

MINUTES

BANANA SHIRE COUNCIL ORDINARY MEETING

Meeting Date: Wednesday 20 July 2022
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 22 June 2022
- 4.0.2 2022/23 Budget Meeting held on 29 June 2022

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

- 8.1.1 Budget Management Report – 30 June 2022
- 8.1.2 Financial Report – 30 June 2022
- 8.1.3 Major Capital Projects – Corporate & Community Services - Monthly Actual Expenditure as at 30 June 2022
- 8.1.4 Major Capital Projects – Infrastructure Services - Monthly Actual Expenditure as at 30 June 2022
- 8.1.5 Major Capital Projects – Council Services - Monthly Actual Expenditure as at 30 June 2022
- 8.1.6 Funding Projects – Monthly Actual Expenditure as 30 June 2022

9.0 Corporate & Community Services

- 9.1 Corporate Services
 - 9.1.1 Resolutions Actions Report
 - 9.1.2 2021/22 Operational Plan 4th Quarter Review
 - 9.1.3 Right to Information – Application Fee and Processing Charge Increase
 - 9.1.4 Avdata – Sole Supplier
 - 9.1.5 Concession by way of rebate: Baralaba Community Aged Care Assoc & Biloela RSL Subbranch
 - 9.1.6 Additional Funding for Moura Museum Project

10.0 Infrastructure Services

- 10.1 Infrastructure Services
 - 10.1.1 Infrastructure Monthly Report
 - 10.1.2 Resolutions Actions Report
 - 10.1.3 2021/22 Operational Plan 4th Quarter Review

11.0 Council Services

- 11.1 Council Services
 - 11.1.1 Resolutions Actions Report
 - 11.1.2 2021/22 Operational Plan 4th Quarter Review
 - 11.1.3 Request for Development Application Assessment under Superseded Planning Scheme
 - 11.1.4 Waste Reduction & Recycling Management Plan

12.0 Executive Services

- 12.1 Executive Services
 - 12.1.1 Resolutions Actions Report
 - 12.1.2 2021/22 Operational Plan 4th Quarter Review
 - 12.1.3 Renewable Energy Supply Chain Strategy
 - 12.1.4 Taroom Heavy Vehicle Bypass

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, Boyce, Pender, Leo, Casey and Ramsey.

Officers - Chief Executive Officer, Director Corporate & Community Services, Director Council Services, Director Infrastructure Services

3.0 National Anthem & Prayer

Following the National Anthem, Cr John Ramsey led Council in prayer.

4.0 Confirmation of Minutes

Minute No: OM005364

Resolution:

That the minutes of the Ordinary Meeting held on 22 June 2022 be taken as read and confirmed.

That the minutes of the 2022/23 Budget Meeting held on 29 June 2022 be taken as read and confirmed.

Moved: Cr Boyce

Seconded: Cr Ramsey

Carried

5.0 Mayor's Report / Minute

The Mayor reported on the following:

- Baralaba Ambulance Centenary celebrations held 25 June 2022.
 - Biloela Rotary Club 2022 Handover dinner held 2 July 2022.
 - Banana Shire Council's NAIDOC Week colouring-in competition (Prep to Grade 6) exhibition in collaboration with the Upon the Land exhibition held at the Banana Shire Art Gallery from 4 to 9 July 2022.
 - Northern Australia Conference held in Mackay from 6 to 8 July 2022.
 - The Paint the Town Exhibition will be officially opened at the Banana Shire Art Gallery on 22 July 2022.
 - Council's 2022-2023 Budget has been well received.
 - The current outbreak of Foot and Mouth disease in Bali is of concern and returning travellers are to adhere to biosecurity advice to restrict its entry into Australia.
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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

8.1.1 BUDGET MANAGEMENT REPORT AS AT 30 JUNE 2022

Date: 1 July 2022
Author: Financial Accountant - Cecilia White
File ID:
Letter ID:
Attachment: 1. June 2022 Budget Vs Actuals – Report from Practical
2. Summary of explanations
Minute No: OM005365

Resolution:

That Council receives the Budget Management Report for June 2022.

Moved: Cr Casey

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.

8.1.2 FINANCIAL REPORT– PERIOD ENDING 30 JUNE 2022

Date: 1 July 2022
Author: Financial Accountant - Cecilia White
File ID: 2306
Letter ID:
Attachment: Statement of Comprehensive Income - Actual v Budget to 30 June 2022; Statement of Financial Position – Actual v Budget to 30 June 2022; Statement of Cash Flows - Actual v Budget to 30 June 2022; Analysis of Cash Report as at 30 June 2022
Minute No: OM005366

Resolution:

That Council receive the Financial Report as tabled for the period ending 30 June 2022.

Moved: Cr Ramsey

Seconded: Cr Boyce

Carried

This report is a legislative requirement.

Report

1. Introduction

The purpose of the Financial Report is to give Management and Council an overview of the organisation's financial performance for the period ending 30 June 2022.

It is presented in a format which compares the year to date to the 2021/2022 budget. The year-to-date budget is 100% of the amended 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.

It is important for the Council to note that this report does not provide end of financial year position for 2021-22 financial year. There are several adjustments that need to take place towards the finalisation of the annual accounts.

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

2. Report

Comprehensive Income Statement:

Council recorded an operating surplus of \$6.19M at the end of June 2022. At the same time last year, the Council had an operating deficit of \$1.88M.

On 31 May 2022, the Cash balance was \$47.45M. At the same time last year, the cash balance was at \$30.8M. This represents a significant increase of \$16.65M compared with the previous year's cash balance. Included in this cash balance is the sum of \$5,786,646 for the 75% advance on Council's 22-23 Financial Assistance Grant. Council has also received \$5.13M from the Queensland Reconstruction Authority. This represents the first payments under the

Disaster Relief Funding Arrangements for this year's flood event. Increased revenue from rates and contract and recoverable works are the other drivers for this change.

Capital Expenditure:

Capital expenditure – see separate report.

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

Date: 12 July 2022
Author: Director Corporate & Community Services - Venkata Peteti
File No:
Letter No:
Attachment: Capital Expenditure Report
Minute No: OM005367

Resolution:

That Council note and receive the Major Capital Expenditure Report as at 30 June 2022 for Corporate & Community Services.

Moved: Cr Pender

Seconded: Cr Ramsey

Carried

Report

Providing a report on Council's Major Capital Expenditure as at 30 June 2022 for Corporate & Community Services.

Refer attachment.

8.1.4 MAJOR CAPITAL PROJECTS – MONTHLY ACTUAL EXPENDITURE – INFRASTRUCTURE SERVICES

Date: 12 July 2022
Author: Director Infrastructure Services - Chris Whitaker
File No:
Letter No:
Attachment: Capital Expenditure Report
Minute No: OM005368

Resolution:

That Council note and receive the Major Capital Expenditure Report for Infrastructure Services as at 30 June 2022.

Moved: Cr Semple

Seconded: Cr Ramsey

Carried

Report

Providing a report on Council's Major Capital Expenditure as at 30 June 2022 for Infrastructure Services.

Refer attachment.

8.1.5 MAJOR CAPITAL PROJECTS – MONTHLY ACTUAL EXPENDITURE – COUNCIL SERVICES

Date: 12 July 2022
Author: Director Council Services - Chris Welch
File No:
Letter No:
Attachment: Capital Expenditure Report
Minute No: OM005369

Resolution:

That Council note and receive the Major Capital Expenditure Report for Council Services as at 30 June 2022.

Moved: Cr Casey

Seconded: Cr Boyce

Carried

Report

Providing a report on Council's Major Capital Expenditure as at 30 June 2022 for Council Services.

Refer attachment.

8.1.6 FUNDING PROJECTS – MONTHLY ACTUAL EXPENDITURE

Date: 12 July 2022
Author: Chief Executive Officer – Tom Upton
File No:
Letter No:
Attachment: Capital Expenditure Report Funding Projects
Minute No: OM005370

Resolution:

That Council note and receive the Major Capital Expenditure Report for funding projects as at 30 June 2022.

