

MINUTES

BANANA SHIRE COUNCIL ORDINARY MEETING

Meeting Date: Wednesday 27 January 2021
Venue: 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 16 December 2020

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

8.0 Financial Management

8.1 Budget Management Report as at 31 December 2020

8.2 Financial Report P/E 31 December 2020

8.3 Major Capital Projects – Corporate & Community Services - Monthly Actual Expenditure as at 31/12/20

8.4 Major Capital Projects – Infrastructure Services - Monthly Actual Expenditure as at 31/12/20

8.5 Major Capital Projects – Council Services - Monthly Actual Expenditure as at 31/12/20

8.6 Funding Projects – Monthly Actual Expenditure as at 31/12/20

9.0 Corporate & Community Services

9.1 Corporate Services

- 9.1.1 Resolutions Actions Report
- 9.1.2 2020/21 Operational Plan 2nd Quarter Review
- 9.1.3 Taroom Aerodrome Terminal Building
- 9.1.4 Trusteeship of Reserve for Recreation, Theodore

10.0 Infrastructure Services

10.1 Infrastructure Services

- 10.1.1 Infrastructure Monthly Report
- 10.1.2 Resolutions Actions Report
- 10.1.3 2020/21 Operational Plan 2nd Quarter Review
- 10.1.4 Baileys Lane Speed Zone Review
- 10.1.5 Melton Park Playground Survey Results
- 10.1.6 Local Roads of Regional Significance Review

11.0 Council Services

11.1 Council Services

- 11.1.1 Resolutions Actions Report
- 11.1.2 2020/21 Operational Plan 2nd Quarter Review
- 11.1.3 Draft Banana Shire Planning Scheme Project
- 11.1.4 MCU006-20/21 - Workers Accommodation (32 Rooms) 16-18 Wooroonah Road and Davies Street, Baralaba

12.0 Executive Services

12.1 Executive Services

- 12.1.1 Resolutions Actions Report
- 12.1.2 2020/21 Operational Plan 2nd Quarter Review
- 12.1.3 Australia Local Government Association – Motions for 2021 National General Assembly (1597819)
- 12.1.4 Review of Logo Policy
- 12.1.5 Revised Economic Development Plan Funding

13.0 Close of Meeting

1.0 Opening of Meeting

The meeting commenced at 9.00am

2.0 Attendance including Apologies & Leave of Absence

Councillors – Mayor Nev Ferrier and Crs Semple, Pender, Casey, Leo, Boyce & Ramsey
Officers - Chief Executive Officer, Director Corporate & Community Services, Director Council Services & Director Infrastructure Services

3.0 National Anthem & Prayer

Following the National Anthem Reverend Nathan Dean from the Anglican Church led Council in prayer.

4.0 Confirmation of Minutes

Minute No: OM004888

Resolution:

That the minutes of the Ordinary Meeting held on 16 December 2020 be taken as read and confirmed.

Moved: Cr Pender

Seconded: Cr Casey

Carried

5.0 Mayor's Report / Minute

Mayor reported on the following:-

- Attended the Brangus Youth Camp on the 12 January at the Biloela Showgrounds
 - Plans to have memorabilia sent to Taroom from Germany for the proposed Leichhardt Centre have been delayed
 - Meeting with Glenn Butcher, Minister for Regional Development & Manufacturing and Minister for Water, on the 29 January
 - Met with a number of Ministers in Gladstone last week when the Prime Minister visited
 - Australia Day Celebrations held at Banana were a great success
-

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 Financial Management

8.1 BUDGET MANAGEMENT REPORT AS AT 31 DECEMBER 2020

Date: 20 January 2021
Author: Nori Luff, Senior Finance and Systems Accountant
File ID:
Letter ID:
Attachment: 1. December 20 Budget Vs Actuals – Report from Practical
2. Summary of explanations
Minute No: OM004889

Resolution:

That Council receives the Budget Management Report for December 2020.

Moved: Cr Leo

Seconded: Cr Pender

Carried

Report

Detailed income and expenditure report for financials is provided for Council consideration. A report explaining the variances was also provided.

This report ensures the Council have visibility of detailed income and expenditure on a monthly basis.

The expenditure and Income were profiled equally between 12 months, and officers explain variances on a monthly basis. Officers are also working on profiling budgets as per forecasted income and expenditure profiles.

8.2 FINANCIAL REPORT-PERIOD ENDING 31 DECEMBER 2020

Date: 19 January 2021

Author: Manager Finance – Peter Rudder

File ID:

Letter ID:

Attachment: Statement of Comprehensive Income - Actual v Budget to 31 December 2020; Statement of Financial Position – Actual v Budget to 31 December 2020; Statement of Cash Flows - Actual v Budget to 31 December 2020; Statement of Changes in Equity to 31 December 2020.

Minute No: OM004890

Resolution:

That Council receive the Financial Report and cash reports as tabled for the period ending 31 December 2020.

Moved: Cr Leo

Seconded: Cr Boyce

Carried

Report

1. Introduction

The purpose of the Financial Report is to give the Council an overview of the organisation's financial performance for the period ending 31 December 2020.

It is presented in a format which compares the year to date to the 2020-2021 budget. The year to date budget is 50% of the adopted budget. The financial analysis contained in this report compares; either year to date expenditure with an equivalent budget to date expenditure or, in the case of rates, year to date expenditure with an appropriate cash flow position.

In addition to this report, Council was also provided with a management report to provide explanations on variances from budget to actual at an account level.

2. Report

Comprehensive Income Statement:

Council recorded an operating deficit of \$3,110,651 on 31 December 2020. At the end of December last year, the Council had an operating deficit of \$4,802,116. Given the rates reduction due to resource property amalgamations adjustment, revenue, and the majority of expenditure categories is broadly comparable. However, there is significantly less Materials and Services expenditure in this financial year that explains this difference.

Cash balances

At 31 December 2020, the Cash balance was \$23.26 million. At the same time, in 2019, the cash position was \$21.14 million. This result is a reflection of a reduction in operational expenditure compared to the same time last year.

While the current operating position remains close to the budgeted position, the forecasted operating result remains uncertain as the change in cash-flow from amalgamations is yet to be

felt. Once the impact of these adjustments are known, the Council will be provided with an updated forecast.

Outstanding rates

Council has an outstanding rates balance of \$1.248 million this is a \$927K reduction in the rates outstanding since the beginning of October outstanding balance of \$2.176 million. Council's rates team continue to work hard to recover the remaining rates.

Capital Expenditure:

Capital expenditure – see separate report.

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

Date: 20 January 2021
Author: Venkata Peteti - Director Corporate & Community Services
File No:
Letter No:
Attachment: Capital Expenditure Report
Minute No: OM004891

Resolution:

That Council note and receive the Major Capital Expenditure Report as at 31 December 2020 for Corporate & Community Services.

Moved: Cr Ramsey

Seconded: Cr Boyce

Carried

Report

Providing a report on Council's Major Capital Expenditure as at 31 December 2020 for Corporate & Community Services.

Refer attachment.

8.4 MAJOR CAPITAL PROJECTS – MONTHLY ACTUAL EXPENDITURE – INFRASTRUCTURE SERVICES

Date: 20 January 2021
Author: Chris Whitaker - Director Infrastructure Services
File No:
Letter No:
Attachment: Capital Expenditure Report
Minute No: OM004892

Resolution:

That Council note and receive the Major Capital Expenditure Report for Infrastructure Services as at 31 December 2020.

Moved: Cr Semple

Seconded: Cr Ramsey

Carried

Report

Providing a report on Council's Major Capital Expenditure as at 31 December 2020 for Infrastructure Services.

Refer attachment.

8.5 MAJOR CAPITAL PROJECTS – MONTHLY ACTUAL EXPENDITURE – COUNCIL SERVICES

Date: 20 January 2021
Author: Chris Welch - Director Council Services
File No:
Letter No:
Attachment: Capital Expenditure Report
Minute No: OM004893

Resolution:

That Council note and receive the Major Capital Expenditure Report for Council Services as at 31 December 2020.

Moved: Cr Leo

Seconded: Cr Ramsey

Carried

Report

Providing a report on Council's Major Capital Expenditure as at 31 December 2020 for Council Services.

Refer attachment.

8.6 FUNDING PROJECTS – MONTHLY ACTUAL EXPENDITURE AS AT 31/12/20

Date: 20 January 2021
Author: Tom Upton, Chief Executive Officer
File No:
Letter No:
Attachment: Capital Expenditure Report Funding Projects
Minute No: OM004894

Resolution:

That Council note and receive the Major Capital Expenditure Report for funding projects as at 31 December 2020.

Moved: Cr Semple

Seconded: Cr Casey

Carried

Report

Providing a report on Major Capital Expenditure for funding projects as at 31 December 2020.

Refer attachment.

9.0 Corporate & Community Services

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

Date: 15 January 2021
Author: Venkata Peteti – Director Corporate & Community Services
File No:
Letter No:
Attachment: Resolutions Action Report
Minute No: OM004895

Resolution:

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

Moved: Cr Boyce

Seconded: Cr Pender

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

9.1.2 2020/21 CORPORATE & COMMUNITY SERVICES OPERATIONAL PLAN ASSESSMENT AS AT 31/12/2020

Date: 15 January 2021
Author: Venkat Peteti - Director Corporate & Community Services
File No:
Letter No:
Attachment: 2020/21 Operational Plan – 2nd Quarter Review
Minute No: OM004896

Resolution:

That Council receive Corporate & Community Services' second quarter assessment of the 2020/21 Operational Plan.

Moved: Cr Casey

Seconded: Cr Pender

Carried

Report

Corporate & Community Services second quarter assessment of 2020/21 Operational Plan is attached.

9.1.3 TAROOM AERODROME – TERMINAL BUILDING

Date: 18 January 2021
Author: Venkata Peteti, Director Corporate and Community Services
File ID:
Letter ID:
Attachment:
Minute No: OM004897

Resolution:

That Council allocate \$130,407-00, set aside by the former Taroom Shire Council, to be used towards Council's matching contribution in any relevant Council grant application to upgrade the Taroom Aerodrome.

Moved: Cr Boyce

Seconded: Cr Ramsey

Carried

Report

A report was provided to the Council in December 2020, seeking allocation of the \$85,000 out of \$130,407 (the funds set aside by the former Taroom Council) towards the installation of a new terminal (building) shed.

Further to that, an opportunity is available for the Council to work on a grant application under Regional Recovery partnerships to upgrade the Taroom runway. Officers are currently working to make the Taroom Runway upgrade project a shovel ready project. It is prudent for Council to use the funds set aside by the former Taroom Council towards a matching contribution to support a more significant project.

9.1.4 ACCEPTANCE OF TRUSTEESHIP OF RESERVE LOT 21 ON CP LE145

Date: 6 January 2021
Author: Dean Smoothy – Coordinator Land and Lease Management
File No:
Letter No:
Attachment: Doc ID # 1595577
Minute No: OM004898

Resolution:

That Council accepts to take on the trusteeship of the current reserve for recreation being Lot 21 on CP LE145 in principal, subject to Department of Natural Resources, Mines and Energy (DNRME) -

- Changing the purpose of the land to stock routes and watering; and*
- Consulting with the neighbouring properties on the change of land use; and*
- Fencing the land; and*
- Providing native title clearance*

Moved: Cr Boyce

Seconded: Cr Pender

Carried

Report

The Queensland Department of Natural Resources, Mines and Energy (DNRME) currently owns Lot 21 on Crown Plan LE145 (the land) at Theodore. This land is in 10 Acres and presently reserved for the Sports and Recreation Purpose (refer to the map below).

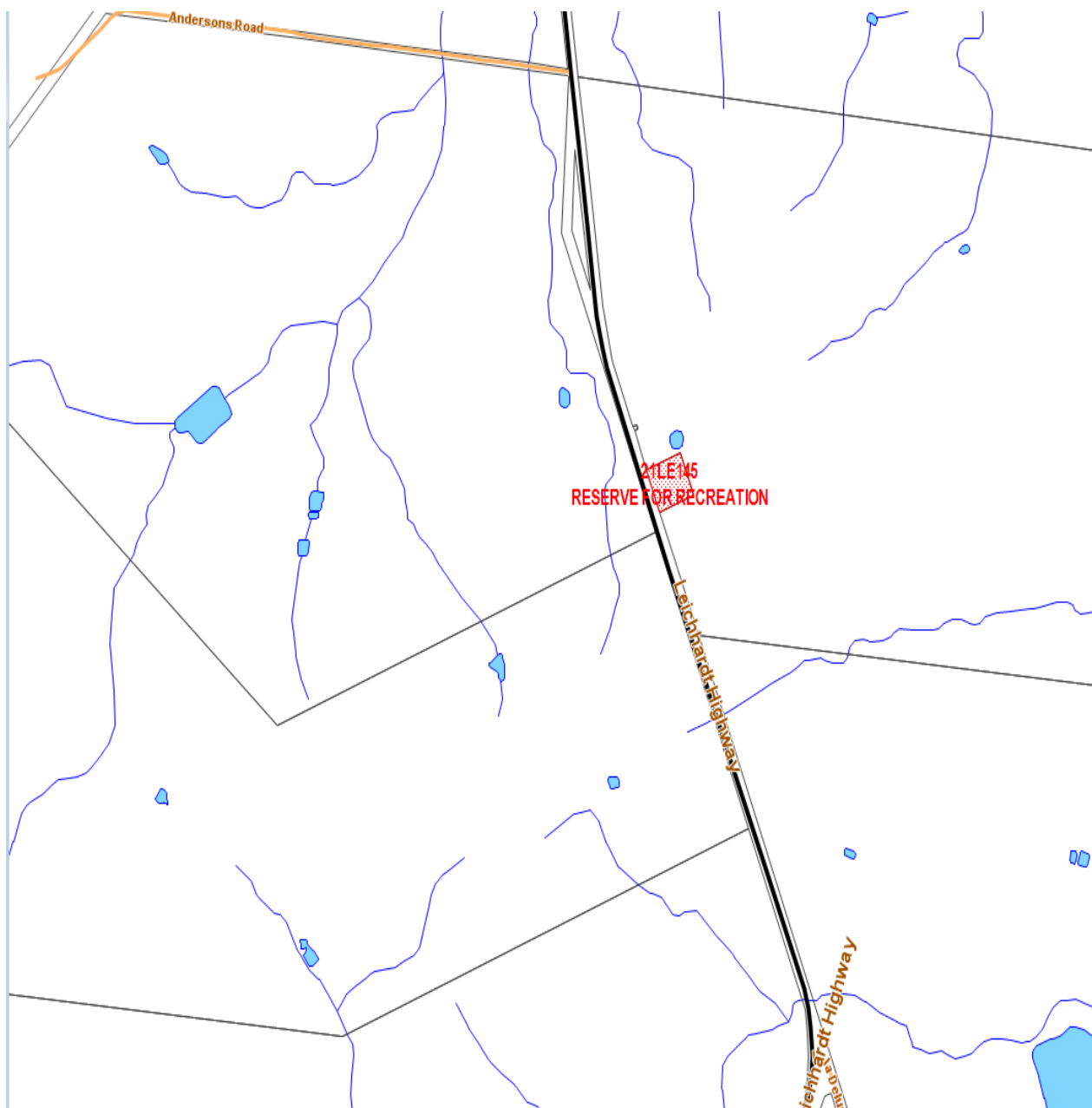
DNRME asks the Council to accept the trusteeship over the land. The offer requested Council to investigate any current or future community interest in using the land for the sport and recreation purposes.

