

Ordinary Meeting of Council Agenda

***Held at Western Downs Regional Council's
Miles Customer Service Centre***

On Wednesday, 22 July 2020

Commencing at 09:30 AM

**R. A. MUSGROVE
CHIEF EXECUTIVE OFFICER**

16 July 2020

Ordinary Meeting of Council Agenda

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1. **DECLARATION OF MEETING OPENING**
2. **OPENING PRAYER AND MINUTE SILENCE**
3. **APOLOGIES**
4. **CONGRATULATIONS**
5. **CONFIRMATION OF MINUTES**
 - 5.1 **Adopt Minutes Ordinary Meeting of Council** 1

The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Wednesday, 17 June 2020
6. **BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETINGS**
7. **PRESENTATION OF PETITIONS BY COUNCILLORS**
8. **MAYORAL UPDATE**
 - 8.1 **Executive Services Mayoral Report June 2020** 39

The purpose of this Report is to provide Council with significant meetings, forums and delegations attended by the Mayor during the month of June 2020

9. CONFIDENTIAL ITEMS

Section 275 of the Local Government Regulation 2012 in relation to Closed meetings provides:

(1) A local government or committee may resolve that a meeting be closed to the public if its councillors or members consider it necessary to close the meeting to discuss-

(a) the appointment, dismissal or discipline of employees; or

(b) industrial matters affecting employees; or

(c) the local government's budget; or

(d) rating concessions; or

(e) contracts proposed to be made by it; or

(f) starting or defending legal proceedings involving the local government; or

(g) any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act; or

(h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

(2) A resolution that a meeting be closed must state the nature of the matters to be considered while the meeting is closed.

(3) A local government or committee must not make a resolution (other than a procedural resolution) in a closed meeting.

9.1 EXECUTIVE SERVICES

9.2 CORPORATE SERVICES

9.2.1 Corporate Services Confidential Report Lease 4 Loam Street Dalby to Waminda Services Ltd

The purpose of this Report is to consider a request from Waminda Services Ltd to renew a lease for 4 Loam Street, Dalby.

9.2.2 Corporate Services Confidential Report Gas Supply Agreement

The purpose of this Report is to recommend to Council to delegate to the Chief Executive Officer the power to execute two Gas Supply Agreements and to then renegotiate customer agreements with the major customers of WDRC Gas Business.

9.3 COMMUNITY AND LIVEABILITY

9.4 INFRASTRUCTURE SERVICES

10. DEPUTATION

11. PLANNING

- 11.1 (030.2019.552.001) **Community and Liveability Report Development Application Material Change of Use for Warehouse (Mulch and Bark Products) at Lot 151 on LY269 157 Sturgess-Baking Board Road Baking Board Brandon & Associates** 42
- The purpose of this Report is for Council to decide the proposed development for a Material Change of Use to establish a Warehouse (Mulch and Bark Products) on land described as Lot 151 on LY269 and situated at 157 Sturgess-Baking Board Road, Baking Board.
- 11.2 (030.2019.569.001) **Community and Liveability Report Development Application Material Change of Use for Service Station at Lot 101 on BWR225 33 Old Cameby Road Miles IOR Property Group No. 2 Pty Ltd C/- TFA Project Group** 66
- The purpose of this Report is for Council to decide the proposed development for a Material Change of Use to establish a Service Station on land described as Lot 101 on BWR225 including Easement A on SP209005 and Easement B on SP258267 and situated at 33 Old Cameby Road, Miles.
- 11.3 (030.2020.97.001) **Community and Liveability Report Development Application Material Change of Use for Transport Depot at Lot 10 on RP14934 4-6 Forrest Street Chinchilla MPC Contracting Pty Ltd C/- Ausrocks Pty Ltd** 95
- The purpose of this Report is for Council to decide the proposed development for a Material Change of Use to establish a Transport Depot on land described as Lot 10 on RP14934 and situated at 4-6 Forrest Street, Chinchilla.
- 11.4 (035.2020.163.001) **Community and Liveability Report Development Application Reconfiguring a Lot (Subdivision of 1 Lot into 2 Lots) on Lot 3 on RP96248 40 Fletcher's Road Jimbour East Watson and Brabrook** 148
- The purpose of this Report is for Council to decide the proposed development for a Reconfiguring a Lot (1 lot into 2 lots) on land described as Lot 3 on RP96248 and situated at 40 Fletcher's Road, Jimbour East.

12. EXECUTIVE SERVICES

- 12.1 **Executive Services Chief Executive Officer Report June 2020** 161
- The purpose of this Report is to provide Council with the significant meetings, forums and delegations attended by the Chief Executive Officer during the month of June 2020.

12.2	Executive Services Report Local Government Association of Queensland Annual Conference 19-21 October 2020 Gold Coast October Ordinary Meeting of Council	163
	<p>The purpose of this Report is to seek Council's direction regarding the delegates from Western Downs Regional Council to be approved to attend the 124th Annual Conference of the Local Government Association of Queensland, to be held 19 to 21 October 2020, at the Gold Coast Convention and Exhibition Centre. Further, that the Ordinary Meeting of Council scheduled on 21 October be held on 28 October 2020 to allow Councillors to attend the LGAQ Conference.</p>	
12.3	Executive Services Report Outstanding Actions June 2020	185
	<p>The purpose of this Report is to provide Council with an updated on the status of outstanding Council Meeting Action Items to 17 June 2020.</p>	
13.	CORPORATE SERVICES	
13.1	Corporate Services Financial Report June 2020	187
	<p>The purpose of this Report is to provide Council with the Financial Report for the period ending 30 June 2020. A final report will be provided to the September Council meeting once all accruals, prepayments and provisioning has been finalised for 2019-20. This will also include a report on business unit outcomes.</p>	
13.2	Corporate Services Report Adoption Human Rights - Council Policy	197
	<p>This report seeks Council's adoption of the Human Rights - Council Policy.</p>	
13.3	Corporate Services Report Annual Close Down Period Christmas New Year 2020/2021	221
	<p>The purpose of this Report is to seek Council's approval of the proposed closure arrangements for the Christmas/New Year for 2020/2021 for Council Officers.</p>	
13.4	Corporate Services Report Proposed Lease Public Safety Business Agency Rural Fire Station Glenmorgan	224
	<p>The purpose of the Report is to consider a request received from the Public Safety Business Agency (PSBA) for a lease over a parcel of three adjoining Council owned freehold properties in Glenmorgan to develop a rural fire station.</p>	
13.5	Corporate Services Report Permanent Road Closure Application Part Littleton's Lane Along Southern Boundary Lot 59 A342908 Bell	230
	<p>To determine an application for the permanent road closure of part of Littleton's Lane, an unformed part of a road that runs along the southern boundary of Lot 59 Crown Plan A342908, Bell.</p>	

14. INFRASTRUCTURE SERVICES

14.1 Infrastructure Services Report Dalby Desalination Plant Stage 1 Membrane Performance 248

The purpose of this Report is to inform Council of significant cost savings as a result of reverse osmosis membrane performance at the Dalby Desalination Plant Stage 1.

14.2 Infrastructure Services Report One Basin Co-operative Research Centre 251

The purpose of this report is to provide Council information regarding the Murray Darling Basin and Councils potential involvement in the One Basin Co-operative Research Centre that is currently being proposed.

14.3 Infrastructure Services Report Water Restriction Patrol Approved Inspection Program 2020-2021 277

The purpose of this Report is to seek Council's approval to adopt four (4) individual Approved Inspection Programs for 2020-21 to ensure Council's Authorised Persons have the appropriate authorisation to monitor compliance of Council's Water Restriction Policy introduced under the provision of the *Water Supply (Safety and Reliability) Act 2008*.

15. COMMUNITY AND LIVEABILITY

15.1 Community and Liveability Report COVID-19 Recovery Package Initiatives Update 284

The purpose of this Report is to provide Council with an update on three of the initiatives forming part of the Covid-19 Recovery Package.

15.2 Community and Liveability Report Proposed Motions for LGAQ Annual Conference 288

The purpose of this report is to seek Council's endorsement of two motions to be presented for debate at the 2020 Local Government Association of Queensland (LGAQ) Conference.

16. NOTICES OF MOTION

16.1 CONSIDERATION OF NOTICES OF MOTION/BUSINESS

16.2 RECEPTION OF NOTICES OF MOTION FOR NEXT MEETING

17. URGENT GENERAL BUSINESS

18. MEETING CLOSURE

Title **Adopt Ordinary Meeting of Council Minutes 17 June 2020**

Date 9 July 2020

Responsible Manager R. Musgrove, CHIEF EXECUTIVE OFFICER

Summary

The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Wednesday, 17 June 2020

Link to Corporate Plan

Nil

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and that:

1. The Unconfirmed Minutes of the Ordinary Meeting of Council held on 17 June 2020, copies of which have been circulated to Members, be taken as read and confirmed.

Attachments

1. Copy of Unconfirmed Minutes of the Ordinary Meeting of Council held on Wednesday, 17 June 2020.

Authored by: A. Lyell, EXECUTIVE SERVICES ADMINISTRATION OFFICER



Ordinary Meeting of Council Minutes

Date Wednesday, 17 June 2020
Time: 9:30am
Location: Chinchilla Cultural Centre
80 - 86 Heeney Street, Chinchilla QLD 4413

Councillors:

- Cr. P. M. McVeigh (Chairperson)
- Cr. A. N. Smith
- Cr. K. A. Bourne
- Cr. P. T. Saxelby
- Cr. K. A. Maguire
- Cr. I. J. Rasmussen
- Cr. M. J. James
- Cr. O. G. Moore
- Cr. C. T. Tillman

Officers:

- R. A. Musgrove, Chief Executive Officer
- S. M. Peut, General Manager (Corporate Services)
- G. K. Cook, General Manager (Infrastructure Services)
- J. K. Taylor, General Manager (Community and Liveability)
- J. L. Weier, Senior Executive Officer
- A.G. Lyell, Executive Services Administration Officer

1. DECLARATION OF MEETING OPENING

The Chairperson declared the Meeting open at 9:30am

2. OPENING PRAYER AND MINUTE SILENCE

Paster Lee Dallmann from the Assembly of God, delivered the opening prayer. This was followed by the observance of a minute silence.

3. APOLOGIES

4. CONGRATULATIONS

Councillor K.A. Maguire requested that congratulations be extended to the Port of Brisbane to thank them for their kind donation to Chinchilla Drought Angels.

Councillor P.T. Saxelby requested that congratulations be extended to the Western Downs Regional Council Parks and Gardens Team for their amazing work with the new planted flowers in Chinchilla.

Councillor P.T. Saxelby requested that congratulations be extended to Charlene Rogers from Chinchilla for creating an area for truck drivers to stop and rest on their way through the town.

5. CONFIRMATION OF MINUTES

5.1 Adopt Minutes Ordinary Meeting of Council

The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Wednesday, 20 May 2020.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore
Seconded By Cr. A. N. Smith

That this Report be received and that:

1. The Unconfirmed Minutes of the Ordinary Meeting of Council held on 20 May 2020, copies of which have been circulated to Members, be taken as read and confirmed.

CARRIED

6. BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETINGS

7. PRESENTATION OF PETITIONS BY COUNCILLORS

8. MAYORAL UPDATE

8.1 Executive Services Mayoral Report May 2020

The purpose of this Report is to provide Council with significant meetings, forums and delegations attended by the Mayor during the month of May 2020

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. M. J. James

That this report be received and noted.

CARRIED

9. CONFIDENTIAL ITEMS

Section 275 of the Local Government Regulation 2012 in relation to Closed meetings provides:

(1) A local government or committee may resolve that a meeting be closed to the public if its councillors or members consider it necessary to close the meeting to discuss-

(a) the appointment, dismissal or discipline of employees; or

(b) industrial matters affecting employees; or

(c) the local government's budget; or

(d) rating concessions; or

(e) contracts proposed to be made by it; or

(f) starting or defending legal proceedings involving the local government; or

(g) any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act; or

(h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

(2) A resolution that a meeting be closed must state the nature of the matters to be considered while the meeting is closed.

(3) A local government or committee must not make a resolution (other than a procedural resolution) in a closed meeting.

COUNCIL RESOLUTION - CLOSE MEETING

Moved By Cr. P. T. Saxelby

Seconded By Cr. K. A. Maguire

That Council resolve to close the Meeting in accordance with Sections 275 (1) (b,e,g,h) of the *Local Government Regulation 2012* at 9:45AM to discuss the following Confidential Reports:

1. Corporate Services Confidential Report Write Off of Outstanding Unrecoverable Accounts Receivable
2. Community and Liveability Confidential Report Infrastructure Charges Incentive Policy
3. Community and Liveability Confidential Report Health Services Governance Update
4. Community and Liveability Confidential Report COVID-19 Recovery Package Buy Local Platform
5. Infrastructure Services Confidential Award Design Consultant - Russell Park Mountain Bike Trails Project
6. Infrastructure Services Confidential Tender Evaluation Report Tender MM12-19-20 RTU & SCADA Upgrade (Water & Wastewater): Stage 2 (Miles/Wandoan) in Western Downs Regional Council Area
7. Infrastructure Services Confidential Report Award Landscape Design Consultant - Miles CBD Streetscape Project
8. Executive Services Confidential Report Councillor O.G. Moore Notice of Motion

CARRIED

COUNCIL RESOLUTION - REOPEN MEETING

Moved By Cr. K. A. Maguire

Seconded By Cr. C. T. Tillman

That Council resolve to reopen the Meeting at 10:30AM.

CARRIED

10. DEPUTATION

10.1 Deputation David Parry

David Parry, resident of Tara, addressed Council in relation to the grading of roads in the region. He advised that himself and other residents were not aware of the reduction of the grading schedule. Mr Parry would like for himself and the rest of the community to be advised of these changes in the future.

10.2 Deputation Neville Stiller

Neville Stiller, resident of Flinton, addressed Council regarding a Stock Route issue adjacent his property. He invites Council to visit the Stock Route and said he looks forward to working with Council to resolve the issue.

10.3 Deputation Ronald Brown

Ronald Brown, resident of Fairyland, addressed Council regarding constant dust issues he is experiencing from the Milky Way Road. Mr Brown recommended that a clay based road would resolve the issue of a grader constantly having to return to the site.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire
Seconded By Cr. C. T. Tillman

That Council resolve to adjourn the Meeting.

CARRIED

The Meeting adjourned at 10:44am

The Meeting resumed at 11:06am

COUNCIL RESOLUTION - CLOSE MEETING

Moved By Cr. A. N. Smith
Seconded By Cr. P. T. Saxelby

That Council resolve to close the Meeting in accordance with Sections 275 (1) (b,e,g,h) of the *Local Government Regulation 2012* at 11:06AM to discuss the following Confidential Reports:

to discuss the following Confidential Reports:

1. Corporate Services Confidential Report Write Off of Outstanding Unrecoverable Accounts Receivable
2. Community and Liveability Confidential Report Infrastructure Charges Incentive Policy
3. Community and Liveability Confidential Report Health Services Governance Update
4. Community and Liveability Confidential Report COVID-19 Recovery Package Buy Local Platform
5. Infrastructure Services Confidential Award Design Consultant - Russell Park Mountain Bike Trails Project
6. Infrastructure Services Confidential Tender Evaluation Report Tender MM12-19-20 RTU & SCADA Upgrade (Water & Wastewater): Stage 2 (Miles/Wandoan) in Western Downs Regional Council Area
7. Infrastructure Services Confidential Report Award Landscape Design Consultant - Miles CBD Streetscape Project
8. Executive Services Confidential Report Councillor O.G. Moore Notice of Motion

CARRIED

GM Peut left the meeting at 11:33am

GM Peut re-joined at 11:36am

COUNCIL RESOLUTION - REOPEN MEETING

Moved By Cr. P. T. Saxelby

Seconded By Cr. K. A. Bourne

That Council resolve to reopen the Meeting at 11:51am

CARRIED

9.1 EXECUTIVE SERVICES

9.2 CORPORATE SERVICES

9.2.1 Corporate Services Confidential Report Write Off of Outstanding Unrecoverable Accounts Receivable

The purpose of this Report is to seek Council's approval to write off the attached outstanding Accounts Receivable, Infringements Notices and Gas Accounts that have been deemed unrecoverable. These write-offs relate to outstanding accounts that have been provided for as a Provision for Impairment (As per the Financial Statement terminology) in the 2018-2019 financial year accounts. These write-offs will have no effect on the financial outcome for the 2019-2020 year.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. K. A. Bourne

That this Report be received and that:

1. Council resolves to write-off \$234,231.00 comprising:
 - a. \$106,388.44 of unrecoverable accounts receivable (GST exclusive);
 - b. \$55,144.65 of unrecoverable infringement notices (GST exclusive); and
 - c. \$72,697.91 of unrecoverable gas accounts (GST exclusive).
2. Council notes that the full amount of \$234,231.00 was provided in our audited accounts as at 30 June 2019.

CARRIED (8,1)

For: Cr. P. M. McVeigh, Cr. A. N. Smith, Cr. K. A. Bourne, Cr. K. A. Maguire, Cr. I. J. Rasmussen, Cr. M. J. James, Cr. O. G. Moore, and Cr. C. T. Tillman

Against: Cr. P. T. Saxelby

9.3 COMMUNITY AND LIVEABILITY

9.3.1 Community and Liveability Confidential Report Infrastructure Charges Incentive Policy

This report introduces a new policy that seeks to temporarily discount infrastructure charges for certain developments as an economic development initiative.

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith
Seconded By Cr. K. A. Maguire

That Council resolve to adopt the "Infrastructure Charges Incentives - Council Policy" as contained in Attachment A to this report.

CARRIED

9.3.2 Community and Liveability Confidential Report Health Services Governance Update

The purpose of this report is to provide Council with an update on corporate and clinical governance for the delivery of health services.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen
Seconded By Cr. P. T. Saxelby

That the Report be received and noted.

CARRIED

9.3.3 Community and Liveability Confidential Report COVID-19 Recovery Package Buy Local Platform

The purpose of this Report is to provide Council with the applications received for the COVID-19 Recovery Package - Buy Local Platform Initiative.

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby

Seconded By Cr. K. A. Maguire

That this Report be received and that:

1. Council note the applications received under the Buy Local Platform Initiative, and
2. Council accept the proposal from the Chinchilla Community, Commerce & Industry to develop and administer a Buy Local Platform across the Western Downs Region.

CARRIED

9.4 INFRASTRUCTURE SERVICES

9.4.1 Infrastructure Services Confidential Award Design Consultant - Russell Park Mountain Bike Trails Project

The purpose of this Report is to seek Council's approval to award the contract for the detailed design pre-construction component of the Russell Park Mountain Bike Trails Project.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne
Seconded By Cr. C. T. Tillman

That this Report be received, and that Council award the detailed design and pre-construction components of the Russell Park Mountain Bike Trails Project to Bligh Tanner pursuant to section 235 of the Local Government Regulation 2012.

CARRIED

9.4.2 Infrastructure Services Confidential Tender Evaluation Report Tender MM12-19-20 RTU & SCADA Upgrade (Water & Wastewater): Stage 2 (Miles/Wandoan) in Western Downs Regional Council Area

The purpose of this Report is to provide Council with an assessment of the tenders received for Tender MM12-19-20 RTU & SCADA Upgrade (Water and Wastewater): Stage 2 (Miles/Wandoan) - 2019/20; and to consider awarding the contract.

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby
Seconded By Cr. O. G. Moore

That this Report be received and that:

Council awards Contract MM12-19-20 for the RTU & SCADA Upgrade (Water and Wastewater): Stage 2 (Miles/Wandoan) to Automation IT Pty Ltd for the tender price of \$839,659.70 (Exclusive GST).

CARRIED

9.4.3 Infrastructure Services Confidential Report Award Landscape Design Consultant - Miles CBD Streetscape Project

The purpose of this Report is to seek Council's approval to award the Landscape Architect Design component of the Miles CBD Streetscape Project.

Cr. A. N. Smith declared a conflict on this item. (Councillor A.N. Smith declared a material personal interest in this matter (as defined by Local Government Act 2009, section 175B) as follows:

a). he stands to gain a benefit or suffer a loss because he owns a property located on the main street of the Miles Township.

He will be dealing with this declared material personal interest by leaving the meeting while this matter is discussed and voted on.

Cr. K. A. Bourne declared a conflict on this item. (Councillor K.A. Bourne, declared a perceived conflict of interest in this matter (as defined by section 175D of the Local Government Act 2009) as follows:

a) She was a previous member of the Miles Chamber of Commerce and Industry.

She dealt with this declared conflict of interest by leaving the meeting while this matter is discussed and voted on.

Cr. O. G. Moore declared a conflict on this item. (Councillor O.G. Moore , declared a perceived conflict of interest in this matter (as defined by section 175D of the Local Government Act 2009) as follows:

a). his sister, owns a property located on the main street of the Miles Township.

He dealt with this declared conflict of interest by leaving the meeting while this matter is discussed and voted on.

Councillors A.N. Smith, K.A. Bourne and O.G. Moore left the meeting during the discussion at 10:10am

Councillors A.N. Smith, K.A. Bourne and O.G. Moore re-joined the meeting at 10:16am

Councillors A.N. Smith, K.A. Bourne and O.G. Moore left the meeting during the vote at 11:59am

Councillors A.N. Smith, K.A. Bourne and O.G. Moore re-joined the meeting 12:01pm

COUNCIL RESOLUTION

Moved By Cr. C. T. Tillman

Seconded By Cr. K. A. Maguire

That this Report be received and that Council resolves to award the Landscape Architect Design component, including Art Interpretation, of the Miles CBD Streetscape Project directly to Fourfold Studio pursuant to section 235 of the Local Government Regulation 2012 for \$215,017 including GST.

CARRIED

Absent did not vote: Cr. A.N. Smith, Cr. K.A. Bourne, Cr O.G. Moore

9.5 NOTICE OF MOTION

9.5.1 CONSIDERATION OF NOTICES OF MOTION/BUSINESS

9.5.1.1 Executive Services Confidential Report Councillor O.G. Moore Notice of Motion

The purpose of this Report is to bring to Council's attention the Notice of Motion from Councillor O.G. Moore entitled "Business Paper of Councillor O.G. Moore"

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

That the Notice of Motion from Councillor O.G. Moore be withdrawn.

11. PLANNING

11.1 (030.2019.539.001) Community and Liveability Report Development Application Material Change Use Extension Educational Establishment Lot 2 SP295613 Lot 10 RP869017 88 Oak Street 67 Rodger Street Chinchilla Christian Community Ministries Ltd C/- Lennox Plan

The purpose of this report is for Council to decide the proposed development for Material Change of Use to establish an Extension to Existing Educational Establishment (Covered Ball Court, Storage Area, Toilets, 7 Classrooms and Car Park) on land described as Lot 2 on SP295613 and Lot 10 on RP869017, situated at 88 Oak Street and 67 Rodger Street, Chinchilla.

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby
Seconded By Cr. K. A. Maguire

That this Report be received and that:

1. The application for a Material Change of Use to establish an Extension to Existing Educational Establishment (Covered Ball Court, Storage Area, Toilets, 7 Classrooms and Car Park) on land described as Lot 2 on SP295613 and Lot 10 on RP869017 and situated at 88 Oak Street and 67 Rodger Street, Chinchilla, be approved, subject to the following conditions:

APPROVED PLANS AND DOCUMENT

1. The development shall be carried out generally in accordance with the Approved Plans and Document listed below, subject to and modified by the conditions of this approval:

Plan No:SK-A23, Revision B

Description:Master Plan, Stage 3 & 4 Site Plan, prepared by Alpha Architects, dated 20.11.19

Plan No:SK-A24, Revision A

Description:Master Plan, Stage 3 & Stage 4 Part Site Plan - Car Park, prepared by Alpha Architects, dated 20.11.19

Plan No:SK-A02, Revision A

Description:Proposed 3 GLA, Floor Plan & Elevations, prepared by Alpha Architects, dated 20.11.19

Plan No:SK-A02, Revision A

Description:Proposed Ball Court, Toilet and Store Building, Floor Plan, prepared by Alpha Architects, dated 20.11.19

Plan No:2601 - A-4.1, Revision B

Description:Proposed Court Cover, Elevations, prepared by Spantech, dated 1/6/2020

Plan No:2601 - A-4.2, Revision B

Description:Proposed Court Cover, Elevations, prepared by Spantech, dated 1/6/2020

Plan No:SKO, Revision P2

Description:2 x GLA Buildings - Yr 5 & Yr 6, Site Plan, prepared by Alpha Architects, dated 26.11.19

Plan No:SK1, Revision P1

Description:2 x GLA Buildings - Yr 5 & Yr 6, Floor Plan & Roof Plan, prepared by Alpha Architects, dated 11.11.19

Plan No:SK2, Revision P2

Description:2 x GLA Buildings - Yr 5 & Yr 6, Elevations & Sections, prepared by Alpha Architects, dated 26.11.19

Plan No:SK3, Revision P1

Description:2 x GLA Buildings - Yr 5 & Yr 6, Perspective, prepared by Alpha Architects, dated 11.11.19

Document:CW19058, Revision 0

Description: Site Based Stormwater Management Plan, prepared by Civil Works Engineers, dated 24/04/20

2.Where there is any conflict between the conditions of this development approval and the details shown on the Approved Plans and Document, the conditions of this development approval must prevail.

APPROVED DEVELOPMENT

3.The approved development is Material Change of Use to establish an Educational Establishment (Covered Ball Court, Storage Area, Toilets, 7 Classrooms and Car Park) as shown on the Approved Plans and Document.

4.The development is to occur over two stages, Stages 3 and 4, as shown on the Approved Plans.

5.Conditions within this approval are applicable to each stage of the development, unless otherwise specified.

COMPLIANCE, TIMING AND COSTS

6.All conditions of the approval shall be complied with before the change occurs (prior to commencement of the use) and while the use continues, unless otherwise noted within these conditions.

7.All costs associated with compliance with these conditions shall be the responsibility of the developer unless otherwise noted.

FEES AND CHARGES

8.All fees, rates, interest and other charges levied on the property, shall be paid in full, in accordance with the rate at the time of payment.

MAINTENANCE

9.The development (including landscaping, parking, driveways and other external spaces) shall be maintained in accordance with the Approved Plans and Document, subject to and modified by any conditions of this approval.

10.The site shall be maintained in a clean and orderly state at all times, to Council's satisfaction.

NOISE EMISSIONS

11.Noise emissions from the development shall not cause environmental harm or nuisance to adjoining properties or "Sensitive Land Uses" in accordance with the *Environmental Protection (Noise) Policy 2008*.

AIR EMISSIONS

12.Air emissions (odour and dust) from the development shall not cause environmental harm or nuisance to adjoining properties or "Sensitive Land Uses" in accordance with the *Environmental Protection (Air) Policy 2008*.

WASTE MANAGEMENT

13.All waste generated from construction of the proposed development shall be effectively controlled on-site before disposal. All waste must be disposed of in accordance with the *Waste Reduction and Recycling Act 2011*.

14.All waste generated on-site must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.

VISUAL AND GENERAL AMENITY

15.All declared weeds and pests must be removed from the subject land and the subject land kept clear of such nuisance varieties at all times during the course of development works and any ensuing defects liability period.

LIGHTING

16. Direct lighting or lighting does not exceed 8.0 lux at 1.5 metres beyond the boundary of the site.

LANDSCAPING

17.Landscaping is to be provided to the site's Rodger Street frontage and in Stages 3 and 4 Car Park as shown on Approved Plan SK-A23, Revision B, prepared by Alpha Architects, dated 20.11.19 and generally in accordance with Approved Landscape Master Plan SK-A07, prepared by Alpha Architects, dated 21/02/2017.

INFRASTRUCTURE CHARGES

18.All infrastructure charges including those associated with Council's Water, Sewerage, Stormwater, Transport and Parks Networks are now levied under the *Planning Act 2016*. As required under Section 119 of the *Planning Act 2016*, a separate Infrastructure Charges Notice is attached for the development.

ENGINEERING WORKS

19.Submit to Council, an Operational Work application for all civil works including earthworks, stormwater, access, and car parking.

20.Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant standards.

21.Submit to Council, certification from a suitably qualified Engineer (RPEQ) that the work has been undertaken in accordance with the Approved Plans and Document and to Council's requirements, prior to commencement of the use.

22.Be responsible for the full cost of any alterations necessary, to easements and/or other public utility installations in connection with the development.

LOCATION, PROTECTION AND REPAIR OF DAMAGE TO COUNCIL AND PUBLIC UTILITY SERVICES INFRASTRUCTURE AND ASSETS

23. Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.

24. Repair all damage incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damage immediately upon completion of work associated with the development.

CONSTRUCTION AND NUISANCE MANAGEMENT PLAN

25. Submit to Council for endorsement, a Construction and Nuisance Management Plan for the approved development work for the site prior to commencement of construction. The Plan is to cover where applicable, the following:

- air quality management;
- noise and vibration management;
- complaint management;
- preparation of site work plans;
- workers' car parking arrangements; and
- traffic control during works.

26. Implement the approved Construction Management Plan at all times during construction of the development.

27. Ensure a legible copy of the approved Construction Management Plan is available on-site at all times during construction and earthworks.

STORMWATER MANAGEMENT

28. Provide stormwater management generally in accordance with the Approved Conceptual Site Based Stormwater Management Plan prepared by Civil Works Engineers, Job No. CW19058, Revision 0, dated 24/04/20, subject to detailed design and except as altered by conditions of this development approval.

29. Design and construct stormwater drainage to ensure that there is no nuisance or interference with the current use or potential future uses of all downstream properties including road reserves and the like, for design storms of ARI2, ARI5, ARI10, ARI20 and ARI50.

30. Provide overland flow paths that do not alter the characteristics of existing overland flows or create an increase in flood damage on other properties.

31. Ensure that adjoining properties and roadways are protected from ponding as a result of any site works undertaken.

32. Design and construct stormwater drainage incorporating measures to prevent any solid matter or floatable oils being carried into the existing stormwater system.

WATER SUPPLY

33. Connect the development to Council's reticulated water supply system via a single connection.

SEWERAGE

34. Connect the development to Council's existing reticulated sewerage system via a single connection.

PARKING AND ACCESS - GENERAL

35. Design and construct all sealed areas with concrete, asphalt or a two-coat bitumen seal.

36. Provide a minimum of forty-eight (48) car parking spaces for Stage 3, and fifty (50) car parking spaces for Stage 4.

37. Provide vehicle bollards or tyre stops to control vehicular access and to protect landscaping or pedestrian areas where appropriate.

38. Line mark or otherwise delineate the car park aisles and driveways within the development with directional arrows on the pavement, to enable all vehicles to enter and leave the site in a forward gear.

39. Ensure access to car parking spaces, vehicle loading and manoeuvring areas and driveways remain unobstructed and available for their intended purpose during the hours of operation.

VEHICLE ACCESS

40. Construct a commercial crossover between the property boundary and the edge of the Rodger Street road pavement, having a minimum width of 8 metres, generally in accordance with Council's Standard Drawing No. R-006, Revision A. Ensure that crossover splay is designed to accommodate turning movements of a Small Rigid Vehicle.

41. Construct any new crossovers such that the edge of the crossover is no closer than 1 metre to any existing or proposed infrastructure, including any stormwater gully pit, manhole, service infrastructure (eg power pole, telecommunications pit), road infrastructure (eg street sign, street tree, etc).