Moved: Cr Pender

Seconded: Cr Casey

Carried

Report

Providing a report on Major Capital Expenditure for funding projects as at 30 June 2022.

Refer attachment.

9.0 Corporate & Community Services

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

Date: 13 June 2022
Author: Director Corporate & Community Services - Venkata Peteti
File No:
Letter No:
Attachment: Resolutions Action Report
Minute No: OM005371

Resolution:

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

Moved: Cr Semple

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

9.1.2 2021/22 CORPORATE & COMMUNITY SERVICES OPERATIONAL PLAN ASSESSMENT AS AT 30 JUNE 2022

Date: 12 July 2022
Author: Venkat Peteti - Director Corporate & Community Services
File No:
Letter No:
Attachment: 2021/22 Operational Plan – 4th Quarter Review
Minute No: OM005372

Resolution:

That Council receive Corporate & Community Services' fourth quarter assessment of the 2021/22 Operational Plan.

Moved: Cr Casey

Seconded: Cr Pender

Carried

Report

Corporate & Community Services fourth quarter assessment of 2021/22 Operational Plan is attached.

9.1.3 RIGHT TO INFORMATION – APPLICATION FEE AND PROCESSING CHARGE INCREASE

Date: 27 June 2022
Author: Records Management Team Leader – Amanda Stehbens
File ID: 8689
Letter ID: 1725159 – 2022-23 Fees, Charges and Allowances Schedule
Attachment:
Minute No: OM005373

Resolution:

That an amendment be made to the amounts currently listed in Council's Fees and Charges regarding the Right to Information applications (RTA) to align to the increase set by the Department of State Development, Infrastructure, Local Government and Planning.

The updated fee for the RTA

Application Fee: \$53.90

Processing Charges: \$8.35 per/15 minutes

Moved: Cr Pender

Seconded: Cr Casey

Carried

Report

On 23 June 2022, the Department of State Development, Infrastructure, Local Government and Planning emailed Council to advise of a fee increase for charges relating to Right to Information Applications. This fee increase will take effect from 1 July 2022.

Previous fees, as of 1 July 2021:

Application fee: \$52.60

Processing charges: \$8.15 per/15 minutes

New fees, as of 1 July 2022:

Application fee: \$53.90

Processing charges: \$8.35 per/15 minutes

The new fee must be reflected in the Council Fees and Charges Schedule.

9.1.4 AVDATA – AERODROME BILLING SERVICE

Date: 14 June 2022
Author: Aerodrome Operations Team Leader – Daniel Stewart
File ID:
Letter ID:
Attachment:
Minute No: OM005374

Resolution:

That Council resolve that Avdata is the sole supplier for aerodrome billing services reasonably available for Council's airport operations and engage Avdata to undertake aerodrome billing services for its aerodromes for the 2022/2023 financial year.

Moved: Cr Casey

Seconded: Cr Leo

Carried

Report

As stated on their website, “Avdata has led billing in the Australian aviation industry for more than 25 years. Our reputable and mature service is trusted by more than 160 airport owners across Australia, who rely on us to make billing aircraft operators cost-effective, accurate and easy”.

Banana Shire Council have used Avdata for many years to record and invoice aircraft utilising its aerodromes. Avdata tracks aircraft radio calls to record what aircraft is using Council's aerodromes and then invoices the airlines for landing and passenger fees. Council does not have the physical or staffing resources to perform this service ourselves.

Over the years, Aerodrome Services staff have not been able to find any other companies that undertakes the services that Avdata provides for Council.

Council has also purchased equipment from Avdata for the recording of radio calls that is solely licenced to Avdata.

Subsequently, it is recommended that Council engage Avdata to undertake aerodrome billing services for its aerodromes for the 2022/2023 financial year.

In order to validate a sole supplier list, under the *Local Government Regulations 2012 – Section 235 (a) & (b)*:

A local government may enter into a medium-sized contractual arrangement or large-sized contractual arrangement without first inviting written quotes or tenders if –

(a) the local government resolves it is satisfied that there is only 1 supplier who is reasonably available; or

(b) the local government resolved that, because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders.

9.1.5 CONCESSION BY WAY OF REBATE: ASSESSMENT NO.10288-00000-000 – BARALABA COMMUNITY AGED CARE ASSOCIATION, AND ASSESSMENT NO.10402-10000-000 – BILOELA RSL SUBBRANCH

Date: 22 June 2022
Author: Coordinator Rates – Melanie Plisch
File ID:
Letter ID:
Attachment:
Minute No: OM005375

Resolution:

In accordance with sections 120(1)(b) (i, ii) (c), 121(a) and 122(1)(a) of the Local Government Regulation 2012, Council grants an additional concession by way of rebate to:

- Baralaba Community Aged Care - \$1,000 per half year levy [\$2,000 in total for the 22/23 financial year]*
- Biloela RSL Subbranch - \$500 per half year rate levy [\$1,000 in total for the 22/23 financial year]*

Moved: Cr Ramsey

Seconded: Cr Leo

Carried

Report

For the 2022/2023 budget, Council adopted to change the methodology used to provide rates concession to Retirement Homes/Units to standardise all rates concessions provided by Council.

It was identified that there would be a more significant impact to property assessment no. 10288-00000-000 - Baralaba Community Aged Care Association and property assessment no.10402-10000-000 - Biloela RSL Subbranch. To assist with minimising the impact over the 2022/2023 financial year and allow these two organisations time to budget, it is recommended that Council provide a further concession as follows:

- Baralaba Community Aged Care - \$1,000 per half year levy [\$2,000 in total for the 22/23 financial year]
- Biloela RSL Subbranch - \$500 per half year rate levy [\$1,000 in total for the 22/23 financial year]

Council could explore to half the concession provided to the above organisations for 2023-24 financial year and bring them on par with the other aged care organisations from 2024-25 financial year onwards

Accordingly, pursuant to sections 120(1)(b) (i, ii), (c), 121(a) and 122(1)(a) of the *Local Government Regulation 2012*, Council is able to resolve to grant a further concession, on the basis that the committee is a community not-for-profit group that provides assistance to the community and the payment of the rates will cause hardship.

9.1.6 ADDITIONAL BUDGET FOR MOURA MUSEUM AND LIBRARY PROJECT

Date: 6 July 2022
Author: Director Corporate and Community Services – Venkata Peteti
File ID:
Letter ID:
Attachment: Concept Design Stage Estimate
Minute No: OM005376

Resolution:

That Council approve the overall project budget for the Moura Museum and Library Project to \$7,600,000 (excluding GST) and provide the funds required after applying the external funding to the project.

Moved: Cr Leo

Seconded: Cr Semple

Carried

Report

Council has been working with Moura Community to develop the Moura Museum and Community Project. This project is aimed to deliver library, customer service, tourism, museum and other community services to the residents and visitors of Moura and its surrounds.

Based on the previous bill of quantities, Council applied for a \$6,000,000 grant through the Resources Community Infrastructure Fund and was successful in the application. In addition to the grant, Council also allocated \$600,000 of its funds to establish a project budget of \$6,600,000.

Council obtained cost estimates at the concept design stage in June 2022, and the revised estimate is \$8,390,755, which is \$1.8 million more than the original estimate. Council officers will work with the museum committee and the architect to bring the overall costs below \$7,600,000 by eliminating optional parts from the project and reducing the floor space. As the costs increase due to inflation and supply chain issues, any further reduction to the building size will make the project not fit for purpose for the community use.

Council's Chief Executive Officer contacted the Queensland Department of State Development, Infrastructure, Local Government and Planning, which administer the Resource Community Infrastructure Fund, to explore if they increase the grant amount. Unfortunately, the Resource Community Infrastructure Fund will not support any cost escalations.

In order to meet the escalated costs, Council needs to allocate \$1,000,000 to the project in addition to its current allocation of \$600,000.

Council could consider the following areas to assist in the allocation of an additional \$1,000,000

- Savings from the destination playground project - \$300,000

In addition to the above, officers will explore all possible funding opportunities, including the funding for the libraries and museum fit-outs, to minimise the Council's contribution to the project.