Council staff sent emails to all community groups in the Theodore area to determine if there was any interest in the community using the land. Council received no response to the email.

A discussion was held with the rural services team if the land would be useful during droving as a camp area. It was agreed that if the land use purpose could be changed, the land is fenced and native title extinguished, that the land would be useful as part of the stock route.

A preliminary discussion was held with DNRME over this matter. It was suggested that if the Council were willing to accept the land, the DNRME and State Land Asset Management (SLAM) would manage:

- any Native Title requirements;
 - notify the surrounding property owners of the changes;
 - advise surrounding property owners that they will have to ensure a fence is erected and maintained; and
 - change the purpose of the reserve to a suitable use as part of the stock route.
-



10.0 Infrastructure Services

10.1.1 MONTHLY COUNCIL REPORT – INFRASTRUCTURE SERVICES

Date: 12 January 2021
Author: Chris Whitaker – Director Infrastructure Services
File ID:
Letter ID:
Attachment:
Minute No: OM004899

Resolution:

That Council receive the January 2021 Infrastructure Services Monthly Report as presented.

Moved: Cr Ramsey

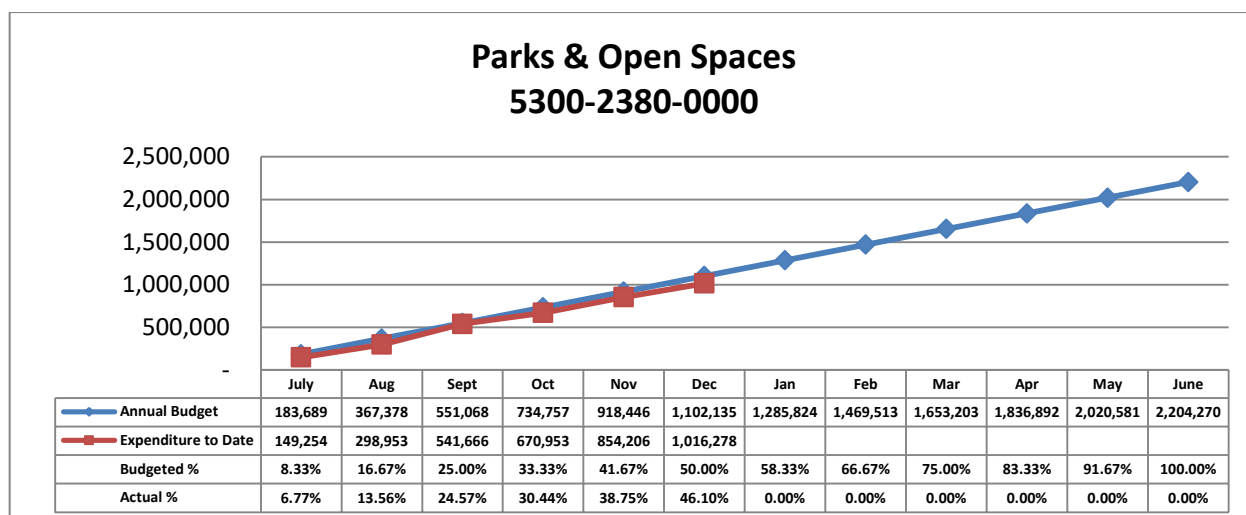
Seconded: Cr Semple

Carried

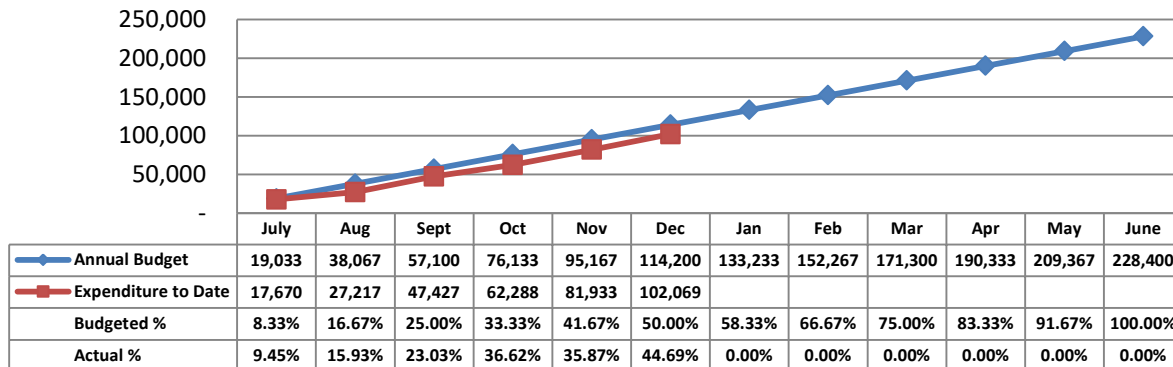
Report

This month's Council report by Infrastructure Services details the following actual expenditure:

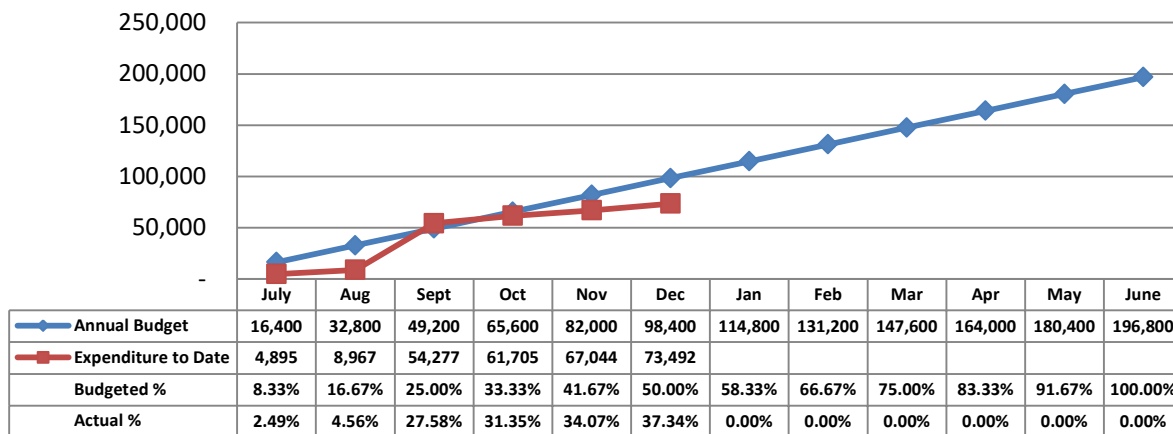
- Parks & Open Spaces
- Public Toilets
- Street Cleaning
- Street Lighting
- Bikeways and Footpaths Maintenance
- Roads Bridges and Drainage Maintenance
- RMPC



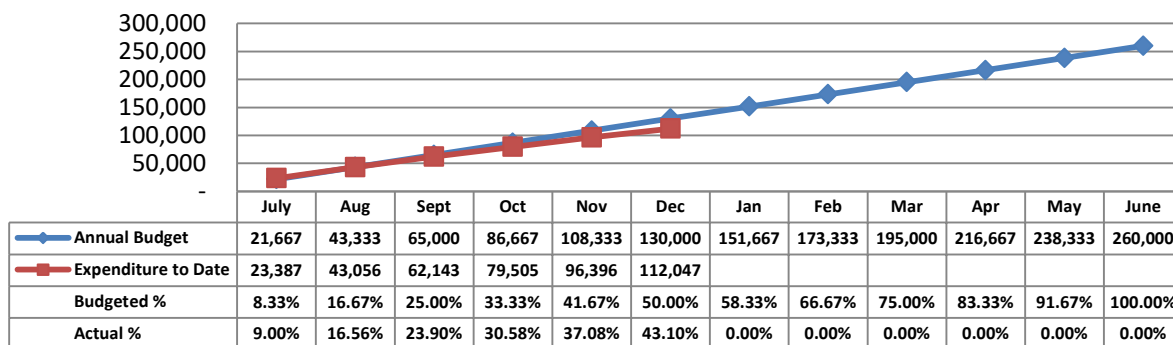
Public Toilets 5320-2380-0000



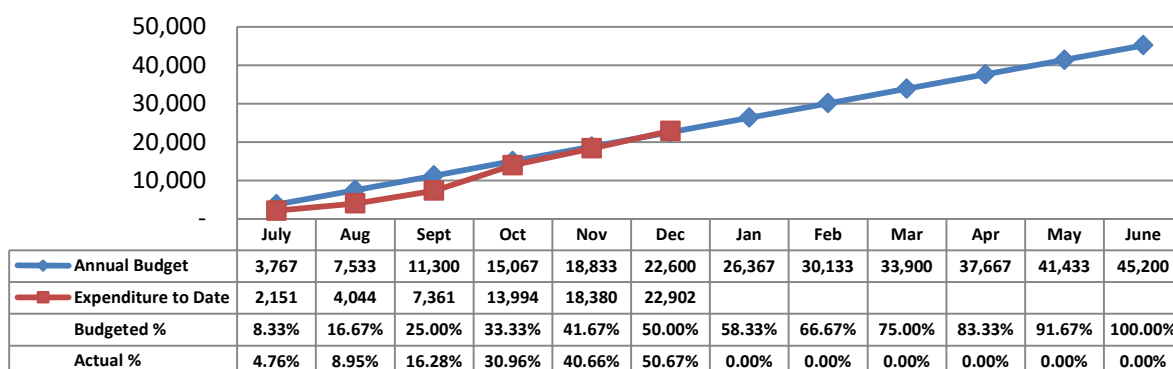
Street Cleaning 5360-2380-0000



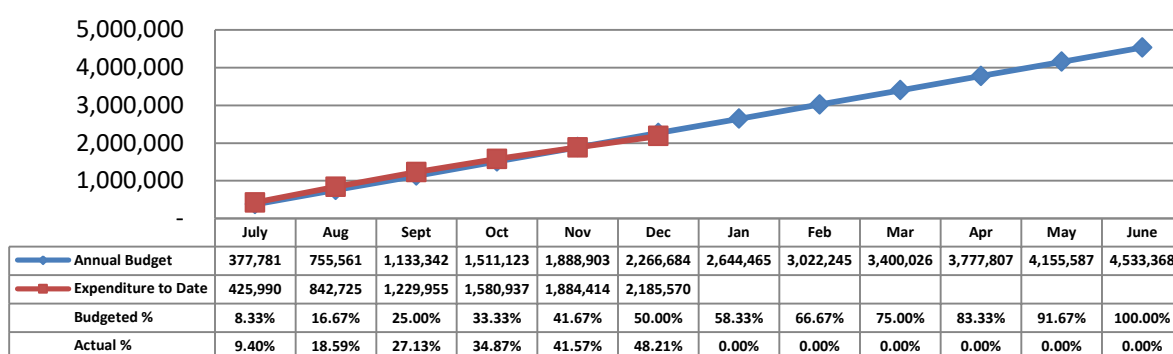
Street Lighting 5380-2380-0000



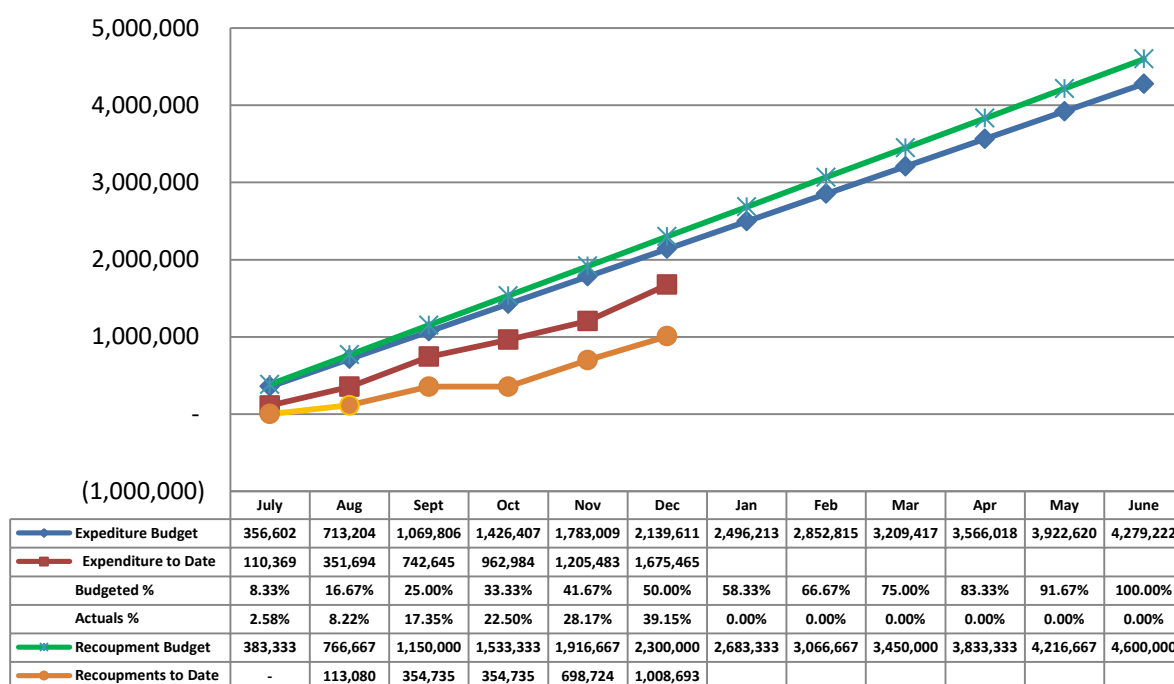
Bikeways & Footpaths 5420-2480-0000



Roads Bridges & Drainage 5200-2480-0000



RMPC Maintenance Expenditure 5100-2480-0000 RMPC Recoupment 5100-1400-0000



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.

10.1.2 ACTION REPORT ON PREVIOUS COUNCIL RESOLUTIONS – INFRASTRUCTURE SERVICES

Date: 20 January 2021
Author: Chris Whitaker - Director Infrastructure Services
File No:
Letter No:
Attachment: Resolutions Action Report
Minute No: OM004900

Resolution:

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

Moved: Cr Semple

Seconded: Cr Ramsey

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

10.1.3 2020/21 INFRASTRUCTURE SERVICES OPERATIONAL PLAN ASSESSMENT AS AT 31/12/2020

Date: 20 January 2021
Author: Chris Whitaker – Director Infrastructure Services
File No:
Letter No:
Attachment: 2020/21 Operational Plan – 2nd Quarter Review
Minute No: OM004901

Resolution:

That Council receive Infrastructure Services' second quarter assessment of the 2020/21 Operational Plan.

Moved: Cr Ramsey

Seconded: Cr Semple

Carried

Report

Infrastructure Services second quarter assessment of 2020/21 Operational Plan is attached.

10.1.4 BAILEYS LANE SPEED ZONE REVIEW

Date: 15 January 2021
Author: Allan Heit – Manager Infrastructure Technology
File No:
Letter No:
Attachment:
Minute No: OM004902

Resolution:

That Council endorse Option 1 Baileys Lane Regulated Speed Reductions.

Moved: Cr Casey

Seconded: Cr Pender

Carried

Report

Residents along Baileys Lane have expressed concerns regarding vehicle behaviour and have requested Council to investigate their concerns and provide modifications to the road and road infrastructure to improve road safety.