REDUNDANT CROSSOVERS

42. Remove all redundant crossovers and reinstate the road pavement, services, verge and any footpath to Council's standard immediately adjacent to the frontage of the site.

ELECTRICITY AND TELECOMMUNICATIONS

43. Connect the development to electricity and telecommunication services.

EARTHWORKS - GENERAL

44. Earthworks per site involving a quantity of material greater than 50m³ requires an Operational Work application.

45. Undertake earthworks in accordance with the provisions of AS3798 Guidelines on Earthworks for Commercial and Residential Developments.

EROSION AND SEDIMENT CONTROL - GENERAL

46.Ensure that all reasonable action is taken to prevent sediment or sediment laden water from being transported to adjoining properties, roads and/or stormwater drainage systems.

47.Remove and clean-up sediment or other pollutants in the event that sediment or other pollutants are tracked/released onto adjoining streets or stormwater systems, at no cost to Council.

ENVIRONMENTAL HEALTH

48.Undertake operations and construction work associated with this development to the requirements of Council, including the following:

48.1do not cause nuisance to adjoining residents by the way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours;

48.2remove immediately, any material spilled or carried onto existing roads to avoid dust nuisance and ensure traffic safety; and

48.3do not carry out work on Sundays or Public Holidays (unless approved otherwise by Council).

49.Do not release contaminants or contaminated water directly or indirectly from the land subject to this approval, or to the ground or groundwater at the land subject to this approval, except for:

49.1uncontaminated overland stormwater flow; and

49.2uncontaminated stormwater to the stormwater system.

REFERRAL AGENCY RESPONSE

1.Department of State Development, Manufacturing, Infrastructure and Planning dated 30 January 2020.

ADVISORY NOTES

NOTE 1 -Relevant Period

*"A part of a development approval lapses at the end of the following period (the **currency period**)—*

Material Change of Use

"(a)for any part of the development approval relating to a material change of use—if the first change of use does not happen within—

(i) the period stated for that part of the approval; or

(ii)if no period is stated—6 years after the approval starts to have effect."

NOTE 2 -Aboriginal Cultural Heritage

It is advised that under Section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Aboriginal and Torres Strait Islander and Partnerships' website .

NOTE 3 -General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.

NOTE 4 -General Safety of Public During Construction

The *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 5 -Property Note (Audit of Conditions)

An inspection of the property to ascertain compliance with conditions will be undertaken three (3) months after the approval takes effect. If the works are completed prior to this time, please contact Council for an earlier inspection. A property note to this effect will be placed on Council's records.

NOTE 6 -Duty to Notify of Environmental Harm

If a person becomes aware that serious or material environmental harm is caused or threatened by an activity or an associated activity, that person has a duty to notify Western Downs Regional Council.

CARRIED

11.2 (030.2019.545.001) Community and Liveability Report Development Application Material Change Use Outdoor Sales and Warehouse Lot 4 on RP160677 17499 Warrego Highway Dalby Goebbels C/- The Planning Place

The purpose of this Report is for Council to decide the development application for a Material Change of Use to establish Outdoor Sales and Warehouse on land described as Lot 4 on RP160677 including Easement C on RP121009 and Easement A on RP124165 and situated at 17499 Warrego Highway, Dalby

Cr. P. M. McVeigh declared a conflict on this item. (Councillor P. M. McVeigh, declared a Material Personal Interest in this matter (as defined by section 175B of the Local Government Act 2009) as follows:

a). Due to a business dispute with the applicant.

He dealt with this declared conflict of interest by leaving the meeting while this matter is discussed and voted on.)

Councillor P.M. McVeigh left the meeting at 12:05pm

Councillor A.N Smith resumed the Chair

Councillor P.M. McVeigh re-joined the meeting at 12:08pm

Councillor P.M. McVeigh resumed the Chair

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. K. A. Bourne

That this Report be received and that:

1.The application for a Material Change of Use to establish Outdoor Sales and Warehouse on land described as Lot 4 on RP160677, Easement C on RP121009 and Easement A on RP124165 situated at 17499 Warrego Highway, Dalby, be approved, subject to the following conditions:

APPROVED PLAN

1.The development shall be carried out generally in accordance with the Approved Plan listed below, subject to and modified by the conditions of this approval:

Plan No:8579-P1, Rev E, Sheet 1 of 1

Description:Proposed Site Plan, prepared by ONF Surveyors, dated 11/05/2020

Amendment:Amended in red by Council on 28/5/2020

2.Where there is any conflict between the conditions of this development approval and the details shown on the Approved Plan, the conditions of this development approval must prevail.

3.The following further development Permit must be obtained prior to commencement of works associated with the process:

3.1Building Works associated with the proposed sign.

APPROVED DEVELOPMENT

4.The approved development is Material Change of Use for Outdoor Sales and Warehouse as shown on the Approved Plan.

5.The approval is for the storage of used agricultural equipment and machinery and does not include the scrapping, servicing, cleaning or sale of machinery parts in association with either use on the property.

COMPLIANCE, TIMING AND COSTS

6.All conditions of the approval shall be complied with within three (3) months of this approval taking effect and while the use continues, unless otherwise noted within these conditions.

7.All costs associated with compliance with these conditions shall be the responsibility of the developer unless otherwise noted.

FEES AND CHARGES

8.All fees, rates, interest and other charges levied on the property, shall be paid in full, in accordance with the rate at the time of payment.

MAINTENANCE

9.The development (including landscaping, parking, driveways and other external spaces) shall be maintained in accordance with the Approved Plan subject to and modified by any conditions of this approval.

INFRASTRUCTURE CHARGES

10.All infrastructure charges including those associated with Council's Water, Sewerage, Stormwater, Transport and Parks networks are now levied under the *Planning Act 2016*. As required under Section 119 of the *Planning Act 2016*, a separate **Infrastructure Charges Notice** is attached.

OPERATING HOURS - GENERAL

11.Unless otherwise approved in writing by Council's Planning and Environment Manager or an authorised delegate, the approved development is to operate between the following hours:

Monday to Friday:6am to 6pm

Saturday:8am to 12pm

Sunday and Public Holidays:Nil

LANDSCAPING – GENERAL

12.The developer must submit to Council's Planning and Environment Manager or authorised delegate for endorsement, a detailed Landscape Plan for all landscaping associated with the development, prior to commencement of the development.

13.The Landscape Plan must detail:

13.1a minimum 3 metre wide landscaped area buffer with 2 rows of planting provided adjacent to the Warrego Highway frontage of the property exclusive of areas used for vehicular access;

13.2 landscaping along both side boundaries at a planting rate of 1 tree per 10 metres at a minimum height of 1.8 metres;

13.3 the typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on-site;

13.4 the number and size of plants to be used; and

13.5 the typical planting detail including preparation, backfill, staking and mulching.

14. The applicant is to obtain consent from the gas pipeline operator regarding the siting and type of landscaping treatments to ensure landscaping is acceptable and that the safe operation of the gas pipeline within Easement C on RP121009 is not impacted. The written consent of the pipeline operator is to be provided in support of the Landscaping Plan to be submitted for Council's endorsement.

15. Once the Landscaping Plan is endorsed by Council, the developer must implement the Approved Landscape Plan, or as otherwise approved in writing by Council's authorised delegate. Any amendments approved by Council's authorised delegate are taken to be a part of the Approved Landscape Plan.

FENCING

16. A 1.8 metre high black powder coated pool type fence shall be provided along the entire frontage of the property to the Warrego Highway other than areas used to access the Warrego Highway.

17. The applicant is to engage a registered Surveyor to survey the boundaries of the approved Outdoor Sales and Warehouse areas illustrated on the Approved Plan. The Surveyor is to place survey pegs around the internal boundary of the Outdoor Sales and Warehouse use areas and an internal fence is to be constructed around the boundary of these areas with sufficient areas provided for vehicle access to these areas.

18. Fencing material used for the internal fencing shall be compatible with that used within the locality.

19. Boundary fences are not to be erected in a parallel arrangement with the existing fences erected along the same boundary. That is, the existing fence shall be removed to facilitate construction of the new fence.

VISUAL AND GENERAL AMENITY

20. Any graffiti on buildings or structures associated with the development must be immediately removed.

21. The approved Outdoor Sales and Warehouse areas illustrated on the Approved Plan are to be maintained to ensure that vegetated areas (including grassed areas) are to be kept free of long grass and overgrown vegetation at all times.

22. The Outdoor Sales and Warehouse areas must be maintained in a clean and tidy manner at all times, and goods for display and storage are to be arranged in neat and orderly rows.

23. All declared weeds and pests must be removed from the subject land and the subject land kept clear of such nuisance varieties at all times.

REFUSE STORAGE AREAS

24. Refuse bin storage areas must be screened from public view. Where bin storage occurs outside any buildings, such storage areas shall be screened with a minimum 1.5 metre high solid screen fence or wall.

ACOUSTIC AMENITY - NOISE LIMITS

25.Noise from activities associated with the use of the site must not exceed the Acoustic Quality Objectives listed in the *Environment Protection (Noise) Policy 2008* when measured at any sensitive place or commercial place.

AIR EMISSIONS

26.Air emissions (odour and dust) from the development shall not cause environmental harm or nuisance to adjoining properties or "Sensitive Land Uses" in accordance with the *Environmental Protection (Air) Policy 2008*.

PARKING AND ACCESS - GENERAL

27.The applicant is to construct a 10 metre wide dust suppressive gravel hardstand surface as illustrated on the Approved Plan amended by Council.

28.In the event that bona fide complaints are received by Council in relation to dust emissions produced from the site, Council reserves the right to require the applicant to provide dust suppressive seal within the designated Warehouse and Outdoor Sales areas illustrated on the Approved Plan.

29.Ensure access to car parking spaces, vehicle loading and manoeuvring areas and driveways remain unobstructed and available for their intended purpose during the hours of operation.

STORMWATER MANAGEMENT

30.Provide overland flow paths that do not alter the characteristics of existing overland flows or create an increase in flood damage on other properties.

31.Ensure that adjoining properties and roadways are protected from ponding as a result of any site works undertaken.

EROSION AND SEDIMENT CONTROL - GENERAL

32.Ensure that all reasonable action is taken to prevent sediment or sediment laden water from being transported to adjoining properties, roads and/or stormwater drainage systems.

33.Remove and clean-up sediment or other pollutants in the event that sediment or other pollutants are tracked/released onto adjoining streets or stormwater systems, at no cost to Council.

ENVIRONMENTAL HEALTH

34.Do not release contaminants or contaminated water directly or indirectly from the subject land, or to the ground or groundwater on the land subject to this approval.

EASEMENTS

35.Prior to commencement of any works or activity within the easements of the gas transmission pipeline, the proponent must seek a third party works authorisation from the easement holder.

REFERRAL AGENCY RESPONSE

The application is subject to the following Referral Agency requirements:

1. Department of State Development, Manufacturing, Infrastructure and Planning's Concurrence Agency response dated 11 March 2020.

ADVISORY NOTES

NOTE 1 -Relevant Period

"To the extent a development approval is for a Material Change of Use of premises, the approval lapses if the first change of use under the approval does not start within the following period (the relevant period) -

(a) **6 years** starting the day the approval takes effect;

(b) if the approval states a different period from when the approval takes effect—the stated period."

NOTE 2 -Aboriginal Cultural Heritage

It is advised that under Section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Aboriginal and Torres Strait Islander and Partnerships' website

NOTE 3 -General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.

NOTE 4 -General Safety of Public during Construction

The *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction work, and to ensure safe traffic control and safe public access in respect of work being constructed on a road.

NOTE 5 -Property Note (Audit of Conditions)

An inspection of the property to ascertain compliance with conditions will be undertaken three (3) months after the approval takes effect. If the work is completed prior to this time, please contact Council for an earlier inspection. A property note to this effect will be placed on Council's records.

NOTE 6 -Duty to Notify of Environmental Harm

If a person becomes aware that serious or material environmental harm is caused or threatened by an activity or an associated activity, that person has a duty to notify Western Downs Regional Council.

NOTE 7 -Infrastructure Charges Notice

An Infrastructure Charges Notice is attached for the development.

NOTE 8 -Commencement of Use

- i. Prior to commencement of this use, the applicant is to request a Compliance Inspection be undertaken by Council to confirm that all conditions of this Development Permit are considered compliant.
- ii. Upon receipt of confirmation from Council that all conditions of this Development Permit are considered compliant, the applicant is to notify Council within 20 business days, that this approved use has lawfully commenced.

CARRIED

Absent did not vote: Cr. P. M. McVeigh

12. EXECUTIVE SERVICES

12.1 Executive Services Chief Executive Officer Report May 2020

The purpose of this Report is to provide Council with the significant meetings, forums and delegations attended by the Chief Executive Officer during the month of May 2020.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne
Seconded By Cr. A. N. Smith

That this Report be received and noted

CARRIED

12.2 Executive Services Report Outstanding Actions May 2020

The purpose of this Report is to provide Council with an updated on the status of outstanding Council Meeting Action Items to 20 May 2020.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire
Seconded By Cr. C. T. Tillman

That this Report be received and noted.

CARRIED

13. CORPORATE SERVICES

13.1 Corporate Services Financial Report May 2020

The purpose of this Report is to provide Council with the Financial Report for the period ending 31 May 2020.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore
Seconded By Cr. A. N. Smith

That this Report be received, and that Council notes the May 2020 Financial Report.

CARRIED

UNCONFIRMED

13.2 Corporate Services Report Miles Condamine Fishing Club Inc Lease of Lot 2 on RP183541 Karingal Camping Ground

The purpose of the Report is to consider a request received from Miles Condamine Fishing Club Inc to lease the Karingal Camping Ground described as Lot 2 RP183541 39604 Leichhardt Highway, Miles.

Cr. A. N. Smith declared a conflict on this item. (Councillor A.N. Smith declared a perceived conflict of interest in this matter (as defined by Local Government Act 2009, section 175D) as follows:

a). as he has previously provided sponsorship to the Condamine Fishing Club.

He will be dealing with this Perceived Conflict of interest by leaving the meeting while this matter is discussed and voted on.)

Councillor A.N. Smith left the meeting at 12:14pm

Councillor A.N. Smith re-joined the meeting at 12:19pm

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. C. T. Tillman

That this report be received and that Council:

1. apply the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 to the proposed lease;
2. offer the Miles Condamine Fishing Club Inc a 5 year lease (plus 1 x 5 year option period) from 1 July 2020 over the land described as Lot 2 RP183451 for the purpose of recreational activities at the rate of \$1.00 year (plus GST); and
3. delegates authority to the CEO to negotiate and sign all documents necessary to finalise the lease.

CARRIED

Absent did not vote: Cr. A. N. Smith

13.3 Corporate Services Report Permanent Road Closure Application Unnamed Road Along Western Boundary of Lot BWR147, Dulacca

To determine an application for the permanent road closure of part of an unnamed and unformed road that runs along the western boundary of Lot 37 Crown Plan BWR147, Dulacca.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. P. T. Saxelby

That this Report be received and that Council:

1. advise DNRME and the applicant that it has no objection to the permanent closure of the identified part of the unnamed road that runs along the western boundary of Lot 37 on Crown Plan BWR147, Dulacca.

CARRIED

13.4 Corporate Services Report Mutual Access Agreement Queensland Parliament and Local Government

This Report is to seek Council's views on a mutual access agreement proposed by the Queensland Parliament and Local Government.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. M. J. James

That this Report be received and that Council:

1. advise the LGAQ that Western Downs Regional Council will opt into a formal agreement between the Queensland Parliament and local government for access to facilities.

CARRIED

13.5 Corporate Services Report Reduction in Worker's Compensation Premiums

The purpose of this report is to communicate the downward trend in the cost of Workers' Compensation Premiums payable by Western Downs Regional Council (WDRC) to the Local Government Workcare (LGW) scheme.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire
Seconded By Cr. C. T. Tillman

That this Report be received noted.

CARRIED

13.6 Corporate Services Report Appoint Independent Member Terms of Reference Audit Committee

This Report is to seek Council's approval for the appointment of an Independent Member, Chairperson and the revised Terms of Reference for the Western Downs Regional Council Audit Committee for the current term of Council.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire
Seconded By Cr. M. J. James

That this report be received and that Council:

1. adopt the amended Western Downs Regional Council Audit Committee Terms of Reference as proposed;
2. appoint Mr Robert Bain as Independent Member of the Western Downs Regional Council Audit Committee for the term of Council and as per the terms of engagement negotiated by the Chief Executive Officer; and
3. appoint Cr I.J. Rasmussen as Chairperson of the Western Downs Regional Council Internal Audit Committee.

CARRIED

13.7 Corporate Services Report DNRME Case 202010353 Sale of Undefined Reserve within Lot 1 RP105354 Dalby-Apunyal Road KAIMKILLENBUN

The purpose of the Report is to consider a request received from DNRME (Case 202010353) regarding the sale of an undefined reserve within Lot 1 RP105354 Dalby-Apunyal Road, Kaimkillenbun.

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. K. A. Maguire

That this Report is received and that Council:

1. advise DNRME that Council does not object to the sale of the undefined reserve within Lot 1 RP105354, providing this sale does not impact on the road reserves on the northern and southern boundaries of the lot.

CARRIED

13.8 Corporate Services Report DNRME Stock Trucking Lease Lot 288 CPAG4290 Healy Street Dalby

This Report is to obtain Council's view and requirements in response to DNRME's notification of an application to lease Lot 288 on CPAG4290, Reserve for Stock Trucking Purposes.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. K. A. Bourne

That this Report be received and that Council:

1. advise DNRME that Council has no objections to DNRME entering into a State Lease for Lot 288 on CPAG4290; and
2. request a clause to be inserted in the proposed lease that the land be available for Council to utilise during a declared disaster.

CARRIED

14. INFRASTRUCTURE SERVICES

15. COMMUNITY AND LIVEABILITY

15.1 Community and Liveability Report Community Projects Program Round 3 2019.2020

The purpose of this Report is to provide Council with the Unconfirmed Minutes of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 3 June 2020 in relation to the Assessment of Round Three of the 2019/2020 Community Projects Program and to seek adoption of the recommendations contained in those Unconfirmed Minutes.

COUNCIL RESOLUTION

Moved By Cr. C. T. Tillman

Seconded By Cr. K. A. Bourne

That this Report be received and that:

1. Council note the Unconfirmed Minutes of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 3 June 2020.
2. The Recommendations of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 3 June 2020 be adopted as follows:

a. Confirmation of Minutes of Previous Meeting

That the Unconfirmed Minutes of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 19 February 2020 copies of which have been circulated to Members, be taken as read and confirmed; and

b. That the applicants for Round Three of the 2019/2020 Community Projects Program be advised as follows:

	Applicant	Project Description	Total Project Cost	Applicant Contribution	Amount Requested	Amount Approved (Excl. G.S.T.)	Justification/ Conditions	Suggestions/ Conflicts of Interest
1	Dalby Men's Shed	Replace Eaves Soffit and 11m Fascia board on Kupunn Hall Building	\$9,561.40	\$2,000.00	\$7,561.40	\$7,561.40		
						FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby, Cr. C.T. Tillman AGAINST: DID NOT VOTE:		
2	Jandowae Memorial Hall Association Inc	Replace Stage Curtains	\$10,506.38	\$3,000.00	\$7,506.38	\$7,506.38		
						FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby, Cr. C.T. Tillman AGAINST: DID NOT VOTE:		
3	Chinchilla Historical Society Inc	Display Cabinet Upgrade	\$3,045.60	\$0.00	\$3,405.60	\$2,500.00		
						FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby, Cr. C.T. Tillman AGAINST: DID NOT VOTE:		
4	Dalby Broadcasting Association T/A 4ddd Community Radio	Upgrade Radio Transmitter	\$11,169.00	\$1,170.00	\$9,999.00	\$9,999.00		
						FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. P.T. Saxelby and Cr. C.T. Tillman AGAINST: Cr. O.G. Moore DID NOT VOTE:		
5	Warra Progress & Heritage Society	Warra 1000 Steps Walkway	\$10,500.00	\$600.00	\$9,900.00	\$9,900.00	Conditional that the project is constructed to relevant council engineering standards and that the committee work with Council on the project.	If Council approve this project that the committee also submit an application to cover the relevant In Kind assistance component.
						FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby, Cr. C.T. Tillman AGAINST: DID NOT VOTE:		
TOTAL FUNDED						\$37,466.78		

CARRIED

15.2 Community and Liveability Report Local Events Program Round 3 2019.2020

The purpose of this Report is to provide Council with the Unconfirmed Minutes of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 3 June 2020 in relation to the Assessment of Round Three of the 2019/2020 Local Events Program and to seek adoption of the recommendations contained in those Unconfirmed Minutes.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. P. T. Saxelby

That this Report be received and that:

1. Council note the Unconfirmed Minutes of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 3 June 2020.
2. The Recommendations of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 3 June 2020 be adopted as follows:

a. Confirmation of Minutes of Previous Meeting

That the Unconfirmed Minutes of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 19 February 2020 copies of which have been circulated to Members, be taken as read and confirmed; and

b. That the applicants for Round Three of the 2019/2020 Local Events Program be advised as follows:

	Applicant	Project Description	Total Project Cost	Applicant Contribution	Amount Requested	Amount Approved (Excl. G.S.T.)	Justification/ Conditions	Suggestions/ Conflicts of Interest
1	Tara Race Club	Tara Race Club Annual Cup Meeting	\$14,200.00	\$0.00	\$3,100.00 (Cash \$2,000.00 In Kind Assistance \$1,100.00)	\$3,100.00 (Cash \$2,000.00 In Kind Assistance \$1,100.00)		
							FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman AGAINST: DID NOT VOTE:	
2	Meandarra State School P&C Association	Meandarra State School P&C Fundraising Show 2020	\$31,450.00	\$500.00	\$5,000.00	\$5,000.00		
							FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman AGAINST: DID NOT VOTE:	
TOTAL FUNDED						\$8,100.00		

CARRIED

15.3 Community and Liveability Report Recycle Market Enviro Grants Program

The purpose of this report is to inform Council of the outcome of the funding round for Recycle Market Enviro Grants Program funded by Iolar Operational Services which closed on 31 March 2020.

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith
Seconded By Cr. O. G. Moore

That this report be received and noted.

CARRIED

15.4 Community and Liveability Report COVID-19 Recovery Package Business Recovery Planning Initiative

The purpose of this Report is to provide Council with an update on the Business Recovery Planning Initiative and to seek Council's interest in extending this program.

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith
Seconded By Cr. K. A. Bourne

That this report be received and that:

1. Council approve to extend the Business Recovery Program for up to a further 50 businesses within the Western Downs Region.

CARRIED

16. NOTICES OF MOTION

16.1 CONSIDERATION OF NOTICES OF MOTION/BUSINESS

Please see agenda item 9.5.1.1

16.2 RECEPTION OF NOTICES OF MOTION FOR NEXT MEETING

17. URGENT GENERAL BUSINESS

18. MEETING CLOSURE

The Meeting concluded at 12:40pm

I hereby certify that the foregoing is a true record of the Minutes of the Proceedings of the Ordinary Meeting of Council held this 17 June 2020

Submitted to the Ordinary Meeting of Council held this Wednesday, 22 July 2020

Signed:

Cr. P.M. McVeigh

MAYOR OF WESTERN DOWNS REGIONAL COUNCIL

Title **Executive Services Mayoral Report June 2020**

Date 1 July 2020

Responsible Manager R. Musgrove, CHIEF EXECUTIVE OFFICER

Summary

The purpose of this Report is to provide Council with significant meetings, forums and delegations attended by the Mayor during the month of June 2020

Link to Corporate Plan

Strategic Priority: Strong Economic Growth

- There is a confidence in our strong and diverse economy.
- We're open for business and offer investment opportunities that are right for our region.
- We optimise our tourism opportunities, unique experiences and major events.
- Business and industry in our region live local and buy local.
- Our region is a recognised leader in energy, including clean, green renewable energies.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this report be received and noted.

Background Information

Nil

Report

1. Meetings, delegations and forums attended by the Mayor during the month of June 2020:

Date	Who/Where	Details
1 June 2020	<ul style="list-style-type: none"> • Councillor 2020/21 Budget Workshop • Councillor Information Session • Conference Call with Premier and Queensland Mayors 	Dalby Dalby Phone
3 June 2020	<ul style="list-style-type: none"> • Councillor 2020/21 Budget Workshop • Councillor Information Session • Development Assessment Panel (DAP) Meeting 	Dalby Dalby Dalby
4 June 2020	<ul style="list-style-type: none"> • Meeting with Local Business • Queensland Resources Council teleconference COVID 19 Update 	Dalby Phone
9 June 2020	<ul style="list-style-type: none"> • Meeting with rate payer 	Flinton
10 June 2020	<ul style="list-style-type: none"> • Radio Interview - ABC • Meeting with Students from the Clontarf Academy • Jandowae Business and Community Group, Chamber of Commerce Industry 	Phone Video Call Phone
11 June 2020	<ul style="list-style-type: none"> • Meeting with News/Media opportunity 	Dalby
12 June 2020	<ul style="list-style-type: none"> • Meeting with Miles Chamber Members 	Miles

15 June 2020	<ul style="list-style-type: none"> • Southern Queensland Country Tourism Special General Meeting • Planning and Pre-Agenda Meeting • Councillor 2020/21 Budget Workshop • Councillor Information Session • Civic Leaders - Mayoral Panel 	Phone Dalby Dalby Dalby Video Call
16 June 2020	<ul style="list-style-type: none"> • Civic Leaders Conference - Mayoral Panel • Meeting with Tara School - Performance Interview • Meeting with Rate Payer • Presentation by Port of Brisbane to the Drought Angels association 	Video Call Phone Chinchilla Chinchilla
17 June 2020	<ul style="list-style-type: none"> • Ordinary Meeting of Council • Councillor 2020/21 Budget Workshop 	Chinchilla Chinchilla
18 June 2020	<ul style="list-style-type: none"> • Queensland Resources Council teleconference COVID 19 Update 	Phone
19 June 2020	<ul style="list-style-type: none"> • Photo Opportunity - Business Continuity Planning program • Meeting with High Country News 	Dalby Dalby
20 June 2020	<ul style="list-style-type: none"> • Meeting with the Bunya Mountains Community Assoc Inc 	Bunya Mountains
22 June 2020	<ul style="list-style-type: none"> • Development Assessment Panel (DAP) Meeting • Meeting with Prospective Business • Meeting with Queensland Resource Council -Local Government Rates 	Dalby Phone Video call
23 June 2020	<ul style="list-style-type: none"> • Photo Opportunity - Final Edition of the local Newspaper in Dalby & Chinchilla • Regional Recovery Workshop - Darling Downs Region • Meeting with Minister Glenn Butcher 	Dalby Video Call Dalby Dalby
24 June 2020	<ul style="list-style-type: none"> • Monthly Meeting with Origin • Conference Call with Premier and Queensland Mayors 	Phone Phone
25 June 2020	<ul style="list-style-type: none"> • Local Government Association Queensland - Policy Executive Member induction • Queensland Resources Council teleconference COVID 19 Update 	Brisbane Phone
26 June 2020	<ul style="list-style-type: none"> • Local Government Association Queensland - Policy Executive Meeting 	Brisbane
29 June 2020	<ul style="list-style-type: none"> • Meeting with Prospective Business 	Phone
30 June 2020	<ul style="list-style-type: none"> • Meeting with the Pastor Rob Rogers, Dalby Baptist Church 	Dalby

Consultation (Internal/External)

Nil

Legal/Policy Implications (Justification if applicable)

Nil

Budget/Financial Implications

Nil

Conclusion

The forgoing represents activities undertaken by the Mayor during the month of June 2020.

Attachments

Nil

Authored by: Leisa Paine, Executive Assistant

Title (030.2019.552.001) Community and Liveability Report Development Application Material Change of Use for Warehouse (Mulch and Bark Products) at Lot 151 on LY269 157 Sturgess-Baking Board Road Baking Board Brandon & Associates

Date 1 July 2020

Responsible Manager T. Summerville, PLANNING AND ENVIRONMENT MANAGER

Summary

The purpose of this Report is for Council to decide the proposed development for a Material Change of Use to establish a Warehouse (Mulch and Bark Products) on land described as Lot 151 on LY269 and situated at 157 Sturgess-Baking Board Road, Baking Board.

Link to Corporate Plan

Strategic Priority: Strong Economic Growth

- There is a confidence in our strong and diverse economy.
- We're open for business and offer investment opportunities that are right for our region.
- We optimise our tourism opportunities, unique experiences and major events.
- Business and industry in our region live local and buy local.
- Our region is a recognised leader in energy, including clean, green renewable energies.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and that:

1. The application for a Material Change of Use to establish a Warehouse (Mulch and Bark Products) on land described as Lot 151 on LY269 and situated at 157 Sturgess-Baking Board, Baking Board, be approved, subject to the following conditions:

APPROVED PLAN

1. The development shall be carried out generally in accordance with the Approved Plan listed below, subject to and modified by the conditions of this approval:

Plan No: 20103102, Issue P1

Description: Site Plan, prepared by Brandon & Associates, dated 27.08.19

2. Where there is any conflict between the conditions of this development approval and the details shown on the Approved Plan, the conditions of this development approval must prevail.

APPROVED DEVELOPMENT

3. The approved development is a Material Change of Use for a Warehouse (Mulch and Bark Products) as shown on the Approved Plan.

COMPLIANCE, TIMING AND COSTS

4. All conditions of the approval shall be complied with before the change occurs (prior to commencement of the use) and while the use continues, unless otherwise noted within these conditions.
5. All costs associated with compliance with these conditions shall be the responsibility of the developer unless otherwise noted.

FEES AND CHARGES

6. All fees, rates, interest and other charges levied on the property, shall be paid in full, in accordance with the rate at the time of payment.

MAINTENANCE

7. The development (including landscaping, parking, driveways and other external spaces) shall be maintained in accordance with the Approved Plan, subject to and modified by any conditions of this approval.
8. The site shall be maintained in a clean and orderly state at all times, to Council's satisfaction.

NOISE EMISSIONS

9. Noise emissions from the development shall not cause environmental harm or nuisance to adjoining properties or "Sensitive Land Uses" in accordance with the *Environmental Protection (Noise) Policy 2008*.

AIR EMISSIONS

10. Air emissions (odour and dust) from the development shall not cause environmental harm or nuisance to adjoining properties or "Sensitive Land Uses" in accordance with the *Environmental Protection (Air) Policy 2008*.
11. Implement measures to control dust generated by operations to ensure no environmental nuisance or adverse health effects to workers on the site, neighbouring properties or road frontages during both operating and non-operating hours.

WASTE MANAGEMENT

12. All waste generated from construction of the proposed development shall be effectively controlled on-site before disposal. All waste must be disposed of in accordance with the *Waste Reduction and Recycling Act 2011*.
13. All waste generated on-site must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.

VISUAL AND GENERAL AMENITY

14. All declared weeds and pests must be removed from the subject land and the subject land kept clear of such nuisance varieties at all times during the course of development work and any ensuing defects liability period.

OUTDOOR LIGHTING IMPACT MITIGATION

15. Outdoor lighting associated with the use must be designed, sited, installed and tested to comply with Tables 2.1 and 2.2 of Australian Standard 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting Using a Control Level of 1.

ENGINEERING WORKS

16. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant Australian Standards.
17. Be responsible for the full cost of any alterations necessary, to easements and/or other public utility installations in connection with the development.