The Moura Museum and Library Project is a once-in-a-generation project for the community. The additional financial commitment from Council will ensure the project will come to fruition and be delivered on time.

10.0 Infrastructure Services

10.1.1 MONTHLY COUNCIL REPORT – INFRASTRUCTURE SERVICES

Date: 12 July 2022
Author: Director Infrastructure Services - Chris Whitaker
File ID:
Letter ID:
Attachment:
Minute No: OM005377

Resolution:

That Council receive the July 2022 Infrastructure Services Monthly Council Report as presented.

Moved: Cr Ramsey

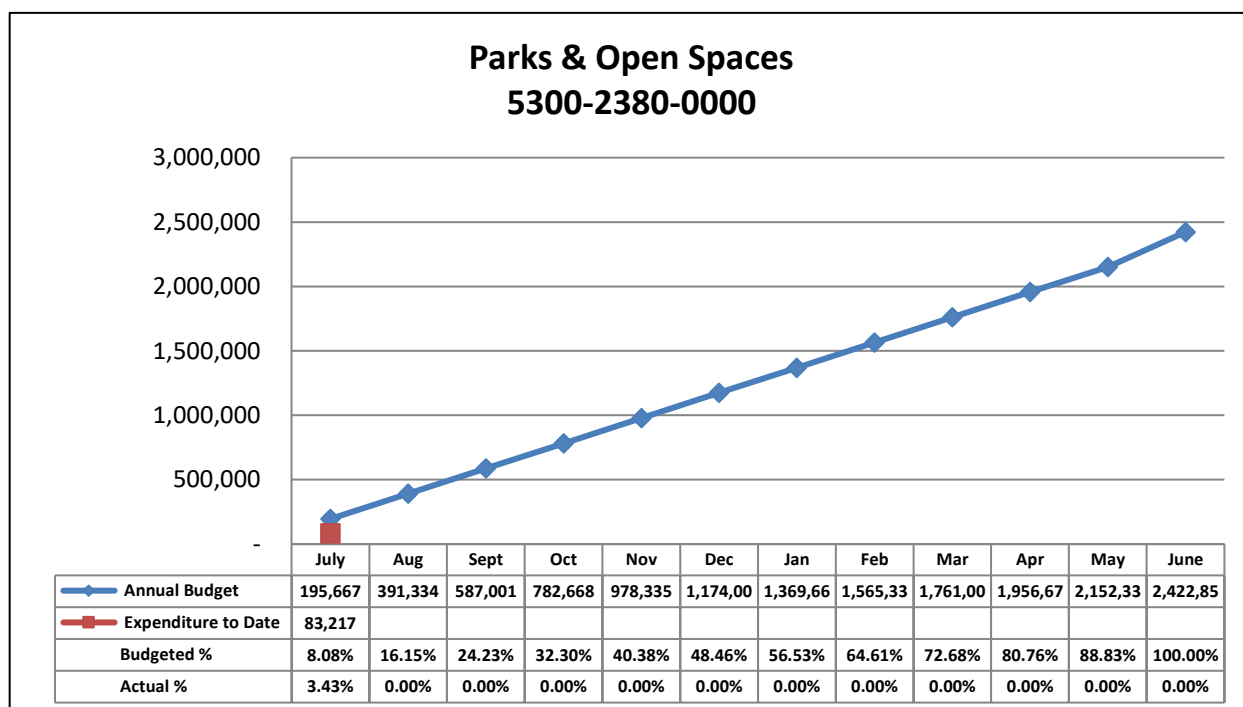
Seconded: Cr Semple

Carried

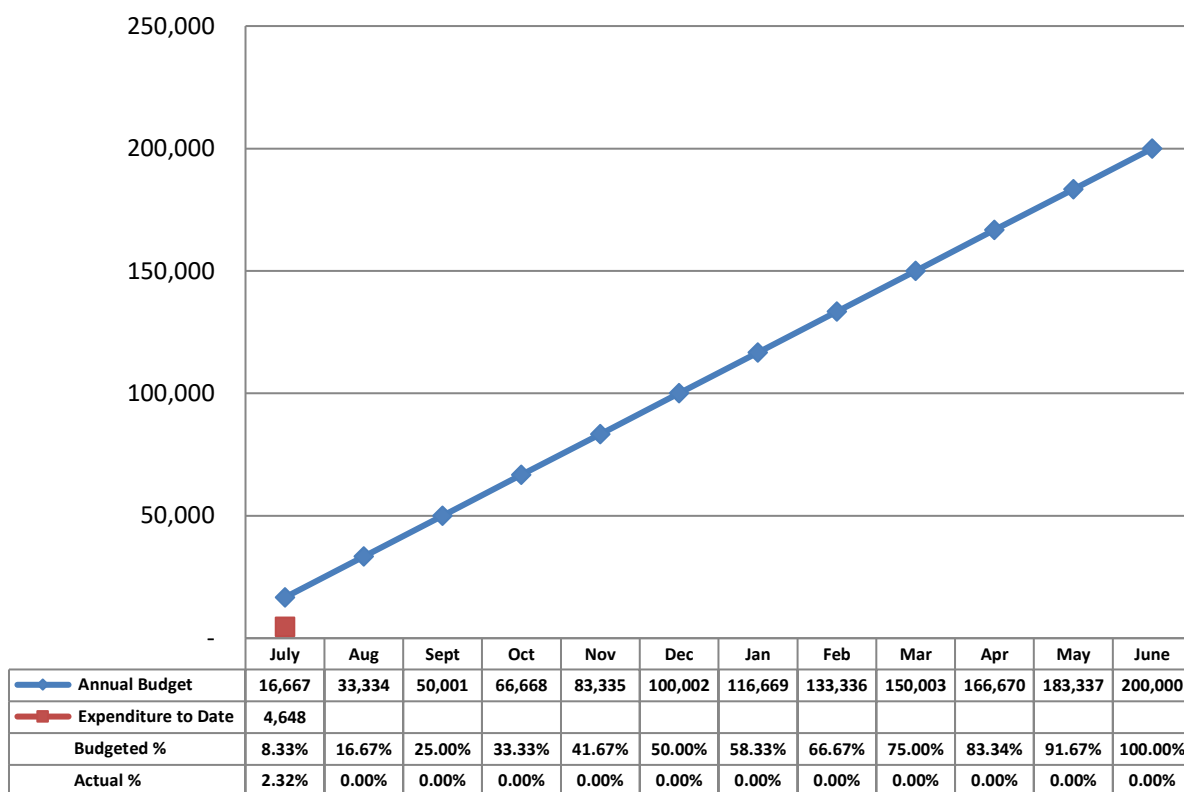
Report

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

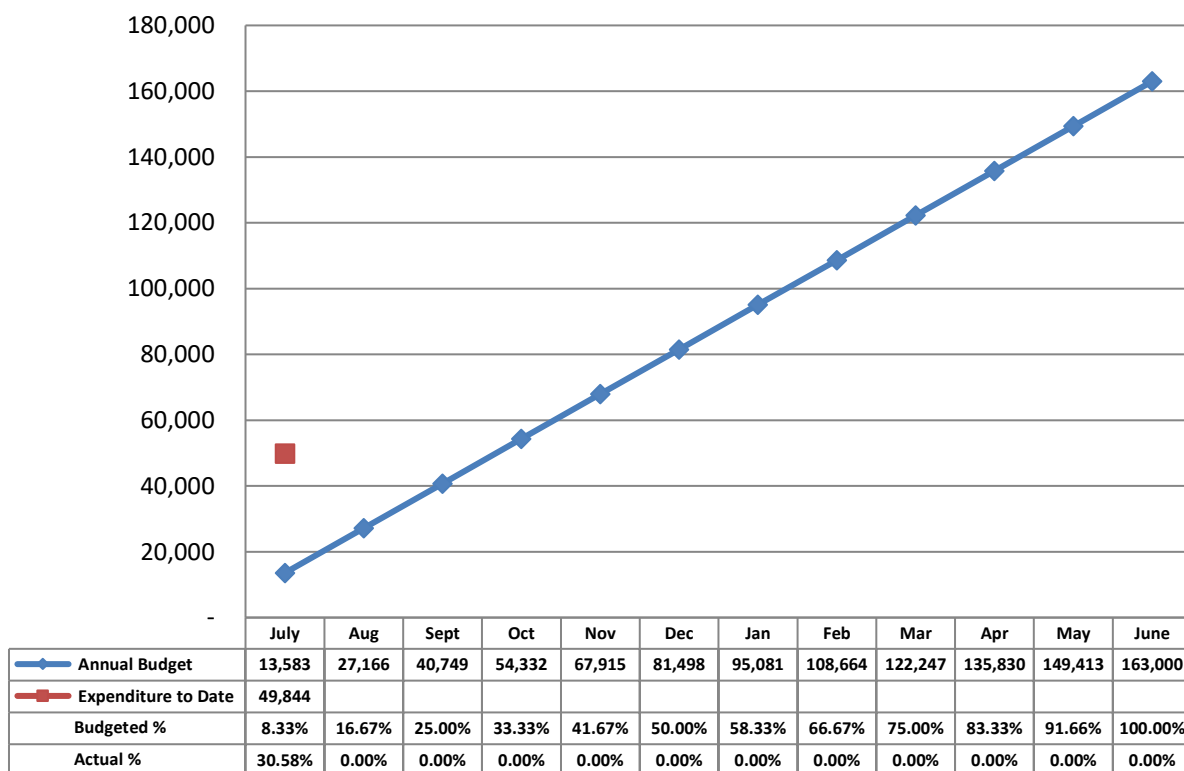
- Parks & Open Spaces
- Public Toilets
- Street Cleaning
- Street Lighting
- Bikeways and Footpaths Maintenance
- Roads Bridges and Drainage Maintenance
- RMPC