The BSC technical team have completed a Road Safety Engineering Assessment, the inspections and assessments were undertaken in line with road safety auditing principles.

Outcomes of the Road Safety Engineering Assessment include:

- Traffic count:
 - Traffic counts range from 269VPD (150m south of Calvale Road) to 326VPD (200m east of Valentine Plains Road)
 - The 85% speed 200m east of Valentine Plains Road was 80.6km/hr, the maximum speed was 127km/hr
 - 95% of the vehicles using the road are 'short' vehicles (up to 5.5m); 4% of vehicles using the road are medium (5.5m to 14.5m); and 1% of vehicles using the roads are long (14.5m to 36.5m)
- Road width:
 - The road seal varies in width from 5.1m wide to 6.0m wide (6.5m width is recommended)
 - Swept paths for the transfer station access for medium size vehicles is inadequate
 - Swept paths for the southern 90degree bend (near the residential area) is inadequate for medium/long vehicles
 - The Road Clear Zone (trees, culverts etc.) is inadequate, particularly along the southern road segment
- Road sign/lines
 - Regulated speed signs are required at the northern end of the road
 - Improved curve/bend signs are recommended
 - Older signs require changing to remove sign 'spearing' risks
- Other:
 - Vegetation overgrowth clearing is required
 - Sight distances at the transfer station access is inadequate for the current speed

To reduce the risk to road users the following is recommended:

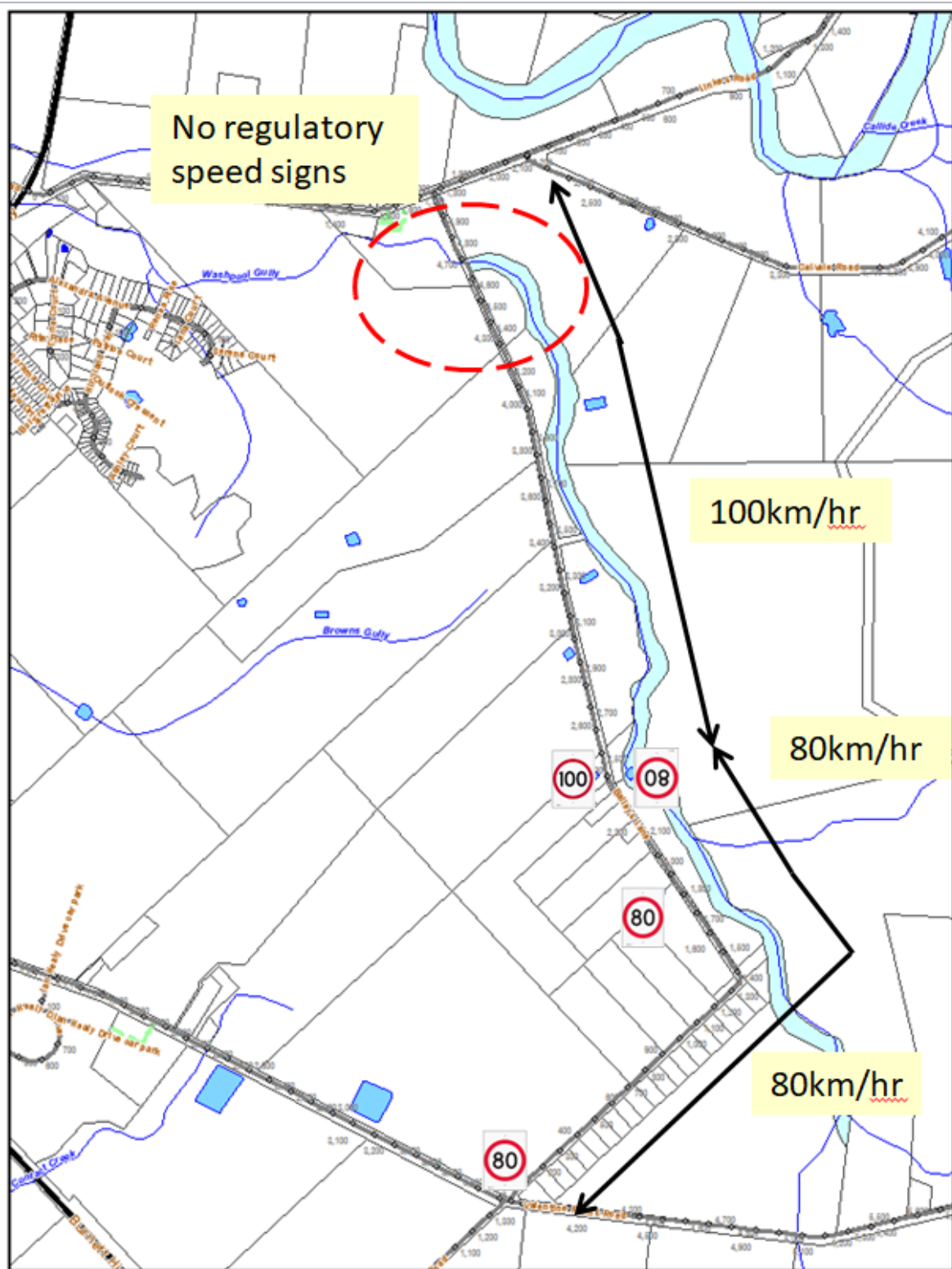
- Vegetation clearing – remove regrowth in identified areas (2020/21)
- Install/repair road signs – replace damaged/missing signs (2021/22) and with road widening.
- Increase road width – capital project staged from 2021/22 to 2022/23
- Speed reductions along segments of Baileys Lane (2020/21), the current regulated speed sign layout and two options are below:

Option 1

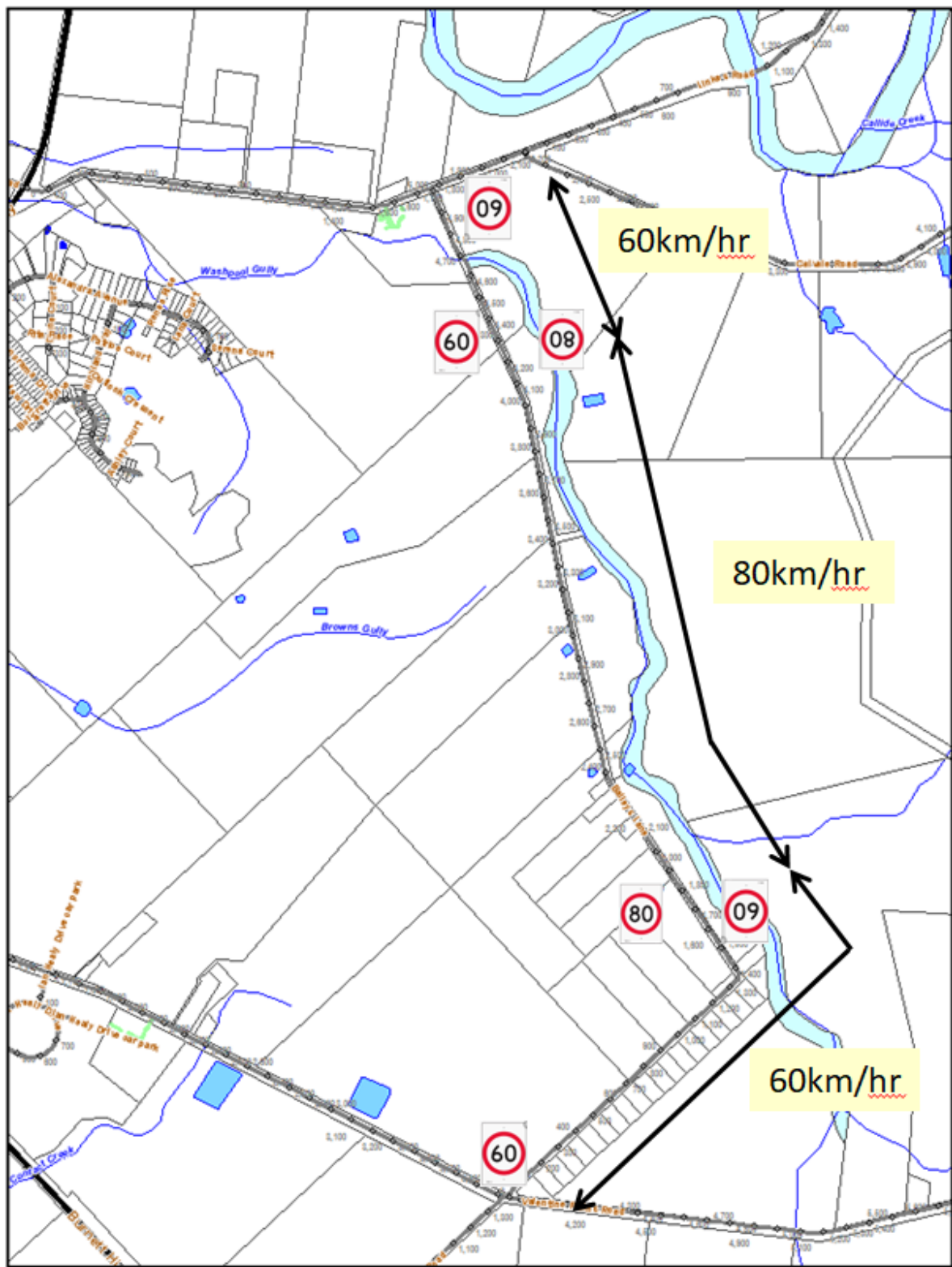
- Reduce the regulated speed from Valentine Plains Road to the first road bend from 80km/hr to 60km/hr
- Reduce the regulated speed from Calvale Road to the Transfer Station access (South of Washpool Creek) from 100km/hr to 60km/hr

Option 2

- As above, and
- Reduce the 100km/hr segment of the road to 80km/hr



Existing Regulatory Road Signs



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 kilometres
 Scale 1:14,888 (A3 Original Size)
 Banana Shire Council, 2021. DTMR Data 20



Option 2

Considerations

1. Corporate Plan

N/A

2. Policy and Legal Implications

N/A

3. Financial and Resource Implications

N/A

4. Risk Assessment

N/A

10.1.5 MELTON PARK PLAYGROUND SURVEY RESULTS

Date: 15 January 2021
Author: Leesa Millar – Principal Project Engineer
File ID:
Letter ID:
Attachment: Appendix No. 1 – Imagination Play Design
Appendix No. 2 – Moduplay Design
Minute No: OM004903

Resolution:

That Council endorse the results of the community consultation for the Melton Park Playground.

Moved: Cr Ramsey

Seconded: Cr Pender

Carried

Report

Introduction

Since early 2019 Melton Park has been heavily targeted for vandalism which has resulted in the need for the complete removal of the maze to ensure the safety of park users. An insurance claim for this damage was compiled which estimated the cost of repair/reinstate the maze at approximately \$100,000.

Purchase of materials and building of fence panels	\$30,000
Purchase of signs/decorations	\$10,000
Purchase of Bollards	\$ 8,000
Earthworks	\$10,000
Purchase and installation of astro turf	\$50,000
Total Estimated Cost	\$108,000

Analysis of these costs determined that Council would get more value for money by replacing the maze with a new playground. From this playground designs were sort for a max budget of \$80,000 (which would allow for Council staff to install softfall) for an age group of 4 years to 10 years. Council staff narrowed these designs down to the top 2 and Public consultation was undertaken for 2 weeks at the end of June 2020. In this consultation the community were asked to vote for their favourite of the 2 designs and also put forward any suggestions for future additional upgrades to the park/playground.

The outcome of public consultation was the selection of the Imagination Play design valued at \$80,000 (Appendix No. 1) and the below listed suggestions for future upgrades to the park:

Themes from comments for consideration:	No. of Responses:
Shade	24
Seating in fenced area	9
Fencing	12
Indigenous Culture inclusions	2
Community Garden	1

Footpaths	2
Swings	4
Water Park	2
Toddler Friendly	14
Security/Surveillance	8
Nature Play	3
Sensory Play	1
Picnic Tables	3
Outdoor Gym	1
Travellers Rest Stop - Parking	3
Many comments about providing something for all ages	
Also many comments about not duplicating what is already in Lions Park	

A visit was also made to Biloela State School by Council officers in June 2020 to discuss the project and students submitted drawings for the following suggestions:

Suggestions:	No. of Responses:
Treehouse	3
Slides	9
Zip-line	2
Rollercoaster	1
Sandpit	5
New Swings all ages	12
Pirate Ship & treasure hunt	1
Fort / Cave	1
Dog Area	1
Shelters	Most Students
Giant Games (chess, twister etc)	5
Hamster Wheel	4
Rock/Climbing Wall	4
Sea-Saw	4
Drinking Taps	Most Students
Trees	Most Students
Ball field (soccer/football)	2
Ice Cream Truck	1
Pond with fish	1
Play Fountain	1
Pool	2
Athletic Track	2
Spider Web	2

In July 2020 Council was allocated an additional \$180,000 of Works for Queensland funds to further improve the Melton Park facilities. Council officers reviewed the suggestions put forward by the community in the first round of community consultation and requested playground designs to the max budget of \$100,000 for a 0 – 4 years age group that included some of these suggestions. Once again

Council officers selected the 2 best designs and a second public consultation was undertaken regarding these designs late December 2020. In this consultation the community was asked to vote for their favourite design and the Moduplay design valued at \$103,669 (Appendix No. 2) was selected with a 62% majority.

Additional items/suggestions which are to be included in the Works for Queensland project are the installation of shading over and fencing around the entire playground area, the installation of chip bark softfall under and around the new playground equipment, the installation of an additional 3 CCTV cameras throughout the park and the planting of 10 new advance trees.

Further consideration has also been given to the installation of activities for age groups of 10 years and above, with proposals for several options (including the option of a half basketball court) currently being completed for consideration for future capital budgets.

Considerations

1. Corporate Plan

5.1 – Plan and deliver effective and efficient infrastructure services.

2. Policy and Legal Implications

Banana Shire Council's Parks and Open Spaces Strategy

3. Financial and Resource Implications

Council currently has an amount of \$22,868.45 from the insurance claim allocated for this project with an estimated additional \$87,000 expected from a new insurance claim. A further \$180,000 has been allocated from Works for Queensland funding. These combined amounts should cover the purchase and installation of both playground designs and additional items listed above.

4. Risk Assessment

Economic

There may be a small increase to Council's normal park maintenance budget due to the need to replace the softfall as it ages but there should be a decrease in the vandalism costs for the park.

Social

The installation of the new equipment can only improve the aesthetics of the park and hopefully lower the frequency of future vandalism in the area.

Political

The repair of the damage to the park will improve the look of Melton Park and increase the level of the facilities provided within the park.

Legislative

Council has to meet legislative safety requirement for playground equipment within a public area.