LOCATION, PROTECTION AND REPAIR OF DAMAGE TO COUNCIL AND PUBLIC UTILITY SERVICES INFRASTRUCTURE AND ASSETS

18. Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.
19. Repair all damage incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damage immediately upon completion of work associated with the development.

STORMWATER MANAGEMENT

20. Provide overland flow paths that do not alter the characteristics of existing overland flows or create an increase in flood damage on other properties.
21. Ensure that adjoining properties and roadways are protected from ponding as a result of any site works undertaken.

WATER SUPPLY - FIRE FIGHTING SUPPLY

22. Dedicated on-site fire fighting equipment must include a minimum of 5,000 litres of water. If provided in a tank, the tank must be equipped with a 50mm male camlock fitting for rural fire fighting connections.

PARKING AND ACCESS - GENERAL

23. Ensure access to car parking spaces, vehicle loading and manoeuvring areas and driveways remain unobstructed and available for their intended purpose during the hours of operation.

PARKING AND ACCESS - SERVICING

24. Ensure loading and unloading operations are conducted wholly within the site and vehicles enter and exit the site in a forward direction.

EROSION AND SEDIMENT CONTROL - GENERAL

25. Ensure that all reasonable action is taken to prevent sediment or sediment laden water from being transported to adjoining properties, roads and/or stormwater drainage systems.
26. Remove and clean-up sediment or other pollutants in the event that sediment or other pollutants are tracked/released onto adjoining streets or stormwater systems, at no cost to Council.

REFERRAL AGENCY RESPONSE

1. Department of State Development, Manufacturing, Infrastructure and Planning dated 12 May 2020.

ADVISORY NOTES

NOTE 1 - Relevant Period

*"A part of a development approval lapses at the end of the following period (the **currency period**)—*

(a) for any part of the development approval relating to a material change of use—if the first change of use does not happen within—

(i) the period stated for that part of the approval; or

(ii) if no period is stated—6 years after the approval starts to have effect."

NOTE 2 - Aboriginal Cultural Heritage

It is advised that under Section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Aboriginal and Torres Strait Islander and Partnerships' website www.datsip.qld.gov.au.

NOTE 3 - General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.

NOTE 4 - General Safety of Public During Construction

The *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 5 - Property Note (Audit of Conditions)

An inspection of the property to ascertain compliance with conditions will be undertaken three (3) months after the approval takes effect. If the works are completed prior to this time, please contact Council for an earlier inspection. A property note to this effect will be placed on Council's records.

NOTE 6 - Duty to Notify of Environmental Harm

If a person becomes aware that serious or material environmental harm is caused or threatened by an activity or an associated activity, that person has a duty to notify Western Downs Regional Council.

APPEAL RIGHTS

"Chapter 6 Dispute Resolution

Part 1 Appeal Rights

229 Appeals to Tribunal or P&E Court

(1) *Schedule 1 states -*

(a) *matters that may be appealed to -*

- (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
- (b) the person -
- (i) who may appeal a matter (the **appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is -
- (a) for an appeal by a building advisory agency - 10 business days after a Decision Notice for the decision is given to the Agency; or
 - (b) for an appeal against a deemed refusal - at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under Chapter 7, Part 4, to register premises or to renew the registration of premises - 20 business days after a Notice is published under Section 269(3)(a) or (4); or
 - (d) for an appeal against an Infrastructure Charges Notice - 20 business days after the Infrastructure Charges Notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a Decision Notice has not been given - 30 business days after the applicant gives the Deemed Approval Notice to the Assessment Manager; or
 - (f) for any other appeal - 20 business days after a Notice of the decision for the matter, including an Enforcement Notice, is given to the person.

Note - See the P&E Court Act for the Court's power to extend the appeal period."

Background Information

The relevant background information to this application is as follows:

Application No: 030.2019.552.001	Assessment No: 12827	Keywords Index: AD6.6.2 & LG7.6.1
PART 1: APPLICATION		
Applicant:	Brandon & Associates	
Owner:	Pearlbraise Pty Ltd atf Harridge Family Trust No. 2	
Site Address:	157 Sturgess-Baking Board Road, Baking Board	
Site Area:	352.64ha	
Real Property Description:	Lot 151 on LY269	
Proposed Development:	Warehouse (Mulch and Bark Products)	
Level of Assessment:	Impact	
Type of Application:	Material Change of Use	
Relevant Planning Scheme:	Western Downs Planning Scheme 2017 incorporating Amendment 1	
Zone:	Rural	
Precinct:	N/A	

Overlays:	<ul style="list-style-type: none"> • Biodiversity - MSES Regulated Vegetation • Bushfire Risk - Medium and High • Flood Hazard - Low • Extractive Industry - Exploration Permit (Coal) EPC873 Authority to Prospect ATP747 • Natural Resources - Agricultural Land Class A • Scenic Amenity - High Landscape Value Area 	
Pre-lodgement Meeting:	Yes	Date: 13/08/2019
Application Lodgement Date:	05/12/2019	
Properly Made Application:	Yes	Date: 19/12/2019
Confirmation Notice Issued:	Yes	Date: 07/01/2020
PART 2: REFERRALS		
Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP)	<ul style="list-style-type: none"> • On 07/04/2020 the applicant referred the application to DSDMIP as Concurrence Agency to the application. • On 12/05/2020 Council received the Concurrence Agency response advising the Department has no requirements. 	
PART 3: INFORMATION REQUEST		
Information Request Issued:	Yes	Date: 07/01/2020
Applicant's Response:	Yes	Date: 06/04/2020
PART 4: PUBLIC NOTIFICATION		
Start Date:	Yes	Date: 22/05/2020
Notice of Compliance Received:	Yes	Date: 19/06/2020
Submissions:	Nil	
PART 5: DECISION PERIOD		
Date Commenced:	22/06/2020	
Decision Due Date:	07/08/2020	

Report

1. Subject Site

The subject site, described as Lot 151 on LY269, has an area of 352.64ha and is located on the corner of Sturgess-Baking Board Road and Clark's Road, approximately 14km by road west of Chinchilla. The property is within the Rural Zone and gains access from Sturgess-Baking Board Road. The Biodiversity, Bushfire Risk, Flood Hazard, Natural Resources and Scenic Amenity Overlays impact the land.

The subject site is surrounded by Rural land. The property, called "Pearlbraise", is developed and is currently utilised for a number of uses, including farming and cattle grazing, Extractive Industry being a gravel Quarry, and the existing Warehouse of mulch and bark products. A Dwelling and associated rural buildings (Shed and Worker's Cottage) are also located on the site. The subject site was formerly used for Intensive Animal Industry (Piggery) which ceased operating in 2013.

The existing Warehouse facility is for the purpose of stockpiling cypress and bark mulch to a maximum capacity of 5,000 tonnes. The applicant has advised that the Warehouse was established post the 2010 floods to ensure that stockpiling of product from western processing plants were able to be located east of Charleys Creek in a flood free location. The principal products being contained on-site include cypress and bark chip mulch. The current application for the Warehouse was submitted in response to a compliance letter issued by Council on 17 July 2019 advising that the existing Warehouse use had commenced without an effective Development Permit.

The property also contains an existing Quarry which will continue to operate on-site. The Extractive Industry use has pre-existing use rights due to the length of time the use has operated on the site. Accordingly, following approval of the current application relevant to the Warehouse, dual land use Permits will exist over the property, being for an Extractive Industry and Warehouse.

The Quarry is currently leased and operated by Western Downs Regional Council. The Quarry is for the extraction of crushed and uncrushed gravel. A commercial agreement is held between Pearlbraise Pty Ltd (Grantor) and Western Downs Regional Council (Grantee) for the royalties of the product from the site. The agreement stipulates that Council will maintain private roads, on which hauling operations are occurring, including abatement of dust nuisance. The agreement stipulates that the Grantee agrees to operate between the hours of 6:30am and 6:00pm 5 days per week, with the term of agreement being 10 years as of 10 July 2018.

All trucks and vehicles associated with the Quarry enter and exit the site via Clark's Road. There is no traversing of machinery associated with the Quarry onto the Warehouse site. The Quarry is located on the southern boundary of the site. There are various extraction areas across the Quarry causing dams to be created. The only infrastructure traversing the existing Quarry and the mulch Warehouse are water pipes leading from the dam reserves located within the Quarry which are pumped into tanks located in the Warehouse storage area. This water is used for machinery and equipment maintenance and distributed throughout the hard stand area via a sprinkler system for dust suppression and potential fire fighting.

Adjoining and surrounding the subject site are rural land uses, a Solar Farm, animal grazing, agricultural farming and a Quarry south of Clark's Road.

2. Proposal

The proposal seeks a Development Permit for a Material Change of Use to establish a Warehouse to store mulch material, primarily cypress and hoop pine bark. The current capacity on-site is approximately 3,000 tonnes located in numerous stockpiles located on the designated hardstand storage area, approximately 2.4ha. The mulch is not being produced on-site, rather it is simply being stored on the site after being milled and processed at other locations in western Queensland. The Warehouse is used for storage and distribution of mulch and bark chip to other locations and market places and does not include retail sales from the premises.

Hours of operation for the Warehouse are 6:00am to 6:00pm Monday to Saturday. Approximately 3-5 trucks arrive each week during operating hours to collect mulch and bark products for the purpose of transporting them to other holding warehouses in Queensland or directly to the end user. Each truck loading capacity varies from approximately 22-24 tonnes, depending on the product and intended destination. The applicant has advised that it generally takes between 45 minutes to 1 hour to load a truck.

Buildings and structures associated with the Warehouse include two shipping containers for machinery storage and maintenance, three water tanks with a capacity of 27,000 litres each, a fuel tank with a capacity of 2,000 litres within a designated bunded area, and a water pump.

Equipment used at the site associated with the Warehouse includes two front end loaders, a water truck (on-site at all times for dust suppression and fire fighting), 4WD light vehicles and an underground water sprinkler system across the entire Warehouse site.

There are no personnel employed on-site for the Warehouse operation. The truck drivers involved in collection and delivery of materials are employees or contractors working for the land owner's business, Cypress Bark and Mulch Pty Ltd which has a Depot located at North Tivoli on the Warrego Highway (Mt Crosby Road) and the head office is located in Caboolture, Queensland. Amenities including toilets and showers are located within the Worker's Cottage approximately 300m from the Warehouse area.

The Warehouse use is accessed via the crossover from Sturgess-Baking Board Road. Sturgess-Baking Board Road is a local access road with direct access onto the Warrego Highway. The typical haul route is north onto the Warrego Highway.

3. Assessment

3.1 The following are the Assessment Benchmarks applying to this development:

ASSESSMENT MATTERS							
Assessment Benchmarks	<p>The development was assessed against the following Assessment Benchmarks:</p> <ul style="list-style-type: none"> ▪ Western Downs Planning Scheme 2017 incorporating Amendment 1 <ul style="list-style-type: none"> · Strategic Framework · Rural Zone Code · Biodiversity Areas Overlay Code · Bushfire Hazard Overlay Code · Natural Resources Overlay Code · Scenic Amenity Overlay Code · Transport, Access and Parking Code · Infrastructure Services Code 						
Reasons for Decision	<p>The development was assessed against all of the Assessment Benchmarks listed above and complies with all of these with the exceptions listed below.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%; text-align: center;">Assessment Benchmark</th> <th style="width: 50%; text-align: center;">Reasons for the Approval Despite Non-compliance with Benchmark</th> </tr> </thead> <tbody> <tr> <td colspan="2" style="background-color: black; color: white; text-align: center;">Strategic Framework of the Western Downs Planning Scheme 2017 incorporating Amendment 1</td> </tr> <tr> <td colspan="2"> <p>The key provision of the Strategic Framework where the application has conflict, is Land Use Strategy 3.3.9.2(8) which states:</p> <p style="text-align: center;"><i>"Industrial uses will not be supported where to be established on Rural Land that is considered to be non-productive agricultural land or of an allotment size that is economically unviable for agricultural production. Should development be proposed on allotments as described above, overriding community need will need to be provided to justify and demonstrate that there is no suitably Zoned land available for the use to operate."</i></p> <p>A Warehouse is included in the Industry Activities Activity Group and therefore, the proposed development is for an Industrial use on Rural Land. The Western Downs Planning Scheme 2017 incorporating Amendment 1 allows for industrial uses in the Rural Zone, provided that overriding community need and valid planning justification can be demonstrated for the use. In this instance, the proposed development is considered suitable as:</p> <ul style="list-style-type: none"> ▪ The development requires a site of a suitable size for the operational characteristics of the use and which provides adequate screening/buffering from urban areas and sensitive land uses. ▪ The development incorporates various stockpiles of mulch and bark products within an open hardstand area and as such, requires a flood free location. The applicant has advised that the Warehouse was established post the 2010 floods to ensure that stockpiling of products from western processing plants was able to be located east of Charleys Creek in a flood free location. This enabled the product to be located in a strategic location to ensure improved access into Brisbane and South East Queensland hardware markets. ▪ The development utilises unproductive rural land for a use which otherwise would sterilise industrial land in an urban area and make it unavailable for use by a number of other smaller industrial uses. ▪ The use is consistent with the character of the area and is located on-site with another existing Industrial use, and in close proximity to other sites containing non-rural uses. </td> </tr> </tbody> </table>	Assessment Benchmark	Reasons for the Approval Despite Non-compliance with Benchmark	Strategic Framework of the Western Downs Planning Scheme 2017 incorporating Amendment 1		<p>The key provision of the Strategic Framework where the application has conflict, is Land Use Strategy 3.3.9.2(8) which states:</p> <p style="text-align: center;"><i>"Industrial uses will not be supported where to be established on Rural Land that is considered to be non-productive agricultural land or of an allotment size that is economically unviable for agricultural production. 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	<ul style="list-style-type: none"> ▪ The development provides localised employment opportunities and contributes to the economic growth of the region.
Rural Zone Code	
<p>The purpose of the Rural Zone is to:</p> <ul style="list-style-type: none"> (a) provide for rural uses and activities; and (b) Provide for other uses and activities that are compatible with - <ul style="list-style-type: none"> (i) existing and future rural uses and activities; and (ii) the character and environmental features of the Zone; and (c) maintain the capacity of land for rural uses and activities by protecting and managing significant natural resources and processes. <p>Inconsistent Development within the Rural Zone includes the following:</p> <p>Warehouse</p>	<p>The proposed development is considered suitably located based on the following:</p> <ul style="list-style-type: none"> ▪ The subject site is included in the Rural Zone, however, the site is considered to be unproductive Rural land. Only a portion of the site is mapped as Agricultural Land Class A, more than half of the site is not mapped as either Class A or Class B Agricultural Land Classification. ▪ The subject site contains a historical non-rural land use (Quarry) which continues to operate from the site. ▪ The nature of the use requires a site of a suitable size and separation to sensitive land uses. If located within the Industry Zone, the use would occupy a significant portion of serviced industrial land. The use does not require connection to urban services, whereas, various other industrial uses have trade waste or water requirements which could not be met on an unserviced Rural site. ▪ The subject site is an appropriate size, is buffered from sensitive land uses, and retains existing vegetation screening to ensure the proposal will not generate off-site impacts on surrounding land uses. ▪ The closest Dwelling to the Warehouse storage area is approximately 1.6km to the south-west. Existing Dwellings within the vicinity are buffered by distance, topography and/or vegetation. As such, it is considered that the proposed development will not detract from the amenity of the local area. ▪ The visual appearance of the development will be compatible with the surrounding area and the development will have minimal visual impact when viewed from Sturgess-Baking Board Road. ▪ The site is located in close proximity to other existing non-rural uses. The allotment to the north of Muller's Road which adjoins the site's northern boundary, contains a Solar Farm. The allotment to the south of Clark's Road which adjoins the site's southern boundary, has approval for and contains an existing Extractive Industry (up to 100,000 tonnes per annum). As such, it is considered that the use is consistent with the fragmented rural character of the area and is appropriately located on low-value rural land with compromised rural amenity.

Natural Resources Overlay Code	
<p>Where for Material Change of Use in the Rural Zone</p> <p>AO6.1</p> <p>Development (inclusive of the development footprint) is not located on land identified as ALC Class A and Class B Land on the Agricultural Land Overlay Maps (OM-008) unless identified in Table 8.2.7.2.</p>	<ul style="list-style-type: none"> ▪ Only a portion of the site is mapped as Agricultural Land Class A. More than half of the site is not mapped as either Class A or Class B Agricultural Land Classification. ▪ The development will not prejudice the productive capacity of existing or future rural land. The Warehouse use does not incorporate any buildings on the site and could be returned to a rural use if the Warehouse was to cease operation. The property is currently being used for and will continue to be used for farming and cattle grazing in addition to the Warehouse and Extractive Industry.

3.2 Overlays

3.2.1 Biodiversity Areas Overlay Code

The subject site contains areas identified as MSES Regulated Vegetation. The Warehouse hardstand area is not located in an area of MSES Regulated Vegetation and the applicant has advised that no native vegetation clearing will be undertaken as part of this development.

3.2.2 Bushfire Risk Overlay Code

The subject site contains areas identified as Medium and High Bushfire Hazards. A small portion of the Warehouse hardstand area is located in an area identified as Medium Bushfire Hazard. The proposed Warehouse hardstand area has already been cleared of vegetation. The development maintains fire breaks around the perimeter.

3.2.3 Scenic Amenity Overlay Code

The subject site is identified as being within a High Landscape Value Area. The proposed development does not propose any buildings, and the existing shipping containers on-site comply with the building height and setback requirements. No vegetation clearing is proposed as part of the development.

3.3 Development Codes

3.3.1 Transport, Access and Parking Code

Appropriate vehicle access is provided from the subject site to Clark's Road and Sturgess-Baking Board Road.

Table 9.4.5.2 of the Transport Access and Parking Code requires provision of on-site car parking spaces at a rate of 1 space per 100m² Gross Floor Area (GFA) for a Warehouse use.

The only buildings associated with the Warehouse use are two shipping containers which are already on-site. The shipping containers have a total area of 28.8m².

The development area for the Warehouse is 2.4ha with ample hardstand area available for car parking. The need for on-site car parking spaces for the Warehouse use is expected to be limited.

There are no personnel directly employed on-site for the Warehouse operation. Approximately 3-5 trucks arrive each week. The truck drivers involved in collection and delivery of materials are employees or contractors working for Cypress Bark and Mulch Pty Ltd. The general public do not access the site. As such, it is considered that an informal parking arrangement within the existing hardstand area is suitable for the expected demand.

4. Public Notification

The application for a Material Change of Use to establish a Warehouse on a site included in the Rural Zone is Impact Assessable in the Western Downs Planning Scheme 2017 incorporating Amendment 1. As a result, the applicant undertook Public Notification in accordance with the Planning Regulation 2017 and the Development Assessment Rules.

The applicant:

- published a notice in the Chinchilla News on 21 May 2020;
- placed a notice on the frontage of the land from 21 May until 12 June 2020; and
- notified the adjoining land owner.

During the Comment Period of the public notification, no submissions were received in relation to the proposed development.

Consultation (Internal/External)

Internal

Council's Consultant Development Engineer has assessed the development application and provided advice and recommended conditions of approval where applicable.

Council's Acting Planning and Environment Manager has reviewed the Report and provided comments where necessary.

External

The application triggered referral to Concurrence Agency Department of State Development, Manufacturing, Infrastructure and Planning - Department of Transport and Main Roads as Technical Agency.

The Concurrence Agency response received on 12 May 2020 advised there are no Referral Agency requirements.

Legal/Policy Implications (Justification if applicable)

An applicant may elect to appeal against Council's decision in accordance with the relevant Section of the *Planning Act 2016*, which states:

"Chapter 6 Dispute Resolution

Part 1 Appeal Rights

229 Appeals to Tribunal or P&E Court

(1) *Schedule 1 states -*

(a) *matters that may be appealed to -*

- (i) *either a tribunal or the P&E Court; or*
- (ii) *only a tribunal; or*

- (iii) *only the P&E Court; and*
- (b) *the person -*
 - (i) *who may appeal a matter (the **appellant**); and*
 - (ii) *who is a respondent in an appeal of the matter; and*
 - (iii) *who is a co-respondent in an appeal of the matter; and*
 - (iv) *who may elect to be a co-respondent in an appeal of the matter.*
- (2) *An appellant may start an appeal within the appeal period.*
- (3) *The **appeal period** is -*
 - (a) *for an appeal by a building advisory agency - 10 business days after a Decision Notice for the decision is given to the Agency; or*
 - (b) *for an appeal against a deemed refusal - at any time after the deemed refusal happens; or*
 - (c) *for an appeal against a decision of the Minister, under Chapter 7, Part 4, to register premises or to renew the registration of premises - 20 business days after a Notice is published under Section 269(3)(a) or (4); or*
 - (d) *for an appeal against an Infrastructure Charges Notice - 20 business days after the Infrastructure Charges Notice is given to the person; or*
 - (e) *for an appeal about a deemed approval of a development application for which a Decision Notice has not been given - 30 business days after the applicant gives the Deemed Approval Notice to the Assessment Manager; or*
 - (f) *for any other appeal - 20 business days after a Notice of the decision for the matter, including an Enforcement Notice, is given to the person.*

Note - See the P&E Court Act for the Court's power to extend the appeal period."

Budget/Financial Implications

Nil

Conclusion

The proposed development has been assessed against the requirements of the Western Downs Planning Scheme 2017 incorporating Amendment 1.

It is considered that there are sufficient grounds on which to justify the industrial development within the Rural Zone in this instance. The use is consistent with the character of the area and is located on-site with another existing Industrial use, and in close proximity to other sites containing or which have approval for non-rural uses.

The subject site is an appropriate size and is buffered from sensitive land uses and retains existing vegetation screening to ensure the proposed use will not generate off-site impacts on surrounding land uses.

It is recommended that the application be approved, subject to the recommended conditions.

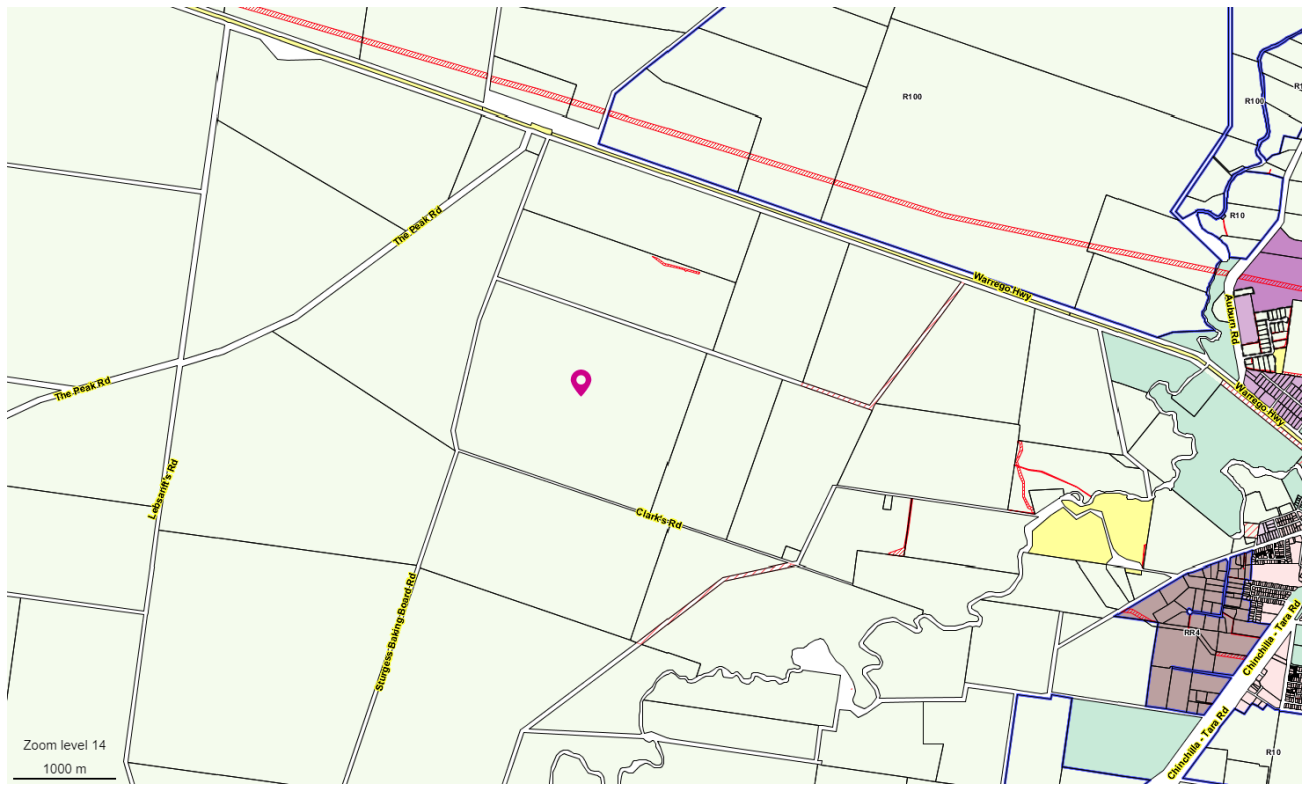
Attachments

1. Attachment 1 - Locality Plans
2. Attachment 2 - Proposal Plan
3. Attachment 3 - Referral Agency Response
4. Attachment 4 - Infrastructure Charges Notice

Authored by: K Bannerman, PLANNING OFFICER DEVELOPMENT ASSESSMENT

Attachment 1 - Locality Plans

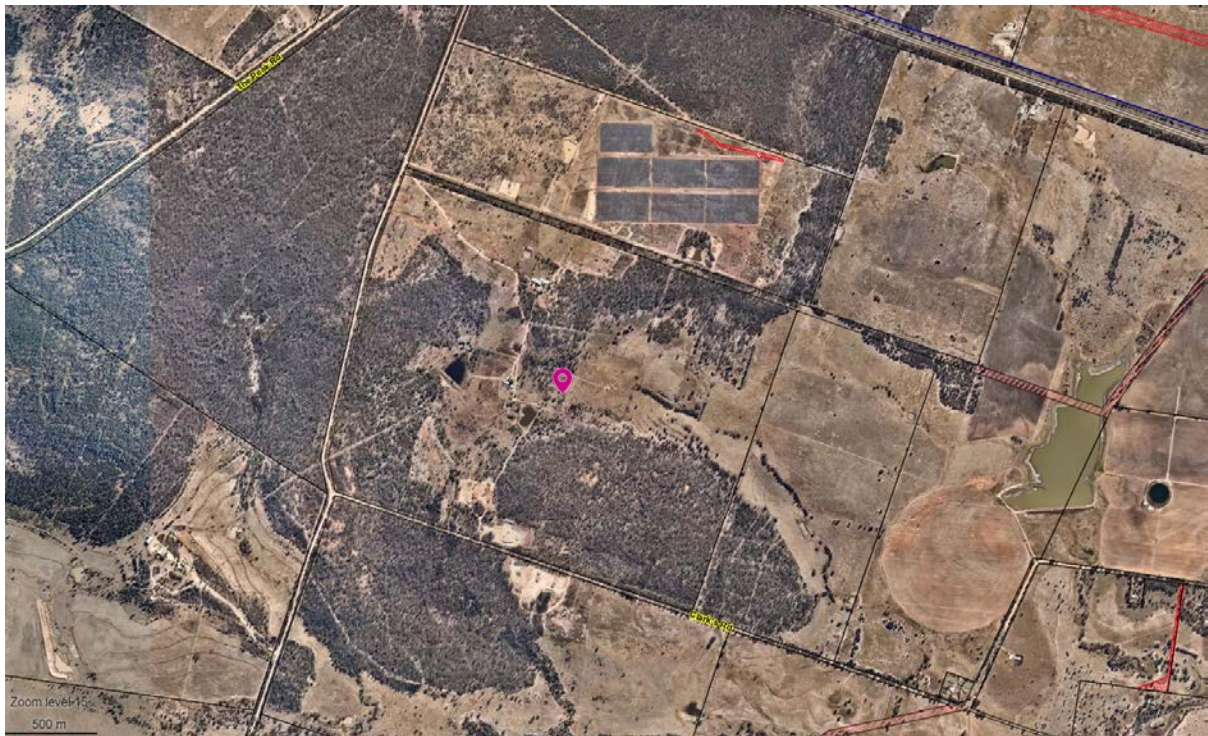
Zoning Map of Site in Western Downs Planning Scheme 2017 incorporating Amendment 1



LEGEND

- Rural Zone
- Community Facilities Zone
- Recreation and Open Space Zone
- Rural Residential Zone / Rural Residential 4000 Precinct
- Low Density Residential Zone
- Township Zone
- Low Impact Industry Zone
- Medium Impact Industry Zone
- Local Centre Zone
- District Centre Zone
- Medium Density Residential Zone
- Low Density Residential Zone
- Major Centre Zone
- Township Zone / Mowbullan - Bunya Mountains Tourist Precinct
- Rural Zone / Rural 10 Precinct

Aerial Views of Site


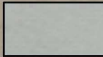
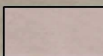
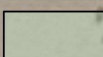
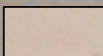


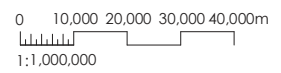
Aerial View of existing Warehouse Hardstand Area





LEGEND

- 
 CATEGORY B ON THE REGULATED VEGETATION MANAGEMENT MAP
 - 
 CATEGORY C ON THE REGULATED VEGETATION MANAGEMENT MAP
 - 
 CATEGORY A & B AREA CONTAINING ENDANGERED REGIONAL ECOSYSTEMS
 - 
 CATEGORY A & B AREA THAT IS A LEAST CONCERN REGIONAL ECOSYSTEM
 - 
 MINING
- DENOTES DETAIL TAKEN FROM DEPARTMENT OF STATE DEVELOPMENT, MANUFACTURING, INFRASTRUCTURE AND PLANING:-
 DENOTES DETAIL TAKEN FROM QLD GLOBE LAND USE:-
 BACKGROUND IMAGE FROM QLD GLOBE IS BEST FIT TO RP PLAN



CAD REF: P:\20 Jobs\201031 - Pearlbraise - MCU\1.0 CADD\Rev\RP1 Issue\201031 RP1.rvt

Issue Status/Amendment	Date
P1 CLIENT REVIEW	27.08.19



brandon
& ASSOCIATES
ENGINEERING CONSULTANTS
personal professional practical

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Fax: (07) 4636 4300

PEARLBRAISE PTY LTD

MCU APPLICATION
LOT 151 on LY269 ~ No. 157 STURGES - BAKING BOARD ROAD,
BAKING BOARD
Page 58 of 294

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Designed	Checked
Drawn	Checked
Approved	

KMW

SITE PLAN

Job Number	Drawing Number	Issue
201031	20103102	P1
Number 02 of 02 Drawings	Full Size A3	

SARA reference: 2004-16274 SRA
Council reference: 030.2019.552.001
Applicant reference: 001007

12 May 2020

Chief Executive Officer
Western Downs Regional Council
PO Box 551
DALBY Qld 4405
info@wdrc.qld.gov.au

Attention: Kym Bannerman

Dear Kym

SARA response—157 Sturgess Baking Board Road, Baking Board

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning (the department) on 8 April 2020.

Response

Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , the department advises it has no requirements relating to the application.
Date of response:	12 May 2020
Advice:	Advice to the applicant is in Attachment 1 .
Reasons:	The reasons for the referral agency response are in Attachment 2 .

