arrive in the absence of the Director Infrastructure Services.

11.0 Executive Services

11.1.1 ACTION REPORT ON PREVIOUS COUNCIL RESOLUTIONS – EXECUTIVE SERVICES

Date: 14 October 2019
Author: Ray Geraghty - Chief Executive Officer
File No:
Letter No:
Attachment: Resolutions Action Report
Minute No: OM004510

Resolution:

That the Resolutions Action Report for Executive Services as presented be received.

Moved: Cr Middleton

Seconded: Cr Snell

Carried

Report

This report is to advise Council of the outstanding matters currently being dealt with by the organisation.

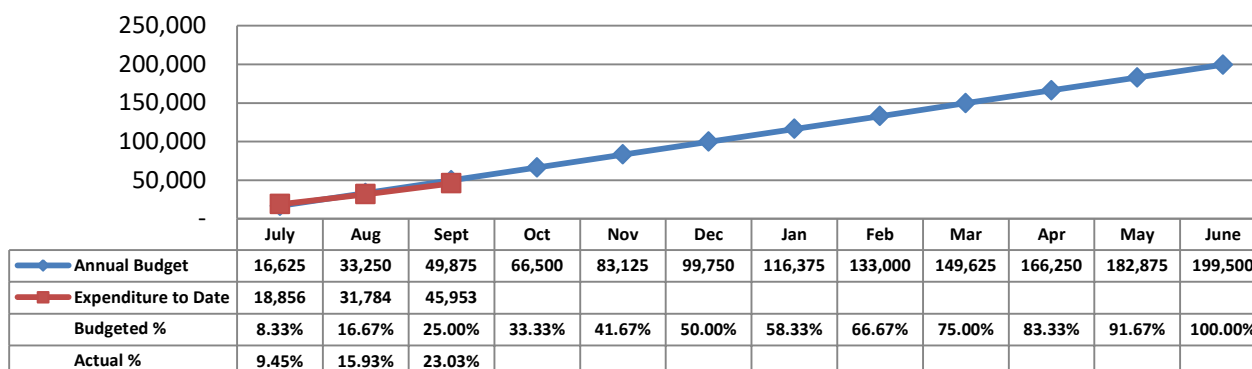
Considerations

1. **Corporate Plan**
N/A
 2. **Policy and Legal Implications**
Policy and legal implications will be addressed through each matter.
 3. **Financial and Resource Implications**
Budget impacts will be addressed in resolving each matter.
 4. **Risk Assessment**
N/A
-

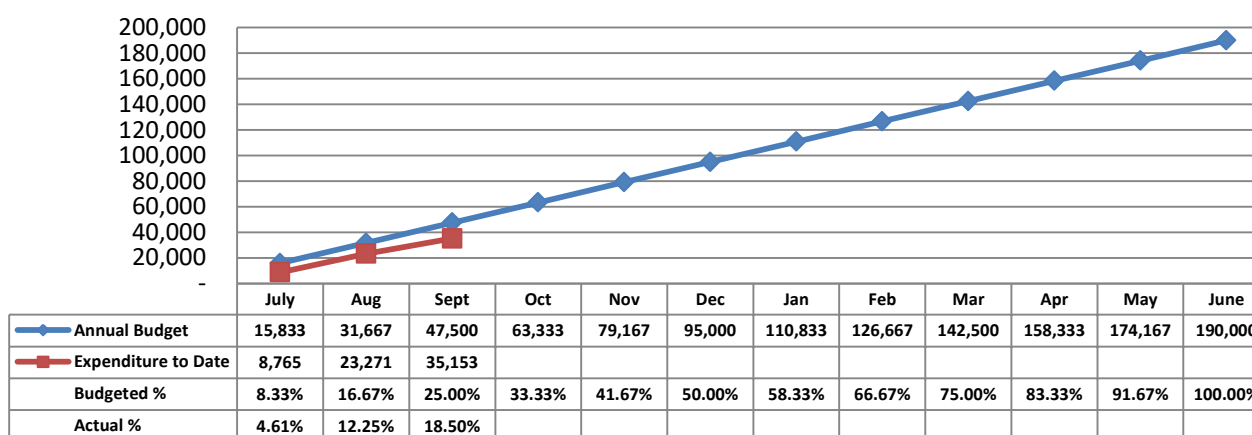
The Manager Infrastructure Technology attended the meeting.

Before proceeding the Mayor referred to the \$1M drought funding relief recently received and the guidelines for same, which were only received in the last few days. It was noted that the projects for same are to be completed by June 2020, however he intends liaising with the relevant government body to hopefully extend this timeframe. Discussion was held on this matter.

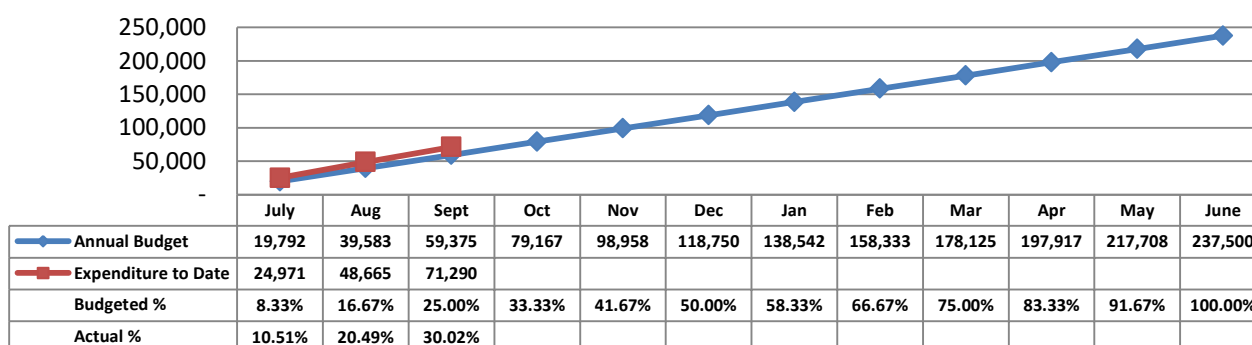
Public Toilets
5320-2380-0000



Street Cleaning
5360-2380-0000



Street Lighting
5380-2380-0000



Considerations

1. Corporate Plan

Maintaining Council's infrastructure relates to Council's 'Corporate Objective 5 – Plan and deliver effective and efficient infrastructure services'.

2. Policy and Legal Implications

The delivery of this program will be managed in such a way as all appropriate/applicable policies/legislation is complied with.

3. Financial and Resource Implications

The delivery of the various works programs are a significant undertaking by the Works Section which require an extensive commitment by the entire Works group.

All of these various programs will be delivered simultaneously utilising various combinations of Council, Sub-Contractor and Principal Contractor resources.

Critical to the delivery of these inter-connected programs is the diversity and multi-skilled competency of the expanded workforce, with a degree of internal redundancy contained within the Section.

Actual expenditure to date compared to target expenditure for 2019/20 is shown on the included graphs.

4. Risk Assessment

The primary risk factors and control measures that would impede the full delivery of the maintenance program are:

- Wet weather
- Loss of key staff
- Inability to appropriately up-skill, attract and/or retain key staff
- Breakdown of critical plant items
- Availability of key sub-contract plant and services
- Availability of key materials

These risks are constantly being monitored, reviewed and addressed.

9.1.2 ACTION REPORT ON PREVIOUS COUNCIL RESOLUTIONS – INFRASTRUCTURE SERVICES

Date: 10 October 2019
Author: Chris Whitaker - Director Infrastructure Services
File No:
Letter No:
Attachment: Resolutions Action Report
Minute No: OM004512

A discussion was held in relation to Item No. 1 on the report and it was resolved to let the relevant business know of discussions held with Main Roads.

Resolution:

That the Resolutions Action Report for Infrastructure Services be noted and received.

Moved: Cr Semple

Seconded: Cr Brennan

Carried

Report

This report is to advise Council of the outstanding matters currently being dealt with by the organisation.

Considerations

1. **Corporate Plan**
N/A
 2. **Policy and Legal Implications**
Policy and legal implications will be addressed through each matter.
 3. **Financial and Resource Implications**
Budget impacts will be addressed in resolving each matter.
 4. **Risk Assessment**
N/A
-

Director Council Services attended the meeting.

9.1.3 MAJOR CAPITAL PROJECTS – MONTHLY ACTUAL EXPENDITURE – INFRASTRUCTURE SERVICES

Date: 10 October 2019
Author: Chris Whitaker - Director Infrastructure Services
File No:
Letter No:
Attachment: Capital Expenditure Report
Minute No: OM004513

Resolution:

That Council note and receive the Major Capital Expenditure Report for Infrastructure Services as at 23 September 2019.

Moved: Cr Semple

Seconded: Cr Brennan

Carried

Report

Providing a report on Council's Major Capital Expenditure as at 23 September 2019 for Infrastructure Services.

Refer attachment.

9.1.4 2019/20 INFRASTRUCTURE SERVICES OPERATIONAL PLAN ASSESSMENT AS AT 30/09/2019

Date: 10 October 2019
Author: Chris Whitaker - Director Infrastructure Services
File No:
Letter No:
Attachment: 2019/20 Operational Plan – 1st Quarter Review
Minute No: OM004514

Resolution:

That Council receive Infrastructure Services first quarter assessment of the 2019/20 Operational Plan.

Moved: Cr Brennan

Seconded: Cr Semple

Carried

Report

Infrastructure Services first quarter assessment of 2019/20 Operational Plan is attached.

Infrastructure Miscellaneous

Cr Brennan advised he has received a few complaints about the Biloela Lawn Cemetery, i.e. it is looking pretty ordinary, dead grass, untidy etc. The Mayor reminded Cr Brennan that Council is waiting on approval of a submission to install a bore in the area under the Works for Queensland funding program. A discussion was held on this matter. The Mayor advised there are a couple of funerals there this week and asked the Manager Infrastructure Technology to check it is tidy etc for same.

Cr Leo asked about the skate park in Moura, i.e. when it may be open again and the Manager Infrastructure Technology will follow up on same.

The Manager Infrastructure Technology left the meeting.

10.0 Council Services

10.1.1 ACTION REPORT ON PREVIOUS COUNCIL RESOLUTIONS – COUNCIL SERVICES

Date: 8 October 2019
Author: John McDougall, Director Council Services
File ID:
Letter ID: N/A
Attachment: Resolutions Action Report
Minute No: OM004515

Cr Brennan asked what is happening in relation to the levee bank on Meissner's Road and DCS verbally advised on the current position.

Cr Middleton asked if there is any update on water running at the Banana Hotel. DCS will follow up on same.

Manager Environment & Planning attended the meeting.

Resolution:

That the Resolutions Action Report for Council Services as presented be noted and received.

Moved: Cr Middleton

Seconded: Cr Snell

Carried

Report

This report is to advise Council of the outstanding matters currently being dealt with by the Department.

Considerations

1. **Corporate Plan**
N/A
2. **Policy and Legal Implications**
Policy and legal implications will be addressed through each matter.
3. **Financial and Resource Implications**
Budget impacts will be addressed in resolving each matter.
4. **Risk Assessment**
N/A

10.1.2 MAJOR CAPITAL PROJECTS – MONTHLY ACTUAL EXPENDITURE – COUNCIL SERVICES

Date: 10 October 2019
Author: John McDougall - Director Council Services
File No:
Letter No:
Attachment: Capital Expenditure Report
Minute No: OM004516

Resolution:

That Council note and receive the Major Capital Expenditure Report for Council Services as at 23 September 2019.