10.1.6 LOCAL ROADS OF REGIONAL SIGNIFICANCE REVIEW

Date: 15 January 2021
Author: Allan Heit – Manager Infrastructure Technology
File No:
Letter No:
Attachment:
Minute No: OM004904

Recommendation:

That Council endorse the following LRRS network changes:

1. Remove Valentine Plans Road segment from Van Itallies Road to Kroombit Tops Tourist Park
2. Remove Jambin Dakenba Road segment from Shepherds Road to the Burnett Highway
3. Add Baileys Lane
4. Add Harsants Road
5. Add Cockatoo Road
6. Add Three Chain Road segment from Memorial Drive to Gibihi Road

Resolution:

That Council endorse the following LRRS network changes:

- 1. Remove Valentine Plans Road segment from Van Itallies Road to Kroombit Tops Tourist Park*
- 2. Add Baileys Lane*
- 3. Add Harsants Road*
- 4. Add Cockatoo Road*
- 5. Add Three Chain Road segment from Memorial Drive to Gibihi Road*

Moved: Cr Semple

Seconded: Cr Ramsey

Carried

Report

Introduction

The Roads and Transport Alliance is a cooperative governance arrangement between the Department of Transport and Main Roads, the Local Government Association of Queensland (LGAQ) and local governments to invest in and regionally manage the Queensland transport network. Established in 2002, the Roads and Transport Alliance was formed to jointly address shared road and transport challenges and deliver improved value from all available resources.

The objectives of the Roads and Transport Alliance are to:

- Maximise the economic, social and environmental benefits of our joint investments
-

- Achieve maximum efficiencies through collaboration and innovation in network planning, program development and delivery
- Improve technical skills through training, technology and knowledge transfer
- Optimise safety
- Maximise the investment on the Queensland transport network

Banana Shire Council (BSC) participates in the Roads and Transport Alliance through the Bowen Basin Regional Roads and Transport Group (BBRRTG) with primary focus on the Local Roads of Regional Significance (LRRS) network. BSC controlled roads contained in the existing LRRS network are shown Appendix 1.

LRRS network review

The LRRS network has been reviewed with the following recommendations:

1. Remove Valentine Plains Road segment from Van Itallies Road to Kroombit Tops Tourist Park – The Tourist Park is no longer operational, traffic volume has decreased significantly.
2. Remove Jambin Dakenba Road segment from Shepherds Road to the Burnett Highway – The Callide Creek Bridge on Burnett Highway is being upgraded, heavy vehicles will be encouraged to use the Burnett Highway in preference to Jambin Dakenba Road.
3. Add Baileys Lane from Valentine Plains Road to Calvale Road – Baileys Lane has a high traffic count and is classified as a Rural Major Collector Road.
4. Add Harsants Road from Glencoe Road to the Burnett Highway – The North Burnett Shire has classified Glencoe Road as a LRRS road and as a 'B Double Route', Harsants Road extends from Glencoe Road, upgrading Harsants Road will extend the 'B Double' route from Glencoe road to the Burnett Highway
5. Add Cockatoo Road from Cracow Road to Nathan Road – Cockatoo Road connects communities from Taroom to Eidsvold.
6. Add Three Chain Road segment from Memorial Drive to Gibihi Road – Three Chain Road from Memorial Drive to Gibihi Road has recently been constructed, the road has a high traffic count and is classified as a Rural Major Collector Road.

Considerations

1. Corporate Plan

N/A

2. Policy and Legal Implications

N/A

3. Financial and Resource Implications

The BBRRTG receives an annual allocation through the Transport Infrastructure Development Scheme (TIDS). The BBRRTG allocates BSC TIDS funding to the nominated road and transport projects in the shire, BSC are required to match TIDS funding 50:50 (at a minimum). TIDS program management costs are budgeted for in the Infrastructure Services budget. BSC TIDS funding allocation historically has been between \$1,400,000 and \$1,500,000.

4. Risk Assessment

Nil

Appendix 1 - Banana Shire Council existing Local Roads of Regional Significant network.

Local Road Name	Start Description	End Description	Total Length (km)	Sealed Length (km)	Unsealed Length (km)
Aerodrome Road	Thangool Lookerbie Road	Leslie Street	1.180	1.180	0.000
Baralaba Banana Road	Leichhardt Highway	Moura Baralaba Road	33.160	33.160	0.000
Callide Street	Auburn Street	Brown's Gully	2.670	2.720	0.000
Calvale Road	Dawson Highway	Callide Dam Boat Ramp	12.060	12.060	0.000
Cracow Road	Leichhardt Highway	Fourteenth Av, Cracow	86.667	30.551	56.116
Crowsdale Camboon Road	Dawson Highway	Defence Road	78.210	18.680	59.530
Deearne Road	Nathan Road	North Burnett / Banana boundary	37.610	9.480	28.130
Defence Road	Leichhardt Highway	Eidsvold Theodore Road	68.690	36.200	32.490
Dunn Street	Dawson Highway	Quarrie Road	1.162	1.162	0.000
Eleventh Avenue	The Boulevard	Walloon Street	0.050	0.050	0.000
Walloon Street	Eleventh Avenue	Partridge Drive	0.300	0.300	0.000
Partridge Drive	Eidsvold Theodore Road	Walloon Street	0.550	0.550	0.000
Gibihi Road	Leichhardt Highway	Theodore Moura Road	12.670	12.670	0.000
Goovigen Connection Road	Burnett Highway	Goovigen Rannes Road	6.600	6.600	0.000
Goovigen Rannes Road	Goovigen Connection Road	Leichhardt Highway	19.320	19.320	0.000
Injune Road	Leichhardt Highway	Maranoa / Banana boundary	104.290	49.620	54.670
Jambin Dakenba Road	Burnett Highway	Auburn Street	26.450	26.450	0.000
Jambin Goovigen Road	Burnett Highway	Goovigen Connection Road	10.820	10.820	0.000
Linkes Road	Calvale Road	Biloela Callide Road	2.820	2.820	0.000
Moura Baralaba Road	Dawson Highway	Baralaba Rannes Road	48.400	48.400	0.000
Nathan Road	Western Downs / Banana boundary	Cracow Road	31.260	15.810	15.450
Paines Road	Jambin Dakenba Road	Burnett Highway	2.067	2.067	0.000
Quarrie Road	Paines Road	Dunn Street	1.950	1.950	0.000
Raeton Street	Dunn Street	Exhibition Avenue	0.840	0.840	0.000
Shepherdsons Road	Dawson Highway	Jambin Dakenba Road	3.790	3.790	0.000
Stanley Street	Jambin Goovigen Road	Goovigen Rannes Road	0.200	0.200	0.000
Theodore Moura Road	Leichhardt Highway	Dawson Highway	40.890	40.890	0.000
Three Chain Road	Dawson Highway	Access Road to Moura Mine Disaster Memorial	4.200	4.200	0.000
Valentine Plains Road	Brown's Gully	Kroombit Tops Tourist Park	32.370	26.650	5.720
Van Itallie's Road	Valentine Plains Road	Burnett Highway	1.400	1.400	0.000
Winston Street	Burnett Highway	Leslie Street	0.380	0.380	0.000

Moved Cr Leo, seconded Cr Casey and carried: That the meeting adjourn at 10.40am for morning tea.

Moved Cr Leo seconded Cr Casey and carried: That the meeting recommence at 11.08am.

11.1.1 ACTION REPORT ON PREVIOUS COUNCIL RESOLUTIONS – COUNCIL SERVICES

Date: 11 January 2021
Author: Chris Welch, Director Council Services
File ID:
Letter ID: N/A
Attachment: Resolutions Action Report
Minute No: OM004905

Resolution:

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

Moved: Cr Boyce

Seconded: Cr Semple

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

11.1.2 2020/21 COUNCIL SERVICES OPERATIONAL PLAN ASSESSMENT AS AT 31/12/2020

Date: 21 January 2021
Author: Chris Welch – Director Council Services
File No:
Letter No:
Attachment: 2020/21 Operational Plan – 2nd Quarter Review
Minute No: OM004906

Resolution:

That Council receive Council Services' second quarter assessment of the 2020/21 Operational Plan.

Moved: Cr Boyce

Seconded: Cr Pender

Carried

Report

Council Services second quarter assessment of 2020/21 Operational Plan is attached.

11.1.3 DRAFT BANANA SHIRE PLANNING SCHEME PROJECT

Date: 14 January 2021
Author: Chris Welch, Director Council Services
File No: FID1151
Letter No:
Attachment: 1 – Consultation Report – ID1604400
2 – Amended draft Planning Scheme – ID1604402
3 – Summary of Changes Report – ID1604404
Minute No: OM004907

During discussions Cr Boyce left the meeting at 11.22am and returned at 11.25am.

Resolution:

That Council resolve to:

- a) amend the draft Banana Shire Council Planning Scheme in accordance with the changes recommended in the Public Consultation Report – Submitter Issues and Response Table, a copy of which is attached to and forms part of these minutes (Doc.1604400);***
- b) determine that the amendments do not result in the draft Banana Shire Council Planning Scheme being significantly different from the version that was publicly notified;***
- c) formally respond to all submitters in accordance with the recommended responses proposed in the Public Consultation Report – Submitter Issues and Response Table;***
- d) submit a copy of the final Feasible Alternatives Assessment Reports to the Minister of State Development, Manufacturing, Infrastructure and Planning in accordance with section 3.11 of the Minister's Guidelines and Rules;***
- e) submit a notice to the Minister of State Development, Manufacturing, Infrastructure and Planning requesting adoption of the draft Banana Shire Council Planning Scheme in accordance with section 18 of the Planning Act 2016; and***
- f) endorse and release the Public Consultation Report on the Council website following the despatch of individual responses to submitters.***

Moved: Cr Casey

Seconded: Cr Semple

Carried

Background

Council resolved on 23 August 2017 to prepare a new Planning Scheme under the provisions of the *Planning Act 2016* (PA). Council officers completed drafting the planning scheme and it was released for public consultation between 21 September 2020 and 16 November 2020.

The process also involved the review of properties affected by the extent of flood hazard identified in the Flood Study undertaken by Council and recommendations therein on measures to reduce the risk. Three properties that are identified in the Residential Precinct or Village Zone in the current Planning Scheme have significant development potential coinciding with elevated flood risk.

In accordance with the Minister's Guidelines and Rules (MGR), Council prepared Feasible Alternatives Assessment Reports (FAAR) for each property to determine the most effective means of

reducing the risk. The recommendations of the FAAR were to back zone the properties to the Rural Zone in the draft Planning Scheme to reduce exposure to flood hazard risk. The FAAR were subject to the same public consultation as was the draft planning scheme, in accordance with the MGR.

Report

The public notification process resulted in Council receiving eight properly made submissions on the draft Planning Scheme. The submissions identified issues with proposed zoning, levels of assessment for selected development, typographical errors and omissions, consistency of policy and specific consultation concerns from a special interest group. Full details of each submission, the recommended response and the reasons therefore are included in the Public Consultation Report included as Attachment 1.

The recommended responses to the submissions include a number that trigger an amendment to the draft Planning Scheme; a copy of the amended draft is provided in Attachment 2 with amended mapping. The full list of proposed amendments is included in the Summary of Changes Report in Attachment 3.

For the purposes of the MGR, Council must consider whether the draft Planning Scheme is significantly different from the version released for public consultation. If it is considered significantly different, public consultation must be repeated, but limited to the aspects that have been amended. Consideration must be given to the extent each amendment affects the overall planning outcomes and assessment requirements of the planning scheme as it was advertised. The Public Consultation Report identifies this extent for each proposed amendment and finds that none of the amendments are significant.

The three owners whose properties were the subject of the FAAR have been provided access to those reports as part of the public notification process for the draft Planning Scheme. Two property owners made submission and the third owner declined the opportunity. After reviewing the two submissions, Council has finalised the FAAR, taking into consideration the information provided in the submissions. These must now form part of the submission to the State Government to finalise the draft Planning Scheme.

In accordance with the process agreed to by Council and the State Government for the preparation of the draft Planning Scheme, Council must now communicate with each of the submitters about how it has dealt with their submission. The Public Consultation Report provides the response and reasoning to form the basis of Council's response to the submitters and should be included with Council's responses. The Public Consultation Report must also be made available on Council's website in accordance with the requirements of the PA once it has been endorsed by Council.

Following acceptance of the recommended amendments to the draft Planning Scheme, Council must now request approval from the State Government to adopt the amended version. This allows the State the opportunity to confirm that State interests continue to be reflected in light of the amendments and to review how Council has responded to the submissions. Should the Minister provide approval to adopt, the draft Planning Scheme will be represented to a future Council meeting for adoption and a recommendation for a commencement date.

Recommendation

That Council:

- a) amend the draft Banana Shire Council Planning Scheme in accordance with the changes recommended in the Public Consultation Report – Submitter Issues and Response Table;
- b) determine that the amendments do not result in the draft Banana Shire Council Planning Scheme being significantly different from the version that was publicly notified;

- c) formally respond to all submitters in accordance with the recommended responses proposed in the Public Consultation Report – Submitter Issues and Response Table;
- d) submit a copy of the final Feasible Alternatives Assessment Reports to the Minister of State Development, Manufacturing, Infrastructure and Planning in accordance with section 3.11 of the Minister's Guidelines and Rules;
- e) submit a notice to the Minister of State Development, Manufacturing, Infrastructure and Planning requesting adoption of the draft Banana Shire Council Planning Scheme in accordance with section 18 of the Planning Act 2016; and
- f) endorse and release the Public Consultation Report on the Council website following the despatch of individual responses to submitters.

Draft Banana Shire Planning Scheme 2020

Public Consultation Report

January 2021

Introduction

Banana Shire Council has undertaken a review of the current planning schemes in effect for the Council area to ensure that Council's planning regulations align with the Corporate Plan strategic direction of providing effective and efficient planning and development management. In parallel, Council has undertaken assessments of the alternatives available to address the risk of flood hazard identified in the Flood Study completed in 2016.

The draft Planning Scheme is a statutory planning instrument under the Planning Act 2016 and required a statutory public notification period of 40 business days. The Feasible Alternatives Assessment Report (FAAR) is an aspect of the proposed changes formulated in the draft Planning Scheme and is subject to the same public notification process as the draft Planning Scheme. The documents were made available to the public to enable informed submissions.

Public notification of the draft Planning Scheme and FAAR was undertaken between 21 September 2020 and 16 November 2020. In accordance with the Planning Act all submissions have been considered and, where appropriate, proposed amendments are recommended for the draft Planning Scheme.

This report summarises the consultation activities undertaken during the public notification period. It provides a summary of the key issues raised through submissions, the responses to key issues identified in the submissions, and changes endorsed by Council.

Consultation program

The objective of the public notification period was to inform interested community members about the review process and the opportunity to make submissions to the draft Planning Scheme.

Methodology

Public notification was undertaken in alignment with the statutory requirements under the Ministers' Guidelines and Rules and the Minister's Notice provided to Council on 1 November 2017 under Section 18(20) of the Planning Act. A 12 week consultation program was conducted by Council to inform, consult and involve interested parties in the process. Council utilised a range of tools to inform and engage with stakeholders, including:

- newspaper-based advertising
- website notification
- direct correspondence with land holders
- static displays in Council offices at Biloela, Moura and Taroom and the Theodore library
- consultation meetings with traditional owner groups
- direct correspondence to major industries and businesses

Due to the low level of interest shown from the general public, planned community sessions were not carried out.


Overview of submissions

A total of 8 submissions were received during the public notification period. Submissions were received via mail or email.

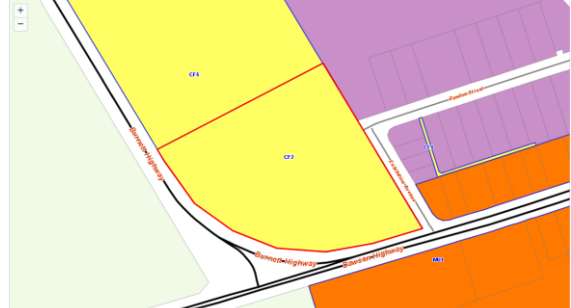
Summary of issues

The following tables provide a summary of the issues raised during public notification, with a response and notation indicating whether an amendment to the draft Planning Scheme is recommended.