Development details

Description:	Development permit	Material change of use for a warehouse (mulch and bark products)
SARA role:	Referral Agency.	
SARA trigger:	Schedule 10, Part 9., Division 4, Subdivision 1, Table 1, Item 1 (10.9.4.1.1.1) (Planning Regulation 2017) Development impacting on state transport infrastructure	
SARA reference:	2004-16274 SRA	

Assessment Manager: Western Downs Regional Council
Street address: 157 Sturgess Baking Board Road, Baking Board
Real property description: Lot 151 on LY269
Applicant name: Brandon & Associates Engineering Consultants
Applicant contact details: PO Box 36
DRAYTON NORTH QLD 4350
caitlin@cstownplanninggroup.com.au

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s. 30 Development Assessment Rules)

Copies of the relevant provisions are in **Attachment 3**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Brittany Hughes, Planning Officer, on (07) 4616 7332 or via email ToowoombaSARA@dsmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Darren Cooper
A/Manager - SEQ North (Planning)

cc Brandon & Associates Engineering Consultants, caitlin@cstownplanninggroup.com.au

enc Attachment 1 - Advice to the applicant
Attachment 2 - Reasons for referral agency response
Attachment 3 - Representations provisions

Attachment 1—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) (v2.5). If a word remains undefined it has its ordinary meaning.

Attachment 2—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the department's decision are:

The development complies with State code 6. Specifically, the development:

- does not create a safety hazard for users of a state-controlled road
- does not result in a worsening of the physical condition or operating performance of state-controlled roads and the surrounding road network
- does not compromise the state's ability to construct, or significantly increase the cost to construct state-controlled roads and future state-controlled roads
- does not compromise the state's ability to maintain and operate state-controlled roads, or significantly increase the cost to maintain and operate state-controlled roads.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The SDAP (version 2.5), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

Attachment 3—Representations about a referral agency response

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INFRASTRUCTURE CHARGES NOTICE

APPLICANT: Brandon & Associates

APPROVED DEVELOPMENT: Material Change of Use to establish a Warehouse (Mulch and Bark Products) on land situated at 157 Sturgess-Baking Board Road, Baking Board.

FILE REFS: 030.2019.552.001, A12827, LG7.6.1

AMOUNT OF THE CHARGE: **\$514.08**

LAND TO WHICH CHARGE APPLIES: Lot 151 on LY269

PAYABLE TO: Western Downs Regional Council

WHEN PAYABLE: Prior to commencement of use

This charge is made in accordance with Council's ***Infrastructure Charges Resolution (No. 7.1) 2017***.

The charge has been calculated on the following basis:

USE	Charge	Reference	No. of Units	Amount
Warehouse (Industry Development Class)	\$17.85*/m ² per lot (transport and parks networks)	Table 3.3.2, Col 2, Charge Area A	28.8m ²	\$514.08
DISCOUNT	Discount Charge	Reference	No. of Units	Discount Amount
Nil	-	-	-	-
* Includes a discount for development not within an area serviced by, or requiring connection to Council's reticulated water, sewer or stormwater networks. The rate applied is in accordance with Table 5.1 Allocation of Infrastructure Charge to Trunk Infrastructure Networks.			Parks Transport	\$257.04 \$257.04
			TOTAL CHARGE	\$514.08

INFORMATION NOTICE

[Section 119 of the *Planning Act 2016*]

DECISION AND REASONS

This infrastructure charge has been levied in accordance with Sections 119 to 121 of the *Planning Act 2016* and Council's **Infrastructure Charges Resolution (No. 7.1) 2017** for additional demand placed on Council's trunk infrastructure that will be generated by the approved development.

In accordance with Council's Infrastructure Charges Resolution (No. 7.1) a Warehouse use falls within the Industry Development Class and the unit of measure for infrastructure charges is per m² of gross floor area (GFA).

The proposed Warehouse use incorporates two (2) shipping containers which are considered as gross floor area of the development and therefore infrastructure charges are applicable. As such, this Infrastructure Charges Notice has been prepared based on an Industry use for the applicable services, being Parks and Transport. A credit has not been applied for the existing allotment on the basis that the lot contains two (2) existing Dwellings and the credit is therefore used for this lot.

APPEALING DECISION

Under the *Planning Act 2016* the recipient of this Infrastructure Charges Notice may appeal against Council's decision to issue the Infrastructure Charges Notice. Chapter 6, Part 1 of the *Planning Act 2016* details the recipient's right to appeal Council's decision and how the recipient may appeal.

Title (030.2019.569.001) Community and Liveability Report Development Application Material Change of Use for Service Station at Lot 101 on BWR225 33 Old Cameby Road Miles IOR Property Group No. 2 Pty Ltd C/- TFA Project Group

Date 2 July 2019

Responsible Manager T. Summerville, PLANNING AND ENVIRONMENT MANAGER

Summary

The purpose of this Report is for Council to decide the proposed development for a Material Change of Use to establish a Service Station on land described as Lot 101 on BWR225 including Easement A on SP209005 and Easement B on SP258267 and situated at 33 Old Cameby Road, Miles.

Link to Corporate Plan

Strategic Priority: Strong Economic Growth

- There is a confidence in our strong and diverse economy.
- We're open for business and offer investment opportunities that are right for our region.
- We optimise our tourism opportunities, unique experiences and major events.
- Business and industry in our region live local and buy local.
- Our region is a recognised leader in energy, including clean, green renewable energies.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and that:

1. The application for Material Change of Use to establish a Service Station on land described as Lot 101 on BWR225 including Easement A on SP209005 and Easement B on SP258267 and situated at 33 Old Cameby Road, Miles, be approved, subject to the following conditions:

APPROVED PLANS

1. The development shall be carried out generally in accordance with the Approved Plans listed below, subject to and modified by the conditions of this approval:

Plan No: 15078-MLS01, Rev E
Description: Proposed Site Layout, prepared by TFA Project Group
Dated: 19.05.20

Plan No: 15078-MLS02, Rev C
Description: Site Setout Details, prepared by TFA Project Group
Dated: 19.05.20

Plan No: 15078-MLS03, Rev C
Description: Ablutions - Floor Plan, Roof Plan & Elevations, prepared by TFA Project Group
Dated: 19.05.20

Plan No: 15078-MLS04, Rev A
Description: Ablutions – Floor Plan, Roof Plan & Elevations, prepared by TFA Project Group
Dated: 14.11.19

2. Where there is any conflict between the conditions of this development approval and the details shown on the Approved Plans, the conditions of this development approval must prevail.
3. The following further Development Permits must be obtained prior to commencement of any work associated with the process:
 - 3.1 Building Work; and
 - 3.2 Plumbing Works.

APPROVED DEVELOPMENT

4. The approved development is a Material Change of Use for a Service Station as shown on the Approved Plans.

COMPLIANCE, TIMING AND COSTS

5. All conditions of the approval shall be complied with before the change occurs (prior to commencement of the use) and while the use continues, unless otherwise noted within these conditions.
6. All costs associated with compliance with these conditions shall be the responsibility of the developer unless otherwise noted.

FEES AND CHARGES

7. All fees, rates, interest and other charges levied on the property, shall be paid in full, in accordance with the rate at the time of payment.

MAINTENANCE

8. The development (including landscaping, parking, driveways and other external spaces) shall be maintained in accordance with the Approved Plans, subject to and modified by any conditions of this approval.
9. The site shall be maintained in a clean and orderly state at all times, to Council's satisfaction.

NOISE EMISSIONS

10. Noise emissions from the development shall not cause environmental harm or nuisance to adjoining properties or "Sensitive Land Uses" in accordance with the *Environmental Protection (Noise) Policy 2019*.

AIR EMISSIONS

11. Air emissions (odour and dust) from the development shall not cause environmental harm or nuisance to adjoining properties or "Sensitive Land Uses" in accordance with the *Environmental Protection (Air) Policy 2019*.

WASTE MANAGEMENT

12. All waste generated from construction of the proposed development shall be effectively controlled on-site before disposal. All waste must be disposed of in accordance with the *Waste Reduction and Recycling Act 2011*.

13. All waste generated on-site must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.

VISUAL AND GENERAL AMENITY

14. Any graffiti on the buildings must be removed within 3 business days.
15. All declared weeds and pests must be removed from the subject land and the subject land kept clear of such nuisance varieties at all times during the course of development work and any ensuing defects liability period.

OUTDOOR LIGHTING IMPACT MITIGATION

16. Outdoor lighting associated with the use must be designed, sited, installed and tested to comply with Tables 2.1 and 2.2 of Australian Standard 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting Using a Control Level of 1.

HAZARDOUS CHEMICALS AND FUEL STORAGE

17. Ensure that all hazardous chemicals are stored and handled in accordance with the *Work Health and Safety Act 2011*.
18. Diesel is to be stored and handled in accordance with Australian Standard 1940-2017 - The Storage and Handling of Flammable and Combustible Liquids.

LANDSCAPING - MISCELLANEOUS

19. The land owner must ensure compliance with the requirements of the *Land Protection (Pest and Stock Route Management) Act 2002* and any successive legislation.
20. Apart from declared weeds and pests, trees, shrubs and landscaped areas currently existing on the subject land shall be retained where possible, and action taken to minimise disturbance during construction work.
21. Landscaped areas must be maintained, and the site must remain in a clean and tidy state at all times.

INFRASTRUCTURE CHARGES

22. All infrastructure charges including those associated with Council's Water, Sewerage, Stormwater, Transport and Parks Networks are now levied under the *Planning Act 2016*. As required under Section 119 of the *Planning Act 2016*, a separate **Infrastructure Charges Notice** is attached.

FENCING

23. A chain mesh fence that is a minimum of 1.8 metres high shall be constructed as illustrated on the Approved Plans.

REFUSE STORAGE AREAS

24. Refuse bin storage areas must be screened from public view.

FLOODING - GENERAL

25. Ensure areas associated with the storage of hazardous chemicals and all control panels of critical services are built at a minimum 300mm above the defined flood level.

ENGINEERING WORKS

26. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant Australian Standards.
27. Be responsible for the full cost of any alterations necessary to easements and/or other public utility installations in connection with the development.

STORMWATER MANAGEMENT

28. Provide overland flow paths that do not alter the characteristics of existing overland flows or create an increase in flood damage on other properties.
29. Ensure that adjoining properties and roadways are protected from ponding as a result of any site works undertaken.
30. Provide measures to prevent floatable oils being carried into the existing stormwater system.
31. All contaminated stormwater from the fuel dispensing area must be connected to a Council approved oil separator system prior to discharge.

Note: The existing Taylex System is not suitable for the collection and treatment of contaminated stormwater.

WATER SUPPLY

32. Provide a suitable water supply for the development independent from Council's water reticulation system. Monitor water quality continuously to ensure compliance with Australian Drinking Water Guidelines - current edition 2011 and enHealth Guidance of Use of Standards for Potable Water.

WATER SUPPLY - FIRE FIGHTING SUPPLY

33. A minimum storage capacity of 22,000 litres is to be provided within the site either by the retention basin or tanks, for the purposes of emergency fire fighting. Any tank must be equipped with a 50mm male camlock fitting for rural fire fighting connections.

VEHICULAR ACCESS, PARKING AND MANOEUVRING

34. Maintain the two existing commercial crossovers between the property boundary and the edge of the Old Cameby Road pavement, having a width of fifteen metres, generally in accordance Council's Standard Drawing R-007 Rev B.
35. Design and construct all driveway, parking and heavy vehicle manoeuvring areas with a two-coat bitumen seal.
36. Entry/exit from the site shall be one-way traffic only.
37. Ensure access to vehicle loading and manoeuvring areas and driveways remain unobstructed and available for their intended purpose during the hours of operation.

ON-SITE SEWERAGE

38. Connect the development to an on-site effluent disposal system in accordance with AS1547 and the Queensland Plumbing and Wastewater Code.
39. Obtain a Development Permit for Plumbing Works for the on-site sewerage treatment system.

ELECTRICITY

40. Connect the development to electricity.

EROSION AND SEDIMENT CONTROL - GENERAL

41. Ensure that all reasonable action is taken to prevent sediment or sediment laden water from being transported to adjoining properties, roads and/or stormwater drainage systems.
42. Remove and clean-up sediment or other pollutants in the event that sediment or other pollutants are tracked/released onto adjoining streets or stormwater systems, at no cost to Council.

ENVIRONMENTAL HEALTH

43. Do not release contaminants or contaminated water directly or indirectly from the land subject to this approval, or to the ground or groundwater at the land subject to this approval, except for:
 - 43.1 uncontaminated overland stormwater flow; and
 - 43.2 uncontaminated stormwater to the stormwater system.

REFERRAL AGENCY RESPONSE

The application is subject to the following Referral Agency requirements:

1. Department of State Development, Manufacturing, Infrastructure and Planning's Concurrence Agency response dated 26 March 2020.

ADVISORY NOTES

NOTE 1 - Relevant Period

*"A part of a development approval lapses at the end of the following period (the **currency period**)—*

*(a) for any part of the development approval relating to a material change of use—
if the first change of use does not happen within—*

(i) the period stated for that part of the approval; or

(ii) if no period is stated—6 years after the approval starts to have effect."

NOTE 2 - Aboriginal Cultural Heritage

It is advised that under Section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Aboriginal and Torres Strait Islander and Partnerships' website www.datsip.qld.gov.au.

NOTE 3 - General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.

NOTE 4 - General Safety of Public During Construction

The *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 5 - Property Note (Audit of Conditions)

An inspection of the property to ascertain compliance with conditions will be undertaken three (3) months after the approval takes effect. If the works are completed prior to this time, please contact Council for an earlier inspection. A property note to this effect will be placed on Council's records.

NOTE 6 - Duty to Notify of Environmental Harm

If a person becomes aware that serious or material environmental harm is caused or threatened by an activity or an associated activity, that person has a duty to notify Western Downs Regional Council.

Background Information

The relevant background information to this application is as follows:

Application No: 030.2019.569.001	Assessment No: A5835	Keywords Index: AD6.6.2 & LG7.6.1
Assessing Officer:	Dominic Bradley PLANNING OFFICER DEVELOPMENT ASSESSMENT	
PART 1: APPLICATION		
Applicant:	IOR Property Group No. 2 Pty Ltd C/- TFA Project Group	
Owner:	IOR Property Group No. 2 Pty Ltd atf Property Trust No. 2	
Site Address:	33 Old Cameby Road, Miles	
Site Area:	15.818ha	
Real Property Description:	Lot 101 on BWR225 including Easement A on SP209005 and Easement B on SP258267	
Proposed Development:	Service Station	
Level of Assessment:	Impact Assessable	
Type of Application:	Material Change of Use	
Relevant Planning Scheme:	Western Downs Planning Scheme 2017 incorporating Amendment 1	
Zone:	Medium Impact Industry	
Precinct:	N/A	
Overlays:	<ul style="list-style-type: none">· Bushfire Hazard - High and Medium· Flood Hazard - Extreme, High, Medium and Low· Extractive Industry - Petroleum Lease- Mineral Development Licence· Agricultural Land Classification - Class A Agricultural Land· Water Resource Catchment - Groundwater Vulnerability Area· Regional Infrastructure Corridor - Stock Route and Associated Buffer- Stock Route	
Pre-lodgement Meeting:	No	
Application Lodgement Date:	17 December 2019	
Properly Made Application:	No	
Action Notice Issued:	Yes	Date: 14 January 2020
Required Action Taken:	Yes	Date: 7 February 2020
Confirmation Notice Issued:	Yes	Date: 11 February 2020

PART 2: REFERRALS		
Department of State Development, Manufacturing, Infrastructure and Planning (Department of Transport and Main Roads as Technical Agency)	<ul style="list-style-type: none"> On 26 February 2020, the applicant referred the application to the Department of State Development, Manufacturing, Infrastructure and Planning. On 26 March 2020, Council received a Concurrence Agency response stating no requirements. 	
PART 3: INFORMATION REQUEST		
Information Request Issued:	Yes	Date: 18 February 2020
Applicant's Response:	Yes	Date: 29 April 2020
PART 4: PUBLIC NOTIFICATION		
Start Date:	Yes	Date: 8 May 2020
Notice of Compliance Received:	Yes	Date: 2 June 2020
Submissions:	No	Nil
PART 5: DECISION PERIOD		
Date Commenced:	3 June 2020	
Decision Due Date:	14 July 2020 The Decision-making Period was extended by agreement until 22 July 2020 to ensure the application could be considered at the next Ordinary Meeting of Council.	

Report

1. Background

1.1 Site Context

The property is legally described as Lot 101 on BWR225, located 33 Old Cameby Road, Miles and has an area of 15.818ha. The property is subject to Easement A on SP209005 and Easement B on SP258267 as the property is intersected by Council's trunk water and sewer networks.

The property is located within the Medium Impact Industry Zone of the Western Downs Planning Scheme 2017 incorporating Amendment 1 (the Planning Scheme). The property is impacted by the Agricultural Land Classification Overlay, Flood Hazard Overlay, Stormwater Overland Flow Path, Water Resource Overlay, Bushfire Hazard Overlay and Regional Infrastructure Corridor – Stock Route Overlay of the Planning Scheme.

The property is subject to a Development Approval (030.2013.1331.001 & 050.2015.243.001) for a Material Change of Use for a Service Station (Unmanned Refuelling Facility and Ancillary Tank Storage Area) which the applicant has constructed and has commenced the use on the land.

The site is being used as an Unmanned Refuelling Facility which operates 24 hours a day, 7 days a week and primarily services heavy vehicles (Road Trains).

The property also features an existing residence and ancillary outbuilding which the applicant has indicated remain vacant.

The property has frontage to the Leichhardt Highway and Old Cameby Road. Access to the property is via two existing bitumen crossovers (one ingress and one egress) to Old Cameby Road that have been constructed in accordance with the existing approval.

The applicant has installed an oil separator unit which captures oil and contaminated stormwater within the development footprint of the existing Service Station. The development is connected to the electricity network and water is provided by two existing dams on the property. The property is not connected to Council's reticulated sewer network.

1.2 Proposal Details

The applicant has lodged a Development Application for a Material Change of Use for the purpose of a Service Station for the property.

The proposed development will include the following:

- 1 x 30,000 litre above-ground Unleaded Petrol (ULP) double wall tank and 1 x 50,000 litre above-ground Premium Unleaded Petrol (PULP) double walled tank. The tanks will be surrounded by a chain mesh security fence with double gates for access.
- A new suspended fuel line over a concrete pad with supports to extend outside the fenced compound to be installed in compliance with AS1940.
- An ablutions block with access via swipe card/key-tag similar to that used at the Unmanned Fuel Facility.
- A new slab (4m x 5m) with drainage to the existing oily water holding tank.

The applicant originally sought to lodge the application as a Request to Change the original approval, however, Council advised the applicant that the change sought to the existing approval did not meet the definition of a minor change to the approval, and that a further Material Change of Use application would need to be lodged.

The development will change the operation of the Service Station, as the changes to the operation will require the employment of on-site staff for the purpose of cleaning and maintenance of the property.

The proposed ablutions block facility is secured via a customer key card and can therefore only be accessed by staff or an IOR card carrying customer. The applicant has advised that local staff will be employed to clean the toilets and attend to general site cleaning and report any issues that warrant specialised repairs (plumbers/electricians/fuel technicians etc). It is estimated that the toilets at this location would be cleaned three times per week which may be increased if required.

2. Assessment

2.1 Assessment against Western Downs Planning Scheme 2017 incorporating Amendment 1

- The development application for a Material Change of Use for a Service Station is Code Assessable development under the Western Downs Planning Scheme 2017 incorporating Amendment 1 within the Medium Impact Industry Zone.
- However, the application is Impact Assessable development, as the development footprint is located on part of the property impacted by the Extreme Flood Hazard Area illustrated by the Overlay mapping of the Planning Scheme.
- The following assessment benchmarks of the Western Downs Planning Scheme 2017 incorporating Amendment 1, are applicable to the assessment of the development:
 - Strategic Plan
 - Medium Impact Industry Zone Code
 - Transport, Access and Parking Code
 - Infrastructure Services Code
 - Bushfire Hazard Overlay Code
 - Flood Hazard Overlay Code

- The development has been considered against the Strategic Plan and the relevant Codes of the Western Downs Planning Scheme 2017 incorporating Amendment 1 below, accordingly.

Strategic Plan

- The property is located within the Medium Impact Industry Zone in which the development of a Service Station is a consistent use.
- The application will simply change the operation of the development to provide amenities (shower and toilet facilities) for customers and provide additional fuel storage for the existing Service Station.
- The applicant was required to provide landscaping treatments under the previous approval and a landscaping plan has been submitted which was approved by Council. It is noted that the approved landscaping has not been completed.
- It is not considered that the development conflicts with the Strategic Plan of the Planning Scheme.

Medium Impact Industry Zone Code

- The property is located within the Medium Impact Industry Zone and a Service Station is a consistent use.
- The development is an upgrade to an existing Service Station on the property, which will provide an ablution building for customers and provide additional fuel storage and bay for refuelling.
- The development complies with the site coverage, setback and the building height requirements of the Medium Impact Industry Zone Code.
- The development will not change the existing operating hours of the Service Station on the property.
- It is not expected that the proposed changes to the existing Service Station will result in an adverse impact on the amenity or character of the Medium Impact Industry Zone or surrounding locality.
- Notwithstanding, the development will be conditioned to ensure that air and noise emissions comply with the requirements under the Environmental Protection Policy for adjoining properties and sensitive land uses.
- The development is considered to be consistent with the Medium Impact Industry Zone Code subject to the recommended conditions.

Transport, Access and Parking Code

- The development application will not change the access arrangements to Old Cameby Road which are considered to be sufficient to service any additional demand generated by the application.
- It is considered that there is sufficient area within the development footprint on the property for the parking of service vehicles (i.e. cleaners and fuel delivery).
- It is not considered that the addition of a single toilet/shower facility for registered customers and staff employed by the applicant, will result in significant traffic management issues on the property.

- On this basis, the development is considered to be consistent with the Transport, Access and Parking Code.

Infrastructure Services Code

- The property is intersected by Council's sewer and water rising mains along the eastern boundary of the property.
- The existing Service Station is not connected to the reticulated water or sewer networks, and the proposed development will not result in any additional connections to Council's reticulated infrastructure networks.
- The applicant proposes an on-site effluent disposal system be developed to capture and treat effluent, and this will be conditioned as part of the approval.
- The applicant will be conditioned to provide a suitable supply of potable water for use within the proposed ablution facility.
- The applicant has advised that stormwater draining from the development footprint will be treated via the existing oily water management system which will capture and treat any potential contaminants prior to discharge to the lawful point of discharge.
- Council's Consultant Development Engineer is not satisfied that the existing sewage treatment system is adequate for the development, as it is designed to treat effluent, not contaminated stormwater.
- It has been conditioned that the applicant provide a suitable treatment system for the collection and treatment of contaminated stormwater.
- On this basis, it is considered that the development is consistent with the Infrastructure Services Code, subject to the recommended conditions.

Bushfire Hazard Overlay Code

- The property includes areas identified within the High and Medium Bushfire Hazard Areas illustrated in the Overlay mapping of the Planning Scheme.
- The development footprint for the existing Service Station and proposed changes sought by the application, are located within a High Bushfire Hazard Area.
- The area identified as a High Bushfire Hazard Area and immediate surrounding area has been historically cleared and does not feature any vegetation which would pose a bushfire risk.
- The development will be conditioned to provide an adequate fire fighting water supply to ensure that the development complies with the Bushfire Hazard Overlay Code.

Flood Hazard Overlay Code

- Part of the property is located within the Extreme, High, Medium and Low Flood Hazard Areas within the Overlay mapping of the Planning Scheme.
- The area of the property subject to part of the application (toilet block) is impacted by an Extreme Flood Hazard Area.

- The fuel storage will be within bunded containers and the development will be conditioned to ensure that chemicals and flammable fuels are managed in accordance with the *Work Health and Safety Act 2011* and the relevant Australian Standard.
- The development will be conditioned to ensure that the ablution building is elevated above the flood level of the property in accordance with the Flood Hazard Overlay Code.

3. Other Matters

3.1 Public Notification

- The development application was publicly notified for a period of 15 business days starting on 8 May 2020 and ending on 1 June 2020.
- No submissions were received during the Public Notification Period regarding the development application.

3.2 Referral

- The application required referral to the Department of State Development, Manufacturing, Infrastructure and Planning as a Concurrence Agency due to the property adjoining the Leichhardt Highway.
- The Department provided a response advising that they do not have any requirements with respect to the development.

Consultation (Internal/External)

Internal

Council's Consultant Development Engineer has assessed the development application and provided advice and recommended conditions of approval where applicable.

Council's Acting Planning and Environment Manager has reviewed the Report and provided comments where necessary.

External

The Department of State Development, Manufacturing, Infrastructure and Planning was a Concurrence Agency to the application. On 26 March 2020, the Department issued a Concurrence Agency response advising they do not have any requirements with respect to the development. A copy of the Referral Notice is included as an attachment to this Report.

Legal/Policy Implications (Justification if applicable)

An applicant may elect to appeal against Council's decision in accordance with the relevant Section of the *Planning Act 2016*, which states:

"Chapter 6 Dispute Resolution

Part 1 Appeal Rights

229 Appeals to Tribunal or P&E Court

- (1) *Schedule 1 states -*

- (a) *matters that may be appealed to -*
 - (i) *either a tribunal or the P&E Court; or*
 - (ii) *only a tribunal; or*
 - (iii) *only the P&E Court; and*
 - (b) *the person -*
 - (i) *who may appeal a matter (the **appellant**); and*
 - (ii) *who is a respondent in an appeal of the matter; and*
 - (iii) *who is a co-respondent in an appeal of the matter; and*
 - (iv) *who may elect to be a co-respondent in an appeal of the matter.*
- (2) *An appellant may start an appeal within the appeal period.*
- (3) *The **appeal period** is -*
- (a) *for an appeal by a building advisory agency - 10 business days after a Decision Notice for the decision is given to the Agency; or*
 - (b) *for an appeal against a deemed refusal - at any time after the deemed refusal happens; or*
 - (c) *for an appeal against a decision of the Minister, under Chapter 7, Part 4, to register premises or to renew the registration of premises - 20 business days after a Notice is published under Section 269(3)(a) or (4); or*
 - (d) *for an appeal against an Infrastructure Charges Notice - 20 business days after the Infrastructure Charges Notice is given to the person; or*
 - (e) *for an appeal about a deemed approval of a development application for which a Decision Notice has not been given - 30 business days after the applicant gives the Deemed Approval Notice to the Assessment Manager; or*
 - (f) *for any other appeal - 20 business days after a Notice of the decision for the matter, including an Enforcement Notice, is given to the person.*

Note - See the P&E Court Act for the Court's power to extend the appeal period."

Legal/Policy Implications (Justification if applicable)

NIL

Budget/Financial Implications

NIL

Conclusion

The proposed development has been assessed against the requirements of the Western Downs Planning Scheme 2017 incorporating Amendment 1. It is recommended that the application be approved, subject to the recommended conditions.