Moved: Cr Snell

Seconded: Cr Middleton

Carried

Report

Providing a report on Council's Major Capital Expenditure as at 23 September 2019 for Council Services.

Refer attachment.

10.1.3 2019/20 COUNCIL SERVICES OPERATIONAL PLAN ASSESSMENT AS AT 30/09/2019

Date: 10 October 2019
Author: John McDougall - Director Council Services
File No:
Letter No:
Attachment: 2019/20 Operational Plan – 1st Quarter Review
Minute No: OM004517

Cr Middleton asked about the fire at the Taroom dump and the DCS advised a briefing report will be provided to the Councillors. The CEO advised of a recent incident at the site in the last 24 hours involving the police.

Resolution:

That Council receive Council Services' first quarter assessment of the 2019/20 Operational Plan.

Moved: Cr Middleton

Seconded: Cr Snell

Carried

Report

Council Services first quarter assessment of 2019/20 Operational Plan is attached.

10.2.1 COM002-18/19 – COMBINED DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR PUBLIC FACILITY – OTHER (SOLAR FARM) AND RECONFIGURING A LOT (10 LEASE AREAS) – IMPACT ASSESSMENT LOCATED AT TOMLINS ROAD AND DODSONS ROAD, DIXALEA, HIBBS ROAD, GOOVIGEN AND DODSONS ROAD, ULOGIE DESCRIBED AS LOT 39 RN395, LOT 28 RN211, LOT 18 RN271, LOT 37 RN1147, LOT 29 RN210, LOT 32 RN194 AND LOT 33 RN210

Date: 4 September 2019
Author: Chris Welch, Manager Environment and Planning
File ID: COM002-18/19
Letter ID:
Attachment: Attachment 1 – Assessment Manager Conditions (ID1506557)
Attachment 2 – Proposal Plans (ID1504850)
Attachment 3 – Advice Agency Conditions (ID1463362)
Attachment 4 – Applicants response to submission (ID1504735)
Minute No: OM004518

The Planning Officer attended the meeting during consideration of this matter.

Resolution:

That Combined Development Permit Application COM002-18/19 for a Material Change of Use for Public Facility – Other (Solar Farm and Reconfiguring a Lot (10 lease areas) (Impact Assessable) located at Tomlins and Dodsons Road, Dixalea, Hibbs Road, Goovigen and Dodsons Road, Ulogie, described as Lot 39 RN395, Lot 28 RN211, Lot 18 RN271, Lot 37 RN1147, Lot 29 RN210, Lot 32 RN194 and Lot 33 RN210 be approved subject to the conditions contained in Attachment 1 (ID1506557) and the following amended and new condition/s –

Section 1

Amended Condition 2

The leasehold period must not exceed a period of 43 years, and may be extended to provide tenure over the site for the conclusion of operations approved under Section 2 of this approval, decommissioning and rehabilitation works for a further period consistent with the approved Site Rehabilitation Plan.

Section 2

Amended Condition 11

Proposed earthworks are limited to the establishment of building pads, hardstand areas, internal roads, vehicle parking areas and minor re-profiling of land beneath the solar arrays. A development permit is required for all Operational Works.

Amended Condition 19

Prior to the commencement of construction of the solar farm, the following roads are to be upgraded:

- a. Tomlins Road – Upgraded to Rural Minor Collector as per CMDG-Geometric Design or as agreed to by Council. Records and site inspection indicate seal widths less than 5.0m with poorly formed shoulders.*
- b. Dodsons Road – Upgraded to Rural Minor Collector as per CMDG-Geometric Design or as agreed to by Council. Records and site inspection indicate a formation width (shoulders inclusive) of 5.0m (max) and inadequate clear zones.*

Amended condition 20

Prior to the commencement of construction of the solar farm, the intersection of Tomlins and Dodsons Road is to be upgraded as per the recommendations included in the approved Traffic Assessment Report (Issue B) prepared by Northern Consulting or as agreed to by Council.

New condition (after Condition 27)**Condition 28**

Prior to undertaking any road upgrade works identified in the conditions of this development permit, provide a bank guarantee for an amount equivalent to 10% of the value of the road upgrade works.

Amended Condition 64 (Now Condition 65)

Any significant trees to be retained are to be protected during construction.

Amended Condition 73 (Now Condition 74)

Bank guarantees are to be provided to Council at the commencement of construction of each stage of development to be held against the cost of rehabilitating the site post-operation. The amount of the bank guarantee is to be agreed between the developer and Council, is to represent a reasonable estimation of costs and is to be indexed annually.

Amended Condition 75 (Now Condition 76)

Within 6 months of ceasing electricity generation, the applicant must commence implementation of the Council approved SRP including any recommended works and remediation measures required to rehabilitate the site as far as practical to the condition the site was in prior to the approved use commencing on the premises.

Moved: Cr Middleton

Seconded: Cr Snell

Carried

The above motion was carried with Cr Boyce voting against the motion.

Note: An updated Assessment Manager Conditions is attached to these minutes.

Report

Applicant:	Edify Energy
Owner/s:	Maynard Assets, GA & A Maynard, DG Dunn, AP & JM Fenech
Subject Site:	Lot 39 RN395, Lot 28 RN211, Lot 18 RN271, Lot 37 RN1147, Lot 29 RN210, Lot 32 RN194 and Lot 33 RN210
Application Lodged:	11 January 2019
Planning Scheme:	Banana Shire Planning Scheme
Zone and Overlays:	Rural Zone - Catchment Overlay, Bushfire Overlay - medium severity, Utility Gas Power Overlay, Agricultural Land Class Overlay (Class A, C1 & C2)
Applicable Codes:	Rural Zone Code, Development Standards Code, Economic Resources Overlay Code, Natural Disaster Overlay Code
Referral Agencies:	Powerlink (Advice Agency)
Submissions:	11
Summary:	The proposal is consistent with the overall intent and provisions of the Banana Shire Planning Scheme and the <i>Planning Act 2016</i> .

Background

Proposal

The proposal involves the construction and operation of a large scale solar farm over parts of Lot 39 RN395, Lot 28 RN211, Lot 18 RN271, Lot 37 RN1147, Lot 29 RN210, Lot 32 RN194 and Lot 33 RN210. The solar farm is to be constructed to have a project footprint of approximately 2,188ha, leaving a total balance of 1,802ha over the lots. The developed portion of the land is to be leased

long term (up to 40 years) and on cessation of the use, the land is to be remediated to its prior use of rural activities.

The project will utilise photovoltaic (PV) solar panels mounted on single axis trackers, which will follow the sun during the day in an east-west direction to maximise the exposure to sunlight. The trackers will be fixed to piles that are screw-piled or driven into the ground. The proposal will be developed over several stages, with each stage having its own site office and site access. The maximum export capacity is set to be approximately 450 Megawatts and is to connect to the existing Calvale to Stanwell 275kV transmission line which traverses part of the site. An area for solar battery storage is designated next to the switchyard. The balance area of 1,802 ha will remain as rural production areas managed by the existing owners.

The vast majority of the site is cleared agricultural land used for cattle grazing, except part of Lot 29 which features an existing dwelling. A number of watercourses traverse the site but will be outside the proposed development footprint with 10m buffered setbacks established along the watercourses. Pockets of vegetated areas exist along some creek and drainage lines. Vegetated communities exist around the ridges, which are outside the proposed development footprint.

The facility seeks to connect to Powerlink's 275 kV Calvale to Stanwell Transmission Line running through the eastern portion of the site via a new switchyard to be located at the facility. The applicant may be required to construct a short section (approximately 4.5km) of new transmission line from the existing Calvale to Stanwell Transmission to the switchyard. The size/scale of the tower structures will be determined at detailed design stage but could resemble the tower design erected for the existing Calvale to Stanwell Transmission Line.

The Reconfiguring a lot proposal will not create any new permanent lots as it proposes to create the following lease areas:

- Lease area A (size of 489.44ha),
- Lease area B1 (size of 96.53 ha),
- Lease area B2 (size of 460.09ha),
- Lease area C (size of 337.67ha),
- Lease area D1 (size of 67.33ha),
- Lease area D2 (size of 134.49ha),
- Lease area E (size of 374.45ha),
- Lease area F (size of 123.03ha),
- Lease area G1 (size of 62.99ha),
- Lease area G2 (size of 41.81ha),
- The balance area of approximately 1,802ha will not form part of this proposal and will continue its use for agricultural purposes.

Subject Site and Surrounding Land Uses

The vast majority of the site is vacant rural land used for the purposes of cattle grazing with exception for Lot 29 which features an existing residential dwelling. The site is relatively flat within the proposed development footprint areas. Existing ridges exist in the southern portion of the site, but outside the development footprint. The areas within the proposed development footprint are generally cleared or sparsely vegetated. Pockets of vegetated areas exist along some creek and drainage lines. Vegetated communities exist around the ridges, which are outside the proposed development footprint. An electricity transmission line easement traverses Lot 32 RN194, Lot 33 RN210 and Lot 17 RN1147.

Surrounding land uses are:

- To the north – rural grazing land devoid of buildings with the exception of Lot 30 RN210 which has a dwelling and farm outbuildings located approximately 70 metres from the northern boundary of the site. This dwelling overlooks the northern portion of the development area.
- To the east – rural grazing land devoid of buildings with the exception of Lot 74 RN505 which has a dwelling and farm outbuildings located approximately 1.2 kilometres from the eastern boundary of the site and approximately 3 kilometres from the development area. This dwelling has no direct view of the development areas of the site.

- To the south – a telecommunications tower, rural grazing land devoid of buildings with the exception of Lot 45 RN395 which has a dwelling and farm outbuildings located approximately 1.5 kilometres from the southwest boundary of the site. This dwelling does not overlook any part of the site.
- To the west - rural grazing land devoid of buildings with the exception of Lot 40 RN346 which has a dwelling and farm outbuildings located approximately 1.2 kilometres from the eastern boundary of the site. This dwelling does not overlook any portion of the site but does have a direct view of part of the development area.

Planning History

There is no relevant planning history.

Key Issues

Flood Hazard

Parts of the Banana Shire are susceptible to flooding. The subject site is identified as not being flood prone according to Banana Shire Flood Assessment – Goovigen and Jambin - Maximum Flood Depth 1% AEP plus Climate Change Event (Map 01-CA-213) dated 12/05/2016.

There are no issues that are not otherwise detailed under the Town Planning Considerations section of this report.

Referral Agencies

The application triggered referral to Powerlink as an Advice Agency for the premises being subject to an electricity transmission line easement, as in accordance with Schedule 10, Part 9, Division 2 of the Planning Regulation 2017.

A summary of the referral agency requirements are provided below:

Powerlink (ID1463362):

- The development must be carried out generally in accordance with the reviewed plans
- The statutory clearances set out in the *Electrical Safety Regulation 2013* must be maintained during construction and operation. No encroachment within the statutory clearances is permitted.
- Compliance with the terms and conditions of the easement.
- Compliance with the generic requirements in respect to proposed works in the vicinity of Powerlink Queensland infrastructure.

Internal Referral Comments

The application was referred internally on 15 January 2019 (ID 1452576) and 29 May 2019 (ID 1478224).

Water & Sewerage Services – Comments received 16 January 2019 (ID 1452744) and 30 May 2019 (ID 1478974).

Infrastructure Services – Comments received 16 January 2019 (ID 1452745) and 19 June 2019 (ID 1482445).

Building & Plumbing – Comments received 17 January 2019 (ID 1453374) and 19 June 2019 (ID 1482367).