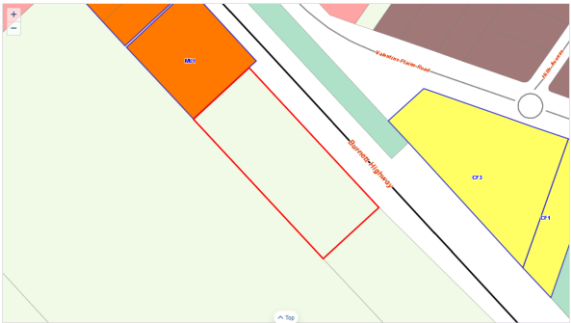
Table 1 – Submitter Issues and Response

Issue	Response	Reason
Queensland Ambulance Service		
<p>In general, the QAS is very supportive of council's new Planning Scheme Amendments. However, the QAS would like council to make the following changes which will support the efficient development, operation and management of QAS stations in the Banana Shire:</p>		
<p>1. The QAS stations are generally correctly identified in the Community Facilities Zone (Government - CF3), subject to the following amendment:</p> <ul style="list-style-type: none"> a. 28 Kariboe, Street, Biloela <ul style="list-style-type: none"> (i) 49RP604824 (FH - 0.06ha) (ii) QAS house adjacent to station (iii) Change <i>General Residential Zone</i> to <i>Community Facilities Zone</i> as QAS may expand the station onto this site in the future 	<p>Change zone as requested. The change is not considered a significant change in that it affects a very limited area.</p>	<p>It is better to extend an existing use than establish that same use on a new site elsewhere. The impacts of the use are known in its current location whereas relocating to a new site introduces new impacts into the locality of that new site.</p>
<p>2. The QAS agrees with the Categories of Assessment in the Community Facilities zone – Material Change of Use, subject to the following amendments. Change existing table to:</p> <ul style="list-style-type: none"> a. Accepted development - Emergency services. Replace with: In an existing building or involving only minor building work 	<p>No change to Accepted development. Change the level of assessment in all other circumstances from Code assessment to Accepted Development subject to requirements assessed against Community Facilities Zone Code – Table 5.8.2 and Development Design Code – Table 6.3.1.</p>	<p>The proposed change to the Accepted development category would enable emergency services to establish in Theodore or in any Community Facilities Precinct. In respect to Theodore, this is in direct conflict with the level of hazard risk identified by Council's flood risk assessment for the town and the draft Planning Scheme intention for emergency services to be able to function effectively during and immediately</p>

Issue	Response	Reason
<p>b. Accepted development subject to requirements - Emergency services If not accepted development</p> <p>(i) Community Facilities Zone Code – Table 5.8.3</p> <p>(ii) Development Design Code – Table 6.3.2</p> <p>c. Code assessment - Emergency services Remove Emergency services from Code assessment</p>		<p>after a flood event. In respect to allowing emergency services in any Community Facilities Precinct, the purpose of separating different community uses into separate precincts is to allow them to continue to operate without interference from other uses. This would be compromised if emergency services were able to establish, for example, in co-location with a school or electricity substation.</p> <p>The proposed change from Code Assessment to Accepted Development subject to requirements is supported. Any non-compliance with the relevant codes would trigger an application to Council.</p>
Banana Shire Council		
<p>The Strategic Framework Map (SFM-001) identifies the rail spurs for Jambin and Theodore as part of the railway network. This followed an instruction from the Department of State Development, Manufacturing, Infrastructure and Planning as part of the State Interests Review (SIR) as the spurs were included on the SPPIMS mapping at that time as state transport infrastructure. Since the SIR, the State has updated the SPPIMS mapping and these rail spurs are no longer mapped as state transport infrastructure. It is recommended that Council update the Strategic Framework Maps to remove these rail spurs.</p>	<p>Remove feature from Strategic Framework Maps. The change is not considered significant as it merely aligns strategic intent with the State.</p>	<p>The corridors no longer identified by the State.</p>
<p>Lot 284 on RN801267 is one of two lots making up the site of the Callide Dawson Machinery Preservation Club, the other being Lot 282 on RN961. Both lots are included in the Community Facilities Zone but while Lot 282 is included in Precinct 5 (for Public Facilities), Lot 284 is incorrectly included in Precinct 2 (for Electricity, Transport and Telecommunications). It is recommended that Council amend the precinct for Lot 284 from Precinct 2 to Precinct 5.</p>	<p>Make change. The change is not considered significant as it affect only one parcel of land in a minor way.</p>	<p>Provides consistency with the use of site</p>




Issue	Response	Reason
		
<p>Tables 6.3.5 to 6.3.10 are incorrectly identified in the Table of Contents as Tables 6.3.6 to 6.3.11. This error should be rectified.</p>	<p>Make change. The change is not a significant one.</p>	<p>Typographical error</p>
<p>There are numerous instances in the Categories of Assessment tables where the referenced Requirement or Benchmark is incorrectly identified. For example, in table 5.4.1 for Code Assessable development, the table identified for the Development Design Code is Table 6.3.1. This is the table for accepted development subject to requirements. The correct table for assessable development is Table 6.3.2. It is recommended that Council review all such references and rectify any errors.</p>	<p>Make change. The change is not a significant one.</p>	<p>Typographical error</p>
<p>In the Reconfiguring a Lot Code, PO2 of Table 6.3.5 references a Table 7.2.5 for minimum lot sizes. Table 7.2.5 does not exist. The table for minimum lot sizes and dimensions for assessable development is Table 6.3.6. This same error occurs at PO12 of Table 6.3.5. It is recommended that Council rectify this error.</p>	<p>Make change. The change is not a significant one.</p>	<p>Typographical error</p>
<p>In Table 5.2.1, the Assessment benchmarks for Assessable Development identify Table 5.3.2 as the relevant section of the General Residential Zone Code. This is incorrect. The correct table reference is Table 5.2.3 and the error needs to be rectified.</p>	<p>Make change. The change is not a significant one.</p>	<p>Typographical error</p>
<p>Tables 5.6.1 and 5.12.1 identify a Service Station as Code Assessable development but fail to identify the Service Station Code as an Assessment Benchmark. This oversight needs to be rectified.</p>	<p>Make change. The change is not considered significant as it will affect a very limited number of developments only.</p>	<p>Omission</p>

Issue	Response	Reason
Table 5.10.1 identifies Animal Keeping as Code Assessable development but fails to identify the Animal Keeping Code as an Assessment Benchmark. This oversight needs to be rectified.	Make change. The change is not considered significant as it will affect a very limited number of developments only.	Omission
Table 5.9.2 requires non-residential development to provide an acoustic fence to the common boundary with land in the General Residential Zone. This should be extended to include any boundary adjoining a sensitive use to protect such uses that are lawfully established on adjoining land that is not in the General Residential Zone.	Make change. The change is not considered significant as it affects only a minor component of any development.	Improves amenity for sensitive uses on adjoining land
AO4.6 of Table 6.3.1 incorrectly references the Landscaping Planning Scheme Policy as Schedule 5.2 whereas it is Schedule 5.3. It also references species identified as non-preferred in the Schedule. The Schedule does not contain a list of non-preferred species. AO4.6 should be re-worded to identify the correct schedule and clearly identify what plant species satisfy the outcome.	Make change. The change is not a significant one.	Typographical error and better clarity of outcome
Table 6.3.2 does not reference the Landscaping Planning Scheme Policy. It is recommended that the Table reference Schedule 5.3 to assist in species selection for landscaping.	Make change. The change is not a significant one.	Omission
<p>The various zone codes include the following Acceptable Outcome in relation to development height above flood level:</p> <p><i>'Development is sited above the defined flood event where known, or the highest known flood event, as follows:</i></p> <p><i>(a) Habitable floor levels - 500mm;</i></p> <p><i>(b) Non-habitable floor levels - 300mm;</i></p> <p><i>(c) On-site sewage treatment, services infrastructure (including electricity, gas, water supply, sewerage and telecommunications) and storage areas for potential contaminants - 300mm;</i></p> <p><i>(d) All other development - 0mm.'</i></p> <p>This has the effect of capturing Class 10 buildings under (d) as other development and requires that</p>	Make change. The change is not considered significant as it aligns the planning scheme with National and State building codes.	This provides better consistence with adopted Council policy.

Issue	Response	Reason
<p>they be no lower than the nominated flood level. The various National and State building codes and regulations do not address freeboard or floor heights for Class 10 buildings. The draft planning scheme would place a higher level of compliance on Class 10 buildings than is otherwise regulated. It is important to allow existing lots to be reasonably developed for the purposes of storage buildings associated with a residence. It is recommended that a new point be added for Class 10 buildings setting no floor height requirement.</p>		
Matthew and Karen Hutton		
<p>The letter states that the land be changed from Town zone to Rural zone, for various reasons which are not correct. The land is currently 4 acres in size and is not used for rural activities, it is basically a large garden and is not suitable for rural activities. The land is already approved for reconfiguration to seven lots, this does not align with rural land. I disagree with the flood survey and maps in regard to this land as I have photographs from the air during the peak of the floods showing this property high and dry. Do not mistake a 4 acre block, in the town precinct, with approval to be seven, for larger blocks that are actually rural. This makes no sense and I believe this letter may have been the result of an oversight. Please correct this matter for us.</p> 	No change	<p>Land is capable of being used for rural purposes. The adjoining property is of a similar size and is used for grazing and/or agriculture as rural activities.</p> <p>The current approval for subdivision remains in effect despite the proposed change until it lapses in April 2022 and the owner is able to complete the subdivision in that time. If this was to occur, Council could consider a future change in the zone to reflect the established use.</p> <p>There is insufficient evidence provided in the submission to dispute the flood study. The flood study identifies that the 2013 and 2015 events were slightly less than a 1% AEP modelled event with no allowance provided for climate change. The State has made it clear that Councils should be adopting, as a minimum, a 1% AEP flood event with allowance made for climate change. The flood study clearly identifies that this property would be inundated in such an event.</p>

Issue	Response	Reason
Teys Australia Biloela Pty Ltd		
<p>Teys supports the specific reference to the following items within the draft planning scheme:</p> <ul style="list-style-type: none"> a) Recognition of Teys Australia Biloela Pty Ltd substantial economic boost to the Shire in terms of employment and flow on economic benefits. b) The support for Teys Australia Biloela Pty Ltd as a major employer in the regional economy. c) The planning scheme outcomes to protect Teys Australia Biloela Pty Ltd from the intrusion and impacts associated with incompatible development. d) The establishment of a 1 km separation distance around Teys Australia Biloela. 	No change	No change requested
<p>A01 .1 The height of new building work does not exceed: (a) Teys Abattoir and Moura Cotton Gin - 10m.</p> <p>Teys seek an increase to this building height up to 18 meters. It is highly likely that future buildings at Teys will be up to 20 meters in height due to the nature of modern cold storage and freezing equipment configurations.</p>	Increased maximum height to 20m. The change is not considered significant as it has very limited impact.	Site assessment indicates that the increased height does not impact negatively on the character of the surrounding rural areas.
<p>A04.6 Where a reticulated water supply is not available, water supply tanks are provided for fire-fighting purposes within the development. The water tanks must:</p> <ul style="list-style-type: none"> (a) have 25,000 litres dedicated for fire-fighting purposes; (b) have a minimum pressure and flow of 10 litres a second at 200 kPa; (c) be of concrete construction; (d) have an outlet pipe of 50mm in diameter, fitted with a 50mm male camlock (standard rural fire brigade fitting) and an isolating valve. <p>Teys would like confirmation that our existing bore filled tank and reticulation system qualifies as a</p>	No change	Teys have been advised that their existing 500,000L tank and existing bore supply satisfies the requirements of AO4.6.

Issue	Response	Reason
reticulated water system being available for firefighting purposes, negating the requirement to comply with listed water tank details under condition A04.6.		
CS Energy		
The Draft Banana Shire Planning Scheme 2020 appropriately recognises the contribution of Callide Power Station in delivering regional economic benefits and supporting local employment. It is also pleasing to see recognition of the opportunities for new industries in the region, drawing on the shire's unique competitive advantages such as established infrastructure and supply chains, and a skilled labour force. As you would be aware from our previous discussions, CS Energy has informed the Australian Energy Market Operator that its forecast closure date for Callide B Power Station is 2028, in accordance with reporting requirements for large generators to provide advance notice to the electricity market of plant closures. It is important to note that no decision has been made to close Callide B Power Station and the final decision will be made by our shareholder the Queensland Government. However, we encourage the Banana Shire Council to acknowledge the high likelihood of the closure of Callide B Power Station within the 20-year horizon of the planning scheme and ensure the scheme allows for the creation of successor industries to support regional jobs and economic development.	<p>Amend Table 5.7.1 to allow any high impact industry or special industry as defined to establish on the site without approval, with the exception of a new abattoir. The change is not considered significant as it affects only a small number of holdings.</p> <p>Amend section 5.7.2.2(2)(a) to include manufacture of chemicals and expand the intent to allow cotton-based products to all natural fibre products. The change is not considered significant as it affects only a small number of holdings.</p>	<p>This allows for the conversion of Callide B to a different type of energy source to create power as the special industry definition covers a power station regardless of the type of energy production used. This would allow for conversion of Callide B to gas, hydrogen or any other form of energy production and encourage industry diversity throughout the zone</p> <p>Creates opportunity for alternative industry within the zone, including hydrogen production and wool-based products.</p>
Banana HM Pty Ltd		
The subject site at 12-20 Bowen Street, Banana should be included in the Centre Zone as opposed to the Township Zone. By including the subject site and adjoining site to the south in the Centre Zone, it will allow for a variety of uses to be assessed and be consistent with the purpose of the land. Upon review of the proposed Banana Scheme the existing zoning of the site, the location of the existing and proposed uses, locational benefits and access to existing services the	<p>No change to zone but reduced levels of assessment for the following:</p> <ul style="list-style-type: none"> • New agricultural supplies store if less than 150sqm becomes Accepted Development Subject to Requirements • New office if less than 150sqm becomes Accepted Development Subject to Requirements • New service industry if less than 150sqm becomes Accepted Development Subject to 	<p>Zone change would conflict with strategic framework and zone purposes for Centre and Township Zones</p> <p>Assessment changes provides for greater opportunity in small towns for small commercial operations</p>

Issue	Response	Reason
<p>representations above support the zoning changes</p> 	<p>Requirements</p> <ul style="list-style-type: none"> New shop if less than 150sqm becomes Accepted Development Subject to Requirements <p>These changes are not considered significant as they have limited effect</p>	
<p>Furthermore, land to the south and east, being Lot 45 on B498 and Lot 2 on SP293566 currently zoned Village and Rural zonings to be amended to be in the Centre Zone (part only) Township Zone and Rural zone</p>  	<p>Lot 145 stays Recreation and Open Space. Lot 2 reverts to Rural. The change is not considered significant as it affects only a single holding.</p>	<p>Proposed Centre Zone is inconsistent with reserve purpose. Recreation and Open Space Zone limits activities permitted. Rural zone allows for continuing grazing permits.</p>
Craig Nowland		
<p>After discussing this issue with council employees it appears the changes to zones are disappointing. We are in hard times with covid ,job losses and families doing it tough.</p>	<p>No change</p>	<p>Zone changes do not affect rating</p>