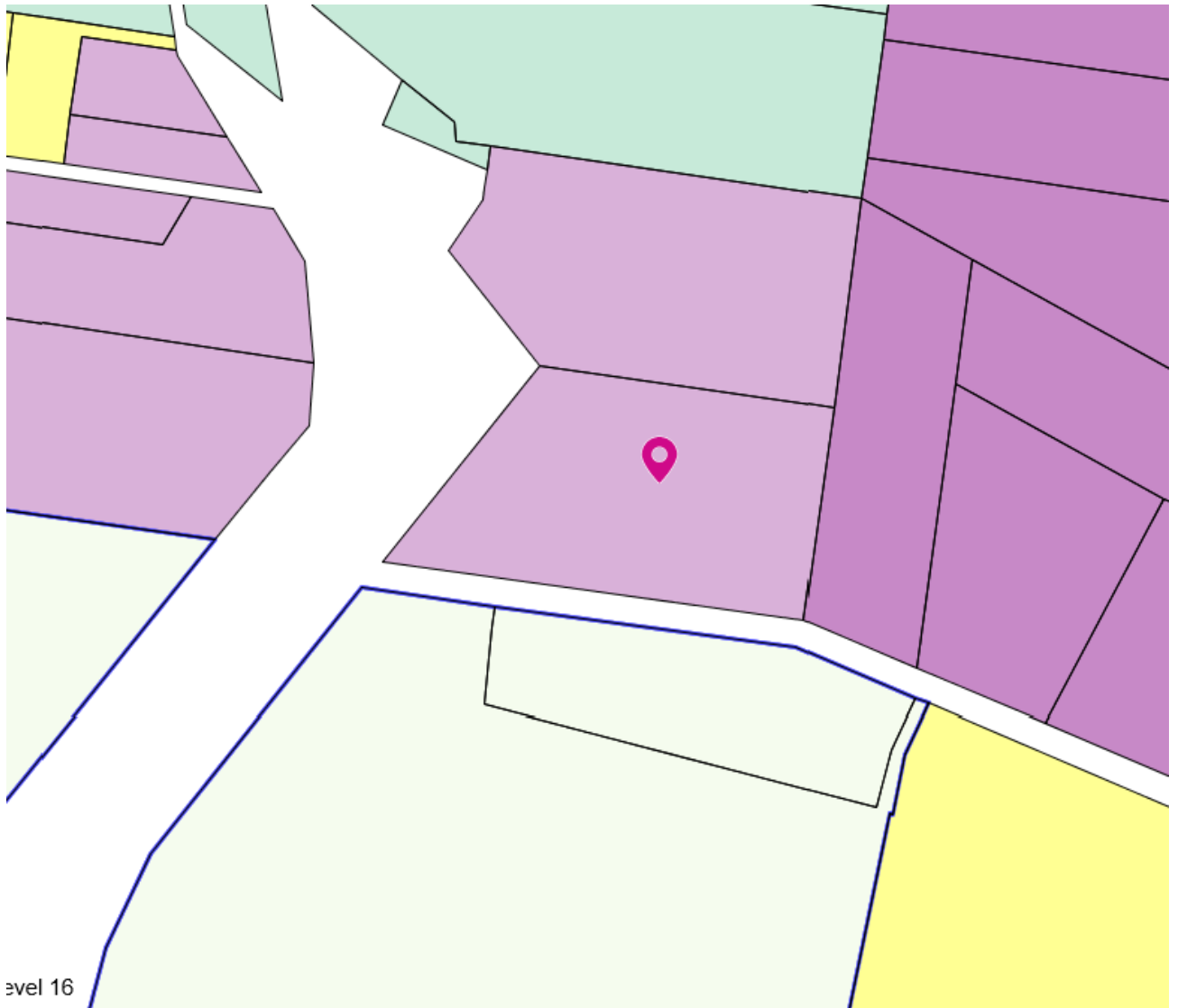
Attachments

1. Locality Plans
2. Proposal Plans
3. Referral Agency Response
4. Infrastructure Charges Notice


Authored by: D Bradley, PLANNING OFFICER DEVELOPMENT ASSESSMENT

1. Locality Plans

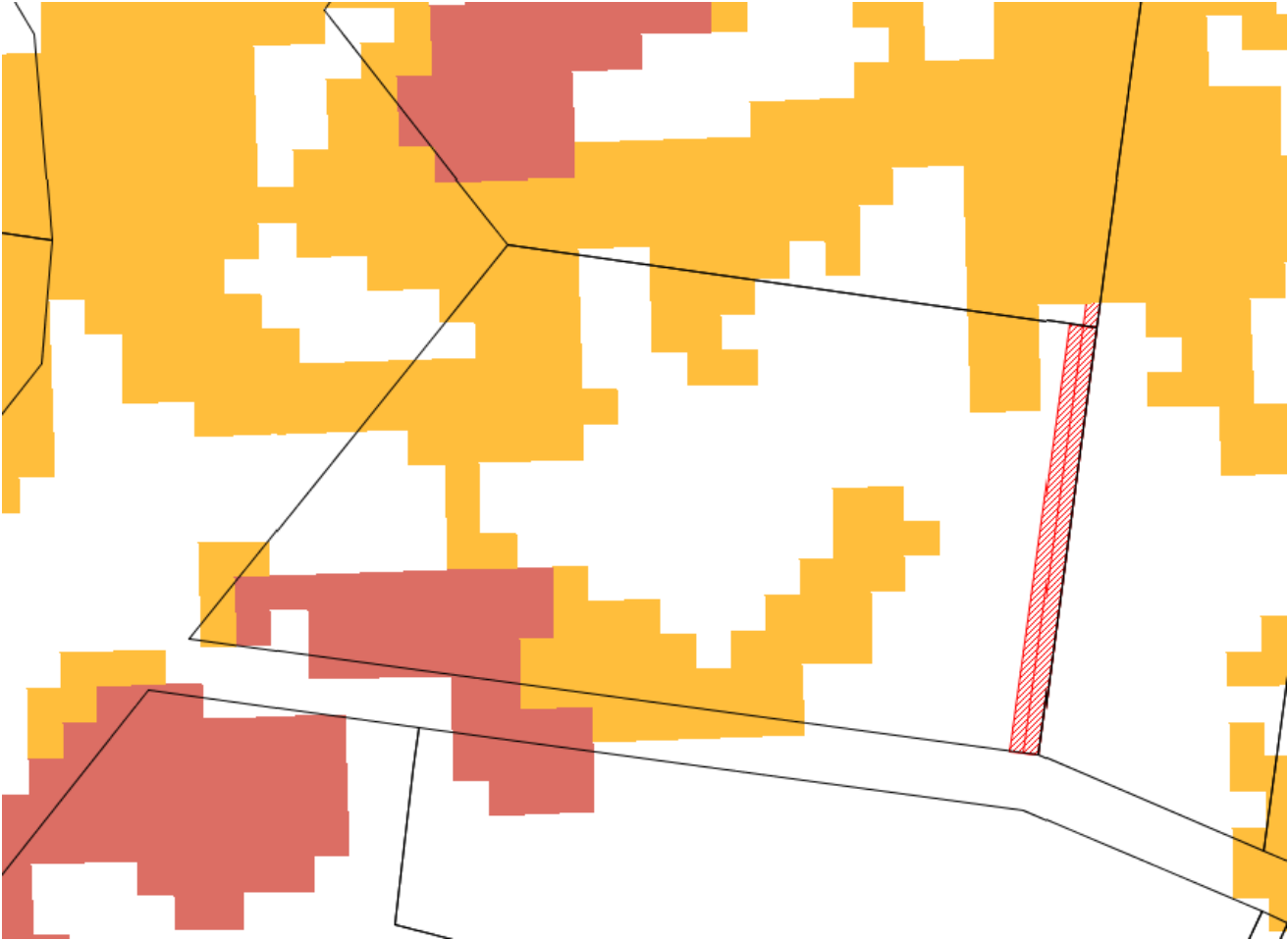
Zoning Map - Western Downs Planning Scheme 2017 incorporating Amendment 1



LEGEND

 Medium Impact Industry Zone

Bushfire Hazard Overlay Map



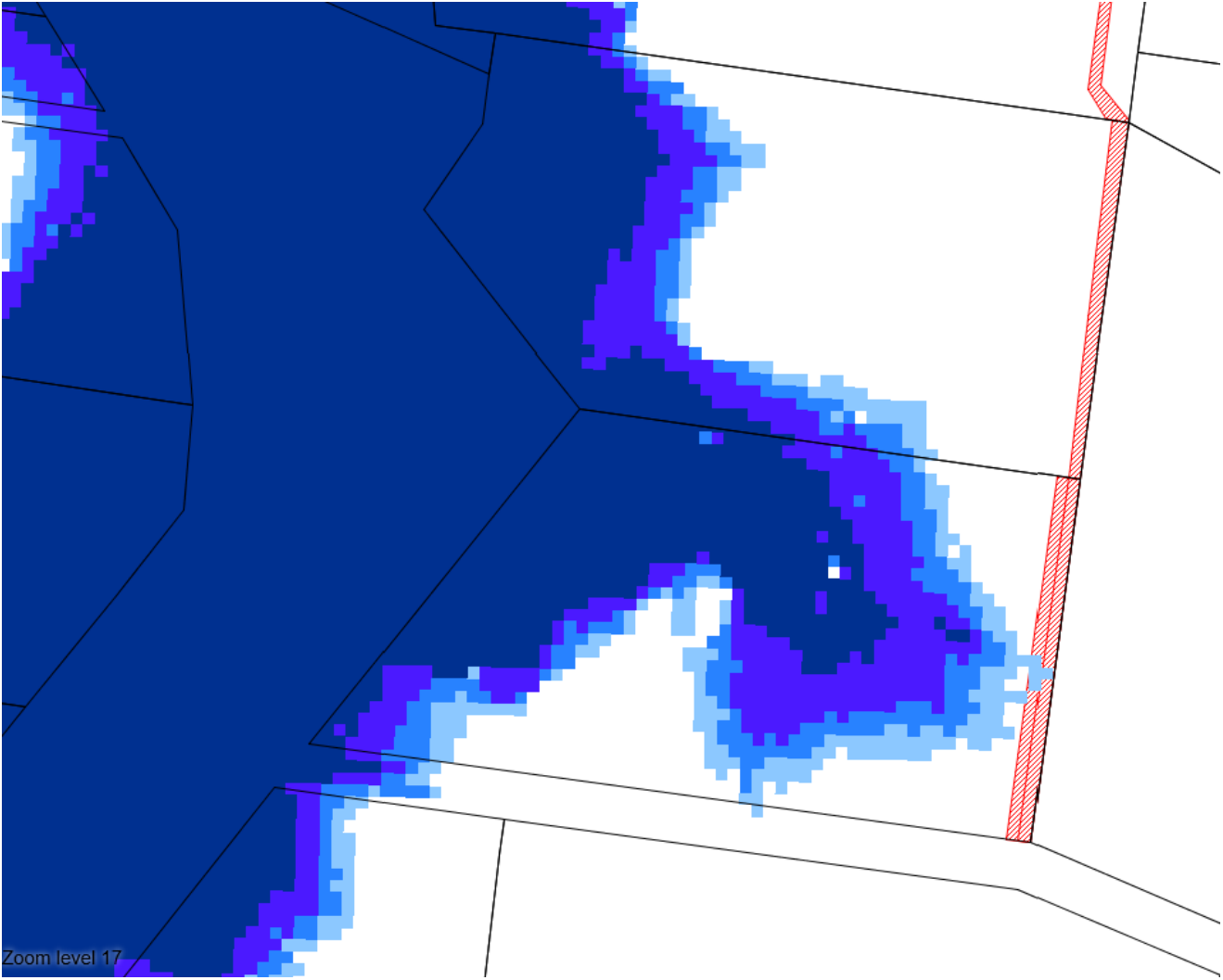
LEGEND

Bushfire Risk

■ High Bushfire Hazard

■ Medium Bushfire Hazard

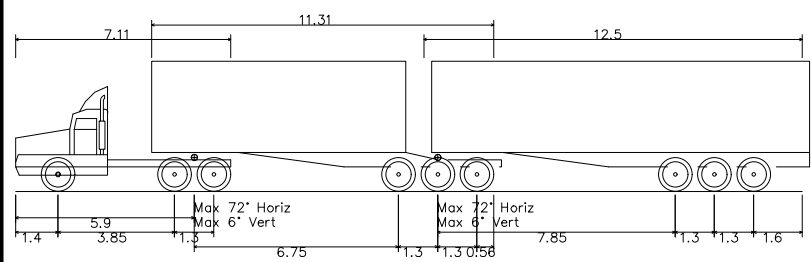
Flood Hazard Overlay Map



LEGEND

Flood Hazard

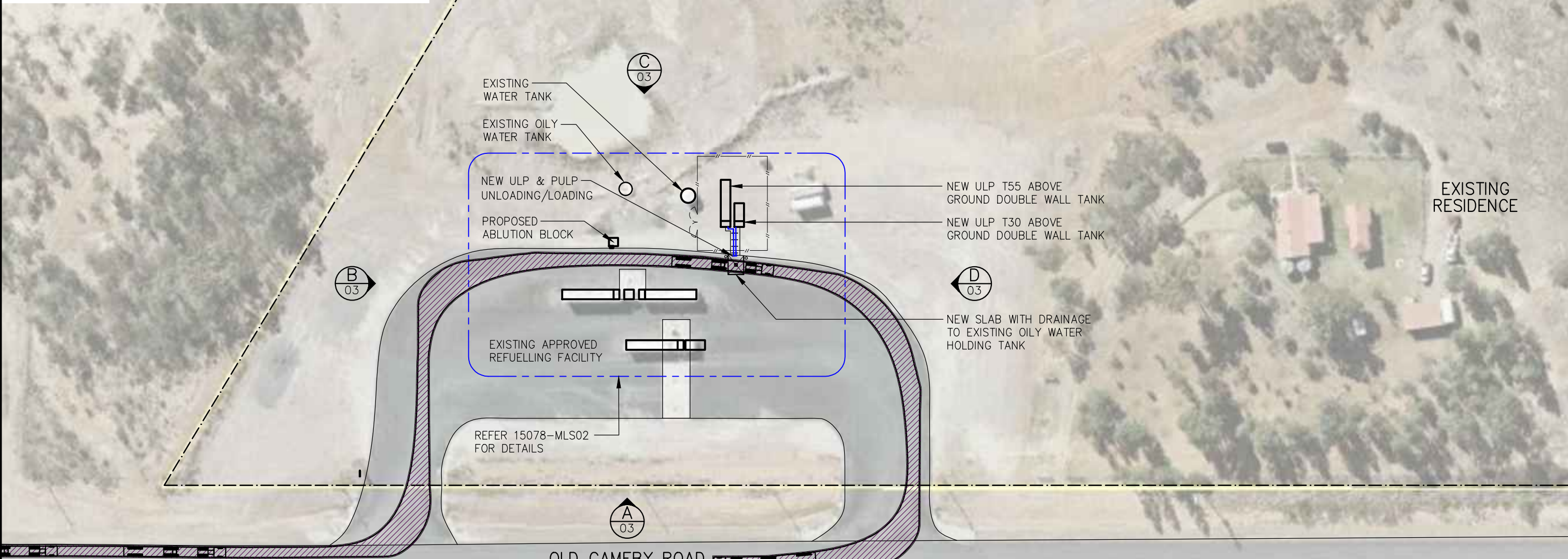
- Low
- Medium
- High
- Extreme



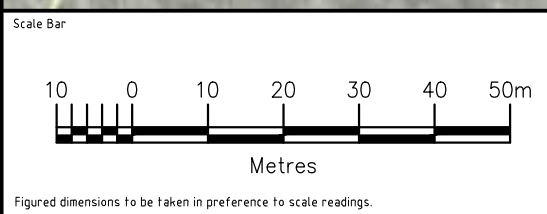
B-Double (26.0m)
 Overall Length 26.000m
 Overall Width 2.500m
 Overall Body Height 4.300m
 Min Body Ground Clearance 0.540m
 Track Width 2.500m
 Lock-to-lock time 6.00s
 Curb to Curb Turning Radius 15.000m

ULP UNLOADING VEHICLE TYPICAL 26m B-DOUBLE
 NOT TO SCALE

R.P.D.
 LOT 101
 BWR225
 SHIRE: WESTERN DOWNS
 LOCALITY: MILES
 PARISH: DOGWOOD
 COUNTY: BULWER



EXISTING RESIDENCE



revision	date	by	description	checked
E	19.05.20	DGC	T55 PULP TANK ADDED	
D	16.12.19	SLM	SITE UPDATED FOR D.A. ISSUE	
C	14.11.19	SLM	SITE UPDATED	
B	13.5.16	LCC	PROPOSED OFFICE & ULP TANK ADDED	
A	6.5.15	LCC	ISSUED FOR D. A.	

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project
 iOR PETROLEUM
 UNMANNED DIESEL STOP
 OLD CAMEBY ROAD,
 MILES
 QUEENSLAND

title				
PROPOSED SITE LAYOUT				
drawn	approved	date created	A1 scale	A3 scale
AWT		29.04.15	1:500	1:1000
status	drawing no.		rev	
D. A. ISSUE	15078-MLS01		E	



R.P.D. LOT 101 BWR225
 SHIRE: WESTERN DOWNS
 LOCALITY: MILES
 PARISH: DOGWOOD
 COUNTY: BULWER

EXISTING OILY WATER TANK

EXISTING WATER TANK

MAINTENANCE ACCESS GATES

PROPOSED ABLUTIONS BLOCK

LINE OF EXISTING BITUMEN PAVEMENT

11100

10000

5000

3840

4000

6000

6000

6000

1000

6000

6000

PROPOSED CHAINMESH SECURITY FENCE WITH DOUBLE ACCESS GATES (4m WIDE)

PROPOSED T55 PULP ABOVE GROUND DOUBLE WALL TANK

PROPOSED T30 ULP ABOVE GROUND DOUBLE WALL TANK

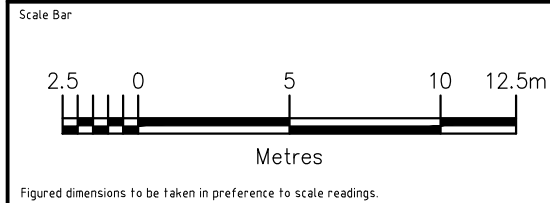
NEW SUSPENDED FUEL LINE OVER CONCRETE PAD WITH SUPPORTS TO EXTEND OUTSIDE OF FENCED COMPOUND TO BE INSTALLED IN COMPLIANCE WITH AS1940

CONCRETE BOLLARD EACH SIDE, TYP.

PROPOSED ULP & PULP UNLOADING/LOADING CONNECTION POINT OVER BUNDED AREA

NEW SLAB WITH DRAINAGE TO EXISTING OILY WATER HOLDING TANK

EXISTING APPROVED REFUELLING FACILITY



revision	date	by	description	checked
C	19.05.20	DGC	T55 TANK ADDED	
B	16.12.19	SLM	UPDATED LAYOUT FOR D.A. ISSUE	
A	14.11.19	SLM	ISSUED FOR D. A.	

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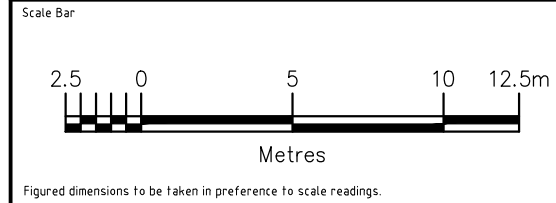
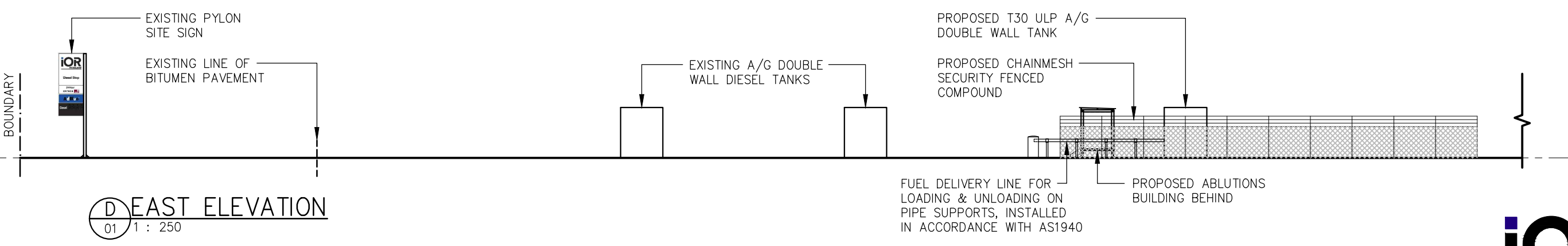
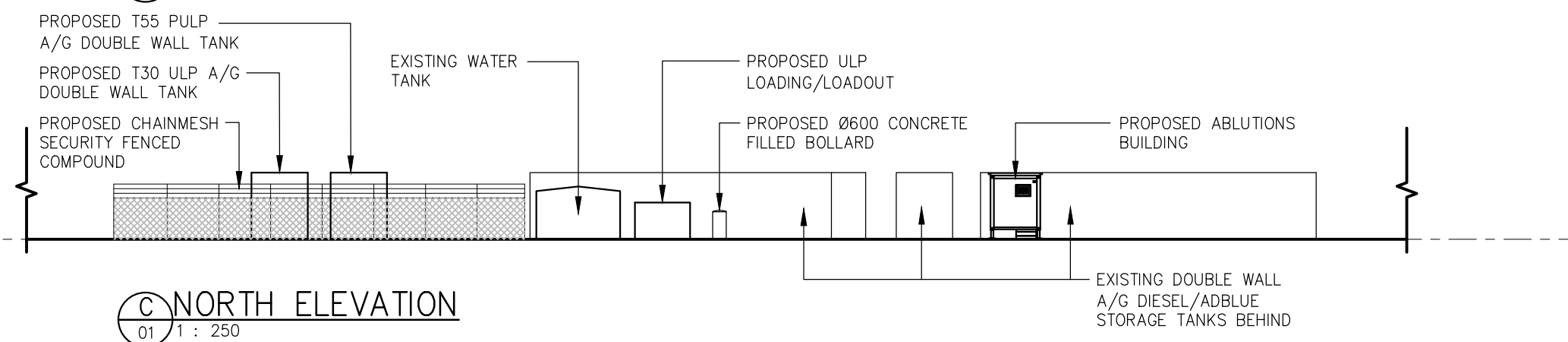
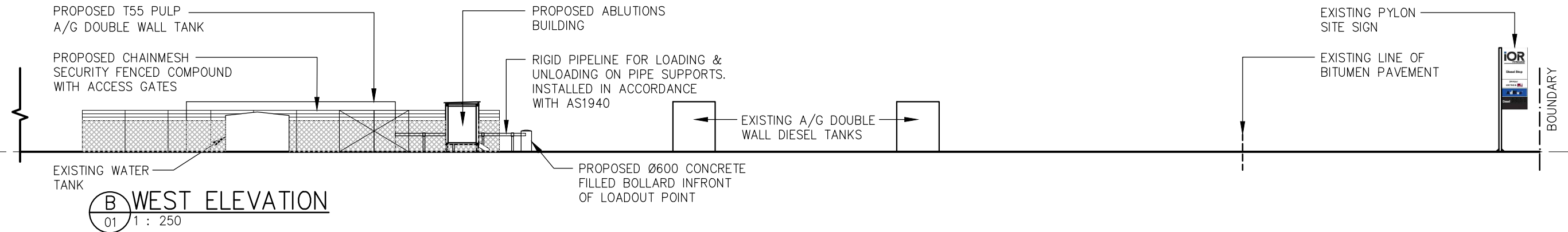
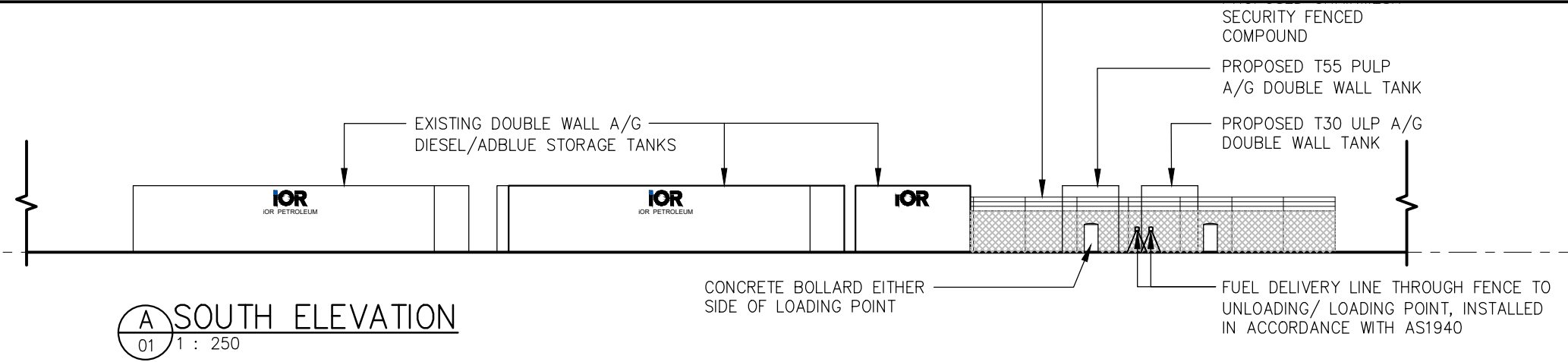


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 UNMANNED DIESEL STOP
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 QUEENSLAND

SITE SETOUT DETAILS		drawn	approved	date created	A1 scale	A3 scale
		SLM		14.11.19	NTS	1:250
D. A. ISSUE		drawing no.		15078-MLS02		rev. C

NOTES

1. THIS DRAWING IS NOT TO BE USED FOR TENDER OR CONSTRUCTION.
2. EXISTING SITE DETAILS ARE SHOWN REPRESENTATIVE OF EXISTING CONDITIONS ONLY.



revision	date	by	description	checked
C	19.05.20	DGC	T55 TANK ADDED	
B	16.12.19	SLM	UPDATED SITE FOR D.A. ISSUE	
A	14.11.19	SLM	ISSUED FOR D. A.	

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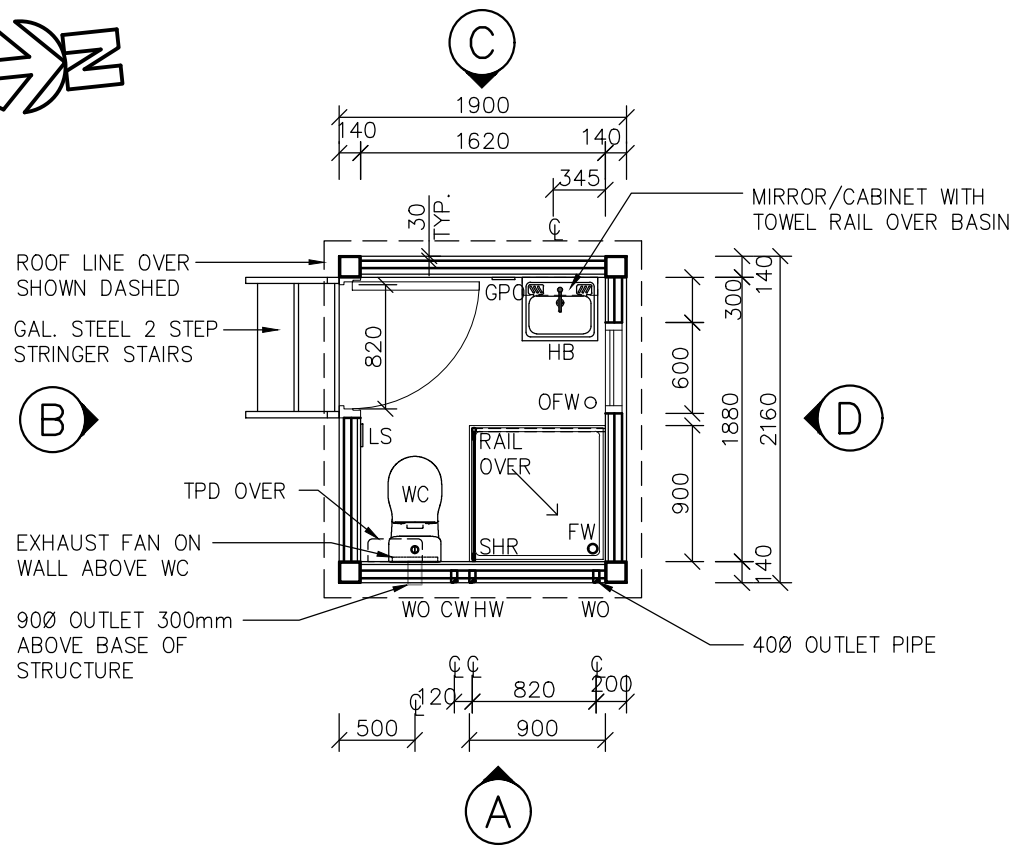
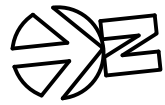
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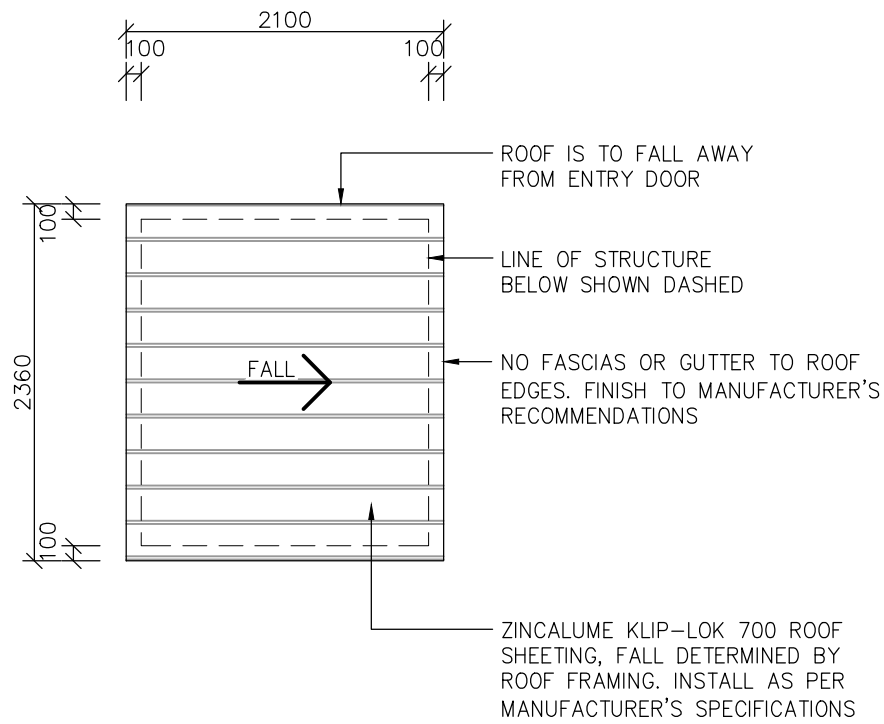


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UNMANNED DIESEL STOP
OLD CAMEBY ROAD,
MILES
QUEENSLAND

Title		A1 scale		A3 scale	
ABLUTIONS – FLOOR PLAN, ROOF PLAN & ELEVATIONS		NTS		1: 250	
drawn	approved	date created	status	drawing no.	rev
SLM		14.11.19		15078-MLS03	C
D. A. ISSUE					



FLOOR PLAN



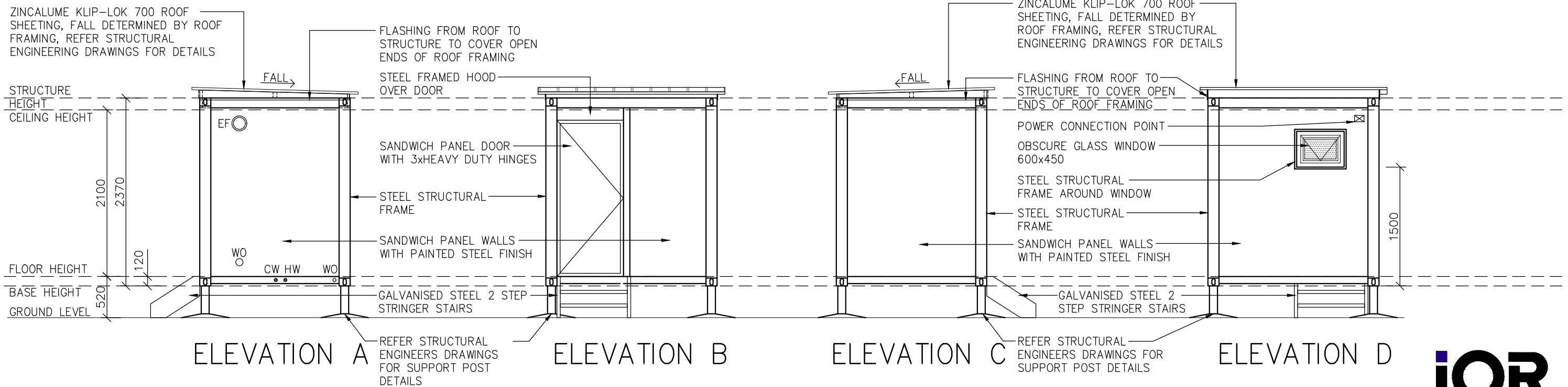
ROOF PLAN

NOTES

1. ALL SERVICES TO BE CONCEALED, RUN BELOW FLOOR OR IN WALL/ CEILING CAVITIES.
2. THE CONTRACTOR IS TO VERIFY ON SITE THAT THE INVERT & SERVICE LEVELS & REQUIRED COVER OVER DRAINAGE LINES ARE OBTAINABLE BEFORE COMMENCING WORKS.
3. ALL MATERIALS SHALL BE IN ACCORDANCE WITH THE BY-LAWS & THE REQUIREMENTS OF THE LOCAL BUILDING & PLUMBING INSPECTOR. ENSURE MATERIALS MEET THE FIRE RATING REQUIREMENTS OF THE QLD BUILDING CODE OF AUSTRALIA.
4. THESE DRAWINGS MUST BE READ IN CONJUNCTION WITH THE ARCHITECTS / DESIGNERS COUNCIL OR CERTIFIERS APPROVED BUILDING DRAWINGS.
5. FINISHED FLOOR LEVELS DETERMINED BY ON SITE CONDITIONS. REFER CIVIL & STRUCTURAL DESIGN FOR LEVELS, FOOTINGS AND STAIR REQUIREMENTS.

LEGEND

- CW COLD WATER CONNECTION
- EF EXHAUST FAN
- FW FLOOR WASTE
- GPO POWER OUTLET SINGLE
- HB HAND BASIN
- HW HOT WATER CONNECTION
- HWU HOT WATER UNIT
- LS LIGHT SWITCH
- OFW OVERFLOW FLOOR WASTE
- ORG OVERFLOW RELIEF GULLY
- SHR SHOWER
- TPD TOILET PAPER DISPENSER
- WC WATER CLOSET
- WO WASTE OUTLET

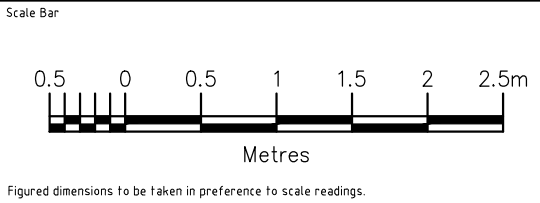


ELEVATION A

ELEVATION B

ELEVATION C

ELEVATION D



revision	date	by	description	checked
A	14.11.19	SLM	ISSUED FOR D. A.	