Environmental Health – Comments received 22 January 2019 (ID 1454109) and 29 January 2019 (ID 1455478).

Environmental Sustainability – Comments received 20 June 2019 (ID 1482684).

Comments, conditions and advice received during internal referral have been incorporated in the decision and conditions of approval.

Public Notification

The application was subject to public notification.

The application was advertised for not less than fifteen (15) business days in accordance with the *Planning Act 2016*; the advertising period was between 10 June 2019 and 28 June 2019. Public Notification was carried out correctly (ID 1486092).

There was a total of 11 properly made submissions for the application; six in favour of the proposal and five opposed.

The submissions raise a number of important issues/concerns relating to the potential impacts of the proposed development. Copies of submissions can be made available on request. The details/grounds of submissions for the application and Council's responses are summarised in the following table:

Issue	Response
The submitters identified that the high quality soils that comprise the development area are susceptible to movement and construction may lead to instability and erosion of the site.	The proposed construction method of driving the mounting poles into the soil reduces the initial exposure to risk or erosion. The proposal can be conditioned to require sediment and erosion control in both construction and operation stages of the development. The potential impact of soil movement on the construction is an operational matter for the proponent.
The submitters are concerned that damage to panels and/or battery failure would allow contamination of waterways from chemicals, impacting on water supply in the district	The damage to panels and battery failure is an operational matter for the proponent. The developer will be bound by the general obligations under the Environment Protection Act to not willingly or knowingly be responsible for contamination of the environment and will be open to prosecution should they fail to discharge that obligation. The proposal can be conditioned to require the provision and implementation of an environmental management plan to address these concerns.
The submitters are concerned that the proposal will result in less rainfall reaching the ground and waterways, impacting on reef regrowth areas and endangered ecosystems.	The submitters have failed to provide any evidence of solar farms interfering with rainfall patterns. Run-off from the panels will continue to discharge directly to ground as is currently the case. Evaporation of water from the panel surfaces is considered to be negligible given that the panels are mounted at an angle which will encourage water to run off rather than be sitting long enough to evaporate.
The submitters are concerned that erosion will not be able to be effectively managed by grass cover alone.	The proposal can be conditioned to require sediment and erosion control in both construction and operation stages of the development. The method of such control can be assessed for effectiveness at the time approval is sought for an erosion and sediment control plan.
The creation of a 'heat' island could affect the quality of soils underneath the panels.	The submitters have failed to provide sufficient information to support this position.
The matter of biosecurity and weed management needs to be considered.	The proposal can be adequately conditioned to enable appropriate management of the risk of weed spread and biosecurity compromise.

Issue	Response
The proposal could result in changed wind weather patterns impacting soil, temperature and rainfall	The submitters have failed to provide sufficient information to support this position.
There will be an increased risk of fire through electrical faults, construction, maintenance and mowing	The proposal is located predominantly on areas of no or low bushfire risk. Management of fire risk during operation of the solar farm is a matter for the proponent.
The submitters are concerned about the effect the project will have on livestock through stress from the additional traffic, noise and electromagnetic fields.	The submitters have failed to provide sufficient information to support this position.
Vibrations from the use of pile-driving to install the mounting frames will impact on stock and amenity of residents.	The proposal can be conditioned to restrict any off-site impacts from vibration.
Due to dust and stress livestock may be less willing to utilise areas adjacent to the solar farm, putting pressure on other areas of paddocks which can lead to erosion and added management costs.	The proposal can be conditioned to control the potential impacts of dust nuisance off-site.
A large scale project like this has the ability to affect land values	This is not a planning consideration.
The submitters are concerned that privacy will be affected by the construction, maintenance and operational workers.	The proposal can be conditioned to maintain privacy through the proposed vegetation screening. The conditions would stipulate that this screen be established to mature height prior to development occurring adjacent to any dwelling
The submitters are concerned that workers on the site will be able to determine when the adjoining residences are vacant or attended by women only, leading to increased risk of theft.	There is no information available that indicates theft increases when development occurs on adjoining site. The visual buffer noted above will assist in reducing the ability of workers to determine if the adjoining residences are not fully attended.
The submitters are concerned about a loss of amenity from dust, lighting of night operations and noise of construction and maintenance	The proposal can be conditioned to control the potential impacts of dust nuisance off-site. A similar condition can be imposed to prevent night operations.
The proposal will increase potential for road traffic incidents from increased traffic on narrow roads.	The proponent has indicated that an upgrade of Dodson's Road will be undertaken. Conditions provided by Infrastructure Services will require the upgrade of both Tomlins and Dodson's Roads to Rural Minor Collector standard.
Increased traffic will affect the road standard, requiring increased maintenance.	The proposal can be conditioned to require continual road surface assessment, with maintenance and repairs to be the responsibility of the proponent for the life of the project.
Impact of glare and glint on visual amenity of adjoining property.	The proposal can be conditioned to reduce visual impacts through the proposed vegetation screening. The conditions would stipulate that this screen be established to mature height prior to development occurring adjacent to any dwelling. A condition can also be imposed to require all surfaces to have a non-reflective or matte finish.
Concern about width, extent and maturation of visual vegetation buffer	In a recent successful appeal for a solar farm near Kingaroy, the Court imposed a condition requiring only a 26m setback (16m vegetation

Issue	Response
	and 10m cleared) between the property boundary and solar panels where an adjoining house was 120m from the common boundary. In this instance, the neighbouring house is approximately 100m from the boundary. The proposed 30m setback aligns with the Court condition and could be further strengthened to require 20m of vegetation adjoining the site boundary with a 10m cleared area between the vegetation and solar panels. The conditions would stipulate that this screen be established to mature height prior to development occurring adjacent to any dwelling.
The submitter is concerned about the implications of electromagnetic fields could have on our health.	There is no supporting information provided by the submitter that such impacts occur.
Loss of good quality agricultural land	This matter is addressed in detail below in the response to the Economic Resources Overlay.
If the task of restoring the land to a usable state at the end of life or closure of project falls to the council, the cost will be significant.	The proposal can be conditioned to place the onus of rehabilitation on the developer, with a bank guarantee to protect Council should the operator become insolvent.
Inefficient process as development would be unable to store electricity as battery storage has no proven reliability.	This is an operational issue, not a planning matter.
No control to require rehabilitation to rural use after solar farm ceases	The proposal can be conditioned to require rehabilitation.
Planning system reform is required to protect agricultural land from solar farms	This is a State matter outside of Council's jurisdiction.
State-wide solar code required	This is a State matter outside of Council's jurisdiction.
Inaccuracies and conflicting information reporting on size of proposal	The application consistently identifies a total lease area for the development of 2,133ha and a built infrastructure footprint of 1,993ha. The only inconsistency is associated with the description of the total area of all the lots making up the development site with the planning report identifying 3,136ha and the engineering and ecologist reports identifying 3,623ha. Council records indicate a total area of all subject lots of 3,601ha but as this discrepancy has no direct implications for the development area it is considered to be an issue of little relevance.
The proposal will result in lost beef production, negatively impacting on the meat processing industry from lost throughput.	Conservative stocking rates across the subject site are 1 head per 2.4ha. The lease area of 2,133ha equates to lost production of approximately 890 head annually. Indications are that the Teys processing plant slaughters approximately 200,000 head annually and the lost production from the lease area represents less than 0.5% lost production.
Development in district is too closely settled for this type of development	ABS data for this locality indicates a total of 115 houses (some not actively being used) in an area of 1,217 square kilometres. This equates to one house per 11.5 square kilometres.
More suitable sites elsewhere	The planning scheme does not identify any requirement that development only occur on

Issue	Response
	sites when no other suitable sites are available.
Potential impacts from substation operation and necessary buffering from residences.	The application does not include any information on the voltage of the proposed substation but it is assumed that its connection to the 275kV transmission line will require the substation to have equivalent voltage. The drafting of the new planning scheme has been required to establish buffers of 50m around high voltage substations. The nearest residence to the proposed substation location is almost 2 kilometres away.
Improved work opportunities for locals and improved business conditions	This is not a town planning consideration.
Soil quality of site is poor and best only for grazing	This matter is addressed in detail below in the response to the Economic Resources Overlay.
The site is isolated and not visible to many.	The proposal can be conditioned to mitigate potential visual impacts. The conditions would stipulate that this screen be established to mature height prior to development occurring adjacent to any dwelling.
Solar Farms do not emit carbon dioxide; they generate clean, green electricity over a long period which contributes to making Australia a cleaner and healthier society.	This is not a town planning consideration.

Town Planning Considerations

Banana Shire Planning Scheme 2005

The subject land is located in the Rural Zone and the following planning scheme overlay/s:

- Catchment Overlay
- Bushfire Overlay - medium severity
- Utility Gas Power Overlay
- Agricultural Land Class Overlay (Class A, C1 & C2)

The proposed development is therefore assessable against the following applicable codes:

- Rural Zone Code
- Natural Features and Conservation Areas Overlay Code
- Economic Resources Overlay Code
- Major Utilities Overlay Code
- Natural Disaster Overlay Code
- Development Standards Code
- Reconfiguring a Lot Code

Rural Zone Code

The Rural Zone is predominantly used for agriculture and animal husbandry uses. Urban services are not provided. Rural character and water quality are maintained. Non-rural uses are contemplated in the Rural Zone where those activities do not adversely impact on amenity, do not hinder the operation of other rural activities including the productive capacity of the land and is consistent with maintaining a high level of rural amenity and character.

The scale and nature of the development is such that it can only be located on rural land and its close proximity to the current transmission line. The development is predominantly visibly from Dodsons Road which is a dead-end road providing access to a limited number of properties. The development

is to be setback a minimum of 10m from the road boundaries. The solar arrays have a maximum height of three metres with maximum building height of other structures being eight metres. Visual screening of neighbouring residences is proposed or can be conditioned.

The proposed development is considered to comply with the Rural Zone Code.

A detailed assessment against the Rural Zone Code is available (ID1504852)

Natural Features and Conservation Areas Overlay Code

The proposed development is identified on the Catchment Overlay Map as being within the Declared Sub-Artesian Area. The purpose of the Natural Features and Conservation Area Overlays Code is to protect and maintain the groundwater quality and to ensure that development does not place excessive demands on the water supply.

The development is proposed to be serviced by an on-site wastewater treatment facility that will require plumbing approval to ensure that it meets environmental obligations with respect to any discharge. While there will be a significant number of PV panels erected as part of the facility, the impervious area at ground level will remain the same. The development can be erected to retain the existing contours of the site, respecting existing drainage lines. This will ensure that existing drainage flows and existing point of discharge will be retained. Water supply will generally be required for fire-fighting purposes, occasional cleaning of panels plus some potable supply is required for onsite staff. There are options to source the water from ground water bores, water capture into existing dams, and capture of roofs of the site office, and other on-site structures. Potable water supplies will likely be trucked to site as they are considered small in volume. Options for rainwater use for toilet flushing are present. Water for cleaning the panels throughout operations, if required, will also typically be trucked on to site.

The proposed development is considered to comply with the Natural Features and Conservation Area Overlays Code.

A detailed assessment against the Natural Features and Conservation Area Overlays Code is available (ID1504852)

Economic Resources Overlay Code

The Economic Resources Overlay maintains the dominance of agricultural activities in the Overlay area and protects productive agricultural land from intrusion of non-compatible land uses.