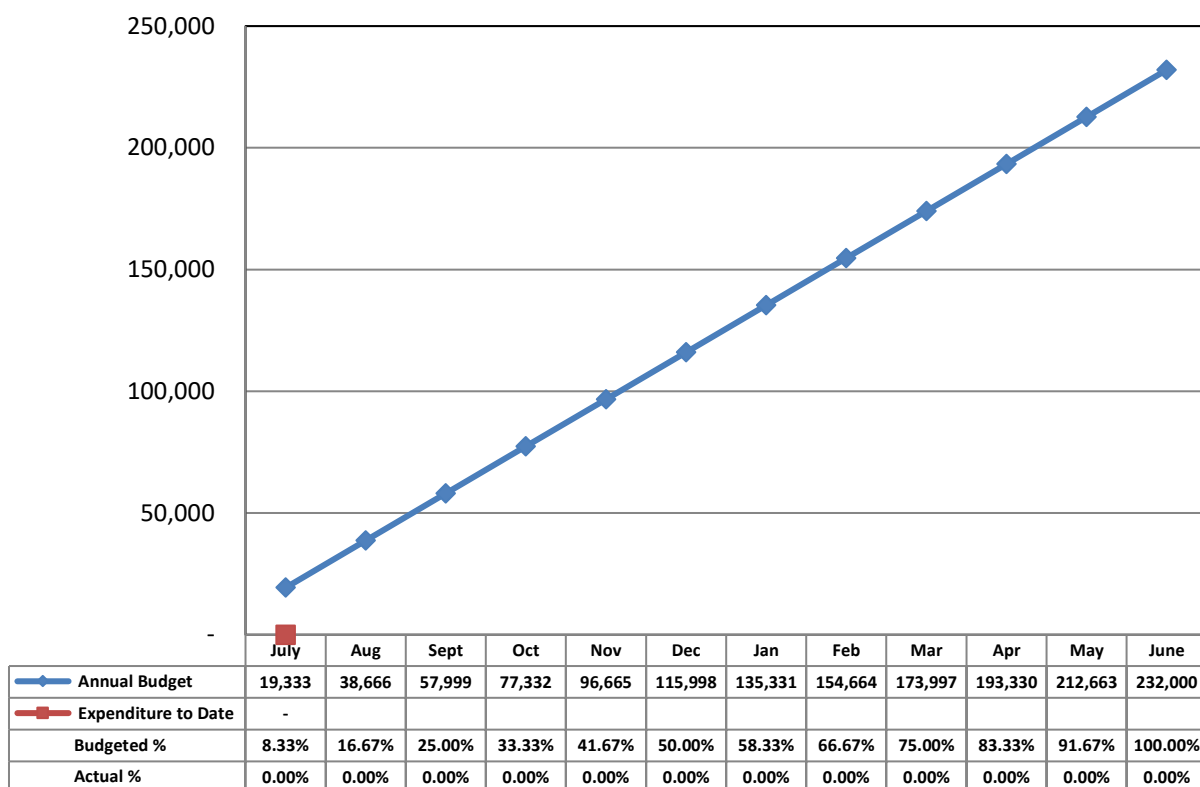
Public Toilets 5320-2380-0000



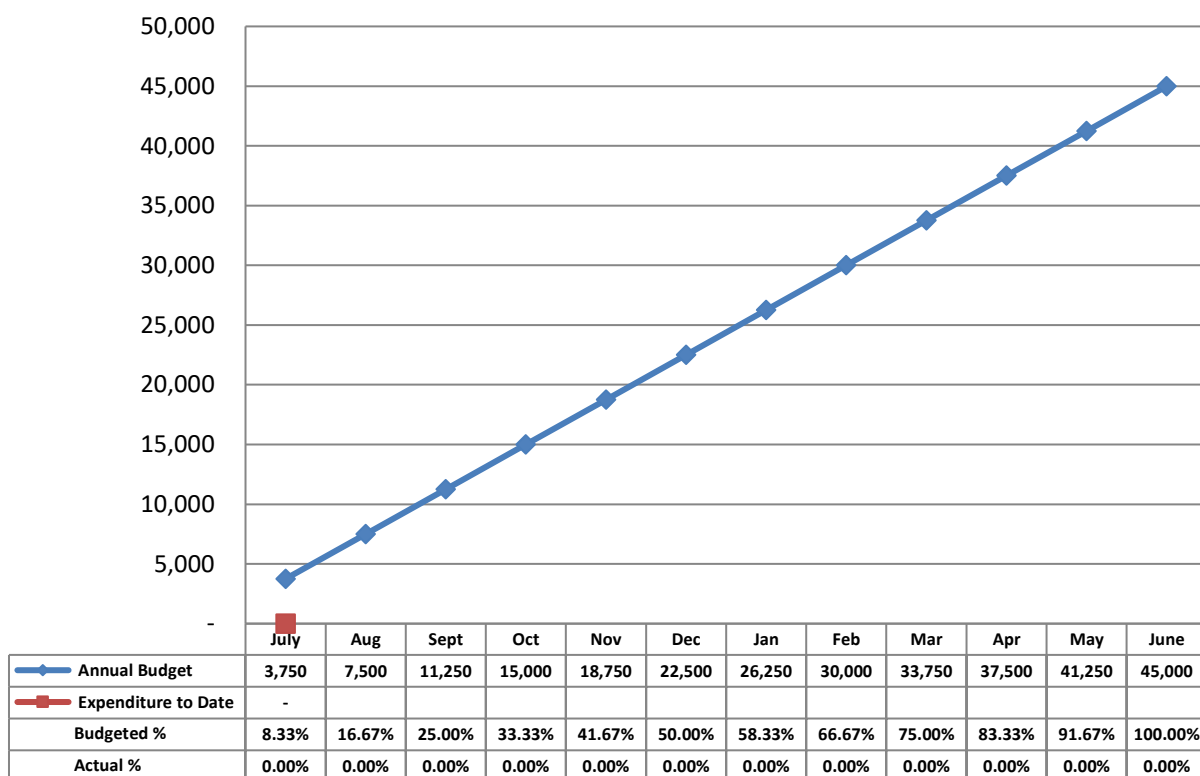
Street Cleaning 5360-2380-0000



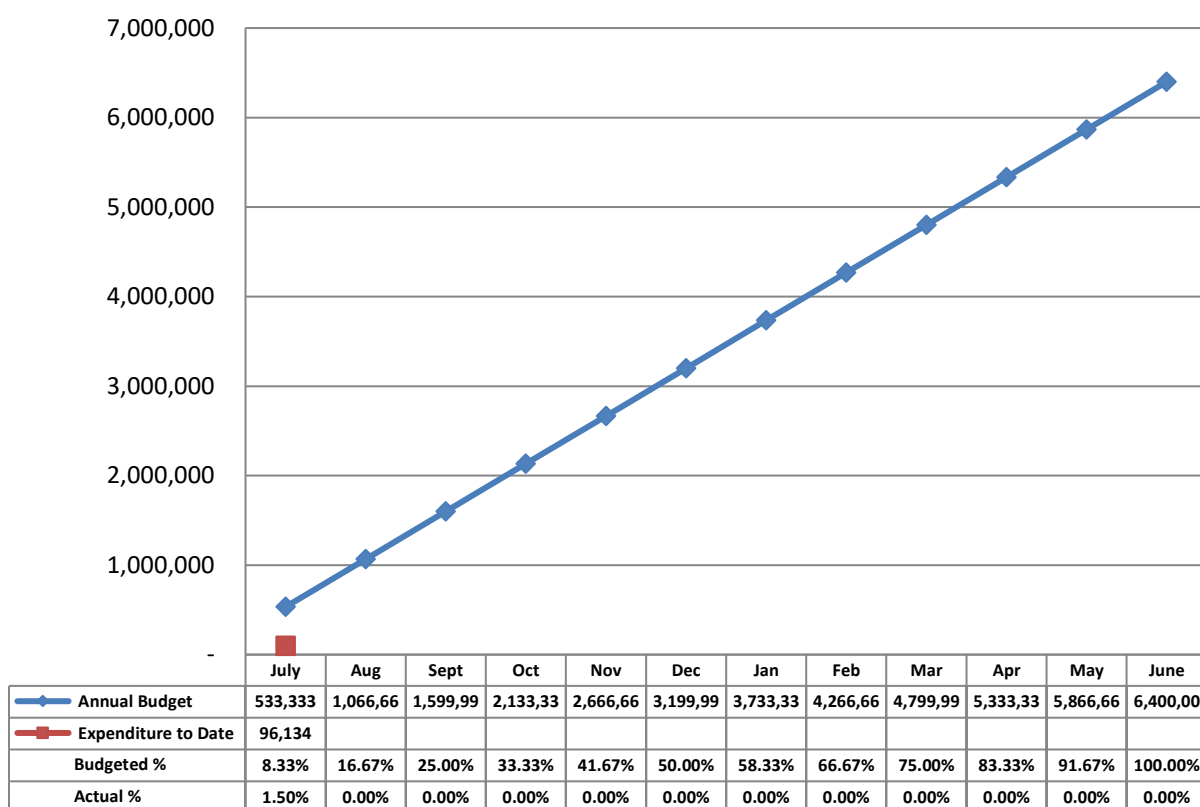
Street Lighting 5380-2380-0000



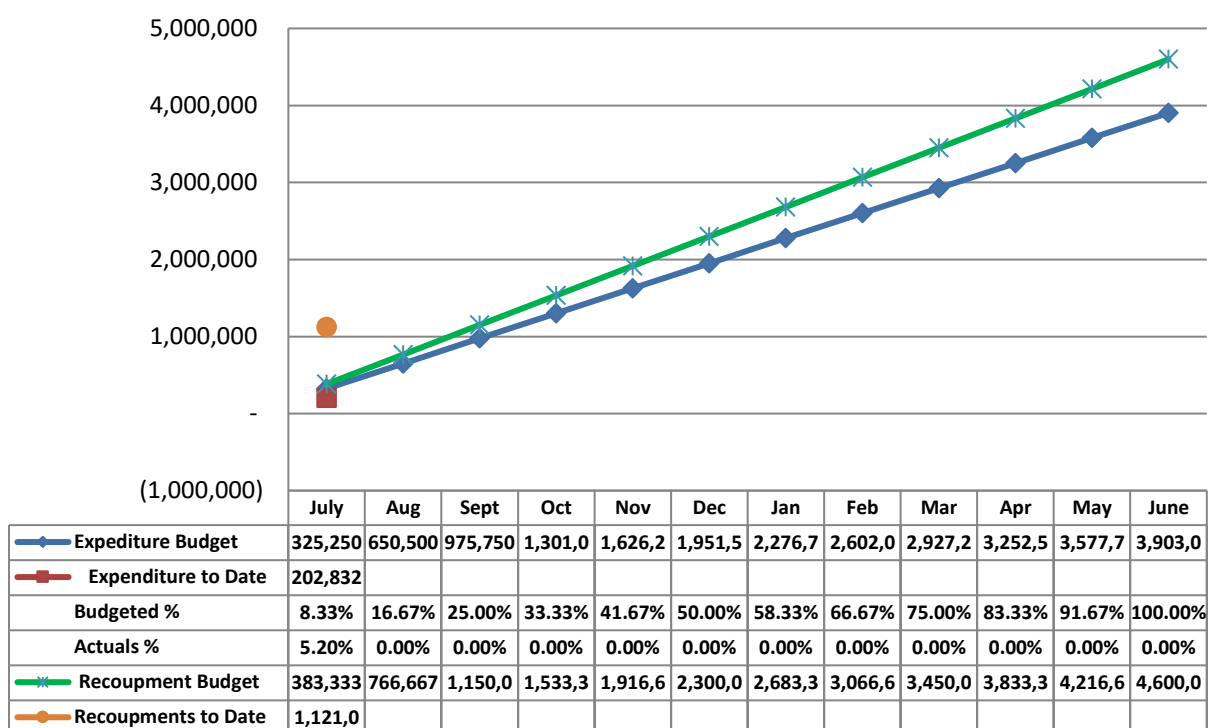
Bikeways & Footpaths 5420-2480-0000



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 2021/22 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: 13 July 2022
Author: Director Infrastructure Services - Chris Whitaker
File No:
Letter No:
Attachment: Resolutions Action Report
Minute No: OM005378

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 2021/22 INFRASTRUCTURE SERVICES OPERATIONAL PLAN ASSESSMENT AS AT 30 JUNE 2022

Date: 12 July 2022
Author: Chris Whitaker – Director Infrastructure Services
File No:
Letter No:
Attachment: 2021/22 Operational Plan – 4th Quarter Review
Minute No: OM005379

Resolution:

That Council receive Infrastructure Services' fourth quarter assessment of the 2021/22 Operational Plan.

Moved: Cr Semple

Seconded: Cr Ramsey

Carried

Report

Infrastructure Services fourth quarter assessment of 2021/22 Operational Plan is attached.

General Business - Infrastructure Services

Cr Casey asked the Director Infrastructure Services if the flood damage tenders have been released? The Director Infrastructure Services advised that one tender has been with the remaining tenders expected to be released within the coming weeks.

Moved by Cr Boyce, seconded by Cr Leo and carried: That the meeting adjourn at 10.45am for an Australian Citizenship Ceremony followed by morning tea.

Moved by Cr Semple, seconded by Cr Ramsey and carried: That the meeting recommence at 11.27am.

11.0 Council Services

11.1.1 ACTION REPORT ON PREVIOUS COUNCIL RESOLUTIONS – COUNCIL SERVICES

Date: 13 July 2022
Author: Director Council Services – Chris Welch
File ID:
Letter ID:
Attachment: Resolutions Action Report
Minute No: OM005380

Resolution:

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

Moved: Cr Casey

Seconded: Cr Boyce

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 2021/22 COUNCIL SERVICES OPERATIONAL PLAN ASSESSMENT AS AT 30 JUNE 2022

Date: 12 July 2022
Author: Chris Welch – Director Council Services
File No:
Letter No:
Attachment: 2021/22 Operational Plan – 4th Quarter Review
Minute No: OM005381

Resolution:

That Council receive Council Services' fourth quarter assessment of the 2021/22 Operational Plan.