Issue	Response	Reason
I feel this will hurt people in this shire. We are going to a State election soon as many people will vote against the current government. I would ask that this be stopped and to consider rate payers.		
Wulli Wulli Nation Aboriginal Corporation		
<p>Banana Shire Council did not consult WWNAC in the course of the feasible alternatives assessment report for Theodore prepared by Kellog Brown and Root (KBR) in September 2019. Hence, KBR's assessment did not take account of WW NAC RNTBC's development aspirations for the subject land. We do not believe the KBR feasible alternatives assessment report on the subject land in Theodore was 'made in good faith' as required by item 2, Part 2 of Chapter 4 of the MGR because we, as the property owner of the subject land, were not consulted in the course of its preparation. In accordance with the MGR, WWNAC RNTBC was not informed by BSC that the study was to be undertaken, nor consulted on any of the feasible alternatives. BSC has stated that, as the report was 'purely a technical report' to assess the alternatives, consultation with WWNAC on the report was therefore not undertaken. At the time of commissioning and receiving the report, BSC was aware that WWNAC was the owner of the subject land, and presumably as such, did not intend to have the land lay vacant and unused. In light of this, BSC's reason for not disclosing that it had commissioned the report or consulting WWNAC over it, is unsatisfactory.</p> <p>The letter to WWNAC from BSC of 6 October 2020 describes the feasible alternatives report as a 'draft', but the Council's website does not indicate the report is a draft, nor is the report marked as a 'draft'.</p> <p>The description of the subject land in Chapter 3 of the report makes no reference to the land tenure status of the subject land and does not identify</p>	No change	<p>WWNAC is mistaken in that the FAAR has been finalised without it being consulted. As required by the Minister's Guidelines and Rules (MGR), Council achieved compliance with sections 3.4 and 3.5 by issuing the letter to WWNAC on 6 October 2020 and its subsequent telephone conference with WWNAC directors on 16 October 2020 and the letter from WWNAC dated 13 November 2020 are all part of the public consultation for the proposed planning change. WWNAC's concerns about not having been consulted on the FAAR are unfounded and its criticism of Council for not involving it in the preparation of the FAAR overlook that the prescribed process under the MGR for the proposed planning change will continue by considering the submission, make publicly available its response and finalise the FAAR.</p> <p>That the consultants prepared the initial FAAR in a final form and without it being identified as a draft is unsurprising and of no moment as the status of the FAAR is dictated by the relevant statutory provisions.</p> <p>The MGR do not require the FAAR to include details about land tenure status or ownership. At the time the FAAR was prepared, it is factually</p>

Issue	Response	Reason
<p>WWNAC as the land owner. The report simply states: 'Based on available aerial imagery the subject site is predominantly vacant land.' We find this statement offensive because at the time this report was being written, BSC (and therefore KBR) would have been well aware of the Federal Court of Australia's determination in <i>Anderson on behalf of the Wulli Wulli People v State of Queensland</i> (No. 4) [2017] FCA 800 that native title was determined to exist on the subject land and other areas within Theodore, and that BSC as a signatory to the Revenue Sharing ILUA registered on 18 May 2018 would have known that the subject land was going to be transferred to WWNAC RNTBC as Aboriginal freehold land under the Aboriginal Land Act 1991 (Qld). To claim by merely inspecting an aerial photograph that the subject land is 'vacant land' is contrary to the commitments that BSC entered into in the ILUA that was registered by the Native Title Registrar on 29 January 2016. It also fails to properly acknowledge and recognise the significant interests that WWNAC and the Wulli Wulli People's have in areas within its LGA.</p> <p>The discussion in Part 5 of KBR's report on 'Current Planning Scheme arrangements' states that 'BSC is concerned that the type of development allowed by the current Planning Scheme for the subject site may result in flood impacts in the surrounding areas and/or loss of floodplain storage as the site provides significant flow conveyance in the DFE' (KBR 2019:8). Given that the assessment did not take into account WWNAC's intentions for the subject land, it is unclear to what development KBR was referring. Please provide any information given by BSC to KBR over "the type of development allowed by the current planning scheme" in respect of the subject land.</p>		<p>correct to identify the land as vacant land.</p> <p>The MGR do not require the FAAR to include a consideration of a particular landowner's development intentions. The FAAR process is a land-based risk assessment more focused on existing land use and potential development scenarios for the land under both the current and proposed planning scheme arrangements that are most likely to result in a material risk of serious harm to persons or property from natural hazards. This is not to say that a particular landowner's development intentions are irrelevant, but intentions are not binding and may change, meaning that intentions not yet acted upon should not be determinative.</p>

Issue	Response	Reason
<p>The discussion in Part 6 of KBR's report on 'Flood impact assessment' makes the statement that: 'The proposed development in the subject block is predicted to result in the following impacts: ...' (KBR 2019:11). As stated, neither KBR nor BSC, have had any discussions with WWNAC about it's intentions for the subject land. We reiterate our request for any information given by BSC to KBR in this regard.</p> <p>The discussion in Part 7 of KBR's report on 'Proposed changes to the Planning Scheme' makes the statement that: 'The re-zoning of the site to 'Rural' reflects the existing predominant land use and reduces the potential for new urban types of land uses which are sensitive to flooding, from expanding into an area subject to known flooding. The rural zone will enable the existing land use activities to continue and for flooding impacts on new development to be assessed and regulated through the provision of the Flood Assessment Benchmarks in the Rural Zone Code. The effect of this zoning change will make urban development inconsistent with the zone and discourage urban uses from establishing in this area' (KBR 2019: 12). These conclusions are without foundation when there has been no consultation with WWNAC as the land owner about the flood behaviour on the subject site, the alternative mitigation options and WWNAC's long term intentions for the subject land.</p> <p>The discussion in Part 8 of KBR's report on 'Consistency of the proposed Planning Scheme Approach with the requirements of the State Planning Policy' states that State Planning Policy – State Interest Policy 4 requires that: 'Development in bushfire, flood, landslide, storm tide inundation or erosion prone natural hazard areas: (a) avoids the natural hazard area; and (b) where it is not possible to avoid the natural hazard area, development mitigates the risks to people</p>		<p>The MGR requires the FAAR to include details of the proposed planning change and the resultant and intended outcomes under the planning scheme for the premises. This is precisely what Chapter 7 of the FAAR does. The reference to intended outcomes is a reference to potential outcomes under the planning scheme rather than the intended outcomes of the landowner. The invitation for a submission on the proposed planning change has provided WWNAC with the opportunity to provide information about flood behaviour on the land and possible options to mitigate that behaviour. No such information was included in the submission.</p> <p>The MGR requires the FAAR to include a statement about the proposed planning change's consistency with the SPP and State Interest Guidelines with regard to natural hazards, risk and resilience. This is what Chapter 8 of the FAAR does. The focus of the FAAR is existing land use and potential development scenarios for the land under both the current and proposed planning scheme arrangements that are most likely to result in a material risk of serious harm to persons or</p>

Issue	Response	Reason
<p>and property to an acceptable or tolerable level' (cited in KBR 2019:15). The KBR report concludes that:</p> <p>'The approach taken by the proposed Planning Scheme of avoiding the establishment of urban uses on the subject site aligns with State Planning Policy of avoiding the natural hazard areas' (KBR 2019:15).</p> <p>It is unclear how this conclusion can be reached when the land owner's land use intentions for the subject land have not been discussed to ascertain whether it may be possible to satisfy sub-clause (b). This is especially so given that WWNAC's land use and development intentions are of a low intensity in scale. It appears that BSC has at no stage made enquiries to ascertain the nature and extent of WWNAC's intended use of the subject land which, if it had done so, would not properly be described as "urban".</p> <p>Chapter 4, Part 2 of the MGR sets out what a local government must include in investigating the feasibility of alternatives to the proposed planning change, including:</p> <p>a) consider the impacts of not making the proposed planning change (i.e. do nothing);</p> <p>b) consider the reduction in the level of risk of serious harm to persons or property on the premises from natural events or processes for each alternative identified, including the alternative of imposing development conditions on development approvals;</p> <p>c) identify the planning change that would most effectively reduce the risk of serious harm to persons or property on the premises from natural events or processes to an acceptable level; and</p> <p>d) consider alternatives that do not involve making a planning change.</p> <p>e) We do not believe that BSC has in fact investigated each of these requirements, especially a) and d).</p>		<p>property from natural hazards. The FAAR also considers a number of potential mitigation options to mitigate flooding impacts but deems these to be unfeasible. The solution ultimately proposed to most effectively reduce the risk is akin to a rezoning and will minimise the ability for urban uses to establish on land which is presently vacant. In this sense the FAAR's conclusion that the proposed planning change aligns with the SPP policy of avoiding the natural hazard areas is a reasonable one. The submission disregards that:</p> <ul style="list-style-type: none"> • Chapters 4, 5 and 6 of the FAAR consider the impacts of not making the proposed planning change (i.e., do nothing); • Chapters 9 and 10 of the FAAR consider the reduction in the level of risk of serious harm to persons or property on the premises from natural events or processes for each alternative identified, including the alternative of imposing development conditions on development approvals; • Chapter 7 of the FAAR identifies the planning change that would most effectively reduce the risk of serious harm to persons or property on the premises from natural events or processes to an acceptable level; and • Chapters 9 and 10 of the FAAR consider alternatives that do not involve making a planning change. <p>The SPP requires that Council balance competing State interests, in this case responding to natural hazards and protecting cultural heritage. Council has chosen to prioritise the safety of people and property ahead of providing development potential to recognise cultural heritage. The draft planning scheme has already been through the State Interests Review which has been satisfied with Council's approach.</p>

Issue	Response	Reason
<p>The conclusions reached in Part 10 of KBR's report are highly questionable when the assessment of alternatives has not taken WWNAC's development intentions for the subject land into account.</p> <p>Furthermore, we take issue with the following statement in KBR's conclusions: 'These areas are not required to accommodate growth of Theodore. Sufficient land exists in Theodore outside the flood impact zone' (Page 17).</p> <p>This statement is not only inaccurate in its simplicity, but also deeply offensive to the Wulli Wulli People as the determined native title holders for areas within and surrounding Theodore. The statement assumes all development is undertaken by the private sector that is able to pick and choose the land they develop. This is not true for the Wulli Wulli People who were determined to be the native title holders of the subject land. The two Lots transferred to WWNAC arise from lengthy and protracted native title claims and negotiations with the State and BSC to arrive at consensual outcomes. These are based on what is possible under the terms and conditions of the Native Title Act 1993 (Cth) and the Aboriginal Land Act 1991 (Qld). The transfer of the two Lots in Theodore to WWNAC were the direct result of statutory processes beyond the Wulli Wulli People's control, and are not based on whether or not the land is suitable for a particular purpose or purposes within a local government's planning scheme. Acting diligently, BSC ought to have conducted its planning considerations in a manner that was consistent with its commitments to the Wulli Wulli People under the 2016 Local Government ILUA. Its failure to do so appears to show an indifference to the rights and aspirations of the Wulli Wulli People.</p>		<p>The conclusions of the FAAR were provided in the context of considering the suitability of the land for potential urban development rather than development intended by WWNAC. To allow for particular development intentions of landowners to determine the outcome of this broader based assessment is not contemplated by the prescribed process.</p>
The proposed planning scheme does not include a	No change	The draft planning scheme already included a

Issue	Response	Reason
<p>cultural heritage overlay to recognise and protect Aboriginal heritage, knowledge, culture and tradition consistent with the wider purposes of the Planning Act 2016. Section 5(1) of the Planning Act 2016 (Qld) requires any entity performing a function under the Act to 'perform the function in a way that advances the purpose of this Act'. Section 5(2) of the Planning Act 2016 (Qld) states that 'Advancing the purpose of this Act includes— [among other things]</p> <p>(d) valuing, protecting and promoting Aboriginal and Torres Strait Islander knowledge, culture and tradition; and</p> <p>(e) conserving places of cultural heritage significance.'</p> <p>The Department of State Development, Manufacturing, Infrastructure and Planning has developed two Guides to assist local governments with complying with these provisions in the Planning Act 2016 (Qld) (Queensland Government 2019a, 2019b).</p> <p>We are advised that these provisions in the Planning Act 2016 (Qld) apply regardless of whether a native title determination has been made under the Native Title Act 1993 (Cth), regardless of whether a place has been assessed and /or entered on an Aboriginal or Torres Strait Islander heritage register; and regardless of whether land has been granted or transferred under statutory Aboriginal or Torres Strait Islander land rights schemes. We have also been advised that these provisions were inserted into the Act to open up new possibilities for Aboriginal and Torres Strait Islander peoples to be integrally involved in land use planning processes from the very outset, rather than as a belated after-thought.</p> <p>More significantly, given the positive determination of native title over the subject land by the Federal Court on 18 July 2017, BSC should have been more aware that the site may have places of</p>		<p>number of controls, including higher order Strategic Framework controls, that seek to ensure cultural heritage, including that significant to Aboriginal and Torres Strait islander peoples, is acknowledged and protected. Further, the State Guide Advancing Aboriginal and Torres Strait Islander interests in land use planning states an overlay to respect and incorporate relevant aspects of Aboriginal and Torres Strait Islander cultural interests and values should not duplicate requirements under the Aboriginal and Torres Strait Islander cultural heritage Acts. The planning scheme is structured so that any sites of local cultural heritage that are not already included on State databases can be entered into the Local Heritage Register and receive protection from the measures drafted in the planning scheme.</p>

Issue	Response	Reason
<p>cultural significance to the Wulli Wulli People as the native title holders. The only way that can be established with any certainty is by consulting with the native title holders as early in the process as possible.</p> <p>We expected better from BSC in terms of ongoing engagement over matters of mutual interest or concern given the ILUAs we are both parties to and given the State's Guides on how engagement can take place over the application of s.5(2)(d) and (e) in the Planning Act 2016 (Qld). However, it appears that BSC has failed to appreciate the significance of these provisions in the Planning Act 2016 (Qld) and has not referred to the two Guides prepared by the State.</p>		
<p>The failure to link the 2017 tenure resolution ILUA negotiations with the flood study and the planning processes then underway was a regrettable oversight that stands in contrast with commitments made by BSC in the 2016 Local Government ILUA.</p> <p>We have compiled the following timeline of relevant events, which shows when and where BSC could or should have raised certain matters with WWNAC RNTBC before they got this far. (refer to Annexure A). It appears there was an unfortunate confluence of events between the Wulli Wulli People's native title determination application, the resultant ILUAs and negotiations with the State and BSC about the transfer of the subject land to WWNAC RNTBC on the one hand, and Banana Shire Council preparing a new planning scheme, undertaking a flood study to comply with State Planning Policy requirements and undertaking a Feasible Alternative Assessment study of the subject land in Theodore on the other hand.</p>	No change	<p>While Council began its shire-wide flood study in November 2015, it was not until the completion of the FAAR on 4 September 2019 that it received expert advice from its consultants that there was no feasible alternative to changing the zoning of the land. Council was unable to raise the identified issues about the land as part of negotiations leading to the registration of ILUA 2 on 18 July 2017 as it was not in possession of information to that effect.</p>

11.1.4 MCU006-20/21 - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR WORKERS ACCOMMODATION (ADDITION OF 32 ROOMS) – IMPACT ASSESSABLE LOCATED AT 16-18 WOOROONAH ROAD AND 2 & 9 DAVIES STREET BARALABA DESCRIBED AS LOT 92 ON MPH14358 , LOT 93 ON MPH14358, LOT 98 ON MPH14358 AND LOT 101 ON FN103

Date: 6 January 2021
Author: Rentia Robertson – Town Planner
File ID: MCU006-20/21
Letter ID:
Attachment: Attachment 1 – Assessment Manager Conditions – ID1606455
Attachment 2 – Approved Plans – ID1606456
Attachment 3 – Code Assessment – ID1606457
Attachment 4 – Infrastructure Charges Notice – ID1606459
Minute No: OM004908

Resolution:

That Development Permit Application MCU006-20/21 for a Material Change of Use – (Impact Assessable) for Workers Accommodation – addition of 32 Rooms located at 16-18 Wooroonah Road and 2 & 9 Davies Street described as Lot 92 on MPH14358, Lot 93 on MPH14358, Lot 98 on MPH14358 and Lot 101 on FN103 be approved subject to the conditions contained in Attachment 1 (ID1606455).