At pre-lodgement meetings and workshops held with the applicant, Council stressed the importance of detailing the impacts of the development on mapped agricultural land across the site. Despite this, the application provided only basic information to the effect that the development would not compromise the long-term use of the land for rural purposes as the land could be returned to agricultural or rural activities at cessation of the development. The application contained no detailed assessment of the values of the land, relying on aerial imagery to argue that mapped Class A land was unviable as a cropping resource and that there were ample underutilised cropping areas in the surrounding district.

In response, Council issued an Information Request identifying that the application did not adequately demonstrate compliance with the relevant section of the Economic Resources Overlay Code and requesting the applicant provide a qualitative agricultural land assessment to include:

- Demonstration of the viability of Class A, C1 and C2 land for the subject site;
- Provision of alternative agricultural uses that could co-exist with the solar farm on proven viable agricultural land;
- Assessment of potential impacts on agricultural viability;
- Proposed suitable alternatives for agricultural practices that are compatible with the solar farm to contribute to ongoing viable productivity of the land.

The applicant responded by providing an Agricultural Land Assessment (ALA) prepared by Range Environmental Consultants. The ALA provided a review of various mapping of soils, climate and literature associated with the site, as well as conducting interviews with landholders for the site. No on-site testing was conducted to verify any of the information sources. The ALA found that the classification of Class A land within the development site was incorrect and that Class C was the appropriate classification of most of the lease area. In responding to this Code, the ALA argued that the land was grazing land, not cropping land; grazing can continue on the balance parts of the site; the loss of productivity on the development site would not permanently or significantly impact on the area of grazing land and cattle production in Banana Shire or Central Queensland.

As Council does not hold the required expertise in assessing agricultural assessments, the services of Mr Bill Thompson of Land Resource and Management were engaged to review the ALA. Mr Thompson is a respected authority in agricultural assessments with significant experience in providing expert reports to the Planning and Environment Court in this field. Mr Thompson's review was critical of the methodology used in the ALA to determine the appropriate classifications of soils and that the ALA should have recommended that the location of cropping suited land be mapped in the field. In his opinion, it is possible that up to 50% of the site could be better quality soil and that the impact on both grazing and cropping potential would be major for the lifetime of the project. It was his opinion that the ALA constrained Council's ability to appropriately assess the application as:

- The actual location and extent of better quality lands that ought to be avoided in the development layout had not been established;
- The ALA did not provide an accurate assessment of the pre-development condition of the soils and rehabilitation could result in a lower quality of post-development condition than would be advisable;
- Layout and physical buffering requirements to mitigate impact from changes in hydrology have not been identified;

In response, Council exercised its ability under section 35 of the Development Assessment Rules to provide Mr Thompson's review to the applicant, and suggested that the application be amended to revisit the methodology of the ALA and that the findings be validated by field investigations. If the revisited ALA identified Class A or B land, the application could be revised to avoid the identified areas. The applicant was also provided the opportunity to provide a more detailed assessment of erosion risk across the site to enable appropriate conditioning of any approval.

The applicant submitted a revised ALA in response. The revised ALA assessment relied partially on soils datasets recommended by Mr Thompson but still contained no field data to support the findings. As a result the applicant concedes that 6% of the site (127ha) contained Class B land and that issues such as wetness, hard-setting and soil water availability limit cropping potential. It is the applicant's position that the area is not suitable for income generating cropping due to:

- the identified area of Class B straddling two separate properties;
- the areas on the separate lots (60-70ha) are well below the normal minimum lot sizes for Class B land (150ha);
- the presence of mapped watercourses in the identified area that limit the potential for cropping;

The revised ALA provided no specific details of erosion risk, relying on conditions being imposed on development to convey and discharge surface water in a non-erosive manner.

The revised ALA was provided to Mr Thompson for review and recommendations. His review criticised the revised ALA failed to refer to the most applicable datasets he had recommended in his original review and had not supported their findings with field sampling. Mr Thompson provided a recommended assessment process for the applicant to follow to identify the extent of better quality soils and managing erosion risk but concedes that it may be difficult to redesign the solar panel footprint to avoid Class A or B land due to the complex pattern of those soils across the site but that as much of this land as can practically be avoided should be.

Subsequently, a teleconference was held between Council, Mr Thompson, the applicants and their consultants to discuss how to resolve the issue. At this time it was agreed that:

- due to previous Court rulings approving solar farms on good quality agricultural land as a ‘temporary’ use, demonstration of ongoing viability has largely been negated;
- co-existence of rural or agricultural activities on the balance areas of the site can occur, either by condition of approval or by landholder choice;
- co-location of rural activities on the developed areas of the site can be a way of managing excess vegetation growth in the area;
- land should be returned to pre-development condition following cessation of the use and a land condition report should be provided by the applicant demonstrating accurately map the attributes of the site, including soil degradation, erosion, etc. so that relevant rehabilitation conditions can be met to ensure that existing conditions are replicated as part of rehabilitation;
- areas identified as currently degraded be accommodated in the design of development layout to assist in the rehabilitation of these areas;

It was agreed that the applicant would undertake field assessments of the site in preparation of the land condition report to be submitted to Council for information prior to making a decision on the application.

The applicant provided a Land Condition Assessment Report prepared by Range Environmental Consultants which provided detailed information on the quality of soils for each lease area of the solar farm. The report identified areas of land degradation in the form of erosion that has already occurred. These areas are to be excluded from the solar farm operations. In excluding these areas it will prevent any further physical disturbance to these areas and assist in the rehabilitation of these areas. In response to assessing the land condition assessment report Council was assisted by Mr Bill Thompson for a further review of this. Mr Thompson concluded that he was satisfied with the findings in the report. Conditions have been included in the approval to ensure compliance with the code.

The proposed development is considered to comply with the Economic Resources Overlay Code.

A detailed assessment against the Economic Resources Overlay Code is available (ID1504852)

Major Utilities Overlay Code

The site is identified on the Major Utilities Overlay as containing regional power transmission lines. The Major Utilities Overlay Code facilitates the provision of infrastructure and provides for separation of incompatible land uses.

The selection of the development site is as a direct result of the need to locate the development close to existing electricity transmission infrastructure. The use is not sensitive to nor has an impact on the operation of the transmission network.

The proposed development is considered to comply with the Major Utilities Overlay Code.

A detailed assessment against the Major Utilities Overlay Code is available (ID1504852)

Natural Disaster Overlay Code

The site is identified on the Natural Disaster Overlay as containing areas of low and medium severity bushfire hazard. The Natural Disaster Overlay Code minimises the risk of bushfire hazard and provides for evacuation in times of hazard.

The development area is outside the mapped area of medium hazard with all improvements setback from the medium hazard area. On-site water storage is proposed for fire-fighting purposes. The proposal does not include the manufacture or storage of hazardous chemicals.

The proposed development is considered to comply with the Natural Disaster Overlay Code.

A detailed assessment against the Natural Disaster Overlay Code is available (ID1504852)

Development Standards Code

The Development Standards Code regulates the design and siting aspects of the development. This includes aspects of access, and the provision of services such as electricity and telecommunications.

The application proposes new accesses and the creation of several lease areas. Council's Infrastructure services have assessed the application and have imposed conditions to ensure the proposal achieves full compliance with the code and mitigates its impacts on the surrounding area.

The proposed development is considered to comply with, or can be conditioned to comply with, the Development Standards Code.

A detailed assessment against the Development Standards Code is available (ID1504852)

Reconfiguring a Lot Code

The Reconfiguring a Lot Code regulates the manner in which land is reconfigured or subdivided, including minimum lot sizes and dimensions, means of access, open space provision and provision of essential services. The purpose of the code is to ensure that when rearranging boundaries that it maintains or improve the usability of the land and ensure access to all lots.

The development proposes to create several lease areas and balance areas over some of the lots making up the site, as this is necessitating for the operation of the solar farm. The lease will be exceeding 10 years therefore the requirement to reconfigure the lot. The proposed reconfiguring will not create any new permanent lots as per the *Queensland Land Act 1994*.

The proposed development is considered to comply with the Reconfiguring a Lot Code.

A detailed assessment against the Reconfiguring a Lot Code is available (ID1504852)

Desired Environmental Outcomes

Having considered the proposed development in detail, the Development and Environmental Services is satisfied that approval of the development will not compromise the Desired Environmental Outcomes (DEO) for the Planning Scheme Area. The relevant DEO relate to the protection and sustainable use of productive agricultural land. As previously detailed in this report, the subject land is identified as suitable for grazing and cropping purposes and the proposed use allows such uses to be recommenced at the end of life of this project. The proposed development complies with the requirements of the relevant planning scheme codes.

Adopted Infrastructure Charges Resolutions

Council's Adopted Infrastructure Charges Resolution No. 1 is not applicable to the proposed development.

State Planning Policy

The State Planning Policy has been considered in the assessment of this application.

Given the Planning Scheme does not include a declaration that it has appropriately incorporated all current elements of the State Planning Policy (SPP). The proposed development is subject to separate assessment against Part E: State Interest policies and assessment benchmarks in the SPP, with relevance to:

- Environment and Heritage

The site is identified as containing the following:

- Waterways for waterway barrier works
- Water resource planning area

- Regulated vegetation
- Regional ecosystems

The proposed layout excludes all areas associated with identified waterways, regulated vegetation and regional ecosystems with a ten metre buffer proposed. The development is capable of being regulated to ensure no negative impacts on groundwater resources.

Central Queensland Regional Plan

The Regional Plan is not applicable to the assessment of this application due to no regional matters being mapped over the site.

Conclusion

On the basis of the above assessment, it is considered that the application be afforded a preliminary approval subject to conditions.

Delegations/Authorisations

The Chief Executive Officer of Banana Shire Council is delegated the power to issue a Decision Notice Approval pursuant to the relevant sections of the PA.

The Chief Executive Officer of Banana Shire Council delegated power to the Director Council Services, Manager Environment & Planning to take action as an 'Assessment Manager' under the relevant sections of the PA under which this application was processed, and under which the Decision Notice will be issued.

Under normal operating procedures, applications with submissions or involving policy sensitive matters (as determined by the Director Council Services) are considered by Council for determination.

Communication

The applicant will be advised of Council's decision in accordance with the requirements of the *Planning Act 2016*.

Considerations

- 1. Corporate Plan**
This report and recommendation is consistent with the intent of the Banana Shire Council Corporate Plan 2016-2021.
 - 2. Policy and Legal Implications**
The application was processed in accordance with the relevant provisions of the Planning Act 2016 (PA). Appeal rights apply to the applicant and to submitters.
 - 3. Financial and Resource Implications**
N/A
 - 4. Risk Assessment**
N/A
-



Attachment 1

COM002-18/19 Conditions of Approval

Part A - Conditions imposed by the Assessment Manager

Section 1 – Development Permit – Reconfiguring a Lot (Subdivision by Agreement – 10 lease areas)

General

1. The development is to be completed and maintained generally in accordance with the approved plans and documents, as attached to this Decision Notice, except where modified by the conditions below:

Plan/Document number	Plan/Document name	Date
140339-1-01 (Revision E)	Subdivision Proposal Plan	21/12/2018

2. The leasehold period must not exceed a period of 43 years, and may be extended to provide tenure over the site for the conclusion of operations approved under Section 2 of this approval, decommissioning and rehabilitation works for a further period consistent with the approved Site Rehabilitation Plan.
3. A copy of the registered leases is to be provided to Council upon registration of the leases.
Note: If the applicant does not provide a copy of the leases on registration, the commencement date of the term of the leases will be taken from the date the development approval became effective.
4. Complete all associated works, including any relocation or installation of services, at no cost to Council.