Moved: Cr Casey

Seconded: Cr Pender

Carried

Report

Council Services fourth quarter assessment of 2021/22 Operational Plan is attached.

Cr Casey referred to Council's cardboard collection service and asked if Council is aware of how much cardboard has been collected. Director Council Services advised he will follow up with Cleanaway and prepare a report for Council.

11.1.3 REQUEST FOR DEVELOPMENT APPLICATION ASSESSMENT UNDER SUPERSEDED PLANNING SCHEME - A MATERIAL CHANGE OF USE FOR PUBLIC FACILITY – OTHER (SOLAR FARM) AND ANIMAL HUSBANDRY AND RECONFIGURING A LOT (LEASE EXCEEDING 10 YEARS) (IMPACT ASSESSABLE) LOCATED AT 551 & 641 BILOELA CALLIDE ROAD AND LOT 28 SHORTS ROAD, MOUNT MURCHISON DESCRIBED AS LOT 154 ON SP126053, LOT 2 ON RP619032, LOT 28 ON RN519 AND LOT 3 ON RP608599.

Date: 22 June 2022
Author: Town Planner – Rentia Robertson
File No: 89269
Letter No:
Attachment: 1721928 - Superseded Planning Scheme Request
1726967 - MT Murchison Solar Farm Development - Preliminary Site Layout Plan
1726398 - Legal advice from King & Co
Minute No: OM005382

Resolution:

That Council resolve to grant the request for the assessment of Development Application COM001-22/23 19 for a Material Change of Use for Public Facility – Other (Solar Farm) and Animal Husbandry, and Reconfiguring a Lot (Lease exceeding 10 years) (Impact Assessable) located at 551 & 641 Biloea Callide Road and Lot 28 Shorts Road, Mount Murchison described as Lot 154 on SP126053, Lot 2 on RP619032, Lot 28 on RN519 and Lot 3 on RP608599 to be undertaken against the superseded planning scheme (Banana Shire Planning Scheme 2005).

Moved: Cr Leo

Seconded: Cr Pender

Carried

Background

Council officers have been engaged with the applicant Edify Energy and RPS Australia who is acting on behalf of the owners of Lot 154 on SP126053, Lot 2 on RP619032, Lot 28 on RN519 and Lot 3 on RP608599 located at 551 & 641 Biloea Callide Road and Lot 28 Shorts Road, Mount Murchison on a potential 200MWac Solar Photovoltaic (PV) Farm with a development footprint of approximately 466 hectares. The application also proposes to include an animal husbandry to include sheep as a co-use. The applicant has now lodged a development application to undertake the process and has requested that the application be assessed under the provisions of the superseded Banana Shire Planning Scheme 2005.

With the adoption of the Banana Shire Planning Scheme 2021, the former planning scheme assumes a superseded status. The *Planning Act 2016* s29(3) allows a person, in the first 12 months following the adoption of a new planning scheme, to make a request to Council to have a development application accepted, assessed and decided under the provisions of the superseded planning scheme. Council is under no obligation to agree to such requests and should consider the merits of each request on a case-by-case basis.

Report

Proposal

The application proposes a material change of use to develop 200MWac Solar Photovoltaic (PV) Farm with a development footprint of approximately 466 hectares across the landholding. It is expected that the development will provide power to the broader Banana Shire and Central Queensland region. The development will also involve supporting facilities such as site office, substation, laydown area, 200MW/800MWh Battery Energy Storage System (BESS), fencing, access tracks and other ancillary equipment.

The panels will be mounted on single-axis trackers to follow the sun to maximise the generation of energy. These tracker systems will provide opportunities to shade livestock in the hotter parts of the day. The proposal also proposes to include animal husbandry and proposes sheep to be co-located to provide vegetation management and ensure agricultural production continues on the site.

The introduction of the sheep will grow the sheep meat industry in the district and is estimated to have economic flow on effects like farm jobs, growth in the production and processing of sheep meat. Benefits to the solar farm activity:

- Sheep growth rate and fertility is expected to be higher due to the abundance of shade and lower temperatures under the panels.
- The shading effect of the solar panels creates a micro-climate under the panels with differences in air temperature, humidity, wind speed and soil moisture. This will assist in pasture production for the sheep.
- Increased sheep stock and health will ensure a better product for farmers, resulting in lower mortality rates and increased profit potential. The benefits will follow on through to butchers and customers who can sell and experience quality meat; and
- Controlled grazing of the sheep will reduce the risk of fire and reduce the cost of slashing, which in turn lowers the operational cost of the project and supports the provision of low-cost electricity supply.

Subject Site and Surrounding Land Uses

The land is situated approximately 11km northeast of the town of Biloela, located on Biloela Callide Road and Shorts Road. The Biloela Callide Road is also mapped as a state-controlled road. The site is used primarily for cropping purposes and Lot 154 on SP126053, Lot 2 on RP619032 each accommodates a dwelling.

Surrounding land uses have been identified as rural properties with the Callide Power Station to the east, and Batchfire Coal Mine to the northeast. The Moura Rail System borders the lots to the north, and an easement is mapped for the Powerlink High Voltage Network traversing the lots.

Please refer to Figure 1 below.



Figure 1 – Site and location

The proposed preliminary site layout is provided in Attachment 1.

Planning Scheme variations

The Banana Shire Planning Scheme 2021 specifies that for the Rural Zone, a renewable energy facility located on agricultural land is subject to Impact Assessment, requiring public notification and creating potential for third party appeals of Council's decision. This is intended to protect the productive capacity of agricultural land from the effects of intrusion of incompatible land uses, in particular not constraining agricultural land being used for production of broadacre or horticultural cropping. The purpose of this position is to ensure that better quality land is used for the highest economic benefit.

The Banana Shire Planning Scheme 2005 defines the solar component of the proposal as a 'public facility – other' which is subject to Impact Assessment in the Rural Zone. The overall outcomes sought for the Agricultural Land Overlay are:

- (i) Agricultural, intensive agriculture and animal husbandry that continue to make a significant contribution to the Shire's economy, are sited on land appropriate capability and suitability and are dominant land uses in the overlay area.
- (ii) All productive agricultural land is protected from the encroachment of incompatible uses and from excessive fragmentation into lot sizes that are not viable for agriculture.
- (iii) Incompatible non-rural uses are excluded from the overlay area to protect their amenity, and particularly to protect against the effects of aerial spraying; and other impacts as a result of intensive cropping.
- (iv) Houses are the only exception to 2. above, provided that the houses are located such as to minimise the potential conflicts with agricultural activities

The intent is to maintain the dominance of rural activities in the Zone and protect the rural amenity.

The following table provides a full description of the detailed differences between the 2021 and 2005 planning schemes.

2021	2005 Superseded
Proposal is subject to Impact Assessment in the Rural Zone.	Proposal is subject to Impact Assessment in the Rural Zone.
<p>The site area is mapped by the following Overlays:</p> <ul style="list-style-type: none"> • Agricultural Land Agricultural land Stock route network • Biodiversity Regulated vegetation intersecting watercourse Regulated vegetation category R GBR riverine • Bushfire Hazard – BPA Potential impact buffer • Flood Hazard – Flood – 1% annual exceedance probability (AEP) plus climate change • Infrastructure Electricity transmission line 132kV Electricity transmission line less than 132kV Electricity transmission line 132kV buffer Electricity transmission line less than 132kV buffer Power station buffer • Water Resources – Callide groundwater management area 	<p>The site is mapped by the following Overlays:</p> <ul style="list-style-type: none"> • Agricultural Land Class: A – Crop land – Suitable for rainfed cropping and broadacre crops with irrigation • Bushfire Prone Land Low bushfire severity • Gas, Power and Plant & Refuse 132kV power lines • Catchment Overlay Declared Sub-Artesian Areas
Agricultural Land Overlay Intent	
<p>Agricultural land:</p> <p>(A) The productive viability of agricultural land is not reduced due to the intrusion of incompatible land uses or unnecessary fragmentation of alienation;</p> <p>(B) Development is compatible with the viability, integrity, operation and maintenance of the stock route network.</p>	<p>The overall outcomes sought for the Agricultural Land Overlay are:</p> <ul style="list-style-type: none"> (i) Agricultural, intensive agriculture and animal husbandry that continue to make a significant contribution to the Shire's economy, are sited on land appropriate capability and suitability and are dominant land uses in the overlay area. (ii) All productive agricultural land is protected from the encroachment of incompatible uses and from excessive fragmentation into lot sizes that are not viable for agriculture. (iii) Incompatible non-rural uses are excluded from the overlay area to protect their amenity, and particularly to protect against the effects of aerial spraying; and other impacts as a result of intensive cropping. (iv) Houses are the only exception to 2. above, provided that the houses are located such