Moved: Cr Semple

Seconded: Cr Boyce

Carried

Report

Applicant: Precinct Urban Planning
Owner/s: Cacatua Pastoral Pty Ltd
Subject Site: 92 MPH14358, 93 MPH14358, 98 on MPH14358 and 101 on FN103
Application Lodged: 29 September 2020 properly made on 6 October 2020
Planning Scheme: Banana Planning Scheme 2005
Zone and Overlays: Village Zone and Rural Zone, Economic Resources Overlay
Applicable Codes: Rural Zone Code, Village Zone Code, Development Standards Code, Caravan Park and Workers Accommodation Code
Referral Agencies: Ergon Energy – Advice Agency (ID1587545)
Submissions: Nil
Summary: The proposal is consistent with the overall intent and provisions of the Banana Planning Scheme 2005 and the *Planning Act 2016*.

Background

Proposal

The applicant is seeking a development permit for material change of use for “workers accommodation” at 16-18 Wooroonah Road, Baralaba for the purpose of establishing an additional 32 rooms on the site. These rooms will be utilised for accommodating mine workers at the local Baralaba mine. The existing and proposed increase in workers accommodation and the supporting infrastructure are located on land described as:

Lot 92 on MPH14358, including Easement C and Easement B;
Lot 93 on MPH14358

Lot 98 on MPH14358 including Easement F
Lot 101 on FN103

There are 156 existing single-person rooms within the camp and the additional 32 units will take the total to 188 units. The new development is proposed to be on Lot 92, with the inclusion of Lot 93 due to the development's reliance on existing site infrastructure such as access, parking, common amenities, etc and Lots 98 and 101 are included as part of the application for sewerage purposes.

The development proposes the establishment of an additional 32 rooms across four (4) buildings which will be located on Lot 92, adjacent to the common boundary with Lot 93. The buildings will be located on the far south- western corner of lot 92 to extend the existing build form and character from Lot 93. The new proposed units will be accessible to existing pedestrians with vehicular accesses on Lot 93. The subject site and this existing infrastructure will be augmented to accommodate the increase in accommodation rooms.

The four new buildings will accommodate each eight single rooms of approximately 12m² in size and is to provide space for a bed, desk and ensuite. The layout of the building is to provide a central living area/covered verandah that has access to all units within the building.

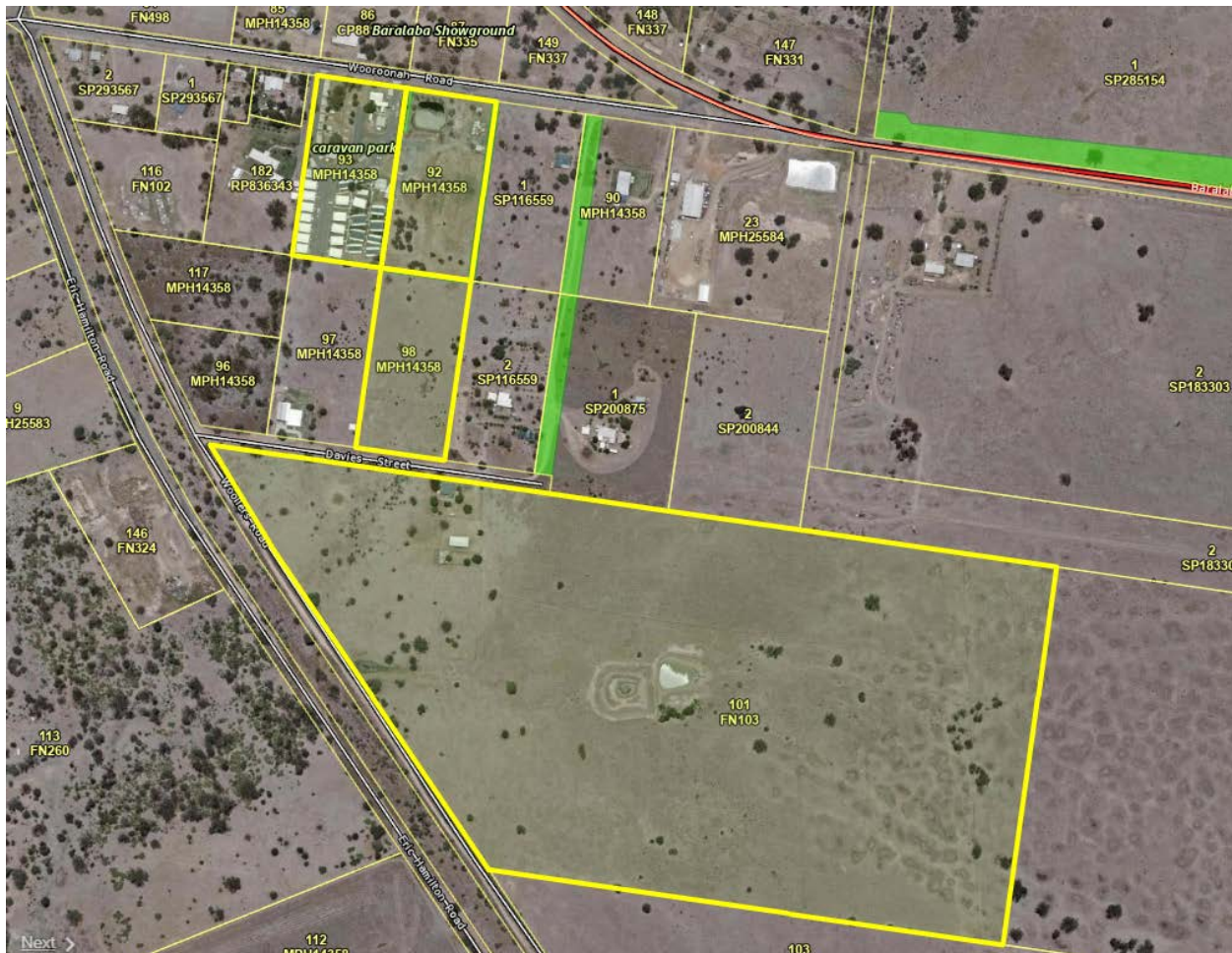
Approximately 150 car spaces are currently provided on lot 93 for the complex with access and egress via Wooroonah Street. The additional units will not trigger the need for additional parking spaces on site as described in the Report submitted by RMA Engineers. An existing bulk refuse storage facility is located towards the Wooroonah Street frontage within close proximity to the existing kitchen and dining hall facilities and will continue to provide refuse storage for the expanded use.

Each of the buildings is to be provided with rainwater tanks and will be supplemented by town water. The new units are to be connected to electricity and telecommunications network servicing the immediate area.

The expansion of the facility does not require an upgrade to the existing on-site wastewater treatment facilities located on Lot 92. The treatment plant is currently not operating at optimum efficiency and has capacity to handle the increase in demand. The existing Environmental Authority (EPPR03653515) for Sewage Treatment (1)(b)(i)) has not lapsed, and the management of waste water from the proposed development will be managed in accordance with the existing conditions of the Environmental Authority.

Subject Site and Surrounding Land Uses

The subject site is located at 16 – 18 Wooroonah Road, and 2,9 Davies Road Baralaba, being that land described as Lot 92 on MPH14358 including Easement C on SP256219 and Easement B on SP252861, Lot 93 on MPH14358, and Lot 98 on MPH14358 including Easement F on SP278369 and Lot 101 on FN103. The subject site is located on the southern side of the town of Baralaba. The subject site comprises four (4) titles of generally rectangular configuration with a total site area of approximately 38.545ha. The subject site has primary frontage to Wooroonah Road and secondary frontage to Davies Street. It is noted that Lot 98 on MPH14358 and Lot 101 on FN103 fronting Davies Street are only included in the development application for effluent disposal purposes.



Planning History

Development Permit MCU011-10/11 (issued 31 January 2012) allowed a Material Change of Use of Premises on Lot 93 on MPH14358 for the Intensification of an Existing Caravan Park for Workers Accommodation (52 Rooms and Ancillary Facilities).

A request for a negotiated Decision Notice was received on the 10 February 2012. The Negotiated Decision Notice was issued on the 7 March 2012.

A Request to change the approval for Development Permit MCU011-10/11 was granted on the 22 May 2012. The request involved an increase in the number of Accommodation Units by 12, (new total of 64 rooms) and allows a modification to the development layout, and included the provision of additional 8 car parking spaces.

On the 28 March 2013, plans were approved as “Generally in accordance plans” as required by the development approval: MCU01-10/11.

Development approval was issued on the 1 May 2013 by Negotiated Decision Notice for MCU005-12/13 that related to proposed Stage 2 of the Cockatoo Coal Workers Accommodation development in Baralaba. The proposed development was for a Material Change of Use for Workers Accommodation (144 Units) and ERA 63(2)(b)(i) (Sewerage Treatment).

On the 20 May 2014 a Notice about a request to change development approval (MCU005-12/13) was granted, this request involved the removal of condition 21 of the approval that related to road works and site works.

This application was acted on in part with the construction of 102 rooms over Lot 93 on MPH14358 as in accordance with the approved Site Plan – Stage 2 Phasing MasterPlan dated March 2013. The remainder of approval MCU005-12/13 lapsed as it was not acted on during the currency period of the approval.

It was determined during a site inspection on the 15 January 2021 that from approval MCU011-10/11 only 54 rooms was constructed as per site plan and from the approval MCU005-12/13 the applicant acted on the Stage 2-Phase 1 of the approval, and constructed 102 rooms over Lot 93 on MPH14358. It is concluded that the mentioned total of 156 rooms came about from the 54 rooms plus the 102 rooms.

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 Flood Study KBR – Version 2 - Banana Shire Flood Assessment 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 the Ergon Energy as an advice agency, as the site is burdened by an Ergon electricity easement.

A summary of the referral agencies requirements is provided below:

Ergon Energy:

As an Advice agency Ergon Energy had no requirements.

Internal Referral Comments

The application was referred internally on 30 September 2020 and the 18 November 2020 (ID 1581340 & ID1593334).

Infrastructure Services – Comments received 23 December 2020 (ID1602524)

Environmental Health – Comments received 7 October 2020 (ID1583043)

Environmental Sustainability – Comments received 9 December 2020 (ID1598730)

Water & Sewerage Services – Comments received 9 December 2020 (ID1598728)

Building & Plumbing – Comments received 7 October 2020 (ID1583045)

Waste Services – Comments received 7 January 2021 (ID1603516)

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 24 November 2020 and 15 December 2020. Public Notification was carried out correctly ID1600317.

No submissions were received about the application.

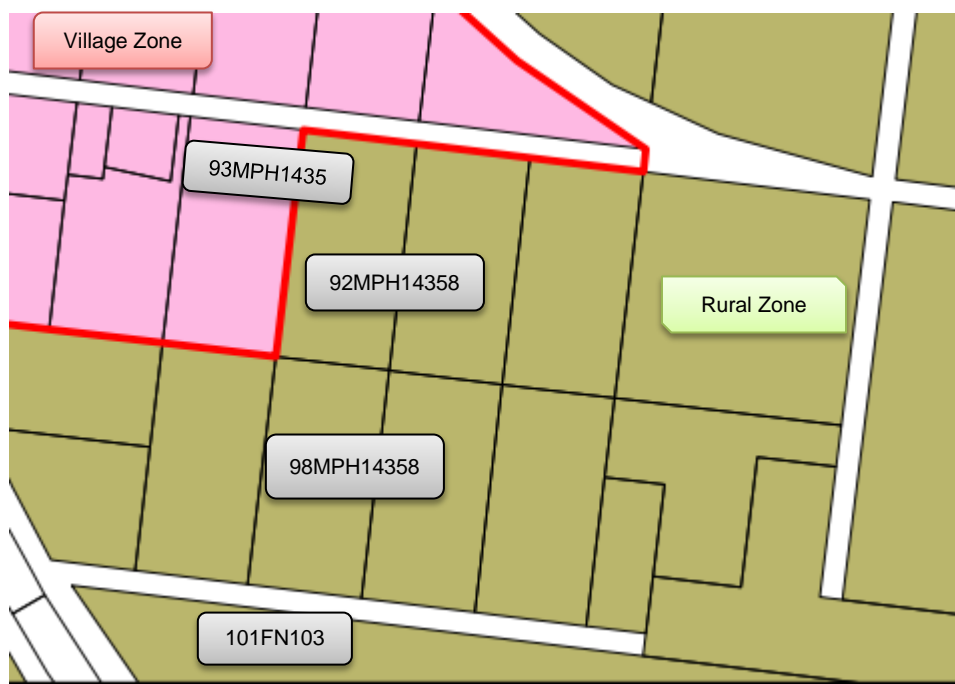
Town Planning Considerations

Desired Environmental Outcomes

The proposed development does not represent a departure from any of the relevant planning scheme codes. 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 for the Planning Scheme Area. That is, assessment of the proposal revealed that the development is consistent with the relevant planning scheme code which is an indication of advancing the Planning Schemes Desired Environmental Outcome's.

Banana Planning Scheme 2005

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



- Economic Resources Overlay

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

- Village Zone Code
- Rural Zone Code
- Development Standards Code
- Caravan Park and Workers Accommodation Code
- Economic Resources Overlay Code

Village Zone Code

The purpose of the Village zone is to provide a mix of land uses, services and facilities that services the surrounding community and contributes to the existing town character. New development is consistent in location, design scale and character of surrounding development.

The existing workers accommodation units/rooms are mainly located on Lot 93 on MPH14358 with the provision of dining and laundry facilities, recreation room and parking spaces on this lot. Lot 93 is located in the Village zone, and is primarily used for residential uses consistent with adjoining uses.

The proposed development for an additional 32 rooms on the adjoining allotment will allow the existing workers accommodation to expand over the lots and provide accommodation to workers to the Baralaba mine. Conditions are imposed to ensure compliance with the Village Zone Code.

The proposed development is considered to comply with the Village Zone Code. A detailed assessment against the Village Zone Code is available (ID1606457).

Rural Zone Code

The intent of the Rural Zone is to protect rural uses and character of the land, and in particular where non-rural uses such as recreational based uses, home based businesses, home host accommodation, educational or tourism related uses of a low intensity and scale, and the use is consistent with maintaining a high level of rural amenity and character.