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title		date created		A1 scale	A3 scale
ABLUTIONS - FLOOR PLAN, ROOF PLAN & ELEVATIONS		14.11.19		1:25	1:50
drawn	approved	status	drawing no.	rev.	
SLM	(Signature)		15078-MLS04	A	
D. A. ISSUE					



RA9-N



Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

SARA reference: 2002-15413 SRA
Council reference: 030.2019.569.001
Applicant reference: 15078

26 March 2020

Chief Executive Officer
Western Downs Regional Council
PO Box 551
DALBY QLD 4405
info@wdrc.qld.gov.au

Attention: Mr Dominic Bradley

Dear Dominic

SARA response—33 Old Cameby Road, Miles

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning on 26 February 2020.

Response

Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , the department advises it has no requirements relating to the application.
Date of response:	26 March 2020
Advice:	Advice to the applicant is in Attachment 1 .
Reasons:	The reasons for the referral agency response are in Attachment 2 .

Development details

Description:	Development permit	Material change of use – Service Station (unmanned refuelling facility)
SARA role:	Referral Agency.	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017)	
	Material change of use of premises near a State transport corridor	
SARA reference:	2002-15413 SRA	
Assessment Manager:	Western Downs Regional Council	

Page 1 of 5

Darling Downs South West regional office
128 Margaret Street, Toowoomba
PO Box 825, Toowoomba QLD 4350

Street address: 33 Old Cameby Road, Miles
Real property description: Lot 101 on BWR225
Applicant name: IOR Property Group No.2 Pty Ltd
Applicant contact details: C/- TFA Project Group, Brendan Easton
PO Box 2339
Fortitude Valley QLD 4006
Brendan.Easton@tfa.com.au

Representations

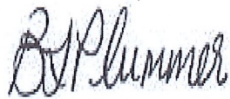
An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s. 30 Development Assessment Rules)

Copies of the relevant provisions are in **Attachment 3**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Danica Clark, A/Principal Planner, on (07) 4616 7305 or via email ToowoombaSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Bernadette Plummer
A/Manager - DDSW Planning

cc IOR Property Group No.2 Pty Ltd C/- TFA Project Group, Brendan Easton, Brendan.Easton@tfa.com.au

enc Attachment 1 - Advice to the applicant
Attachment 2 - Reasons for referral agency response
Attachment 3 - Representations provisions

Attachment 1—Advice to the applicant

General advice	
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- | | |
|----|---|
| 1. | Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v2.6. If a word remains undefined it has its ordinary meaning. |
|----|---|

Attachment 2—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the department's decision are:

The proposed development complies with all applicable assessment benchmarks within *State code 1:*

Development in a state-controlled road environment, specifically:

- All structures and services are located outside of the state-controlled road
- Vehicular access is provided via the lower order road (Old Cameby Road) and is located more than 100m from the intersection with the state-controlled road (Leichardt Highway)
- Stormwater impacts to the state-controlled road are not increased as a result of the proposed development.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.6), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

Attachment 3—Representations about a referral agency response

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

INFRASTRUCTURE CHARGES NOTICE

APPLICANT:	IOR Project Group No. 2 Pty Ltd
APPROVED DEVELOPMENT:	Material Change of Use for a Service Station on land situated at 33 Old Cameby Road, Miles
FILE REFS:	030.2019.569.001, A5835, LG7.6.1
AMOUNT OF THE CHARGE:	NIL
LAND TO WHICH CHARGE APPLIES:	Lot 101 on BWR225, Easement A on SP209005 and Easement B on SP258267
PAYABLE TO:	Western Downs Regional Council
WHEN PAYABLE:	Prior to commencement of use

This charge is made in accordance with Council's *Infrastructure Charges Resolution (No. 7.1) 2017*.

The charge has been calculated on the following basis:

USE	Charge	Reference	No. of Units	Amount
Material Change of Use to establish a Service Station	\$17.85* per m ² of GFA (Transport and Parks Networks)	Table 3.3.3, Col 2, Charge Area A	4.9m ²	\$ 87.46
	\$4.00 per m ² of impervious area lot (Stormwater Network)	Table 3.3.3, Col 3, Charge Area A	4,897.2m ² (33.7m ² additional)	\$19,588.80
DISCOUNT	Discount Charge	Ref.	No. of Lots	Discount Amount
1 existing Lot	\$37,800.00* per lot	Section 3.4(1)(e)(iv)	1	\$37,800.00
* charges reduced in accordance with Table 5.1 for land not currently serviced by or requiring connection to Council's reticulated water or sewerage network.			TOTAL CHARGE	NIL

INFORMATION NOTICE

[Section 119 of the *Planning Act 2016*]

DECISION AND REASONS

This infrastructure charge has been levied in accordance with Sections 119 to 121 of the *Planning Act 2016* and Council's ***Infrastructure Charges Resolution (No. 7.1) 2017*** for additional demand placed on Council's trunk infrastructure that will be generated by the approved development.

Charges have been calculated for the total development area, applying the credit now applicable to the site based on the Industrial zoning.

APPEALING DECISION

Under the *Planning Act 2016* the recipient of this Infrastructure Charges Notice may appeal against Council's decision to issue the Infrastructure Charges Notice. Chapter 6, Part 1 of the *Planning Act 2016* details the recipient's right to appeal Council's decision and how the recipient may appeal.

Title (030.2020.97.001) Community and Liveability Report Development Application Material Change of Use for Transport Depot at Lot 10 on RP14934 4-6 Forrest Street Chinchilla MPC Contracting Pty Ltd C/- Ausrocks Pty Ltd

Date 8 July 2020

Responsible Manager T. Summerville, PLANNING AND ENVIRONMENT MANAGER

Summary

The purpose of this Report is for Council to decide the proposed development for a Material Change of Use to establish a Transport Depot on land described as Lot 10 on RP14934 and situated at 4-6 Forrest Street, Chinchilla.

Link to Corporate Plan

Strategic Priority: Strong Economic Growth

- There is a confidence in our strong and diverse economy.
- We're open for business and offer investment opportunities that are right for our region.
- We optimise our tourism opportunities, unique experiences and major events.
- Business and industry in our region live local and buy local.
- Our region is a recognised leader in energy, including clean, green renewable energies.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and that:

1. The application for a Material Change of Use to establish a Transport Depot on land described as Lot 10 on RP14934 and situated at 4-6 Forrest Street, Chinchilla, be approved, subject to the following conditions:

APPROVED PLANS AND DOCUMENT

1. The development shall be carried out generally in accordance with the Approved Plans and Document listed below, subject to and modified by the conditions of this approval:

Plan No: SLP001-4, Project No. AUQ00243, Version 4

Description: Site Layout Plan – Transport Depot 4-6 Forrest St Chinchilla, prepared by Ausrocks, dated 03/06/2020

Plan No: SP001-2, Project No. AUQ00243, Version 2

Description: Stormwater Plan - Transport Depot 4-6 Forrest St Chinchilla, prepared by Ausrocks, dated 19/03/2020

Plan No: SP002-1, Project No. AUQ00243, Version 1

Description: Stormwater Detail Plan - Transport Depot 4-6 Forrest St Chinchilla, prepared by Ausrocks, dated 03/06/2020

Plan No: TPP001-1, Project No. AUQ00243, Version 1

Description: Turnng Path Plan – Transport Depot 4-6 Forrest St Chinchilla, prepared by Ausrocks, dated 18/03/2019

Plan No: MCSBP001, Project No. AUQ00243
Description: MPC Contracting Storage Building Plan, prepared by Ausrocks, dated 19/03/2020

Plan No: MCSP001, Project No. AUQ00243
Description: MPC Contracting Shed Plan, prepared by Ausrocks, dated 19/03/2019

Plan No: CP001-1, Project No. AUQ00243, Version 1
Description: Crossover Plan 1 – Transport Depot 4-6 Forrest St Chinchilla, prepared by Ausrocks, dated 18/03/2020

Plan No: CP002-1, Project No. AUQ00243, Version 1
Description: Crossover Plan 2 – Transport Depot 4-6 Forrest St Chinchilla, prepared by Ausrocks, dated 18/03/2020

Document: Flood Risk Management Plan, Project No. AUQ00243, Version 1.2, prepared by Ausrocks, dated 18/03/2020

2. Where there is any conflict between the conditions of this development approval and the details shown on the Approved Plans and Document, the conditions of this development approval must prevail.

APPROVED DEVELOPMENT

3. The approved development is a Material Change of Use for a Transport Depot as shown on the Approved Plans.

COMPLIANCE, TIMING AND COSTS

4. All conditions of the approval shall be complied with before the change occurs (prior to commencement of the use) and while the use continues, unless otherwise noted within these conditions.
5. All costs associated with compliance with these conditions shall be the responsibility of the developer unless otherwise noted.

OPERATING HOURS

6. Unless otherwise approved in writing by Council, the approved use must only operate between the following hours:
 - 6.1 Monday to Friday 7:00am to 6:00pm
 - 6.2 Saturday 7:00am to 12:00pm
 - 6.3 Sunday/Public Holidays: No operating hours

FEES AND CHARGES

7. All fees, rates, interest and other charges levied on the property, shall be paid in full, in accordance with the rate at the time of payment.

MAINTENANCE

8. The development (including landscaping, parking, driveways and other external spaces) shall be maintained in accordance with the Approved Plans and Document, subject to and modified by any conditions of this approval.
9. The site shall be maintained in a clean and orderly state at all times, to Council's satisfaction.

PRIVACY SCREENING

10. Privacy screening with a maximum 50% visibility must be installed to the windows facing the Forrest Street road frontage of the Storage Building.

NOISE EMISSIONS

11. Noise emissions from the development shall not cause environmental harm or nuisance to adjoining properties or "Sensitive Land Uses" in accordance with the *Environmental Protection (Noise) Policy 2008*.

AIR EMISSIONS

12. Air emissions (odour and dust) from the development shall not cause environmental harm or nuisance to adjoining properties or "Sensitive Land Uses" in accordance with the *Environmental Protection (Air) Policy 2008*.

WASTE MANAGEMENT

13. All waste generated from construction of the proposed development shall be effectively controlled on-site before disposal. All waste must be disposed of in accordance with the *Waste Reduction and Recycling Act 2011*.
14. All waste generated on-site must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.

VISUAL AND GENERAL AMENITY

15. Any graffiti on the buildings must be removed within 3 business days.
16. All declared weeds and pests must be removed from the subject land and the subject land kept clear of such nuisance varieties at all times during the course of development work and any ensuing defects liability period.

OUTDOOR LIGHTING IMPACT MITIGATION

17. Outdoor lighting associated with the use must be designed, sited, installed and tested to comply with Tables 2.1 and 2.2 of Australian Standard 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting Using a Control Level of 1.

LANDSCAPING

18. The developer must submit to Council's Planning and Environment Manager or authorised delegate for endorsement, a Landscaping Plan for all landscaping associated with the development. The Plan must be prepared by a suitably qualified and experienced person in landscape design and construction.
19. The Landscaping Plan must detail:
 - 19.1 all landscaping areas shown on the Approved Plans, including a 2 metre wide landscaping strip to be provided along the Forrest Street frontage;
 - 19.2 the typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on-site;
 - 19.3 the number and size of plants; and
 - 19.4 the typical planting detail including preparation, backfill, staking and mulching.

20. The developer must prepare and landscape the site in accordance with the Approved Landscape Plan, or as otherwise approved in writing by Council's authorised delegate. Any amendments approved by Council's authorised delegate are taken to be a part of the Approved Landscape Plan.

ENGINEERING WORKS

21. Submit to Council, an Operational Work application for all Civil Works including Earthworks (if required), and Roadworks.
22. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant Australian Standards.
23. Be responsible for the full cost of any alterations necessary, to easements and/or other public utility installations in connection with the development.

LOCATION, PROTECTION AND REPAIR OF DAMAGE TO COUNCIL AND PUBLIC UTILITY SERVICES INFRASTRUCTURE AND ASSETS

24. Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.
25. Repair all damage incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damage immediately upon completion of work associated with the development.

STORMWATER MANAGEMENT

26. The Stormwater Management Plan prepared by Ausrocks, Version V1.4 dated June 2020 and submitted as part of the response to Council's Information Request is NOT APPROVED. Submit to Council, a revised, final and detailed Stormwater Management Plan for approval. This Stormwater Management Plan must include, but not be limited to the following:
 - 26.1 demonstration that there is no material increase in pre or post-development flows;
 - 26.2 nuisance or interference to the current use or potential future use of all downstream properties including road reserves and the like, for design storms of Q2, Q5, Q10, Q20 and Q50;
 - 26.3 details of stormwater drainage, detention requirements, and mitigation measures;
 - 26.4 the lawful point of discharge;
 - 26.5 measures to prevent any solid matter or floatable oils being carried into the existing stormwater system;
 - 26.6 impacts to overland flow paths and mitigation measures; and
 - 26.7 digital data files of stormwater modelling.
27. Provide overland flow paths that do not alter the characteristics of existing overland flows or create an increase in stormwater impacts on other properties.
28. Ensure that adjoining properties and roadways are protected from ponding as a result of any site works undertaken.
29. Design and construct stormwater drainage incorporating measures to prevent any sediment, solid matter or floatable oils being carried into the existing stormwater system.

WATER SUPPLY

30. Connect the development to Council's reticulated water supply system via a single connection.

SEWERAGE

31. The existing on-site effluent disposal system servicing the development must be upgraded or replaced where it cannot be demonstrated that it operates in accordance with Schedule 1, Division 4: Standards for Sewerage Supply, Section 4.2; Standards for On-site Sewerage, AS1547 and the Queensland Plumbing and Waste Water Code.
32. Apply for a Development Permit for Plumbing Work from Council, for any upgrade or replacement of the on-site sewerage treatment system servicing the development. Any upgrades for the on-site effluent system must be designed by a suitably qualified person.

HAZARDOUS CHEMICAL AND FUEL STORAGE

33. Ensure that all hazardous chemicals are stored and handled in accordance with the *Work Health and Safety Act 2011*.
34. Diesel is to be stored and handled in accordance with Australian Standard 1940-2004 - The Storage and Handling of Flammable and Combustible Liquids.

FLOODING - GENERAL

35. The development site is impacted by extreme risk of flooding during a Q100 event. The applicant is to prepare a Risk Management Plan (RMP) and submit to Council's Planning and Environment Manager or authorised delegate for endorsement. The areas to be addressed will include, but not be limited to:
 - flood warning triggers;
 - evacuation and safety procedures;
 - emergency services' contact numbers;
 - electrical services protection; and
 - property protection.
36. The Flood Risk Management Plan is to be kept on-site and available to customers, staff and Council at all times.
37. The Risk Management Plan is to be implemented, kept on-site, monitored, reviewed and updated at a minimum of two (2) year intervals, maintained for the period of the use of the development on the site, and is to be available for review at the request of Council's Planning and Environment Manager within 48 hours of such request.
38. Habitable areas, mezzanine levels and areas associated with the storage of hazardous chemicals and all control panels of critical services shall be built at a minimum 300mm above the defined flood level.
39. The storage of dangerous goods or hazardous materials is not to be undertaken within the demountable storage building.
40. All boundary fencing must be constructed from chain link design or similar, to allow the flow of flood water through the site unimpeded.

PARKING AND ACCESS - GENERAL

41. A minimum of eight (8) car and six (6) truck parking spaces are to be provided.

42. Ensure access to car parking spaces, vehicle loading and manoeuvring areas and driveways remain unobstructed and available for their intended purpose during the hours of operation.
43. Maintain dust suppression treatment to all internal roadways, and vehicle manoeuvring areas, ensuring to not have an adverse impact on adjoining properties.
44. In the event that bona fide complaints are received by Council in relation to dust emissions produced from the site, Council reserves the right to require the applicant to provide either concrete, asphalt, or bitumen seal to heavy vehicle manoeuvring areas.

PARKING AND ACCESS - SERVICING

45. Ensure loading and unloading operations are conducted wholly within the site and vehicles enter and exit the site in a forward direction.

VEHICLE ACCESS - TURNOUT

46. Design and construct a vehicle turnout generally in accordance with Council's Standard Drawing No. R-007.

EXTERNAL ROADWORKS

47. Design and construct Forrest Street from the intersection of Edward Street to the western boundary of Lot 10, to the following standard:
 - 47.1 widening of the existing pavement to 8 metres, including a two-coat bitumen seal;
 - 47.2 grassed table drains, and formation of a grassed verge;
 - 47.3 tapers to the existing road pavement;
 - 47.4 provision for stormwater drainage and easements (if required), line marking and road reserve transitions between existing and proposed roads; and
 - 47.5 design all work in consultation with Council prior to submission of detailed Engineering drawings.

EROSION AND SEDIMENT CONTROL - GENERAL

48. Ensure that all reasonable action is taken to prevent sediment or sediment laden water from being transported to adjoining properties, roads and/or stormwater drainage systems.
49. Remove and clean-up sediment or other pollutants in the event that sediment or other pollutants are tracked/released onto adjoining streets or stormwater systems, at no cost to Council.

ENVIRONMENTAL HEALTH

50. Undertake operations and construction work associated with this development to the requirements of Council, including the following:
 - 50.1 do not cause nuisance to adjoining residents by the way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours;
 - 50.2 remove immediately, any material spilled or carried onto existing roads to avoid dust nuisance and ensure traffic safety; and
 - 50.3 do not carry out work on Sundays or Public Holidays (unless approved otherwise by Council).

ELECTRICITY AND TELECOMMUNICATIONS

51. Connect the development to electricity and telecommunication services.

ADVISORY NOTES

NOTE 1 - Flood Hazard

The property is identified as being located in a High/Extreme Flood Hazard Area on the Flood Hazard Overlay Map in the Western Downs Planning Scheme. Where the floor level is not elevated above the defined flood level, the proposed building works may be subject to inundation during a flood event.

NOTE 2 - Relevant Period

*"A part of a development approval lapses at the end of the following period (the **currency period**)—*

- (a) for any part of the development approval relating to a material change of use—if the first change of use does not happen within—*
 - (i) the period stated for that part of the approval; or*
 - (ii) if no period is stated—6 years after the approval starts to have effect."*

NOTE 3 - Aboriginal Cultural Heritage

It is advised that under Section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Aboriginal and Torres Strait Islander and Partnerships' website www.datsip.qld.gov.au.

NOTE 4 - General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.

NOTE 5 - General Safety of Public During Construction

The *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 6 - Property Note (Audit of Conditions)

An inspection of the property to ascertain compliance with conditions will be undertaken twelve (12) months after the approval takes effect. If the works are completed prior to this time, please contact Council for an earlier inspection. A property note to this effect will be placed on Council's records.

NOTE 7 - Duty to Notify of Environmental Harm

If a person becomes aware that serious or material environmental harm is caused or threatened by an activity or an associated activity, that person has a duty to notify Western Downs Regional Council.

APPEAL RIGHTS

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (refer Chapter 6, Part 2 of the *Planning Act 2016*).

"Chapter 6 Dispute Resolution

Part 1 Appeal Rights

229 Appeals to Tribunal or P&E Court

- (1) Schedule 1 states -
 - (a) matters that may be appealed to -
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person -
 - (i) who may appeal a matter (the **appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is -
 - (a) for an appeal by a building advisory agency - 10 business days after a Decision Notice for the decision is given to the Agency; or
 - (b) for an appeal against a deemed refusal - at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under Chapter 7, Part 4, to register premises or to renew the registration of premises - 20 business days after a Notice is published under Section 269(3)(a) or (4); or
 - (d) for an appeal against an Infrastructure Charges Notice - 20 business days after the Infrastructure Charges Notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a Decision Notice has not been given - 30 business days after the applicant gives the Deemed Approval Notice to the Assessment Manager; or
 - (f) for any other appeal - 20 business days after a Notice of the decision for the matter, including an Enforcement Notice, is given to the person.

Note - See the P&E Court Act for the Court's power to extend the appeal period."

Background Information

The relevant background information to this application is as follows:

Application No: 030.2020.97.001	Assessment No: 10884	Keywords Index: AD6.6.2 & LG7.6.1
Assessing Officer:	Mitchell Hiscock GRADUATE PLANNING OFFICER DEVELOPMENT ASSESSMENT	
PART 1: APPLICATION		
Applicant:	MPC Contracting Pty Ltd, C/- Ausrocks Pty Ltd	
Owner:	RD McQuaid	
Site Address:	4-6 Forrest Street, Chinchilla	
Site Area:	4047m ²	
Real Property Description:	Lot 10 on RP14934	
Proposed Development:	Transport Depot	
Level of Assessment:	Impact	
Type of Application:	Material Change of Use	
Relevant Planning Scheme:	Western Downs Planning Scheme 2017 incorporating Amendment 1	
Zone:	Medium Impact Industry	
Precinct:	N/A	
Overlays:	<ul style="list-style-type: none"> · Agricultural Land Classification - Class A · Extractive Industry - Petroleum Leases (PL 185) · Flood Hazard - Authority to Prospect - High and Extreme 	
Pre-lodgement Meeting:	No	
Application Lodgement Date:	20 March 2020	
Properly Made Application:	Yes	Date: 20 March 2020
Confirmation Notice Issued:	Yes	Date: 31 March 2020
PART 2: REFERRALS	N/A	
PART 3: INFORMATION REQUEST		
Information Request Issued:	Yes	Date: 15 April 2020
Applicant's Response:	Yes	Date: 5 June 2020
PART 4: PUBLIC NOTIFICATION		
Start Date:	Yes	Date: 12 June 2020
Notice of Compliance Received:	Yes	Date: 6 July 2020
Submissions:	Nil	
PART 5: DECISION PERIOD		
Date Commenced:	7 July 2020	
Decision Due Date:	10 August 2020	

Report

1. Subject Site

The subject site, Lot 10 on RP14934, is located at 4-6 Forrest Street, Chinchilla and is 4,047m² in area. The property lies within the Medium Impact Industry Zone, and is impacted by the Agricultural Land Classification, Extractive Industry and Flood Hazard Overlays. The site is developed and contains a shed and two demountable buildings. The shed is a slab-on-ground design and the demountable buildings are on stumps. The site is mostly covered in a compacted gravel surface with some landscaping provided to the Forrest Street frontage and eastern boundary. Forrest Street is a 4.5m wide bitumen sealed road connecting the site to the Warrego Highway from Edward and George Streets. The site is serviced by reticulated electricity, telecommunications and water infrastructure, and an on-site septic system.

The locality of "Downs Town" is a historic subdivision that was originally provided with basic infrastructure. Council, at its Ordinary Meeting on 10 February 2020, considered a Report regarding the provision of infrastructure in this locality.

This Report noted that due to the flooding impacts, Downs Town would be considered as being in a "low amenity" area. The Report discussed the custom requirements of development within this locality as follows:

- (a) Roadworks are to be provided to an 8m width, with a two-coat bitumen seal;
- (b) street lighting is not required; and
- (c) underground stormwater systems are not required."

Council's desired land uses within the Downs Town area, are Medium Impact Industry uses that are compatible with the low amenity resolution and potential flood impacts. Currently, within the Medium Impact Industry Zone are Dwelling Houses and various compliant and non-compliant industrial uses. Downs Town is bordered by Rural Zoned areas to the north and Recreation and Open Space Zones to the south, east and west. The township of Chinchilla is south-east of the site, separated by Charleys Creek.

2. Proposal

The applicant, MPC Contracting Pty Ltd, wishes to gain a retrospective approval for an existing electrical and civil contracting business Depot at the site. The site is used primarily for the storage and maintenance of service vehicles and other related equipment. The amount of equipment stored on-site depends on the projects the business is undertaking. The proposal plans illustrate the existing structures and hardstand area including two demountable storage buildings, a shed and various carparks.

The applicant has provided a Flood Emergency Evacuation Plan and Stormwater Management Plan. The Flood Risk Management Plan includes an assessment of the flood risk, an evacuation plan and communication and consultation processes. The Stormwater Management Plan includes a site assessment including lawful points of discharge, hydraulic assessment, erosion control measures and on-site practices.

3. Assessment

ASSESSMENT MATTERS	
<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> ▪ Western Downs Planning Scheme 2017 <ul style="list-style-type: none"> · Medium Impact Industry Zone Code · Flood Hazard Overlay Code · Natural Resources Overlay Code · Infrastructure Services Code · Transport, Access and Parking Code 	
<p>The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below:</p>	
Assessment Benchmark	Reasons for the Approval Despite Non-compliance with Benchmark
Medium Impact Industry Zone Code	
<p>AO4.1</p> <p>Buildings and structures have a minimum setback of 6 metres to the primary road frontage.</p>	<p>Alternative Solution</p> <p>The demountable building located on the north-eastern frontage has a 4.1m reduced setback.</p> <p>The northern orientation of the street will ensure that overshadowing will not be an issue. The reduced setback will not impact the character and appearance of the Medium Impact Industry Zone.</p>

	<p>Privacy screening will be conditioned to reduce the potential for overlooking.</p> <p>Therefore, the reduced setback is considered to meet the Performance Outcome.</p>
<p>AO9.1</p> <p>Medium Impact Industry land uses are separated a minimum of 250 metres from an accommodation activity or land in a Residential Zone Category.</p>	<p>Alternative Solution</p> <p>The proposed development is located within 250m of Dwelling Houses in Forrest Street. The Transport Depot is not expected to create any negative externalities to nearby Dwellings. However, the development will be conditioned to mitigate any potential noise, odour, smoke or other particulate emissions, or otherwise subject to compliance action. Historically, the use has not received complaints from local residents.</p> <p>The proposal is considered to have met the Performance Outcome.</p>
Flood Hazard Overlay Code	
<p>AO1</p> <p>The processing or storage of dangerous goods or hazardous materials is:</p> <p>(a) not undertaken in a flood hazard area on Flood hazard overlay maps (OM-004); or</p> <p>(b) is located above the defined flood level plus 300mm freeboard.</p>	<p>Alternative Solution</p> <p>The Flood Risk Management Plan details the process of early warning and preparedness to ensure any potential contaminants, including fuels, oil and objects are removed from the site or raised above the flood level onto the mezzanine floor.</p> <p>It is the responsibility of the Site Manager to ensure the processes in the Flood Risk Management Plan are understood and followed in a flood event. The plan will be updated every 2 years to ensure the plan maintains relevance to the flood risk.</p> <p>The proposal is considered to meet the Performance Outcome.</p>
<p>AO2</p> <p>Design levels for <i>buildings</i> must comply with the flood immunity standards specified in Table 8.2.4.2 and Table 8.2.4.3 where within a flood hazard area identified on Flood hazard overlay maps (OM-004).</p>	<p>Alternative Solution</p> <p>The proposed buildings are positioned below the 100 ARI flood level. It is considered that during and following a flood event, community infrastructure will not be impacted by the inundation of the buildings on-site. The applicant will be informed of the potential flood damage to structures on-site.</p> <p>The proposal is considered to meet the Performance Outcome.</p>
<p>AO3.1</p> <p>Uses within the following <i>Activity groups</i> are not located within an Extreme flood hazard area identified on Flood hazard overlay maps (OM-004):</p>	<p>Alternative Solution</p> <p>The proposed Transport Depot is used for the storage of vehicles and other related equipment. The proposed sheds will not be raised above the defined flood level.</p>

<p>(a) <i>Accommodation activities;</i></p> <p>(b) <i>Business activities;</i></p> <p>(c) <i>Centre activities, Community activities or Entertainment activities, except where for a Club with a maximum gross floor area of 100m²;</i></p> <p>(d) <i>Industry activities;</i></p> <p>(e) <i>Rural activities, except where for animal husbandry, cropping, and permanent plantation.</i></p> <p>AO4.1</p> <p><i>Buildings, including extensions to existing buildings are:</i></p> <p>(a) not located within an Extreme flood hazard area on Flood hazard overlay maps (OM-004); or</p> <p>(b) elevated above the <i>defined flood level</i>; and</p> <p>(c) elevated above the <i>defined flood level</i> plus 300mm freeboard where for <i>habitable rooms</i> within a <i>dwelling</i>.</p> <p>AO4.2</p> <p>All <i>building work</i> must be high set (comprising pier and beam construction) and retains the flood storage and conveyance capacity of the premises.</p> <p>AO5</p> <p>Where for Material Change of Use or Reconfiguring a Lot that involves new <i>gross floor area</i> or increases the number of persons living, working or residing in areas of High flood hazard area other than a <i>Dwelling house</i> - No acceptable outcome.</p> <p>AO8.2</p> <p><i>Where for business activities or industry activities buildings</i> the minimum floor level supporting the following elements of the development must be located above the <i>defined flood level</i> plus 300mm freeboard:</p> <p>(a) administrative areas;</p> <p>(b) utilities, plant and equipment associated with the <i>building</i>.</p>	<p>The applicant has provided justification against the Performance Outcome to illustrate compliance with the Flood Hazard Overlay.</p> <p>The Transport Depot use will ensure low numbers of people will be on-site to store vehicles or undertake basic maintenance. A Flood Risk Management Plan will be administered by the on-site Manager. The Plan highlights key evacuation routes, emergency kits and key emergency contact numbers. All equipment that poses a risk to people, property and the environment from carriage or pollution will be secured on-site, moved to the flood free mezzanine level or removed from the site prior to a flood event. The plan will be updated every 2 years to ensure the plan is relevant and understood by the Site Manager. The property owner understands the risk associated to on-site assets from flood impacts.</p> <p>The carport is slightly impacted by the Extreme Flood Overlay. It is considered that the Carport is an acceptable development and does not increase the vulnerability or safety to persons associated with the use.</p> <p>Building design will maintain flood conveyance through the site by allowing the flow of water through the sheds in a flood event. This will ensure limited increase of flood impact on adjoining premises and reduction of property damage.</p> <p>An Evacuation Plan has been provided as part of the Flood Risk Management Plan. The Evacuation Plan will ensure all people on-site are evacuated to a flood free area prior to flood impact. A visitor's register and emergency kit will be kept on-site. The Evacuation Route will be visible to all on-site and safe evacuation to the Chinchilla Golf Club will occur prior to a flood event.</p> <p>In the event of a flood, Charley's Creek rises predictably slow, allowing time for safe evacuation. Key hazard depth indicators are provided along Charleys Creek and upstream catchments. The Evacuation Plan has considered hazard control measures and provided contingency plans accordingly. The Evacuation Plan will be updated every 2 years and will be subject to compliance, to ensure flood risk to people and property are managed effectively.</p> <p>The proposal is considered to meet the Performance Outcome.</p>
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<p>AO8.3</p> <p>All <i>building work</i> below the <i>defined flood level</i> must be high set (comprising pier and beam construction) and retains the flood storage and conveyance capacity of the premises.</p> <p>AO8.4</p> <p>New <i>temporary</i>, relocatable or impermanent <i>buildings</i> and <i>structures</i> are to be anchored with the ability to withstand transportation by floodwater.</p> <p>PO9</p> <p>Flood risk management minimises the impact on property and appropriately protects the health and safety of persons at risk of High flood hazard, and:</p> <p>(a) indicates the position and path of all safe evacuation routes off the site; and</p> <p>(b) if the site contains or is within 100 metres of a flood hazard area, hazard warning signage and depth indicators are provided at key hazard points, such as at floodway crossings.</p>	
<p>AO4.3</p> <p>New <i>buildings</i> are provided with flood free pedestrian and vehicle evacuation access between the <i>building</i> and a flood safe accessible road.</p> <p>AO8.5</p> <p>New <i>buildings</i> are provided with flood safe pedestrian and vehicle evacuation access between the <i>building</i> and a flood safe accessible road.</p>	<p>Alternative Solution</p> <p>The entire site lies within High or Extreme Flood Hazard Areas. Flood free pedestrian and vehicle access between the site and Forrest Street is not possible.</p> <p>An Evacuation Plan has been provided as part of the Flood Risk Assessment. The Evacuation Plan will ensure all people on-site are evacuated to a flood free area prior to flood impact. A visitor's register and emergency kit will be kept on-site. The Evacuation Route will be visible to all on-site, and safe evacuation to the Chinchilla Golf Club will occur prior to a flood event.</p> <p>In the event of a flood, Charley's Creek rises predictably slow allowing time for safe evacuation. The Evacuation Plan has considered potential risks and worst-case scenarios, and provided contingency plans accordingly. The Evacuation Plan will be updated every 2 years and will be subject to compliance, to ensure Flood Risk to people and property are managed effectively.</p>

Infrastructure Services Code	
<p>AO3</p> <p>Development is provided with stormwater infrastructure in accordance with SC6.2 – Planning Scheme Policy 1 – Design and Construction Standards.</p>	<p>Alternative Solution</p> <p>Council does not intend to service the local area with underground stormwater infrastructure due to the limited fall available to effectively operate such infrastructure. The natural slope of the site will allow stormwater to discharge into the Forrest Street table drain.</p> <p>The use of the site as a Transport Depot will ensure minimal risk for potential pollutants to enter the receiving environment. However, spill kits will be provided on-site in the event of a spill.</p> <p>The stormwater management procedure will ensure roads, landscaping and drains are maintained. The vegetation buffers around the perimeter of the site will minimise drain erosion. Landscaping is weeded, mown and seeded appropriately. Sediment drains will be cleaned out annually prior to the wet season.</p> <p>The management plan is therefore considered appropriate and achieves the Performance Outcome.</p>
Transport Access and Parking Code	
<p>AO6</p> <p>Provision of parking for persons with disability and general access is to be made in accordance with the requirements of <i>Australian Standards AS1428 – Design for access and mobility</i> and <i>AS2890.6 – Parking facilities</i>, in relation to parking space width and location, manoeuvring areas for mobility aides, gradients, location of stairs, ramps, doorways and signage.</p> <p>AO9.3</p> <p>Car parking spaces for people with disability are designed and constructed in accordance with Australian Standard AS 2890.6 - Off-street parking for people with disabilities.</p>	<p>Alternative Solution</p> <p>The proposed Transport Depot will be used to store vehicles, machinery, and related equipment. It is not expected that people with a disability will visit the site for any purpose related to the Transport Depot. However, the site can accommodate a person requiring disability parking on-site if required.</p> <p>Therefore, the proposed development is considered to comply with the Performance Outcome.</p>
<p>AO7</p> <p>Bicycle parking is to be provided in accordance with the requirements identified in <i>Australian Standards AS2890.3</i> and <i>Austrroads' Guide to Traffic Management Part 11: Parking</i></p>	<p>Alternative Solution</p> <p>The proposed Transport Depot will be used to store vehicles, machinery and related equipment. It is not expected that any person would visit the site on a bicycle for any purpose related to the Transport Depot. In the event bicycle parking is required, informal spaces and structures can be used to safely store and park bicycles.</p> <p>Therefore, formalised bicycle parking is not required.</p>

3.1 Strategic Plan

Western Downs Planning Scheme 2017 incorporating Amendment 1

Under the current Scheme, development within a High or Extreme Flood Hazard Area is Impact Assessable development. As such, the below table highlights the applicable sections in the Strategic Plan that relates to development and flooding in the region.