2021	2005 Superseded
	as to minimise the potential conflicts with agricultural activities.
Agricultural Land Class Overlay Performance Outcome:	
	All Uses and Works on land in the Agricultural Land Class Overlay
Agricultural Land	All Development on land shown as Class A, B or C1 land in the Agricultural Land Class Overlay
<p>PO40 An agricultural sustainability report prepared by a qualified agronomist demonstrates that:</p> <ol style="list-style-type: none"> a) the proposed development sustains or improves the productivity and viability of agricultural land identified on Overlay Map OM-01; and b) the proposed development is financially viable, requiring a viability assessment that includes capital costs, operational costs, sustainable yields to support a family, climate, soils and geological factors affecting crop growth, nutrients, salinity, topography, susceptibility to flooding and erosion and an assessment of market robustness (both recent and projected) and alternative practices in the event of failure. <p>and</p> <p>PO41 Development for non-agricultural purposes does not constrain agricultural land being used for the production of broadacre or horticultural crops on land identified on Overlay Map OM-01.</p> <p>and</p> <p>PO42 Uses and works that do not have a specific locational requirement to be situated on agricultural land do not cause adverse impacts on such areas.</p>	<p>PO1</p> <p>Land uses and newly created lots are located and designed so as to sustain the productivity, viability, or use of agricultural land for agricultural purposes.</p> <p>Note: Demonstration of compliance with the PO can be addressed through:</p> <ol style="list-style-type: none"> (1) Providing separation distances or buffering methods to overcome potential impacts on existing adjacent rural uses; (2) Demonstrating that there is an overriding planning need for the development in terms of public benefit and no other sites are suitable or available for the purposes; or (3) Demonstration that the agricultural quality of the subject land is inconsistent with the Agricultural Land Classification (ALC) Class A and Class B or Class C1 land in accordance with the State Planning Policy mapping.

It is important to recognise that a change in policy between a superseded planning scheme and an adopted planning scheme does create a potential circumstance where compensation may be payable should it be demonstrated that a loss of development opportunity occurs due to an adverse change. In these circumstances, the request was provided to Council's legal advisors to review and provide advice on the following:

- The validity of the request and its compliance with legislative requirements
- Whether the change in policy from the 2005 Planning Scheme to the 2021 Planning Scheme represents any loss of development potential for the site
- The risk to Council in refusing this request and approving or refusing the application under the current planning scheme
- The ramifications of approving this request and approving or refusing the application under the superseded planning scheme
- Any other pertinent matters

The advice was received in two parts, with the first part addressing the first dot point in isolation to allow processing of the request in accordance with statutory timeframes. A copy of both advices is included in Attachment 2.

Dot point 1

The initial advice (included as Attachment A of the attached document) advised that to be a properly-made application, the request needed to include a copy of the DA Form 1. This advice was conveyed to the applicant and the additional information was provided.

Dot point 2

Paragraphs 11 to 17 of Attachment 1 describe the nature of changes between the superseded planning scheme and the current planning scheme and the effect that has in relation to the application of the Planning Act 2016 provisions. In summary, the advice states that the change of policy could be considered an adverse planning change and creates potential for compensation.

Dot point 3

Paragraph 35 of Attachment 1 identifies that a claim for compensation can be made if circumstances described in Section 31(3) of the Planning Act 2016 are satisfied. The first circumstance described in that section of the Act is if Council were to refuse a request for assessment under the superseded planning scheme. By default, if Council were to approve this request, no compensation is claimable even if Council was to refuse the development application.

The value of any compensation claim is the difference between the market value of the interest in the premises immediately before and after the planning change. In this instance, the decision on the value would need to consider any benefit that would normally accrue were the proposal to be approved. While there are no valuations available at present on this site and proposal, given previous information provided on the value of the solar project, the value of a compensation claim could be significant.

Dot point 4

Paragraphs 26 to 32 of Attachment 1 advise on the circumstances of assessing the application under the superseded planning scheme. In summary, the application would be treated as a normal assessment and as noted above, no claim for compensation is available regardless of the outcome of the assessment. The only concern related to the creation of a precedent that conflicts with the adopted change of policy under the current planning scheme. Paragraph 29 in particular, clarifies that there would be a significant barrier to any other developer of a similar project relying on a decision under the superseded planning scheme. It is akin to someone seeking approval on the basis of a decision made under repealed legislation; the circumstances that allowed that approval are no longer in effect and there is no avenue to resurrect it.

Dot point 5

While there is useful information on process matters in Paragraphs 44 to 48 of Attachment 1, the most immediate item for consideration is discussed in Paragraphs 49 to 58 and relates to the scale of the grazing component under the superseded planning scheme. To summarise, there is a threshold between animal husbandry and intensive animal husbandry of 49 animals. Animal husbandry is accepted development (no Council approval), while intensive animal husbandry is subject to Impact Assessment in an application.

At present, the proponent is proposing only animal husbandry which simplifies the application assessment. In discussion with officers, the applicant has confirmed that they wish to limit the number of animals initially while they trial site management requirements to protect this activity. Once management practices are proven and established, expansion of the flock will occur up to the identified carrying capacity of 1,000 animals. This would occur under the provisions of the current planning scheme, which allows animal husbandry to occur in the Rural Zone without development approval. It

is important to note that the 49 animals threshold is not carried forward from the superseded planning scheme to the current one. The difference between the two uses is now regulated by the method of sustenance to the animals, open grazing is animal husbandry and intensive animal husbandry relies on any mechanical or hand feeding of animals, regardless of number.

Recommendation

It is recommended that the request to assess the development proposal under the superseded planning scheme be granted. It effectively removes any circumstance where a compensation claim could be made against Council. It does not create a precedent for future proposal to rely on. While it is a departure from the adopted policy position of Council, the legislative avenue exists for Council to consider all relevant matters in relation to the request, which include those described above. As of 30 June 2022 the period in which requests could be made for superseded planning scheme application lapses and allows for a stricter implementation of the new policy in the future.

11.1.4 WASTE REDUCTION AND RECYCLING MANAGEMENT PLAN

Date: 22 July 2022
Author: Waste Co-Ordinator – Bob Harris
File No:
Letter No:
Attachment: 1725748 - Draft Waste Reduction and Recycling Management Plan
Minute No: OM005383

Resolution:

That Council resolve to advertise the Draft Waste Reduction and Recycling Management Plan for public comment.

Moved: Cr Pender

Seconded: Cr Boyce

Carried

Report

The draft Plan provides a discussion paper for public consultation.

The aim of this Plan is to fulfil Council's obligations under the Waste Reduction and Recycling Act 2011 through the implementation of efficient and effective waste reduction and recycling operations in the Banana Shire.

12.0 Executive Services

12.1.1 ACTION REPORT ON PREVIOUS COUNCIL RESOLUTIONS – EXECUTIVE SERVICES

Date: 13 July 2022
Author: Chief Executive Officer - Tom Upton
File No:
Letter No:
Attachment: Resolutions Action Report
Minute No: OM005384

Resolution:

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

Moved: Cr Casey

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
-

Discussions were held regarding Council's acquisition of the Biloela PCYC Building. At the request of **Cr Pender**, the Chief Executive Officer is to prepare a media release to provide an update on the acquisition to the public.