Section 2 – Development Permit – Material Change of Use (Public Facility – Other (Solar PV Power Station (Solar Farm) and Associated Facility Switchyard and Electrical Transmission Line))

General

1. The development is to be completed and carried out generally in accordance with the following approved plans and reports, except where modified by the conditions of this Development Approval:

Plan/Document number	Plan/Document name	Date
140339-1-02 (Revision F)	Project Proposal Plan	26/04/2019
180217A-A200 (Revision 0)	Plan	10/04/2018
180217A-A300 (Revision 0)	Elevations	10/04/2018
QC02-ST-TGD- DET-0001 (Revision A)	Elevation	16.11.17
NILSEN 60086 Sheet 4.1	Ground Floor Plan	Undated
NILSEN 60086 Sheet 5.1	Elevations	Undated
NILSEN 60086 Sheet 5.2	Elevations	Undated
Engineering Report prepared by Northern Consulting (Revision A)		07/09/2018
Ecological Assessment prepared by RPS (Version 3)		16/08/2018
Traffic Assessment Report prepared by Northern Consulting (Issue B)		11/01/2019
Land Condition Assessment prepared by Range Environmental Consultants		27/09/2019

2. Comply with all of the conditions of this Development Approval prior to the commencement of the use, unless otherwise stated within this Decision Notice, and maintain compliance for the duration of the approved use.
3. Exercise the approval and complete all associated works, including any relocation or installation of services, at no cost to Council.

4. Alterations to public utilities, mains and services made necessary in connection with any of the works arising from this approval including works to restore and reinstate all roads are to be completed at no cost to Council.

Amended Plans

5. Submit an amended Project Proposal Plan that excludes solar array panels or other improvements from any areas identified as land degradation features in Figures 7, 8, 9 or 10 of the approved Land Condition Assessment including suitable buffers.
6. Final detailed layout plans of the solar farm facility are to be submitted to Council for approval prior to the commencement of the use. The plans at a minimum must show:
 - a. all building and structure locations;
 - b. substation locations;
 - c. inverter locations;
 - d. above and below ground cabling;
 - e. internal access roads;
 - f. boundary setbacks;
 - g. solar panel system type;
 - h. solar plant configuration; and
 - i. fencing associated with the use;

Approved Use

7. The approved use of the premises is for Public Facility – Other (Solar PV Power Station (Solar Farm) and Associated Facility Switchyard and Electrical Transmission Line).
8. The approved use may operate for a maximum of 40 years from the date the facility, or part thereof, becomes operational.

Building and other works

9. The applicant shall obtain a development permit prior to commencement of any works defined as building work under the Building Act 1975.
10. The maximum height of any building must not exceed 10 meters above natural ground level. This does not include any support towers for the proposed transmission line.
11. Proposed earthworks are limited to the establishment of building pads, hardstand areas, internal roads, vehicle parking areas and minor re-profiling of land beneath the solar arrays. A development permit is required for all Operational Works.

12. All habitable buildings must be located a minimum of 40 metres from any electricity transmission line.

Setbacks

13. Project infrastructure is setback a minimum of 30 metres from site boundaries adjoining Lots 30 and 31 on RN210 and Lot 40 on RN396.
14. Screen landscaping in accordance with Condition 62 below is established to a mature height for a distance of 20 metres from the site boundaries adjoining Lots 30 and 31 on RN210 and Lot 40 on RN396 prior to installation of solar farm infrastructure on Lot 29 on RN210, Lot 32 on RN194 and Lot 39 on RN395 respectively where visible from a residence on an adjoining site.
15. Project infrastructure is setback a minimum of 20 metres from all other site boundaries including Dodsons Road.
16. Project infrastructure is setback 50 metres from the top of the bank of waterways and 27 metres from the edge of vegetation mapped under the *Vegetation Management Act 1999*.
17. Except where in conflict with the advice provided by Powerlink (as attached), a 20 metre vegetated buffer is provided adjacent to all easements for electricity transmission lines.
18. All improvements are to be located outside any bushfire hazard area and associated impact buffers identified on the State's Development Assessment Mapping System.

Road work and access

19. Prior to the commencement of construction of the solar farm, the following roads are to be upgraded:
 - a. Tomlins Road – Upgraded to Rural Minor Collector as per CMDG-Geometric Design or as agreed to by Council. Records and site inspection indicate seal widths less than 5.0m with poorly formed shoulders.
 - b. Dodsons Road – Upgraded to Rural Minor Collector as per CMDG-Geometric Design or as agreed to by Council. Records and site inspection indicate a formation width (shoulders inclusive) of 5.0m (max) and inadequate clear zones.
20. Prior to the commencement of construction of the solar farm, the intersection of Tomlins and Dodsons Road is to be upgraded as per the recommendations included in the approved Traffic Assessment Report (Issue B) prepared by Northern Consulting or as agreed to by Council.

21. The developer is to maintain the upgraded sections of Tomlins and Dodsons Roads for the life of the development to the appropriate standard in the CMDG.
22. A rural access is to be provided in accordance with an Operational Works approval constructed in accordance with the requirements of the CMDG (Standard Drawing CMDG-R-040).
Note: The dimensions listed on this standard drawing are considered the minimum required for compliance.
23. Design and construct all internal roads and parking areas to be all weather gravel standard with suitable permanent dust suppression methods provided.
24. All vehicles accessing the site must be able to enter and exit in a forward gear.
25. Provide sufficient parking and manoeuvring, loading/unloading space on-site for all vehicles; no vehicle storage or parking is permitted on the adjoining road reserve. Car parking facilities must be designed in accordance with the Australian Standard.
26. Where an existing driveway crossover is proposed to be replaced it is to be constructed in accordance with the CMDG and have a slope not exceeding 1 in 6.
27. Any damage to the existing road surface, services or furniture as a result of construction work is to be repaired to the pre-existing condition or better condition at no cost to Council.
28. Prior to undertaking any road upgrade works identified in the conditions of this development permit, provide a bank guarantee for an amount equivalent to 10% of the value of the road upgrade works.

Water and Sewerage Infrastructure

29. Prior to the commencement of construction, a detailed report for the on-site wastewater disposal, that addresses on-site treatment and disposal for each proposed use area, is to be submitted to Council. The report is to be prepared by a suitably qualified person in accordance with the relevant codes and Australian Standards. The report is to clearly demonstrate the suitability of the lot size and treatment facilities for sustainable treatment and disposal of wastewater generated by the proposed development.
30. The minimum standard of wastewater treatment to be considered is secondary treatment incorporating disinfection. Appropriate reserve disposal areas are to be provided and maintained on the site.

31. Prior to the commencement of use, an effluent disposal/storage system, appropriate for the proposed development, is to be installed. All relevant approvals for this system, in accordance with the requirements of the *Plumbing and Drainage Act*, are to be obtained before installation.
32. The proposed effluent disposal/storage system is to be maintained so that all effluent is wholly contained within the confines of the development site and does not pond or enter any gully, watercourse, stormwater system or adjoining properties.
33. Provide a sufficient supply of potable water for all staff and visitors associated with the approved use. The water must satisfy the Australian Drinking Water Guidelines or relevant standard applicable at the time.
34. At the time of lodging a building application, documentation is required to be submitted to Council that demonstrates that a reasonable water supply for emergency purposes (including adequate storage for a minimum 5,000 Litre capacity volume) is available for the development.

Stormwater Quality

35. The solar farm should not adversely interfere with the existing hydrological regime of adjoining properties or catchments
36. Stormwater Management is to be undertaken in accordance with the approved Engineering Report prepared by Northern Consulting.
37. All stormwater being discharged from the site is to meet the requirements of the CMDG and the Queensland Water Quality Guidelines 2009.
38. Stormwater runoff is to discharge to Council's stormwater drainage system or a legal point of discharge. A detailed Stormwater Management Plan, and associated engineering drawings, is to be provided to Council, as part of an Operational Works application, for approval. This plan must comply with the requirements of the CMDG and is to address all relevant recommendations made by the approved Land Condition Assessment prepared by Range Environmental Consultants.
39. All stormwater infrastructure must be designed and constructed, prior to the commencement of use, as per the requirements of the Stormwater Management Plan.
40. The stormwater drainage system serving the approved use must be designed so that the development will not make material changes to the pre-development location, duration, frequency or concentration of overland stormwater flow at the point of discharge to all downstream properties including road reserves. In the event that a material change to the pre-

development stormwater flows cannot be avoided provide written evidence to Council's satisfaction of a legal right to discharge stormwater over the downstream land in the proposed method.

41. Ponding of stormwater resulting from the development must not occur on adjacent properties. Stormwater formerly flowing onto the site must not be diverted onto other properties.
42. Contaminated water must not be directly or indirectly released from the premises onto the ground or into the groundwater at the premises.
43. Releases to stormwater must not cause any visible oil slick or other visible evidence of oil or grease, nor contain visible grease, scum, litter or floating oil.
44. Grass cover is to be established across all areas of the development site, excluding internal roads, vehicle parking and hardstand areas prior to construction and maintained for the duration of the use.

Erosion and Sediment Control

45. A detailed Erosion and Sediment Management Plan, and associated engineered drawings, is to be provided to Council as part of the operational works application and in accordance with the CMDG and is to address all relevant recommendations made by the approved Land Condition Assessment prepared by Range Environmental Consultants.
46. During construction the developer is to undertake sediment and erosion control management as per the approved Erosion and Sediment Management Plan.

Construction Phase Environmental Management Plan

47. The applicant must prepare a separate detailed Construction Phase Environmental Management Plan (CPEMP) for each stage of the development identifying environmental management measures to be implemented during all construction works associated with the solar farm facility. The CPEMP must address the following as a minimum:
 - a. Erosion and Sediment Control
 - b. Stormwater Management / Water Quality and Surface Water Runoff (interim drainage plan during construction);
 - c. Water Management
 - d. Air Quality Management (dust suppression)
 - e. Noise and Vibration Management
 - f. Management of light spill and on-site lighting
 - g. Land Contamination (storage / use of fuel and chemicals)
 - h. Biosecurity Management (animal and plant pests)
 - i. Construction Waste Management

- j. Flora and Fauna Impact Management
 - k. Storage and handling of fuel and other hazardous goods
 - l. Emergency Management
 - m. Environmental monitoring and reporting
 - n. Management of works near existing above ground and underground infrastructure
 - o. Hazard Management
 - p. Complaints handling and Management
 - q. Statutory obligations and approvals
- 48.** The CPEMP must:
- a. Be prepared and certified by a suitably qualified person
 - b. Clearly identify design and control measures to be adopted during the construction and post construction phase
 - c. Provide recommendations based on criteria and environmental data relevant to the site and surrounding area and construction works proposed
 - d. Be prepared in accordance to the relevant standards
 - e. Contain all recommendations of the approved Land Condition Assessment prepared by Range Environmental Consultants
- 49.** The Applicant must prepare and submit the CPEMP to Council for approval within 40 working days of construction work commencing on each stage of the solar farm facility. The plan must be approved by Council before work commences.
- 50.** The applicant must implement the recommendations of the Council approved CPEMP including any recommended works, installation of monitoring equipment and management measures at all times during construction of the Solar Farm Activity.