3.2 Strategic Intent	Officer's Comments
<p>3.2.2 Opportunities and Challenges</p> <p>(1) The following opportunities and challenges are the most significant issues expected to define future development within the region (but are not limited to), and set out the key matters the strategic plan and/or planning scheme as a whole seek to address.</p> <p>3.2.2.5 Natural Hazards and Climate Change</p> <p>(1) Flood is a natural hazard facing urban and non-urban areas in the Western Downs and represents a constraint to the development of existing Urban areas including Dalby, Chinchilla, Miles, Tara and Jandowae. Flood hazard also limits the urban expansion options for many Urban areas.</p>	<p>The subject site lies within the High and Extreme Flood Hazard Overlays. This significant constraint has influenced the land use zoning of the surrounding area and design requirements for proposed development. Due to the significant flood impacts, Council has zoned the area Medium Impact Industry to attract uses that reduce the number of people residing in the Extreme Flood Hazard Area, and reduce the potential for significant property damage. Development in the Flood Hazard Area must also incorporate design features resilient to the flood hazard.</p> <p>A Transport Depot is a development type that reduces the number of people in the local area and able to withstand and recover quickly following a flood event. The applicant has provided an Evacuation Plan that will ensure safe evacuation of the site to limit the potential risk to people and property.</p>
3.3 Livable Communities and Housing	Officer's Comments
<p>3.3.1 Strategic Outcomes</p> <p>(11) The health, wellbeing and safety of the community are fundamental elements of the identity and character of the communities of the Western Downs. All residents, both temporary and permanent, participate in the rich community life of the region and generate high levels of social capital that promote community cohesion.</p> <p>3.3.7 Element - Safe Communities</p> <p>3.3.7.1 Specific Outcomes</p> <p>(1) Development is designed and located to minimise the risk to human safety from natural hazards such as bushfire, flooding or landslide.</p>	<p>The Transport Depot will ensure that low numbers of people will be on-site at any one time. The applicant has provided a safe evacuation procedure that will ensure all people on-site will be evacuated prior to a significant flood event. The Evacuation Plan will be updated every 2 years to maintain relevance to the flood risk. The Evacuation Plan includes procedures accounting for personnel, emergency kit, evacuation of the site to the Evacuation Centre and a list of emergency contacts. Potentially hazardous materials on-site will be moved to a safe Flood Hazard Area prior to a flood event.</p>

3.7 Safety and Resilience to Hazards	Officer's Comments
<p>3.7.1 Strategic Outcomes</p> <p>(2) The potential impacts of climate change and natural hazards can have detrimental impacts to our region's communities. The location, scale and intensity of development are considered in all land use decisions to minimise the exposure of people and property to natural hazards.</p> <p>(5) Development involving storage and disposal of hazardous materials and hazardous chemicals, dangerous goods and flammable or combustible substances, is to be located and managed to avoid and mitigate potential adverse impacts on surrounding uses, and minimise the health and safety risks to communities and individuals.</p> <p>3.7.2 Element - Natural Hazards</p> <p>3.7.2.1 Specific Outcomes</p> <p>(3) The risk of loss of life and property due to flood hazards, including that associated with a greater frequency of extreme weather events and increased rainfall intensities as a result of climate change is minimised.</p>	<p>The Transport Depot is a use that is more suited to the Flood Hazard Area. The on-site equipment and people can be evacuated quickly, reducing the potential risk to people and property. The scale of development on the site is appropriate, maintaining flood conveyance through the existing structures. Potential pollutants can be stored on the mezzanine level above the defined flood level. The applicant has been conditioned to update the evacuation procedure every 2 years to maintain relevance to the flood risk.</p>

3.2 Zone Code

Medium Impact Industry Zone Code

The subject site is located within the Medium Impact Industry Zone under the Western Downs Planning Scheme 2017 incorporating Amendment 1. The Medium Impact Industry Zone Code supports industrial development that maintains and protects the character and amenity of properties within this Zone. The proposal for a Transport Depot is a development type that is supported within this Zone. Performance Outcomes were required for building setbacks and proximity to accommodation activities.

It has been determined, considering the use as a Transport Depot and the proposed design, the proposal meets the expectations of the Medium Impact Industry Zone Code.

3.3 Overlay Codes

Natural Resources Overlay Code

The site is identified as Class A Agricultural Land and an Extractive Industries (Authority To Prospect and Pipeline Lease) area. However, the subject site is in an Industry Zone and therefore the Natural Resources Overlay Code is not applicable.

Flood Hazard Overlay Code

The subject site and surrounding local area are impacted by the Flood Hazard Overlay. Development within the Overlay must maintain the hydrological function of the land and must not increase the risk of flood impacts to people or property.

The development is considered to meet the applicable Performance Outcomes and Purpose of the Overlay Code, considering the use of the site, adaptive design features and flood management procedures.

3.4 Development Codes

Infrastructure Services Code

The risk to infrastructure from flood hazard has resulted in a "low amenity" resolution by Council for the local area. As such, the stormwater infrastructure requirements in the Planning Scheme Policy do not apply. Alternatively, stormwater management will focus on maintaining existing overland flow paths and good quality stormwater discharge. The applicant has demonstrated in the Stormwater Management Plan how these objectives will be met.

Transport, Access and Parking Code

The Transport Depot proposal provides adequate access, manoeuvring and parking to service the site appropriately. Bicycle and disability parking have not been provided, as the demand for these services is not expected to be high.

4. Public Notification

The application for a Material Change of Use to establish a Transport Depot on a site mapped as Extreme Flood Hazard Category is Impact Assessable in the Western Downs Planning Scheme 2017 incorporating Amendment 1.

As a result, the applicant undertook Public Notification in accordance with the Planning Regulation 2017 and the Development Assessment Rules. The applicant:

- published a notice in the Chinchilla News on 11 June 2020;
- placed a notice on the frontage of the land from 11 June 2020 until 15 June 2020; and
- posted letters to adjoining land owners on 9 June 2020.

During the Comment Period of the public notification, no submissions were received in relation to the proposed development.

Consultation (Internal/External)

Internal

Council's Consultant Development Engineer has assessed the development application and provided advice and recommended conditions of approval where applicable.

Council's Acting Planning and Environment Manager has reviewed the Report and provided comments where necessary.

Legal/Policy Implications (Justification if applicable)

An applicant may elect to appeal against Council's decision in accordance with the relevant Section of the *Planning Act 2016*, which states:

"Chapter 6 Dispute Resolution

Part 1 Appeal Rights

229 Appeals to Tribunal or P&E Court

- (1) Schedule 1 states -
- (a) matters that may be appealed to -
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person -
 - (i) who may appeal a matter (the **appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is -
- (a) for an appeal by a building advisory agency - 10 business days after a Decision Notice for the decision is given to the Agency; or
 - (b) for an appeal against a deemed refusal - at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under Chapter 7, Part 4, to register premises or to renew the registration of premises - 20 business days after a Notice is published under Section 269(3)(a) or (4); or
 - (d) for an appeal against an Infrastructure Charges Notice - 20 business days after the Infrastructure Charges Notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a Decision Notice has not been given - 30 business days after the applicant gives the Deemed Approval Notice to the Assessment Manager; or
 - (f) for any other appeal - 20 business days after a Notice of the decision for the matter, including an Enforcement Notice, is given to the person.

Note - See the P&E Court Act for the Court's power to extend the appeal period."

Budget/Financial Implications

NIL

Conclusion

The proposed development has been assessed against the requirements of the Western Downs Planning Scheme 2017 incorporating Amendment 1.

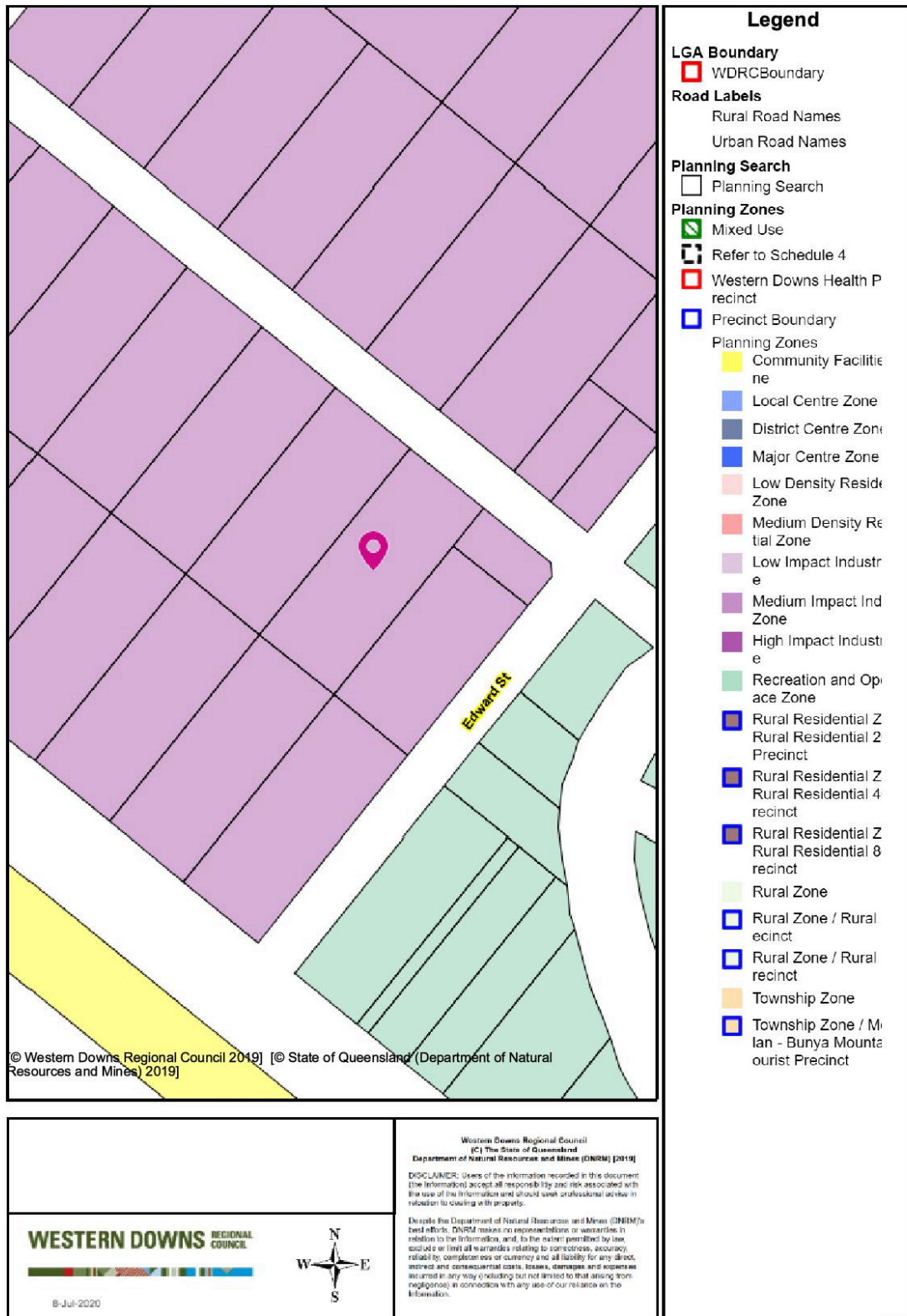
The primary site constraint was the significant flood impact on the site, raising the level of assessment to Impact. The applicant provided a Flood Risk Management Plan that was assessed against the requirements in the Flood Hazard Overlay Code. The Transport Depot was considered a compatible use considering the potential flood risk and Medium Impact Industry zoning. There were no submitters against the proposal.

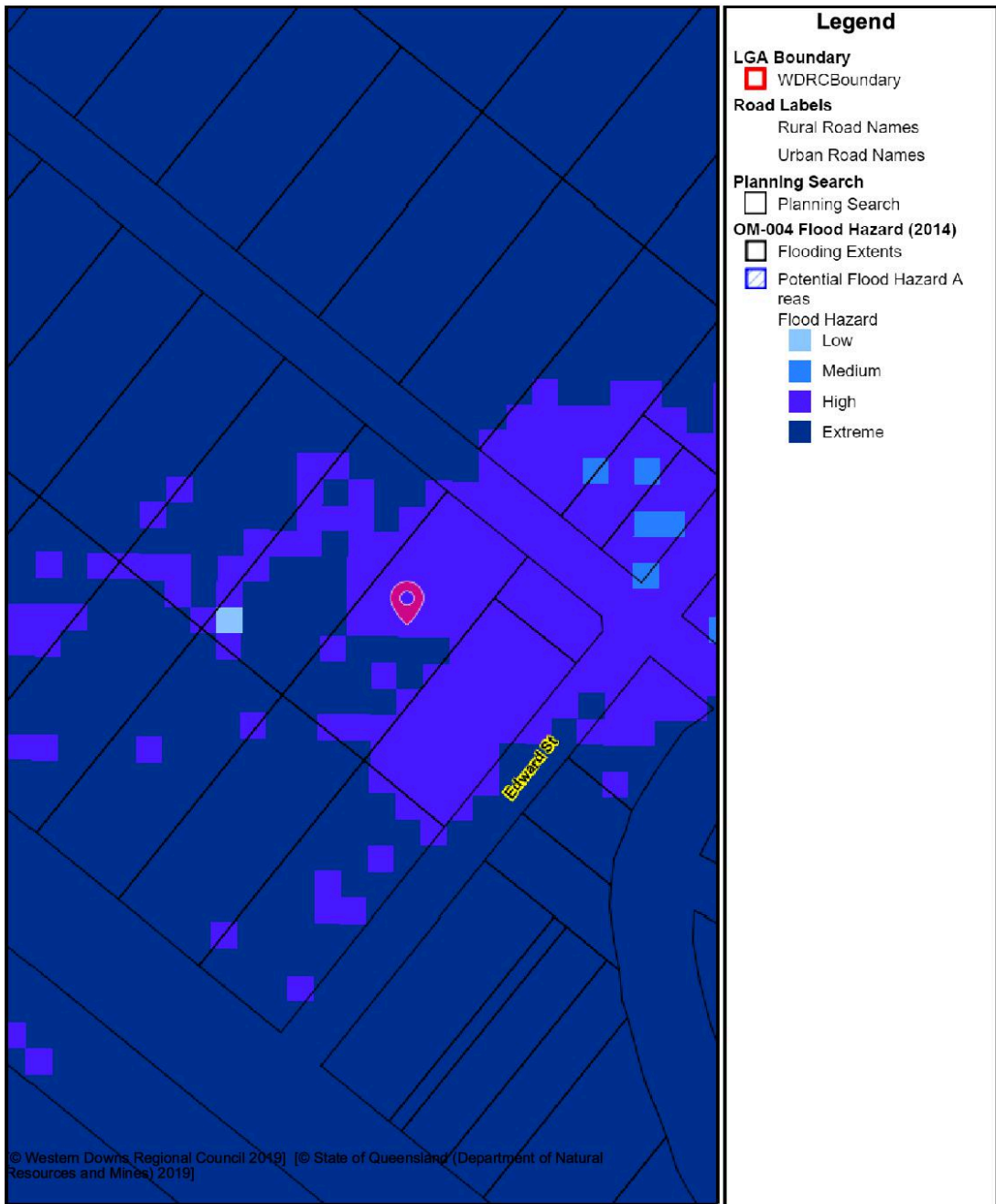
Attachments

1. Attachment 1 - Locality Plans
2. Attachment 2 - Proposal Plans
3. Attachment 3 - Proposed Flood Risk Management Plan
4. Attachment 4 - Infrastructure Charges Notice

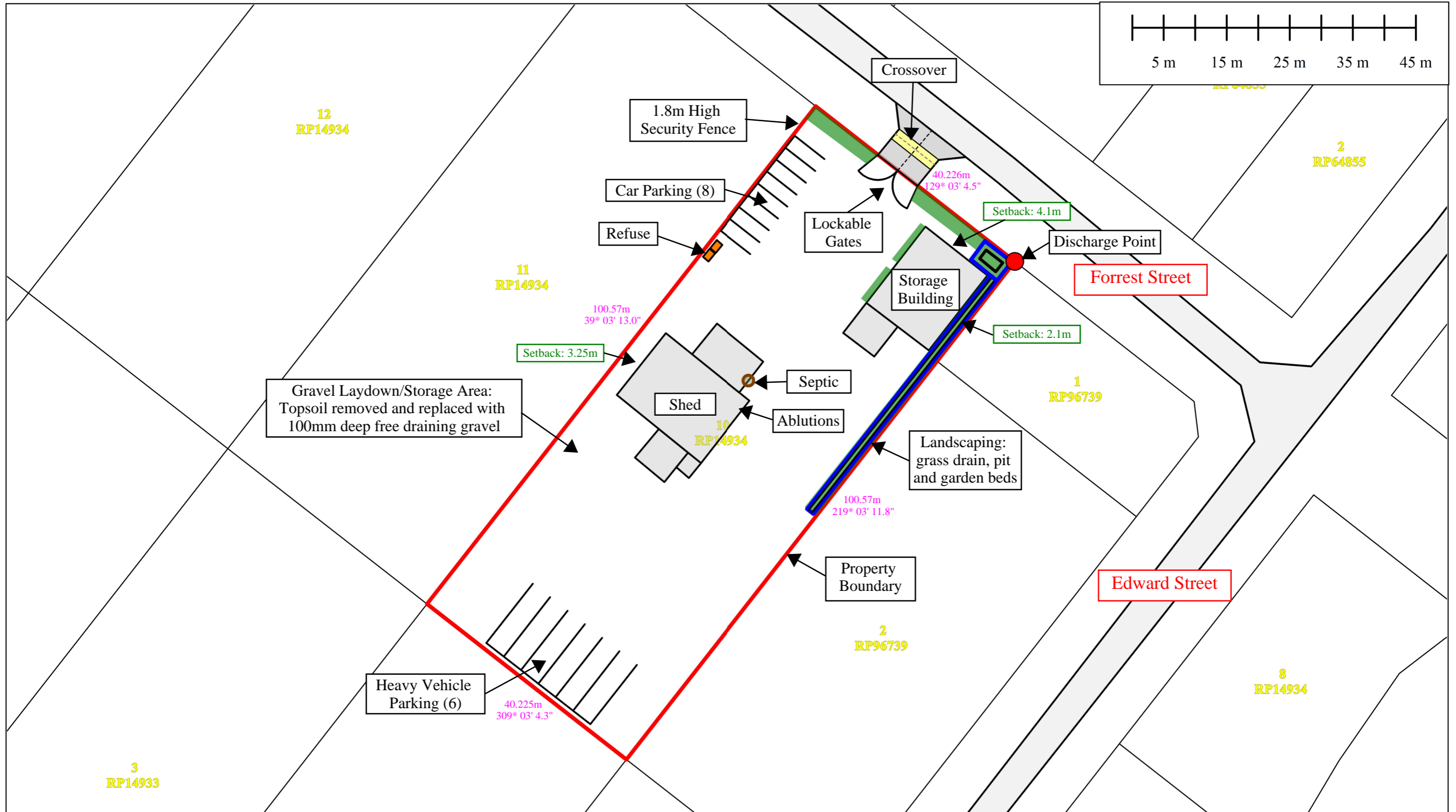
Authored by: M Hiscock, GRADUATE PLANNING OFFICER DEVELOPMENT ASSESSMENT

Attachment 1 - Locality Plans





<p>WESTERN DOWNS REGIONAL COUNCIL</p>	<p>Western Downs Regional Council (C) The State of Queensland Department of Natural Resources and Mines (DNRM) [2019]</p> <p>DISCLAIMER: Users of the information recorded in this document (the Information) accept all responsibility and risk associated with the use of the Information and should seek professional advice in relation to dealing with property.</p>
<p>8-Jul-2020</p>	<p>Despite the Department of Natural Resources and Mines (DNRM)'s best efforts, DNRM makes no representations or warranties in relation to the Information, and, to the extent permitted by law, exclude or limit all warranties relating to correctness, accuracy, reliability, completeness or currency and all liability for any direct, indirect and consequential costs, losses, damages and expenses incurred in any way (including but not limited to that arising from negligence) in connection with any use of our reliance on the Information.</p>

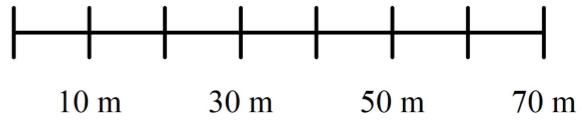
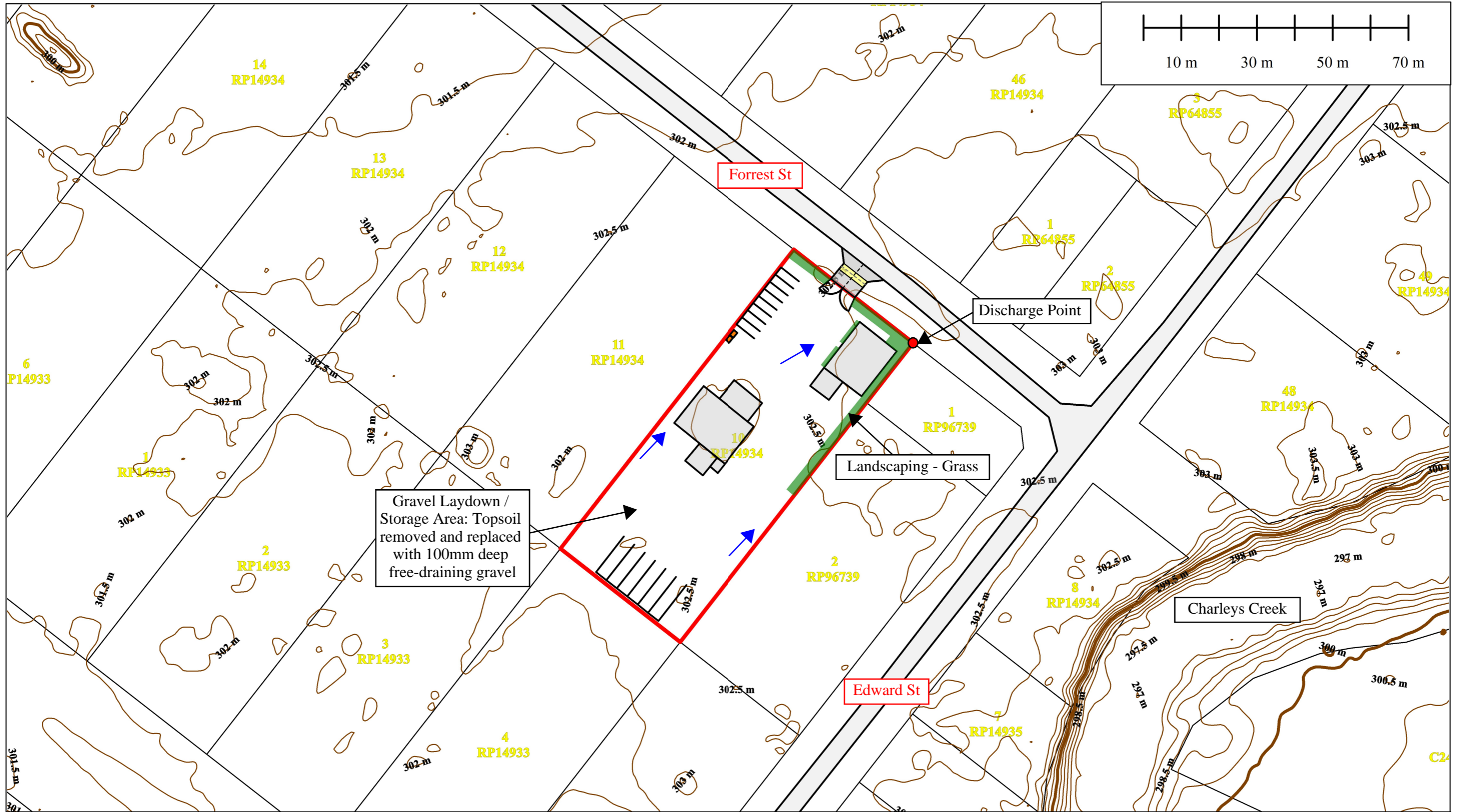


Site Coverage (Total 4,047m²)
 Landscaping Areas: 179m² (4.4%)
 Covered Areas: 550m² (13.6%)
 Balance Area (Gravel Laydown): 3,318m² (82%)



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Title		Site Layout Plan - Transport Depot 4-6 Forrest St Chinchilla	
Project No	AUQ00243	Drawing No	SLP001-4
Drawn	CM	Checked	NV
Scale	1:600 (A3)	Datum	GDA94
Date	03/06/2020	Status	Version 4



LEGEND

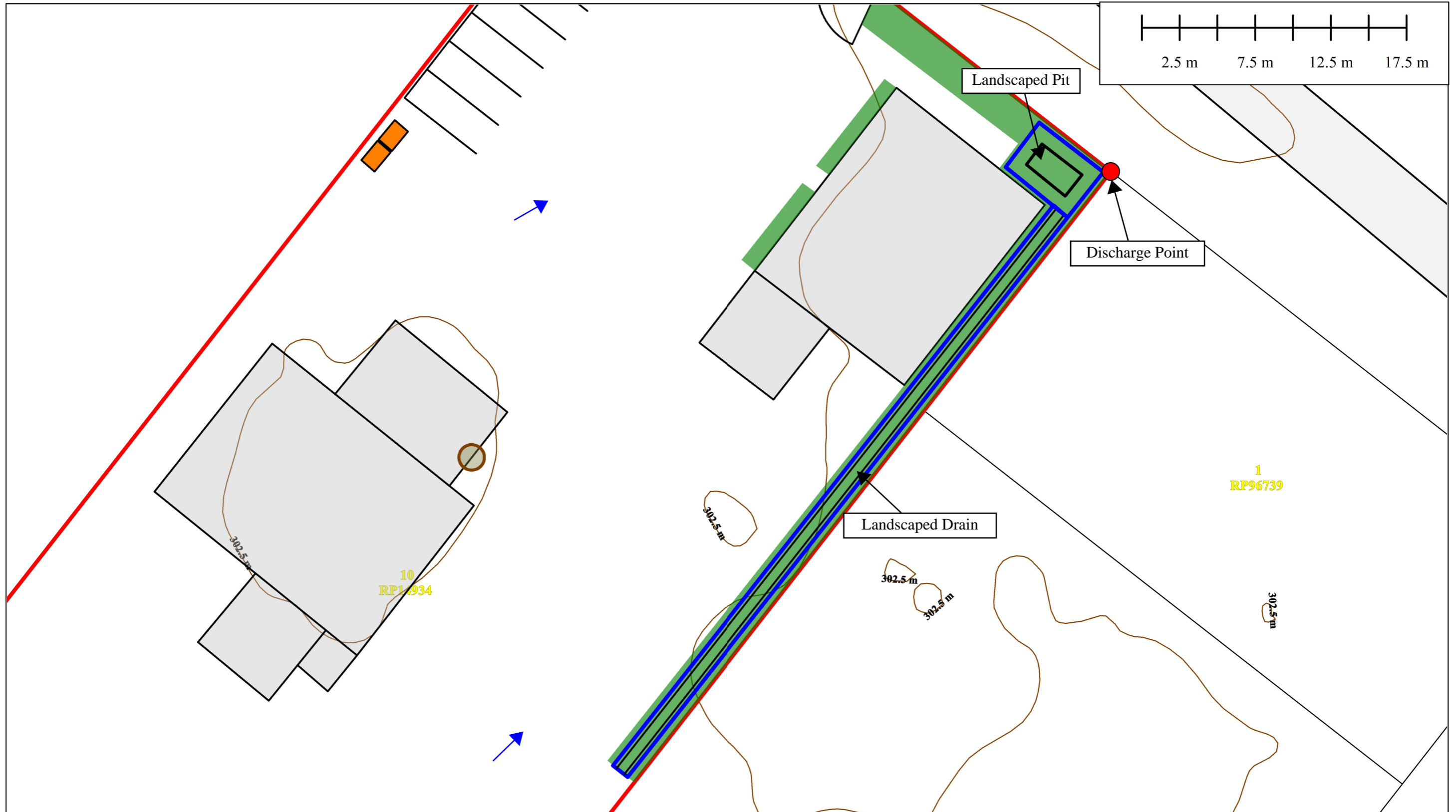
- Stormwater Flows
- Discharge Point





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0.5m Contours from LiDAR Western Downs LGA 2010 Project Chinchilla, 1m DEM.