The Rural Zone Code includes provisions that ensure the ongoing operation of rural land uses and the natural environment are not compromised. The proposed development will not impact on the existing surrounding rural uses, as the proposed workers accommodation is located on the fringe of the town of Baralaba. The nature and character of the rural zone land is not typical of the rural zone due the small allotment size and adjoining residential uses. The proposed development is well removed from adjoining boundaries and intensive animal uses. The proposed development is located in an area of the site that is cleared of significant vegetation and complies with the setback requirements for the rural zone. The existing character of the land is preserve without impacting on the environmental values. Conditions are imposed to ensure the development achieves compliance with the code.

The proposed development is considered to comply with the Rural Zone Code. A detailed assessment against the Rural Zone Code is available (ID1606457).

Development Standards Code

The Development Standards Code regulates engineering design and standards applicable to the material change of use. This includes aspects of road access, sufficient car parking, and connection to reticulated water and sewer systems. The provision of services such as appropriate provision of site storm water drainage and adequate landscaping is provided as necessary for the development as well as necessary upgrades to external infrastructure are identified and carried out. It should be noted that the township of Baralaba does not have reticulated sewer.

The application does not propose any changes to the existing accesses, electricity, telecommunications, the carpark and units, however council's infrastructure services have assessed the application and have imposed conditions to ensure the development achieves full compliance with the code.

It should be noted that the proposed development comprises four allotments and with this proposed development the additional rooms are proposed to be on the adjoining allotment. The development standards code requires consideration for the car park design in relation to the proposed expansion of the workers accommodation as to the parking associated with the development is located on the same site upon which the development is carried out. With this proposal the latter cannot be achieved as the 32 rooms are proposed to be on the adjoining allotment, with no changes proposed to the current car parking spaces. To ensure the development can exist and continue, a condition is included in the approval to amalgamate the four allotments or alternatively to register a restrictive covenant linking the four properties and the current uses thereon, this is to ensure the use can continue as a whole over four separate allotments. This should protect the four properties from being sold separately. Conditions have been imposed on the approval to ensure the development achieves compliance.

The proposed development is considered to comply with the Development Standards Code. A detailed assessment against the Development Standards Code is available (ID1606457).

Caravan Park and Workers Accommodation Code

The intention of the caravan park and workers accommodation code are to provide a high standard of health, safety and amenity to visitors and residents, and are located and designed to be compatible with the locality in which they are and contribute to a positive street scape and town character.

The proposed development is considered to comply with the Caravan Park and Workers Accommodation Code. Conditions have been imposed to ensure compliance with the code. A detailed assessment against the Caravan Park and Workers Accommodation Code is available (ID1606457).

Economic Resources Overlay Code

The site is identified on the Agricultural Land Class Overlay as Good Quality Agricultural Land – C1 Pasture Land. The Economic Resources Overlay Code regulates development on land in the Agricultural Land Class Overlay. With regard to Agricultural Land, it seeks to protect the land for agricultural, intensive agriculture and animal husbandry purposes by excluding incompatible non-rural uses and preventing further fragmentation of productive agricultural land.

Whilst the site is identified in the Agricultural Land Class Overlay, the proposal involves four lots with different zonings. Three of the lots have an area of 2ha each while the fourth lot is 32ha in size. With two of the three lots in the rural zone and are of 2ha in size, these lots are not suitable for rural uses due to its size, historical use and proximity to the township of Baralaba. The fourth allotment is the remainder part, is located in the rural zone, 32ha in size. The proposed development will not impact on the productivity or use of the small farm portion of the subject site, no changes are proposed to the use of the larger lot except for the portion that is to be utilised for the purposes of the effluent disposal area of 3.6ha. Based on the above the proposal will not limit the productivity, viability or use of Good Quality Agricultural Land. The proposal therefore achieves the only applicable Specific Outcome of the Economic Resources Overlay Code and consequently also does not conflict with the Overall Outcomes of 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 (ID1606457).

Draft Banana Planning Scheme 2021

Township Zone Code

Township Zone

In assessing the development application consideration has been given to the Draft Planning Scheme in relation to the possible changes in zoning and the on flowing affects thereof in regards to this proposed development. It is noted from the Draft Planning Scheme that Lot 92 on MPH14358 is proposed to be included in the Township Zone of Baralaba. This change will bring about a change in zoning from Rural to Township and will allow the proposed development to be considered, as the overall outcome of this code seeks a range of residential land uses. The Township Code seeks a variety of uses and activities to service local residents, including business, community, education, industrial, open space, recreation, residential or retail uses or activities; and tourist attractions and short-term accommodation, if appropriate for the area. Based on this and the draft scheme and its intended zoning for lot 92, it is concluded that the proposed development for lot 92 for an intensification of the existing workers accommodation does not represent a conflict in use, and due to the density proposed for the residential use, will require an assessable development for impact assessment.

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

Adopted Infrastructure Charges Resolutions

Council's Adopted Infrastructure Charges Resolution No. 1 is applicable to the proposed development. Infrastructure Charges calculations and amounts are provided below:

The proposed development is for 32 rooms to be used in relation to the existing workers accommodation over Lot 92 on MPH14358. The charges are calculated as follows:

Infrastructure Network	Charge Amount (\$) Per Equivalent Tenement (ET)	Equivalent Tenement	Infrastructure Charge (\$)
Non-resident workforce accommodation	\$1358.64 (including PPI)	32 accommodation units x \$1358.64	\$43,476.48
Total			\$43,476.48

State Planning Policy

The State Planning Policy has been considered in the assessment of this application. The site is mapped for the following state interests as set out below:

State Planning Policy Mapping Layers	Property description
AGRICULTURE - Important agricultural areas	Lot 92MPH14358 Lot 93MPH14358 Lot 98MPH14358
AGRICULTURE - Important agricultural areas - Agricultural land classification - class A and B - Stock route network NATURAL HAZARDS RISK AND RESILIENCE - Flood hazard area - Level 1 - Queensland floodplain assessment overlay* - Bushfire prone area	Lot101FN103

Agriculture-- Important agricultural areas and Agricultural land classification - class A and B

The site is mapped for important agricultural area, agricultural classification for class A and B. The proposal is for accommodation units with a total footprint area of 380.2m² on rural land that is proposing to accommodate workers from the local mine. Lot 92 on MPH14358 measures 2.02ha of Rural land and is regarded as a small rural allotment. The proposed units would occupy an insignificant proportion of the land, and therefore have an immeasurably small potential for removing land from productiveness of land operations for agricultural purposes. The class A & B areas will not be affected by this proposal. In having regards for the proposed Draft Scheme in relation to this proposal it must be noted that it is proposed to have the zoning changed from Rural to Township zone, and when adopted residential uses for this property could be considered subject to conditions.

Agriculture – Stock Route Network

The SPP requires the consideration of the stock route. Ensuring development on or adjacent to the stock route does not compromise the network's primary use for moving stock on foot. Lot 101 on FN103 is mapped to be on the stock route. The proposed development for 32 additional rooms to be used for the workers accommodation is primarily located over Lot 92 on MPH14358 and is not

proposing impacts to the current operations of the stock route. Subsequently the proposed development is being assessed in accordance with the characteristics and impacts on the zone. The operation of the stock route is not expected to be compromised by the proposed development.

Natural Hazards Risk and Resilience – Flood hazard area level 1 – Queensland flood plain assessment overlay and bushfire hazard area. Lot 101 on FN103

The SPP requires that development avoids or mitigate flood risk to an acceptable level, does not propose an increase in flood severity or contribute to contamination of the flood waters by storing hazardous materials in flood risk areas.

Lot 101 on FN103 is mapped to be affected by the 'Flood hazard area – Level 1 – Queensland floodplain assessment overlay'. Banana Shire Council has undertaken the Banana Shire Flood Study. Flood mapping associated with the study indicates that the site is not subject to flooding. Given this, the policies and assessment benchmarks relating to Natural Hazards, Risk and Resilience need not be addressed.

Lot 101 on FN103 is mapped to be Bushfire Prone, as to contain a small section as potential impact buffer. The Banana Planning Scheme 2005 indicates this lot to be of low hazard severity, and therefore does not require further assessment in this regard.

State and Regional interests will not be compromised by the decision. The proposal is consistent with the outcomes sought by the SPP.

Central Queensland Regional Plan

The Central Queensland Regional Plan has been considered in the assessment of this application.

The purpose of the Central Queensland Regional Plan 2013 is to identify the state's interests for Priority Agricultural Area and Priority Living Areas and infrastructure in land use planning for the region. The elements of importance to this plan have been identified as:

Priority Living Area

The site is mapped in the Priority Living Area (PLA) of the Regional Plan. The Priority Living Area is intended to accommodate the growth of towns within the region. The proposed Material Change of Use for Workers Accommodation addition of 32 rooms, to be located within the Village and Rural zone area of the township of Baralaba. The proposal is expected to contribute to the economy of Baralaba, and sustaining the growth of the town as it will create opportunities for economic growth. In providing additional accommodation it's expected to bring workers to the town and is anticipated that these workers will engage in some of the existing commercial activities in town. Therefore the proposal is consistent with the corresponding Regional Outcome relevant to PLA and Regional Policy (3). Regional Policy (4) is not relevant to the proposal as it relates to resource activities.

Conclusion

On the basis of the above assessment, it is considered that the application be approved 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*.

Moved Cr Ramsey, seconded Cr Casey and carried: That the meeting adjourn at 12.05pm for lunch.

Moved Cr Semple, seconded Cr Ramsey and carried: That the meeting recommence at 12.35pm.

12.1.1 ACTION REPORT ON PREVIOUS COUNCIL RESOLUTIONS – EXECUTIVE SERVICES

Date: 19 January 2021
Author: Tom Upton – Chief Executive Officer
File No:
Letter No:
Attachment: Resolutions Action Report
Minute No: OM004909

Resolution:

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

Moved: Cr Leo

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

12.1.2 2020/21 EXECUTIVE SERVICES OPERATIONAL PLAN ASSESSMENT AS AT 31/12/2020

Date: 15 January 2021
Author: Tom Upton – Chief Executive Officer
File No:
Letter No:
Attachment: 2020/21 Operational Plan – 2nd Quarter Review
Minute No: OM004910

Resolution:

That Council receive Executive Services' second quarter assessment of the 2020/21 Operational Plan.

Moved: Cr Leo

Seconded: Cr Pender

Carried

Report

Executive Services second quarter assessment of 2020/21 Operational Plan is attached.

12.1.3 AUSTRALIA LOCAL GOVERNMENT ASSOCIATION – MOTIONS FOR 2021 NATIONAL GENERAL ASSEMBLY

Date: 18 January 2021
Author: Tom Upton, Chief Executive Officer
File No:
Letter No: 1597819
Attachment:
Minute No: OM004911

Resolution:

That Council resolve that it will not submit motions to this conference outside of the Local Government Association of Queensland and Central Queensland Regional Organisation of Councils.

Moved: Cr Pender

Seconded: Cr Ramsey

Carried

Report

The Australia Local Government Association is calling for motions for the 2021 National General Assembly being held 20-23 June 2021. Motions close 26 March 2021.

Council does not have agenda items that are not currently being considered by either LGAQ or CQROC and it is recommended that motions be submitted via these respective organisations.

Council does not regularly send delegates to the ALGA conference and it is recommended that no individual motions be submitted this year.

12.1.4 REVIEW OF LOGO POLICY

Date: 18 January 2021
Author: Tom Upton, Chief Executive Officer
File No:
Letter No:
Attachment: Logo Policy & Logo Usage Procedure
Minute No: OM004912

Resolution:

That Council adopt the attached Logo Policy and 'receive' the Logo Usage Procedure.

Moved: Cr Semple

Seconded: Cr Leo

Carried

Report

Council's Logo Policy has undergone a review. Other than formatting no changes have been made to the policy.

LOGO POLICY

SCOPE

All users and intending users of Council's Logo including recipients of Council sponsorship, grants and subsidies, residents, non-residents, businesses and other local or non-local organisations.

LEGISLATION

Local Government Act 2009
Australian Copyright Act 1968

OBJECTIVE

To ensure the correct use of Council's Logo and that such usage does not reflect on Council in any detrimental way.

That the display of Council's Logo is an open acknowledgement to Council and the community that the displayer is proud to identify with Banana Shire Council, its goals and values.

DEFINITIONS

Council	Banana Shire Council
Logo	Council's current official Logo, and any trademark, graphic or other identifying device of Council or any future such identifier

POLICY

Council supports and promotes the use of Council's logo where it is beneficial to Council or the residents of the Shire.

Council approval is to be obtained prior to Council's Logo being used by any other party unless specifically instructed by Council to display Council's Logo e.g. as part of the conditions for a sponsorship, subsidy or grant from Council.

Use of Council's Logo by any person or organisation outside of Council is prohibited unless approval has been obtained or Council has instructed that its Logo be used.

Council's Logo must be reproduced in full colour unless it is on a document, sign, structure or other instrument that is only in black and white.

Council's Logo colours must not be interfered with or altered in any way.

PROCEDURE

Procedures as approved and issued by the Chief Executive Officer, and subject to further revision, amendment and issue under the authority of the Chief Executive Officer.

CERTIFICATION

.....
CHIEF EXECUTIVE OFFICER
BANANA SHIRE COUNCIL

.....
DATE

12.1.5 REVISED ECONOMIC DEVELOPMENT PLAN FUNDING

Date: 22 January 2021
Author: Tom Upton – Chief Executive Officer
File ID:
Letter ID:
Attachment:
Minute No: OM004913

Resolution:

That Council approve the provision of funding in the second quarter revised budget to undertake studies on projects to promote economic development in the Shire.

Moved: Cr Casey

Seconded: Cr Ramsey

Carried

Report

Council is currently preparing a revised economic development plan for the shire. Some of the strategies within the draft plan require additional investigation to properly assess the feasibility of the strategy.

This report seeks Council's approval to include an allocation of funds in the second quarter revised budget to undertake technical assessments of some of the strategies in order to test their feasibility prior to inclusion in the revised plan.

General Business

Cr Ramsey advised of a complaint received from a landowner regarding a neighbour who is not controlling parthenium and believes Council should do more; also complained about the state of Banana Holdings Road. CEO advised a letter will be provided to the complainant.

Cr Casey requested that property owners along Kariboe Creek be advised that the parthenium in that area has rust. Cr Casey to provide names of landholders to enable correspondence to be provided.

Cr Semple advised of a complaint regarding the state of Andersons Road; DIS advised he will arrange for the road to be inspected.

Mayor advised that the oil tanks at Biloela transfer station are full; DCS to arrange for them to be emptied.

Cr Casey advised of a contractor carting with B-double Road Trains (with a permit) from a property on the corner of Callide-Kilburnie Road and Jambin-Dakenba Road which is causing a dust problem. DIS to investigate.

Mayor asked Councillors to submit possible projects for submission under the Stronger Communities Federal funding program to him as soon as possible. Banana Shire has been allocated \$30,000 – the funding is 50/50.

Cr Pender advised that she was asked by a resident if items in good condition left at the Thangool Tip are sorted/kept, and was advised no.

13.0 Close of Meeting

The meeting closed at 1.40pm

To be confirmed 24th February 2021 Ordinary Meeting

MAYOR

CHIEF EXECUTIVE OFFICER