Operational Environmental Management Plan

- 51.** The applicant must prepare a detailed Operational Environmental Management Plan (OEMP) identifying environmental management measures to be implemented during operation of each stage of the solar farm facility. The OEMP must address the following as a minimum:
- a. Erosion and Sediment Control
 - b. Stormwater Management / Water Quality
 - c. Groundcover management
 - d. Water Management
 - e. Air Quality Management (dust suppression)
 - f. Noise and Vibration Management
 - g. Management of light spill and on-site lighting
 - h. Land Contamination (storage / use of fuel and chemicals)
 - i. Biosecurity Management (animal and plant pests)
 - j. Operational Waste Management
 - k. Flora and Fauna Impact Management

- l. Storage and handling of fuel and other hazardous goods
 - m. Emergency Management
 - n. Environmental monitoring and reporting
 - o. Hazard Management
 - p. Complaints handling and Management
 - q. Statutory obligations and approvals
- 52.** The OEMP must:
- a. Be prepared and certified by a suitably qualified person
 - b. Clearly identify design and control measures to be adopted during the operational phase.
 - c. Provide recommendations based on criteria and environmental data relevant to the site and surrounding area and operational works proposed.
- 53.** The Applicant must prepare and submit the OEMP to Council for approval within 40 working days of operations commencing on each stage of the solar farm facility. The plan must be approved by Council before work commences.
- 54.** The applicant must implement the recommendations of the Council approved OEMP including any recommended works, installation of monitoring equipment and management measures at all times during operation of the Solar Farm Activity

Amenity

- 55.** Ensure that all reasonable and feasible avoidance and mitigation measures are employed so that noise, dust, glare, vibration and other emissions generated by the construction and operation of the approved does not cause a nuisance at any sensitive land use.
- 56.** The photovoltaic panels, any visible support structures, framing, cabling, or other equipment and infrastructure shall have a non-reflective or matte finish.
- 57.** In the event that panels become 'out-of-sync' (i.e. not tracking the sun such that the panels are perpendicular to the sun), the affected panels are to be repaired as soon as reasonably practicable; or removed; or adjusted to remain in a fixed stowed position (so that potential for reflection is minimised for any sensitive receptors) until the repair is completed.
- 58.** Night and outdoor lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting*.
- 59.** Air-conditioning units (including individual compressor units), mechanical plant and equipment fitted to service the building must be shielded from view from public roads and adjoining properties. They must be concealed or screened with materials compatible and consistent with that elsewhere in the building.

60. The applicant must construct and operate the project in a manner that minimises dust generation from the site, including wind-blown and traffic-generated dust as far as practicable. The applicant must identify and implement all practicable dust mitigation measures, including cessation of relevant works, as appropriate, such that emissions of visible dust are minimised during severe weather conditions.
61. Should Council receive a dust nuisance complaint (that is not frivolous or vexatious) directly related to the operation of the development, further actions must be taken to manage the impacts

Landscaping

62. Prior to the commencement of the installation of any infrastructure associated with the use, the applicant is to submit for approval to Council, a landscaping plan showing the vegetated buffers identified in Condition 15. The landscaping plan must include:
- a. Identification of any existing vegetation to be retained as part of site landscaping;
 - b. A list of plantings, the species to be used, containing predominantly species that are endemic to Central Queensland;
 - c. The location of plantings, spaced to achieve a dense, visually-impermeable screen;
 - d. Sections through each area of landscaping showing the mature heights of the planted native vegetation
 - e. A watering and maintenance plan during the establishment phase;
 - f. An ongoing maintenance and replanting program;
63. The vegetation buffer must be sufficiently vegetated such that when fully mature, screens views into the approved development from adjoining sensitive uses.
64. The landscaping is to be maintained in a tidy manner by the developer (i.e. watering, fertilising, mulching, weeding, and the like) at all times to the satisfaction of the Assessment Manager.
65. Any significant trees to be retained are to be protected during construction.

Fencing and signage

66. The applicant must install safety / security fencing a minimum of 1.8 metres in height along all property boundaries to prevent unauthorised or accidental public entry. The fencing must not obscure sight lines at corners or intersections.

67. The applicant must install industry standard warning signage on all boundaries of the site, at regular intervals, warning of the safety hazards associated with the approved use.
68. Erect and maintain a single sign with a minimum area of six square metres adjacent to each access for the approved use. The sign must display as a minimum:
 - a. the name of the business operating on the premises;
 - b. the maximum onsite speed limit of 20km/h;
 - c. contact details for complaints and the site office.
69. All fencing must be completed prior to the commencement of use.

Waste

70. The applicant is required to prepare a Waste Management Plan for the proposed development. The plan should include, but is not limited to, the following
 - a. A description of the development activities that may generate waste
 - b. The types and amount of waste that might be generated by the activities
 - c. how the waste will be dealt with, including a description of the types and amounts of waste that will be dealt with under each waste management practices under the waste hierarchy
 - d. procedures for identifying and implementing opportunities to minimise the amount of waste generated, promote efficiency in the use of resources, and otherwise improve the waste management practices employed
 - e. procedures for dealing with accidents, spills and other incidents that may impact waste management
 - f. how often the waste management practices will be assessed
71. Recycling and waste must use appropriately licensed facilities.
72. Waste must not be burned at the premises.

Site rehabilitation

73. Commence rehabilitation of areas of existing land degradation identified in Figures 7, 8, 9, or 10 of the approved Land Condition Assessment as soon as practical after this approval takes effect. The areas are to be rehabilitated to a condition consistent with the soil classifications identified on Map 2 contained in Appendix A of the approved Land Condition Assessment.
74. Bank guarantees are to be provided to Council at the commencement of construction of each stage of development to be held against the cost of rehabilitating the site post-operation. The amount of the bank guarantee is to be agreed between the developer and Council, is to represent a reasonable estimation of costs and is to be indexed annually.

- 75.** Twelve (12) months prior to the operations associated with the approved use ceasing on the premises the applicant must provide a Site Rehabilitation Plan (SRP) to Council detailing all planned works and actions proposed and required to be undertaken to rehabilitate the site as far as practical to the condition consistent with the soil classifications identified on Map 2 contained in Appendix A of the approved Land Condition Assessment. The SRP must contain all relevant recommendations from the approved Land Condition Assessment prepared by Range Environmental Consultants.
- 76.** Within 6 months of ceasing electricity generation, the applicant must commence implementation of the Council approved SRP including any recommended works and remediation measures required to rehabilitate the site as far as practical to the condition the site was in prior to the approved use commencing on the premises.
- 77.** Within 6 months of the site rehabilitation works being completed the applicant must submit a Site Conditions Report detailing the condition of the site following the recommended works stipulated in the SRP.
- 78.** Decommissioning activities to be undertaken as part of the SRP must include, though not limited to, the following:
- a. Disconnection of the Solar Installation from the switchyard
 - b. Disconnection of the PV modules and all the equipment
 - c. Removal of PV modules from trackers and packaged for removal from the site
 - d. Removal of all the buildings, equipment and materials recycled, wherever possible
 - e. Disassembling and recycling of trackers
 - f. Removal and recycling (where appropriate) of steel columns and cabling
 - g. Removal of fencing in accordance to the landowners wishes
 - h. Removal of gravel from internal tracks in accordance to the landowners wishes
 - i. No disposal of any waste material is permitted to municipal landfill facilities.

Assessment Manager Notes

- A.** In carrying out the activity or works associated with the development, all reasonable and practical measures are to be taken to minimise releases and the likelihood of releases of contaminants to the environment, except as otherwise provided by the conditions of this development approval.
- B.** The approved development must also comply with Council's current Local Laws under the Local Government Act 2009.
- C.** The applicant and or owner/s of the land and the person/s responsible for the management of the premise is/are to ensure ongoing compliance with conditions of this Development Permit including Conditions relating to the ongoing use of the premise, and the design and layout of the development.
- D.** Pursuant to section 75 of the *Local Government Act 2009*, Council's written approval is required to carry out works on a road, or interfere with a road or its operation. This requirement applies to all Council-controlled roads within its local government area. The process for obtaining approval is set out in Council's *Local Law No. 1 (Administration) 2011*. Approval must be obtained prior to the commencement of the works.
- E.** Please note the statements dated 7 March 2019 from Powerlink as an advice agency and attached to this Decision Notice.
- F.** Please note the advice surrounding the applicants 'Environmental Obligations' contained in an attachment to the Decision Notice.
- G.** Where further development is proposed it is the applicant's / developer's responsibility to ensure further approvals are sought as required by the Banana Shire Planning Scheme.

Engineering

- H.** Prior to commencing any of the following construction activities the applicant/developer will be required to obtain a development permit for operational work:
 - i. Internal and external roadworks;
 - ii. earthworks;
 - iii. Internal pathways;
 - iv. stormwater drainage ;
 - v. erosion and sediment control;
 - vi. electricity and communication layout;
 - vii. internal and external lighting; and
 - viii. landscaping.

- I. Operational works designs are to be in accordance with Capricorn Municipal Development Guidelines - CMDG Design Specifications and Standard Drawings (www.cmdg.com.au), unless otherwise stated in a condition of the Development Approval.

Cultural Heritage

- J. This development approval does not authorise any activity that may harm Aboriginal cultural heritage. Under the Aboriginal Cultural Heritage Act 2003 you have a duty of care in relation to such heritage. Section 23(1) provides that, "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage".
- Council does not warrant that the approved development avoids affecting Aboriginal cultural heritage. It may therefore be prudent for you to carry out searches, consultation, or a cultural heritage assessment to ascertain the presence or otherwise of Aboriginal cultural heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding.

Declared Pests/Plants

- K. A landowner has an obligation to take reasonable steps to keep their land free of invasive plants and animals in accordance with the Biosecurity Act 2014. Consideration should be given to appropriate treating of invasive plants, where necessary, in the construction and operational phases of the proposed development to meet the obligations under this Act.
- L. Vehicle movement must be managed to prevent the spread of invasive plants. All vehicles used in weed infested areas must either be contained or cleaned to prevent the spread of invasive plant material. Numerous washdown facilities are available within the Shire to help remove weed seeds, soil and other foreign matter from vehicles and machines, and Council staff is available to conduct vehicle inspections.

Mosquito breeding

- M. The site is required to be appropriately drained so that water is not allowed to accumulate or pond in a manner that may allow mosquito breeding, as required under the Public Health Regulation 2005.

Water & Sewerage

- N. The applicant is responsible for ensuring Queensland Fire Services requirements are met with respect to this development which may include but not be limited to the installation/upgrade of holding tanks or pumps as necessary to meet flow and pressure requirements.

- O. Subsequent applications will be required for Operational Works, Building and Plumbing/Drainage Works. Building works are to comply with the *Building Act 1975*, the Building Code of Australia and other relevant authorities.
- P. All new taps and plumbing fixtures on the site are to be installed and maintained with approved water saving devices in accordance with current legislative and Council requirements (AAA rating or better). The installation shall include but not be limited to approved water efficient shower heads, flow restrictors/aerators on internal taps, dual flush toilets, etc. In addition approved water efficient washing machines, dishwashers and other appliances shall be the only appliances installed on the site. Pre and post installation inspections shall be arranged with Council's Plumbing Inspector.
- Q. Hydraulic Services plans will be required to be submitted to Council for Plumbing and Drainage approval. These plans must show all drinking, non-drinking, heated, rainwater, sanitary plumbing, sanitary drainage and trade waste services.

Amenity

- R. Air and light emissions must be appropriately managed to prevent environmental nuisance beyond the boundaries of the property during all stages of the development including earthworks and construction.
- S. Suitable dust suppression should be used, where required during excavation and building works, to reduce the emission of dust or other such emissions from the site.
- T. Artificial illumination should not cause a nuisance to occupants of nearby premises and any passing traffic. Security and flood lighting is to be directed away from adjacent premises to minimise the protrusion of light outside the site.