12.1.2 2021/22 EXECUTIVE SERVICES OPERATIONAL PLAN ASSESSMENT AS AT 30 JUNE 2022

Date: 12 July 2022
Author: Tom Upton – Chief Executive Officer
File No:
Letter No:
Attachment: 2021/22 Operational Plan – 4th Quarter Review
Minute No: OM005385

Resolution:

That Council receive Executive Services' fourth quarter assessment of the 2021/22 Operational Plan.

Moved: Cr Semple

Seconded: Cr Ramsey

Carried

Report

Executive Services fourth quarter assessment of 2021/22 Operational Plan is attached.

12.1.3 RENEWABLE ENERGY SUPPLY CHAIN STRATEGY

Date: 1 July 2022
Author: Economic Development Officer - Eliza Ryan
File ID:
Letter ID:
Attachment: Renewable Energy Supply Chain Strategy
Renewable Energy Supply Chain Industry Event flyer
Local Supply Chain Capability Building Program
Minute No: OM005386

Resolution:

Council to approve the Renewable Energy Supply Chain Strategy - to secure the region's position as a decarbonised energy hub in the decades to come.

Moved: Cr Casey

Seconded: Cr Ramsey

Carried

Background

The Renewable Energy Supply Chain Strategy is Banana Region's plan to assist the Local Suppliers realise opportunities, as the region transitions to a renewable energy future.

The Banana region is experiencing strong growth in the renewable energy sector and currently has thirteen proposed renewable projects in its pipeline. Council developed the strategy to map and match opportunities to the local supply chain within the shire's economic zone.

Report

Strategy purpose:

- Council and Project Proponents access to quality data of local suppliers within region (transformation of energy production requires access to quality data)
- Raise awareness of the region's local supplier capacity to future buyers (project proponents and principal contractors)
- Develop awareness in local suppliers of requirements to enable them to position for contractual work
- Augment local supply chain knowledge and decision making
- Expand local supply chain capabilities
- Support local supply chain ecosystem partnerships (i.e.: Suppliers to work together to bid on a tender & or develop innovative new products and services).
- Support traditional fossil fuel business models to build a more resilient core business (diversify portfolio to include renewable energy initiatives and upskill existing workforce for the clean energy transformation).
- Support the formation of diverse and reliable local supply chains to meet renewable project proponents needs

It is recommended that Council commit to a robust Renewable Energy Supply Chain Strategy to support local industry take advantage of existing and future economic opportunities in the Banana Shire.

12.1.4 TAROOM HEAVY VEHICLE BYPASS

Date: 7 July 2022
Author: Chief Executive Officer – Tom Upton
File ID:
Letter ID:
Attachment: Doc 1728075 – 2020 Traffic Counts on Leichhardt Highway
Proposed Taroom Alternate Truck Route – Map
Minute No: OM005387

Recommendation:

That Council undertake a formal community engagement process to assess whether the Alternate Truck Route for Taroom should be explored further.

Resolution:

The Council take no further action until the Department of Transport & Main Roads increase the priority of the project.

Moved: Cr Leo

Seconded: Cr Ramsey

Carried

Report

There has been considerable discussion about the construction of an alternate truck route for Taroom to encourage heavy vehicle traffic to bypass the centre of Taroom.

Attached to this report is a map showing two alternate footprints for the alternate truck routes. Discussion of the relevant benefits or preferences between the identified routes is outside the scope of this report, suffice to say that if Council resolves to pursue this further a preferred route should be determined prior to going to public consultation. The preferred route should be determined on the basis of:

1. The route providing the safest option for all road users.
2. The route that provides the most incentive for heavy vehicles to use it.
3. The route that offers the most effective outcome for the least cost

Council should also note that the alternate truck route is not a priority for Queensland Transport. Council has received repeated advice from Queensland Transport that while concept plans and a possible route have been developed by Main Roads, a commitment to construct the route is not on their medium to long-term priorities.

If Council wishes to proceed with the project, it will require either:

1. Advocacy to Main Roads to increase priority of the project; or
2. Council will have to seek alternative funding and develop the project itself.

The 2019 Annual Average of Daily Traffic (AADT) for Yaldwyn Street in Taroom indicates that the average daily traffic volumes on the street are 1153 light vehicles and 281 heavy vehicles. Light vehicle

traffic is not considered as part of this report however the heavy vehicle count suggests that approximately twelve trucks (of various sizes) travel up Yaldwyn Street per hour.

For context the traffic counts for 2019 Theodore and Moura are summarised in the following table:

	Theodore	Moura
Heavy Vehicles	141	317
Light Vehicles	659	1335
Total Traffic	800	1652

The primary north-south connection through the Theodore township, The Boulevard (TMR controlled road), does not accommodate heavy vehicles, the road is narrow and swept paths at intersections are inadequate for heavy vehicles.

The only route available to Heavy Vehicles is around the outskirts of Theodore via local roads Eleventh Avenue, Walloon Street and Partridge Drive, the local road construction is not designed for Heavy Vehicles and premature rehabilitation, re-sealing often occurs.

A number of residents have expressed their concerns to Council with regards to the safety of these roads to accommodate heavy vehicles, specifically with vehicle interactions (inadequate swept paths), vulnerable user interaction, adjacent residents properties driveways, children's play areas and skate park users. In response to residents' complaints Banana Shire Council undertook a Road Safety Audit of the Heavy Vehicle route through Eleventh Avenue, Walloon Street and Partridge Drive (See Attached), the audit identified 25 hazards, 9 are considered 'High' priority that is 'Should be corrected or the risk significantly reduced, even if the treatment cost is high'. The project will address all hazards identified in the Road Safety Audit.

Transport and Main Roads are scheduled to upgrade Eidsvold Theodore Road bridges to allow the road to become a gazetted B-Double and Road Train route, it is anticipated that Heavy Vehicle activity through Theodore will increase, if this occurs the existing road around Theodore will fail and risks to residents will increase.

The Theodore Heavy Vehicle Bypass project involves pavement upgrade, bitumen/asphalt seal, drainage, intersection realignment, traffic control devices, lighting and pedestrian access. The Theodore Heavy Vehicle Bypass project is essential for safe increased production within the region.

The Theodore Heavy Vehicle Bypass project has community support and is an upgrade of the existing road network, the Taroom Heavy Vehicle Bypass will require a new road and will be of significant cost.

Community Engagement

In assessing whether there is community support for the alternate truck route, Council has received conflicting feedback over the last six years.

Council's 2017-2027 Community Place-Based Plan lists the heavy vehicle alternate route as an infrastructure priority. This was confirmed in the 2021 review of the place-based plans.

The Mayor has met with local community business that have indicated a strong preference for retaining through traffic in the Yaldwyn Street, as passing traffic is important for business.

Cr Boyce conducted a community survey in 2019 where the results of the survey showed support for the alternate truck route.

Council has not yet resolved whether it is committed to this project and the organisation needs Council's direction as to whether:

1. Council should discontinue any further work in respect to the alternate truck route for Taroom; or
2. Whether it will continue to plan and advocate for the alternate truck route for Taroom; or
3. Whether Council will conduct formal consultation with the residents and businesses in Taroom to clarify what the community priority is.

Given that there are conflicting responses in respect to the level of support for the alternate bypass together with the fact that it is in the adopted place-based plan for Taroom, further community consultation would provide clarification of the community's preference.

If however, Council has a firm view of whether it wishes to proceed with this project or not then Council should not undertake further engagement and should resolve clearly one way or the other so that staff can plan what further actions should be taken.

If Council resolves to proceed with further community engagement some further technical work on the proposed route to determine a recommended route would assist in the engagement process by reducing the variable elements of the decision.

An engagement process focused on a single preferred route will provide more reliable information to Council on the proposal.

Council's direction is sought in respect to this project.

General Business - Executive Services

Cr Boyce referred to speed limit safety concerns along Yaldwyn Street, Taroom and asked what can be done to improve safety. The Director of Infrastructure Services was directed to contact the Department of Transport and Main Roads and request the speed limit be decreased to 40km/hr as a matter of priority.

13.0 Close of Meeting

The meeting closed at 12.13pm.

To be confirmed at the 24th August 2022 Ordinary Meeting.

MAYOR

CHIEF EXECUTIVE OFFICER