Water & Stormwater

- U. It is an offence under the *Environmental Protection Act 1994* to discharge sand, silt, mud, oils, chemicals, cement or concrete, paint, thinner, degreaser, rubbish and other such contaminants to a stormwater drain, roadside gutter or a water course.
- V. During construction, stockpiles and areas of bare soil or earth that are likely to become eroded must be adequately protected – by upslope surface water diversion, downslope sediment fencing and/or temporary surface coverings.
- W. Building and construction materials and waste, including bitumen, brick, cement, concrete and plaster, are prescribed water contaminants and as such

must not be stored or disposed of in a water course, stormwater drain, roadside gutter or where they may be expected to wash into such places.

- X.** It is recommended that any oil, waste oil, paints and chemicals kept on site are stored within a bund or otherwise in a manner that will prevent spills onto land or into stormwater.
- Y.** Appropriate material must be kept on site for the containment and clean-up of spills, and any spills of oils, paints, chemicals etc must be contained and cleaned up as soon as possible.

Waste Management

- Z.** It is an offence under the *Waste Reduction and Recycling Act 2011* to leave litter behind or allow litter to blow from site. All waste must be appropriately contained on site prior to removal.
- AA.** Trap Gully Landfill is the only approved waste facility within the Banana Shire for the disposal of commercial waste. No commercial waste is to be deposited at other Banana Shire landfills or transfer stations without prior written approval from Council.
- BB.** It is an offence under the *Environmental Protection Regulation 2008* to fail to comply with signage or directions at a waste facility.
- CC.** Regulated waste (including asbestos) is only to be disposed of at Trap Gully Landfill and an application form must be completed and approved prior to disposal.

Adjournment

Minute No: OM004519

A. That the meeting adjourn for morning tea at 10.44 am.

Moved: Cr Leo

Seconded: Cr Boyce

Carried

B. That the meeting resume at 11.16 am.

Moved: Cr Boyce

Seconded: Cr Middleton

Carried

10.2.2 REQUEST FOR EXCLUSION FROM THE NEED TO OBTAIN A DEVELOPMENT PERMIT – TAROOM MEN’S SHED – 15 BRIDGE STREET, TAROOM (LOT 908T502)

Date: 28 October 2019

Author: Chris Welch, Manager Environment and Planning

File No: 1160

Letter No:

Attachment: ID1500504 - Request letter dated 12 September 2019

ID1503324 - Location Plan

Minute No: OM004520

Resolution:

That Council resolve to agree to grant an exemption certificate to the Taroom Men’s Shed excluding the requirement to obtain a development permit for a Material Change of Use for Community Oriented Activities for the new shed on the grounds that the effects of the development will be minor or inconsequential in the circumstances.

Moved: Cr Boyce

Seconded: Cr Middleton

Carried

Report

The Taroom Men’s Shed has written to Council requesting that they be excluded from the need to make a development application for proposed activities on property at 15 Bridge Street, Taroom (Lot 908 on T502). The Men’s Shed currently occupies part of the existing shed on the site, both the site and shed being owned by the Lions Club of Taroom. The Lions Club have occupied the site and conducted club operations from the site for many years. The Men’s Shed is seeking to build an additional shed on the site, forward of the existing shed to avoid a sewer main passing through the site.

The subject site is included in the Urban Zone of the Taroom Shire Planning Scheme. Community activities, such as the Lions Club and the Men’s Shed, fall within the defined use of ‘community oriented activities’ which are Code Assessable in the Urban Zone. The Lions Club shed, whether used by the Lions Club or the Men’s Shed, was established lawfully prior to the commencement of the current planning scheme and is a lawful, non-conforming use on the site and is not required to obtain further approvals. The new shed is an intensification of the use of the site and would be subject to a separate approval process.

In requesting exclusion from the need for a development approval, the Men’s Shed is seeking to utilise section 46 of the *Planning Act 2016* which allows an assessment manager to issue an

exemption certificate excluding assessable development from the need to obtain a development approval if any of the following apply:

- (i) the effects of the development would be minor or inconsequential, considering the circumstances under which the development was categorised as assessable development;
- (ii) the development was categorised as assessable development only because of particular circumstances that no longer apply;
- (iii) the development was categorised as assessable development because of an error.

In this instance items (ii) and (iii) do not apply as the use existed prior to the current zone being applied to the site despite the use existing there at the time and there is no evidence that supports an assumption that an error had been made in applying the current zone to the site. Item (i) is the only option available for consideration.

In determining whether the effects of the proposed shed would be minor or inconsequential, Council must consider the relevant parts of the Taroom Shire Planning Scheme that would apply to the proposal if an application were to be received. The Urban Zone Code is the relevant criteria and addresses such matters as residential character, amenity, vehicle access and parking and connection to infrastructure.

The concerns relate to:

- the potential for a non-residential building located at the front of the site to interfere with the residential character of Bridge Street, noting that the general character of uses in Bridge Street is residential;
- the potential impact on residential amenity from noise and other emissions from Men's Shed activities and delivery of materials, noting that such may already be occurring on the site;
- nuisance from increased vehicle activity in the street and dust from manoeuvring on the site, noting that such may already be occurring on the site.

Recommendation

That Council grant an exemption certificate on the grounds that the effects of the development will be minor or inconsequential in the circumstances. This is supported by the following:

- the activities are already occurring on the site as a result of the Men's Shed occupying the lawful community shed owned by the Taroom Lions Club on the same site;
- the activities are limited to daytime and occur on only a limited number of days per month;
- the new shed will present favourably in the existing streetscape, notwithstanding the general residential character of the street, some of which are not well maintained;

Considerations

1. Corporate Plan

Strategic Direction 1.1

To ensure Council demonstrates leadership and is accountable to internal and external key stakeholders, including the community through transparent and inclusive decision making processes and effective service delivery and operations.

k. Manage the whole of the local government area through effective and efficient planning and development management.

Strategic Direction 2.1

To deliver our shared future and cultural vision, which is encapsulated by the following:

c. Encourage healthy and happy communities through provision, encouragement or support of a range of wellbeing services and facilities including community resources, arts and culture, recreation and sport, commemorations, communication facilities, festivities and events.

d. Encourage healthy and balanced communities through effective and efficient planning and development management.

2. Policy and Legal Implications

Council must be satisfied that it is acting within its powers to maintain the integrity of its decision-making processes.

3. Financial and Resource Implications

An exemption certificate would result in no application fees being collected (approximately \$1,000).

4. Risk Assessment

Approving this request may create potential for similar requests in the future, however if such requests are received they would be assessed on their merits and the appropriate decision made at the time.

10.2.3 TEMPORARY LOCAL PLANNING INSTRUMENT – REDUCING RISK OF DEVELOPMENT IN MUIRS ROAD, MOUNT MURCHISON FLOOD HAZARD AREA

Date: 28 October 2019
Author: Chris Welch, Manager Environment and Planning
File No:
Letter No: 1507335 Draft Temporary Local Planning Instrument 01/2019 Muirs Road Hazard Mitigation
Attachment:
Minute No: OM004521

Resolution:

That Council resolve to:

- 1. Adopt Temporary Local Planning Instrument 01/2019 Muirs Road Flood Hazard Mitigation (document 1507335); and*
- 2. Authorise the Chief Executive Officer to finalise administrative matters and make any final amendments relating to the finalisation and the adoption.*

Moved: Cr Brennan

Seconded: Cr Semple

Carried

Background

In February 2015 as a result of Cyclone Marcia passing through the area significant rainfalls occurred in the Callide Creek/Callide Dam catchment subsequently resulting in the rapid filling of Callide Dam and the subsequent release of water from the dam. This release from the dam significantly impacted four properties on Muirs Road. This was because of the release inundating the flood plain of Callide Creek and the properties on Muirs Road. The timeframe for release was very short and the subsequent water level rises rapid, which in turn exposed residents to significant flood hazard. The properties are identified as:

- 8RP614480
- 9RP614480
- 10RP614480
- 9RP619664

At the time Council had already commenced a flood study in response to the 2010/11 flooding event in the Dawson River and the terms of reference were subsequently broadened to include the whole of the Banana Shire area. One of the key findings of the study was the high risk and inherent danger to the four properties on Muirs Road in a significant rain event in the dam/Callide Creek catchment where the dam fills rapidly and the subsequent water release from the dam and extremely short timelines for warnings and evacuation for the Muirs Road residents.

One of the key flood mitigation options presented by the flood study for consideration by Council included the buy back and removal of four vulnerable homes at the end of Muirs Road (mitigation option BIL-08), north of Callide Creek.

As a consequence, Council has taken the following steps in relation to Muirs Road:

- Discussion with property owners in relation to placing Council owned two way radios in the four properties in question
- Review of polygons for alert messages/warnings
- Ongoing discussion with SunWater in relation to Callide Dam warnings/alerts

- Installation of flood/rainfall gauges in various catchments
- Community education/awareness
- Ongoing discussion/liaison with the affected property owners.

On 12 December 2018, Council resolved to apply for funding assistance from the State Government to acquire the subject properties. That application was successful and, as a condition of that funding, Council was requested to implement planning restriction over the subject properties to remove potential for further development intensity of the sites that would expose people to risk from the flood hazard.

Report

Currently the Banana Shire Planning Scheme does not appropriately restrict development in flood hazard areas as it does not include any provisions restricting development in flood hazard areas nor does it contain flood mapping. This is being addressed in the draft planning scheme under preparation at this time, however in the interim there is a policy void that represents a risk to Council in its obligation to the community in this regard.

The *Planning Act 2016* allows Council to prepare and adopt a temporary local planning instrument (TLPI) that suspends the operation of its planning scheme in circumstances where there is significant risk of serious adverse conditions occurring and where delay in following the normal planning scheme amendment process increases that risk. The TLPI will remain in effect until the commencement of the draft planning scheme with its associated mapping and development restrictions. Discussions between Council and DSDMIP have resulted in the preparation of a draft TLPI specifically restricting intensification of development in the Muirs Road area that involves exposing people to an increased level of risk from flood hazard.

The draft TLPI effectively limits development of the subject properties to cropping and permanent plantations. It was considered that grazing be excluded as it falls within the definition of animal husbandry that also includes keeping of horses, goats and other species that are seen more as pets than stock. The concern here is that in an emergency event, people may seek to rescue these animals from the impending hazard, thereby exposing themselves to the hazard.

The draft TLPI encourages amalgamation of the subject lots, either together or with adjoining lots, thereby reducing risk as this limits the opportunity to develop them as residential properties. The draft TLPI also permits small-scale building work, not associated with a change of use, in support of the preferred land uses. Such structures must be ancillary to the use, must not allow for extended occupancy and are limited to 50m². This allows property owners to have some capacity to service their cropping areas without increasing the risk of exposure to hazard.

The draft TLPI adopts a defined flood level of 178m AHD that does not include any allowance for freeboard. This level is extracted directly from the flood study data and relates specifically to the highest flood surface level across all four lots. It is based on the 1%AEP flood event with allowance for climate change, as is the standard expected by the State Government to reflect State interests. The area identified in the TLPI is also designated a flood hazard area for the purposes of the *Building Act 1975* in relation to minimum floor heights.

Recommendation

That Council adopt the TLPI as an interim measure to limit development in the Muirs Road area until the commencement of the new planning scheme.

Considerations

1. Corporate Plan

Strategic Direction 1.1

To ensure Council demonstrates leadership and is accountable to internal and external key stakeholders, including the community through transparent and inclusive decision making processes and effective service delivery and operations.

- e. Undertake engagement and communication with stakeholders and the community, and strive to improve the relationship between Council and its constituents.
- k. Manage the whole of the local government area through effective and efficient planning and development management.

Strategic Direction 2.1

- d. Encourage healthy and balanced communities through effective and efficient planning and development management.
- j. Manage disaster management and preparedness by developing community resilience, understanding the flood zone and patterns, the impact on property and the cost to the community and Council.

2. Policy and Legal Implications

The draft TLPI has been prepared in accordance with the statutory requirements of the *Planning Act 2016*

3. Financial and Resource Implications

N/A

4. Risk Assessment

The draft TLPI reduces the exposure to risk associated with flood hazard in the Muirs Road area.

10.2.4 TRANSFER OF DEVELOPMENT APPLICATION FEES FOR MATERIAL CHANGE OF USE (SHOP) – JASON SIMMONS – 38-42 STOPFORD STREET, BARALABA (LOT 25SP122575)

Date: 28 October 2019
Author: Chris Welch, Manager Environment and Planning
File No:
Letter No:
Attachment:
Minute No: OM004522

Resolution:

With respect to Lot 25 SP122575 (38-42 Stopford Street, Baralaba), Council resolves to credit the application fees paid by the applicant for the original development application against the current development application.

Moved: Cr Semple

Seconded: Cr Boyce

Carried

Report

On 25 July 2019, consultants engaged by Jason Simmons lodged a development application for material change of use for a new grocery shop and retail store over property at 38-42 Stopford Street Baralaba (Lot 25 SP122575). The application was accepted and the application fees duly paid.

Council commenced the assessment process by issuing the required Conformation Notice on 14 August 2019 advising that the application required referral to the State Assessment and Referral Agency (SARA) and issuing an Information Request on 15 August 2019 seeking further detail associated with the proposal. The applicant replied to the Information Request on 27 September 2019 and advised of the intent to commence public notification. Council officers identified that no response had yet been received from SARA and that public notification could not commence.

The *Planning Act 2016* requires an applicant to refer a development application to referral agencies within ten business days of receipt of the Conformation Notice or the application lapses. In this instance that action needed to have been referred by 28 August 2019 or a later date as agreed between the applicant and SARA. No request to extend the timeframe had been made to SARA by 28 August 2019 and the application lapsed on a technicality. The Act allows for an application to be revived in these circumstances if the applicant takes the necessary action within 20 business days, i.e. by 25 September 2019. No such action occurred and the application remains lapsed.

As a consequence, a fresh application was lodged with Council on 10 October 2019 seeking approval for an identical development, except where modified to address matters raised in Council's Information Request of 15 August. In processing the fresh application, Council will be repeating the process undertaken for the original application with no additional impost on resources. In the circumstances, it is considered that requiring additional application fees for the new application would be unreasonable as Council is not incurring any significant additional costs. The previous application lapsed on a technical issue only involving the applicant and SARA.

Recommendation

That Council approve the application fees paid on the original application to be transferred to the fresh application, effectively relieving the applicant of the need to pay additional fees.

Considerations

1. Corporate Plan

Strategic Direction 4.1

Support the retention, expansion and diversification of businesses and industries to provide long term economic sustainability.

b. Negotiate positive outcomes for development opportunities and actively communicate with potential developers to encourage positive development outcomes.

2. Policy and Legal Implications

N/A

3. Financial and Resource Implications

It will result in no additional application fees being collected (\$3,591).

4. Risk Assessment

Approving this request may create potential for similar requests in the future, however the circumstances are so unique that the risk is considered negligible.

10.3.1 DROUGHT STANDPIPE SUBSIDY

Date: 17 October 2019
Author: Manager Water Services – Anthony Lipsys
File ID:
Letter ID:
Attachment: ID1500677 Kiangarua Quarries
 Western Downs Regional Council - Standpipe Water Rebate Flow Chart
Minute No: OM004523

Resolution:

That Council approve the following rebates for potable and recycled water for stock and domestic use (potable water only for domestic use) in the Banana Shire subject to the eligibility criteria as listed.

	<u>Current Standpipe Charges</u>	<u>Proposed Rebate</u>	<u>Proposed Subsidized Charge following Rebate (stock & domestic only during drought)</u>
Potable (all service points*)	\$11.50 per kl	\$9.00 per kl	\$2.50 per kl
Recycled Water (Biloela/Moura/Taroom)	\$4.50 per kl	\$2.50 per kl	\$2.00 per kl
Taroom No. 2 Bore	\$8.00 per kl	\$5.50 per kl	\$2.50 per kl

***Note:**

- Currently standpipe not available at Baralaba due to technical issues;
 - Currently potable standpipe access not available at Moura & Banana due to current water conservation measures. Will become available when pump intake capacity restored (envisage approx. 1 month).

Eligibility criteria for the water standpipe drought rebate —

- *Property is in a drought declared area within the Banana Shire (currently all of Banana Shire) or is individually drought declared*
- *Property is located outside of a town water supply area and is without connection to a reticulated town water supply*
- *The water is for stock or domestic use only (not for industrial use) – and appropriate supporting documentation be provided upon request.*
- *The water is purchased from a Banana Shire Council standpipe following adoption of the rebate by Council, and a copy of a valid invoice is provided that clearly shows:-*
 - *Volume of water purchased and amount paid (subject to rebate); and*
 - *Cartage charge and other charges (where applicable – not subject to rebate from Council);*
 - *Standpipe location and date that the water was sourced and water carters business name;*
- *Payment for water taken from the standpipe has been made to Council*
- *Maximum stock and domestic use per week will be assessed per scenario.*

Moved: Cr Leo**Seconded: Cr Snell****Carried**

Report

This report considers the subsidy of potable and recycled water for stock watering & domestic purposes during declared drought for properties within Banana Shire.

Council has received enquiries regarding availability of subsidised water from Council's standpipes for stock watering given the current drought.

Banana Shire Council was fully drought declared in May 2019. Some areas of the Shire were already drought declared (since March 2017). Although the Department of Agriculture and Fisheries offers rebate under the *Drought Relief Assistance Scheme* for primary producers within drought declared or revocation areas, this does not include rebate for purchase of water for stock and/or domestic purposes (i.e. rebate only for transport of water).

It is considered reasonable for Council to provide a rebate on water taken from standpipes for stock and/or domestic use outside of the town water areas to ease the financial burden on primary producers and residents during the drought.

The following rebates are proposed for Council's consideration.

	Current Standpipe Charges	Proposed Rebate	Proposed Subsidized Charge following Rebate (stock & domestic only during drought)
Potable (all service points*)	\$11.50 per kl	\$9.00 per kl	\$2.50 per kl
Recycled Water (Biloela/Moura/Taroom)	\$4.50 per kl	\$2.50 per kl	\$2.00 per kl
Taroom No. 2 Bore	\$8.00 per kl	\$5.50 per kl	\$2.50 per kl

*Note:

- Currently standpipe not available at Baralaba due to technical issues;

- Currently potable standpipe access not available at Moura & Banana due to current water conservation measures. Will become available when pump intake capacity restored (envisage approx. 1 month).

Eligibility criteria for the drought rebate —

- Property is in a drought declared area within the Banana Shire (currently all of Banana Shire) or is individually drought declared
- Property is located outside of a town water supply area and is without connection to a reticulated town water supply
- The water is for stock or domestic use only (not for industrial use) – and a statutory declaration has been provided
- The water is purchased from a Banana Shire Council standpipe following adoption of the rebate by Council, and a copy of a valid invoice is provided that clearly shows:-
 - Volume of water purchased and amount paid (subject to rebate); and
 - Cartage charge and other charges (where applicable – not subject to rebate from Council);
 - Standpipe location and date that the water was sourced and water carters business name;
- Payment for water taken from the standpipe has been made to Council
- The applicant must be an approved creditor within Council's financial system.
- Maximum stock and domestic use per week will be assessed per scenario.

Considerations

1. Corporate Plan

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2. Policy and Legal Implications

N/A

3. Financial and Resource Implications

Current charges as per Council adopted fees and charges for 2019/20FY.

4. Risk Assessment

There is adequate water allocation available to permit increased volumes to be taken from the respective standpipes.

Council thanked the Manager Environment & Planning for presentation of the Planning agenda items today. It was very well done.

Manager Environment & Planning and Planning Officer left the meeting.

11.0 Executive Services (continued)

11.1.2 MAJOR CAPITAL PROJECTS – MONTHLY ACTUAL EXPENDITURE – W4Q PROJECTS

Date: 10 October 2019
Author: Ray Geraghty, Chief Executive Officer
File No:
Letter No:
Attachment: Capital Expenditure Report W4Q Projects
Minute No: OM004524

Resolution:

That Council note and receive the Major Capital Expenditure Report for the W4Q projects as at 23 September 2019.

Moved: Cr Brennan

Seconded: Cr Semple

Carried

Report

Providing a report on Major Capital Expenditure for the W4Q projects as at 23 September 2019 for Council Services.

Refer attachment.

Director Council Services left the meeting.

11.1.3 ADMINISTRATIVE ACTION COMPLAINTS MANAGEMENT REPORT - 1 JULY 2019 TO 30 SEPTEMBER 2019

Date: 1 October 2019
Author: Ray Geraghty, Chief Executive Officer
File No:
Letter No:
Attachment:
Minute No: OM004525

Resolution:

That Council receive the Administrative Action Complaints Management Report for 1 July 2019 to 30 September 2019.

Moved: Cr Leo

Seconded: Cr Snell

Carried

Report

Period from 1 July 2019 to 30 September 2019

Complaints Statistics

Period	1 July 2019 to 30 September 2019
Received	0
Dealt with	1
Not completed	0
Refused to investigate	Nil
Not resolved to satisfaction of complainant	Unknown

Complaints

Nil

Considerations

1. **Corporate Plan**
1.1.1
2. **Policy and Legal Implications**
Complaints Management framework for the processing of Administrative Action Complaints is required under Section 268 of the *Local Government Act 2009* and Section 306 of the *Local Government Regulation 2012*.

Complaint Management Policy was adopted by Council on 29 March 2006. Revised policy adopted on 24 February 2010, and 23 November 2016.

Under this policy, CEO is to discuss the quarterly report with the EMT and thereafter submit such report to the Council together with comments from the EMT (if any).
3. **Financial and Resource Implications**
No significant financial and resource implications
4. **Risk Assessment**
No apparent additional risk

11.1.4 2019/20 EXECUTIVE SERVICES OPERATIONAL PLAN ASSESSMENT AS AT 30/09/2019

Date: 10 October 2019
Author: Ray Geraghty – Chief Executive Officer
File No:
Letter No:
Attachment: 2019/20 Operational Plan – 1st Quarter Review
Minute No: OM004526

Resolution:

That Council receive Executive Services' first quarter assessment of the 2019/20 Operational Plan.

Moved: Cr Leo

Seconded: Cr Middleton

Carried

Report

Executive Services first quarter assessment of 2019/20 Operational Plan is attached.

Executive Services Miscellaneous

The CEO provided a verbal update on the Belcarra legislation.

The Mayor thanked CEO Ray Geraghty for his service to Council over the past 11+ years and presented him with a gift.

12.0 Close of Meeting

The meeting closed at 12.18 pm

To be confirmed 20 November 2019 Ordinary Meeting.

MAYOR

CHIEF EXECUTIVE OFFICER