Title			
Stormwater Plan - Transport Depot 4-6 Forrest St Chinchilla			
Project No	AUQ00243	Drawing No	SP001-2
Drawn	CM	Checked	NV
Scale	1:1,000 (A3)	Datum	GDA94
Date	19/03/2020	Status	Version 2



LEGEND

-  Stormwater Flows
-  Discharge Point

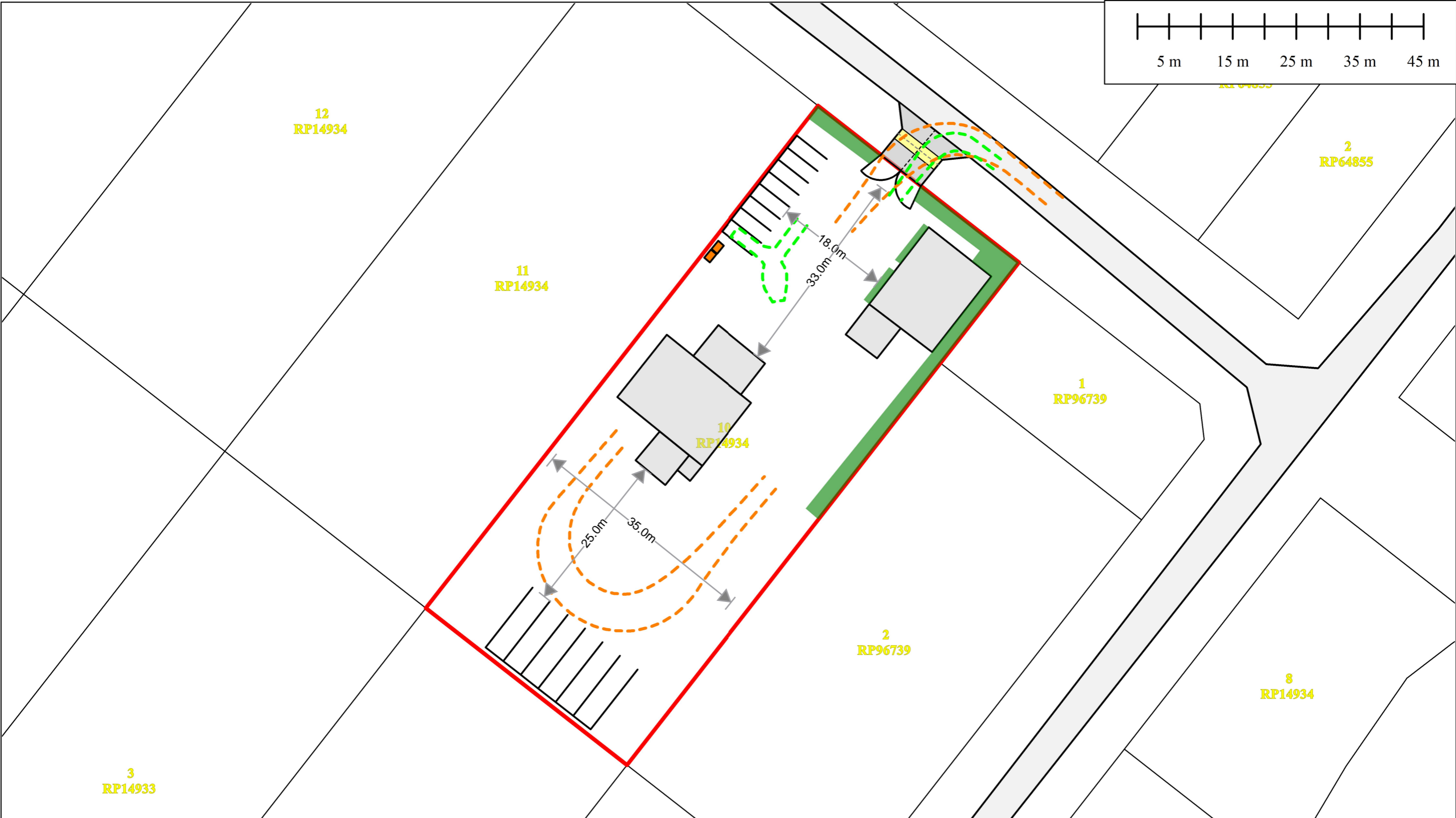
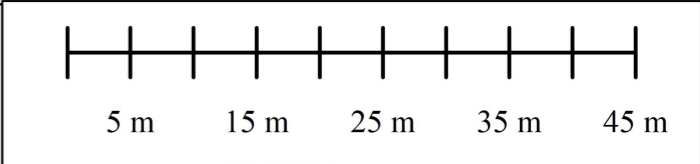
0.5m Contours from LiDAR Western Downs LGA 2010 Project Chinchilla, 1m DEM.




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Title		Stormwater Detail Plan - Transport Depot 4-6 Forrest St Chinchilla	
Project No	AUQ00243	Drawing No	SP002-1
Drawn	CM	Checked	NV
Scale	1:250 (A3)	Datum	GDA94
Date	03/06/2020	Status	Version 1

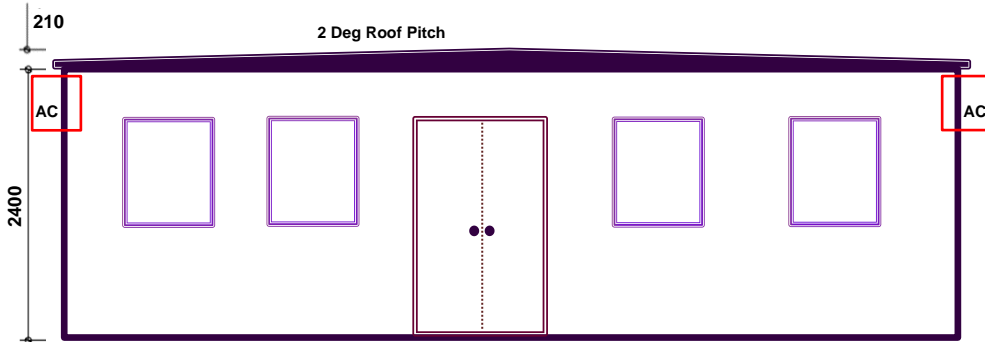
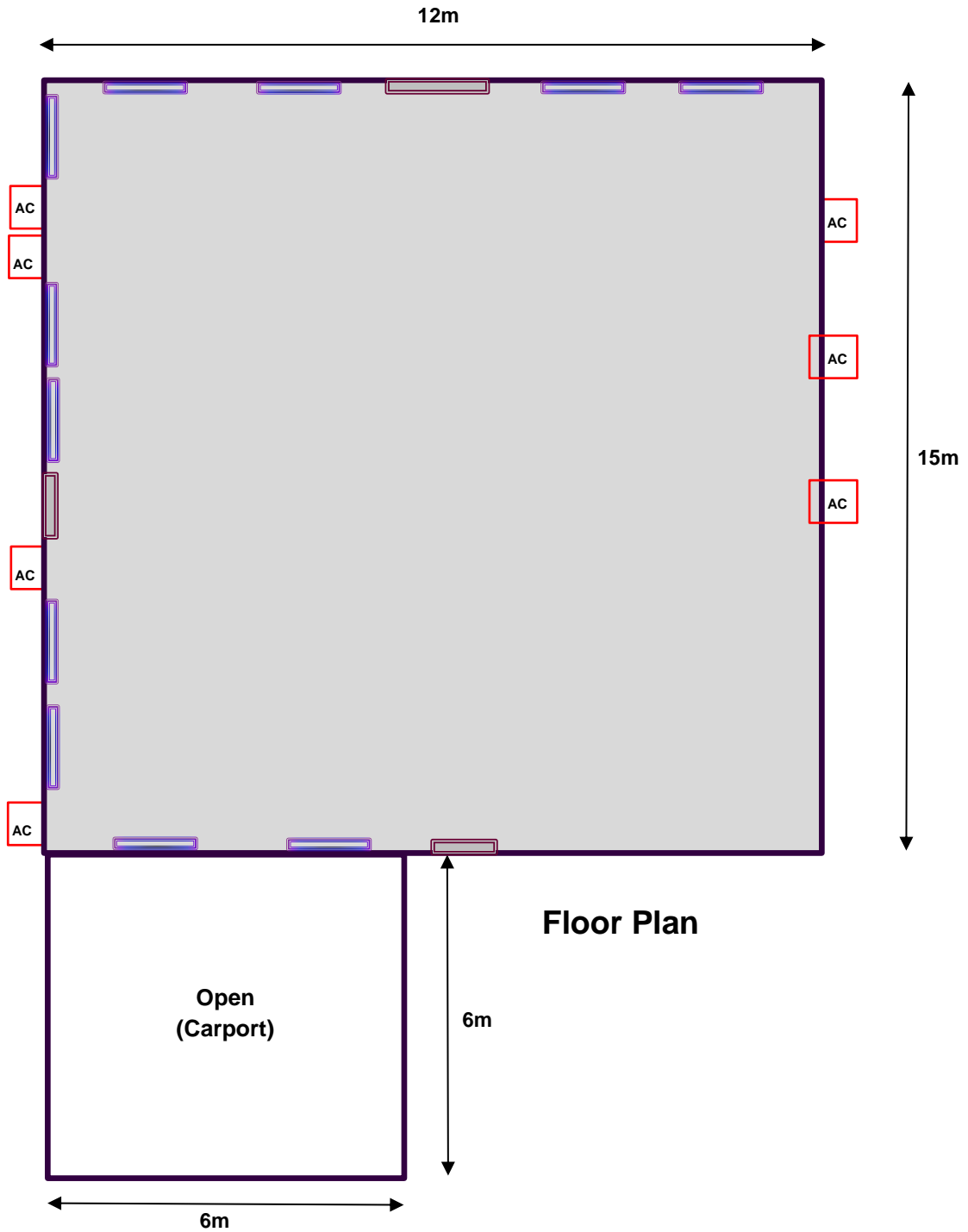


- Turning Path Single Unit Truck (12.5m)
- Turning Path Passenger Vehicle (5.2m)

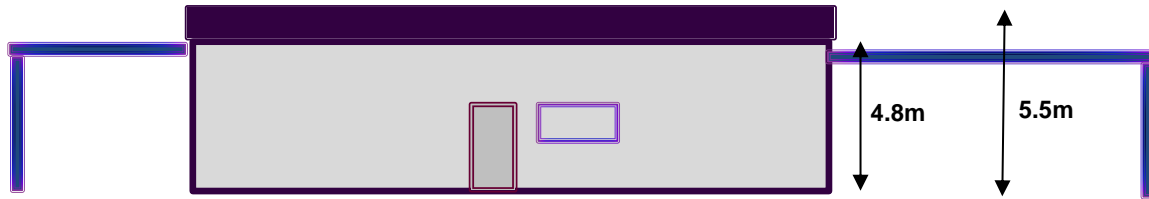


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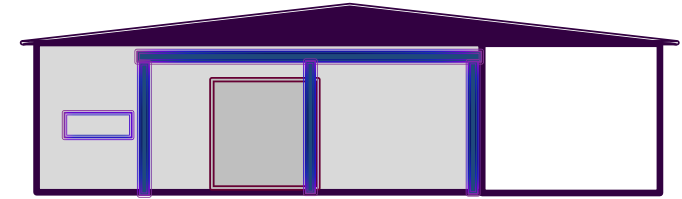
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Drawn	CM	Checked	NV
Scale	1:600 (A3)	Datum	GDA94
Date	18/03/2020	Status	Version 1



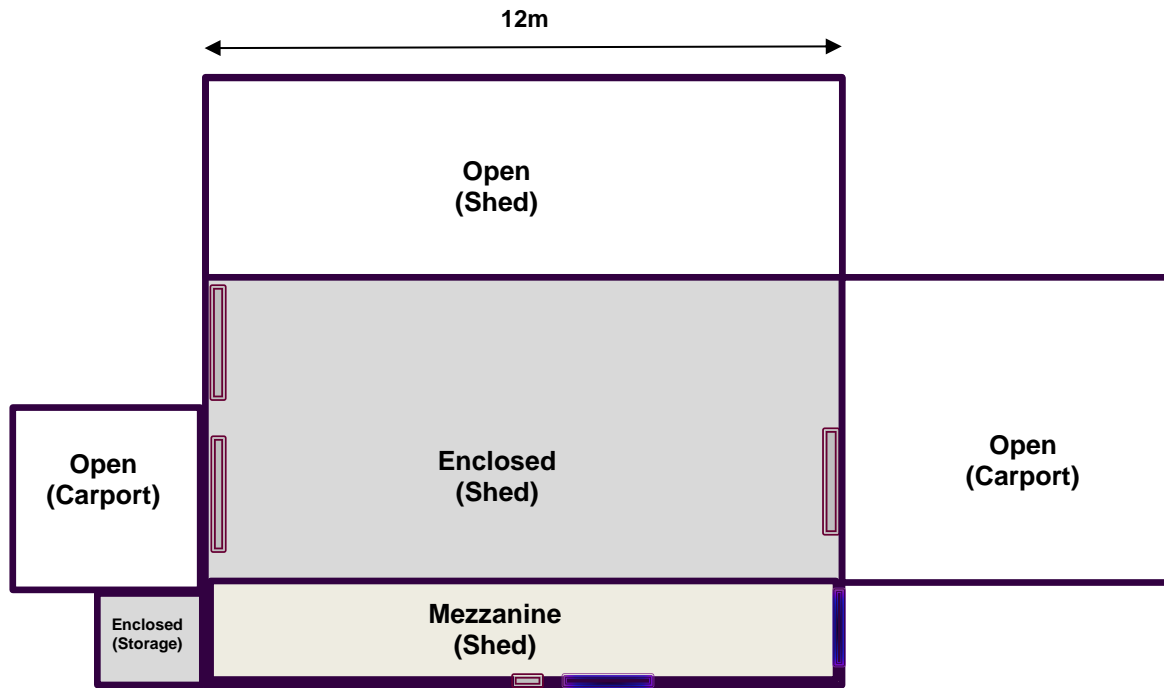
	<p>AUSROCKS</p> <p>CONSULTING MINING ENGINEERS</p> <p>Ausrocks Pty Ltd PO Box 359 Virginia BC QLD 4014</p> <p>Phone: (07) 3265 3399 www.ausrocks.com.au</p>	Title: MPC CONTRACTING STORAGE BUILDING PLAN	
		Project No: AUQ00243	Drawing No: MCSBP001
		Drawn: NV	Checked: CM
		Scale: Not to scale	Datum: -
		Date: 19/03/2020	Status: Final



Right




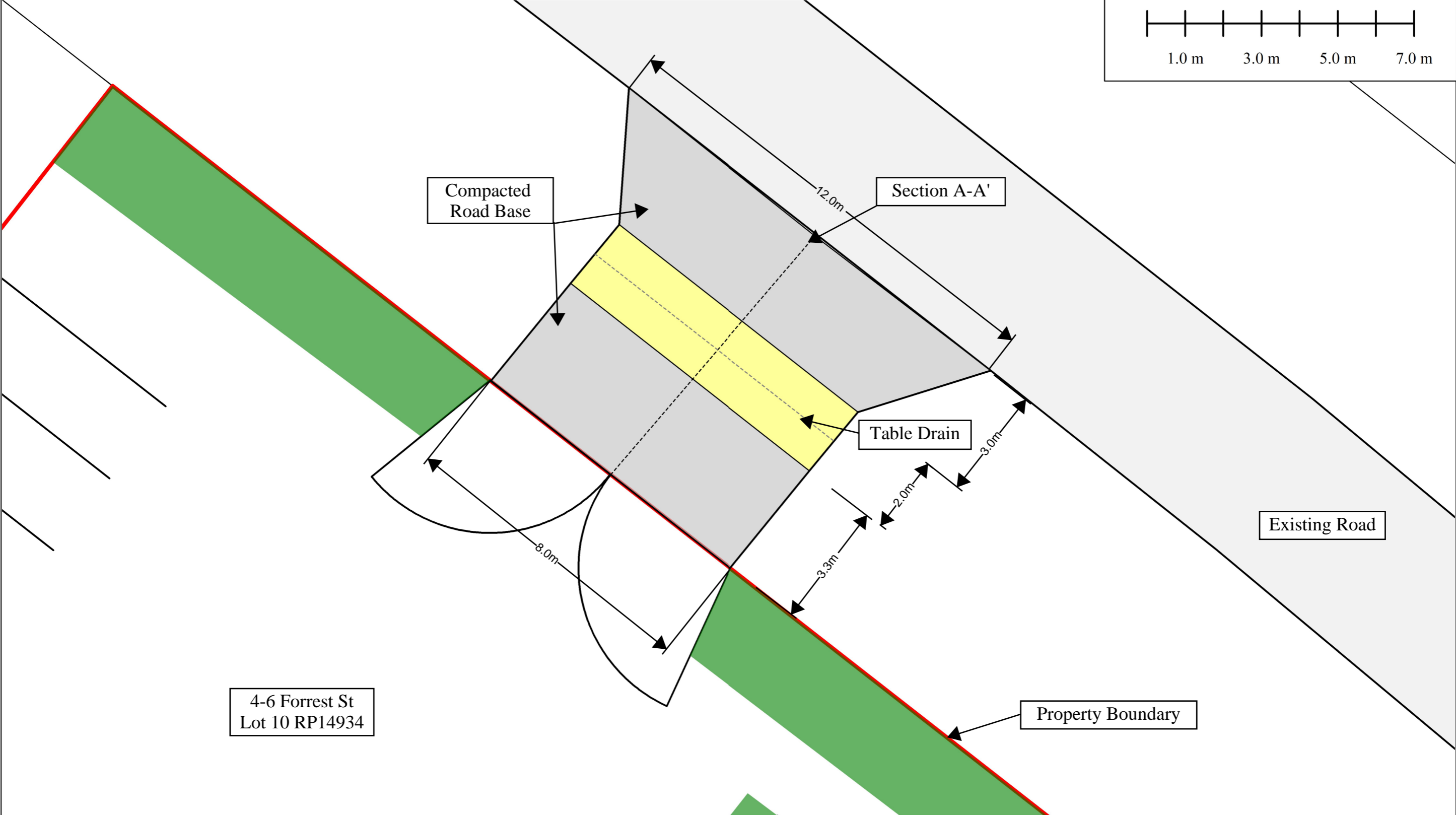
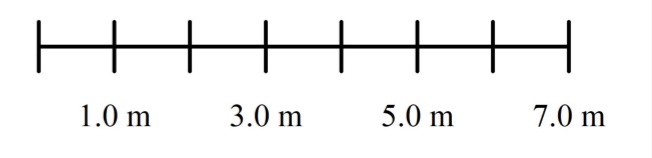
Front



Floor Plan

17m

	AUSROCKS CONSULTING MINING ENGINEERS Ausrocks Pty Ltd Phone: (07) 3265 3399 PO Box 359 www.ausrocks.com.au Virginia BC ABN: 64 056 939 014 QLD 4014		Title MPC CONTRACTING SHED PLAN	
	Project No AUQ00243	Drawing No MCSP001		
	Drawn NV	Checked CM		
	Scale Not to scale	Datum -		
	Date 19/03/2020	Status Final		



4-6 Forrest St
Lot 10 RP14934

Property Boundary

Existing Road

Compacted
Road Base

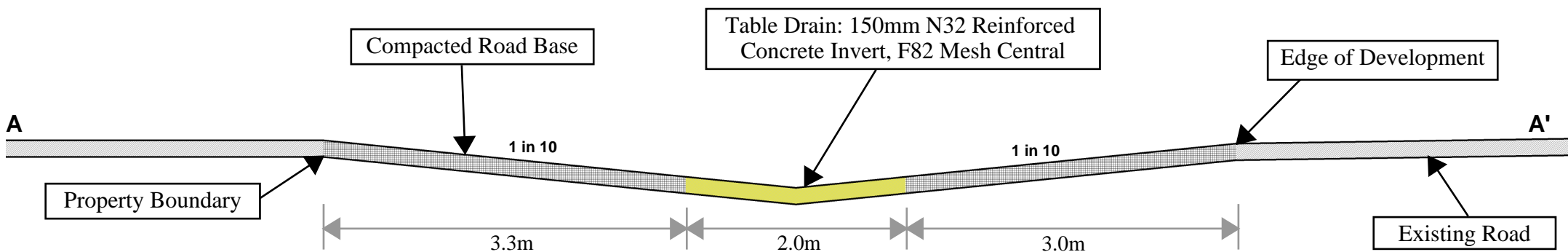
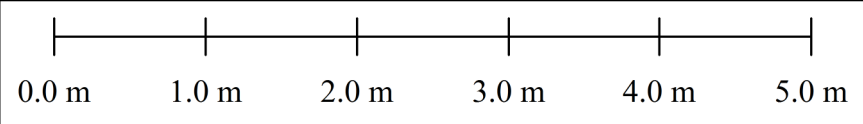
Section A-A'

Table Drain



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Title		Crossover Plan 1 - Transport Depot 4-6 Forrest St Chinchilla	
Project No	AUQ00243	Drawing No	CP001-1
Drawn	CM	Checked	NV
Scale	1:100 (A3)	Datum	GDA94
Date	18/03/2020	Status	Version 1



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Title		Crossover Plan 2 - Transport Depot 4-6 Forrest St Chinchilla	
Project No	AUQ00243	Drawing No	CP002-1
Drawn	CM	Checked	NV
Scale	1:50 (A4)	Datum	GDA94
Date	18/03/2020	Status	Version 1



MPC Contracting

4-6 Forrest St Chinchilla

Flood Risk Management Plan

March 2020

AUQ00243

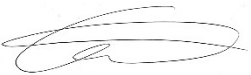
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1 INTRODUCTION

This Flood Risk Management Plan has been prepared for MPC Contracting for the proposed Transport Depot development on land described as Lot 10 RP14934. The site is located approx. 1km northwest of the Chinchilla town centre and 120m north of the Warrego Highway. It has a total property area of approx 4047m² and is situated within the Western Downs Regional Council (WDRC). Figures 1.1 and 1.2 show the property location. This Flood Risk Management Plan (FRMP) addresses the management of risks posed by flooding at the property. The FRMP has been developed using the WDRC Planning Scheme Flood Hazard Overlay Code (March 2017).

FIGURE 1.1 - SITE CADASTRAL MAP

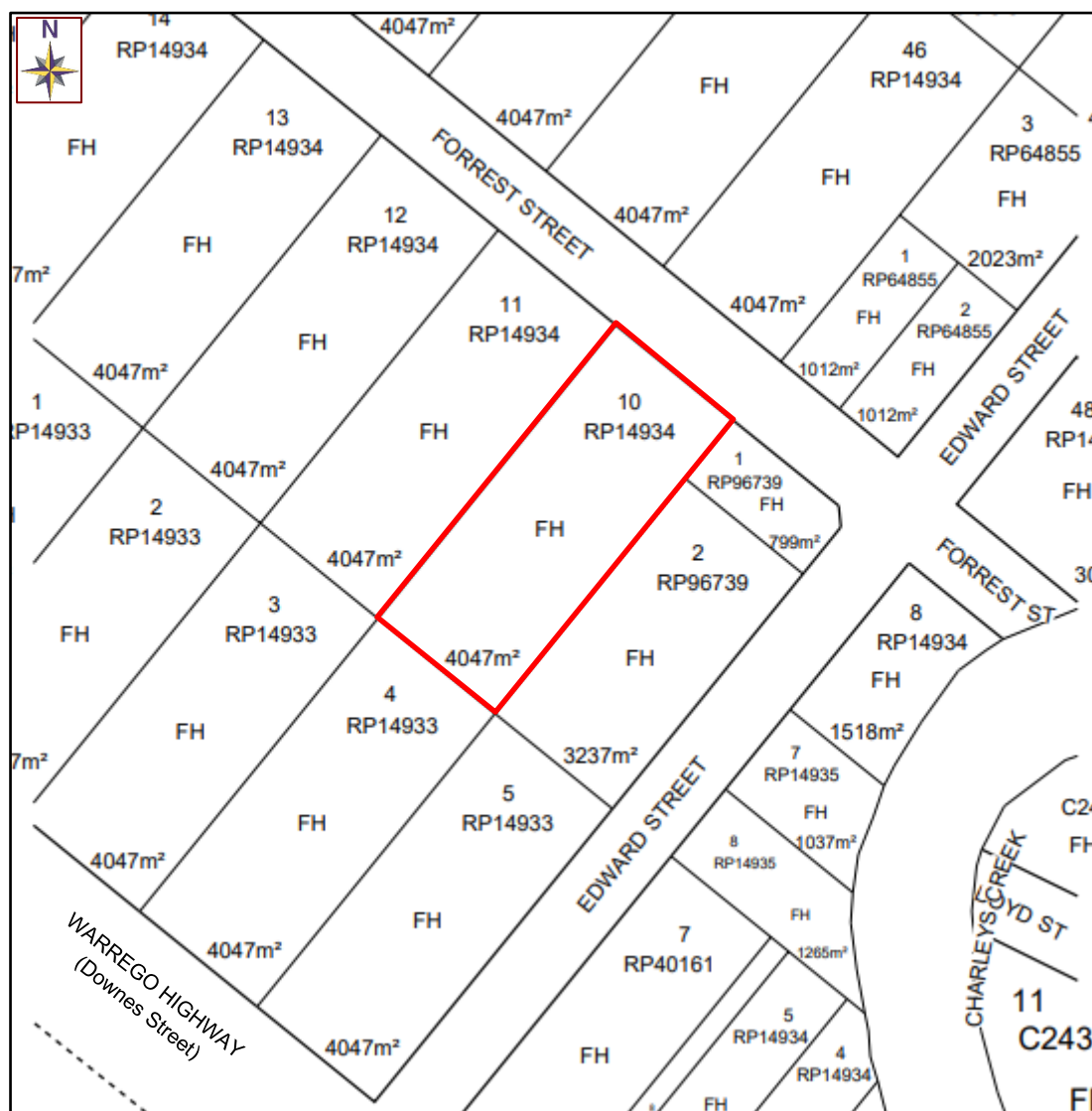


FIGURE 1.2 - AERIAL PHOTO OF THE SITE



2 SITE CHARACTERISTICS

The property lies approximately 82m Northwest of Charleys Creek adjacent to Edward St. Information provided by the WDRC indicates that the property lies within the High Hazard Zone and partially within the Extreme Hazard Zone of the Flood Mapping 2014. It should be noted that a significant proportion of the Chinchilla industrial area is covered by this Extreme Hazard Zone. The mapping also indicates a Water Depth over the site of 0.76m to 1.4m during the Defined Flood Event (DFE). It should be noted however that Chinchilla has not recorded any instances of the DFE (100 year ARI) since flood records began. The site is essentially flat, with a gentle slope falling approx 0.55m from the Northeast corner to the Southwest corner. The low point on site is a small hollow just inside the Southwest boundary at 302mRL (AHD).

FIGURE 2.1 - FLOOD MAPPING 1:100 AEP HAZARD CLASSIFICATION

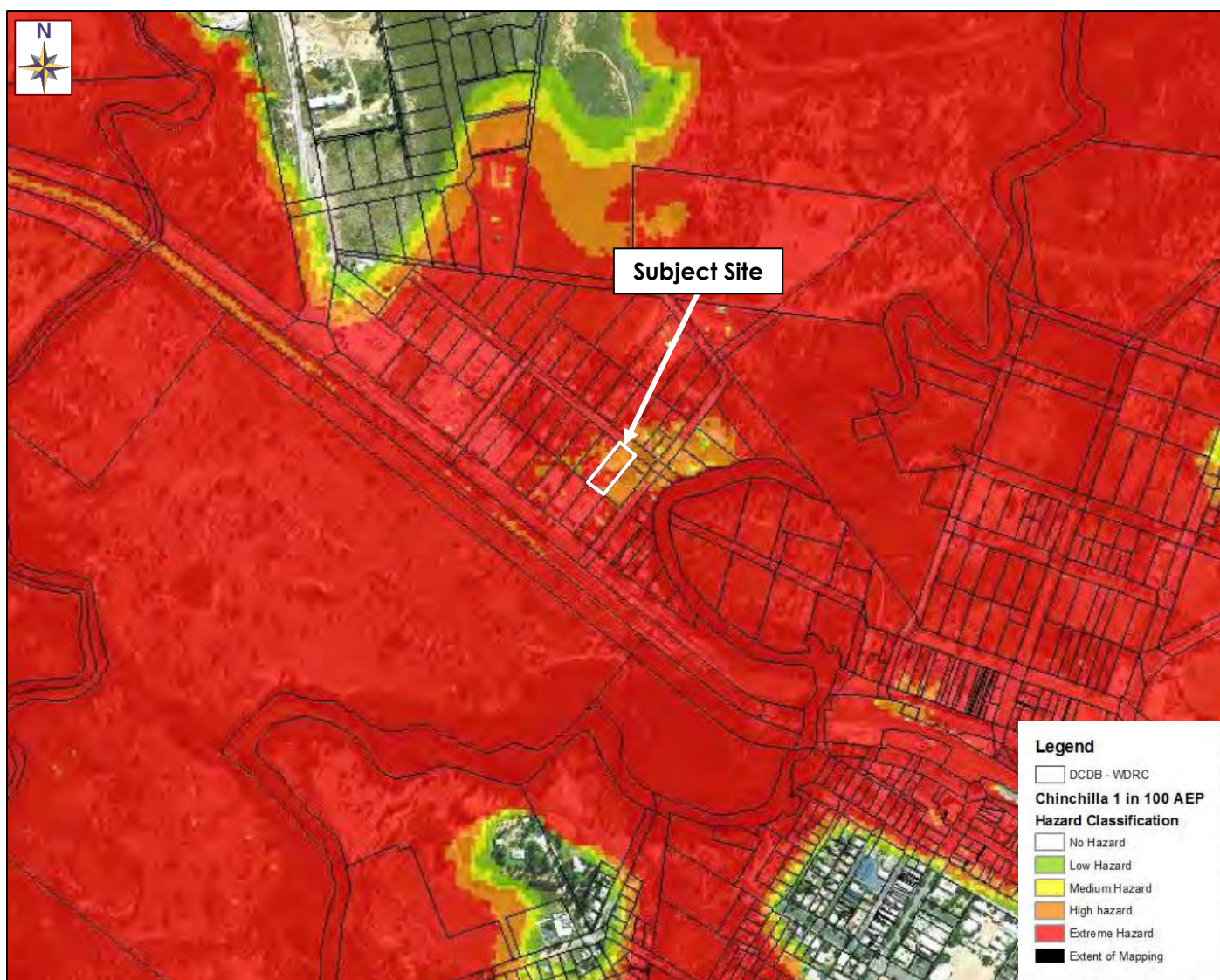


FIGURE 2.2 – EXTRACT FROM WESTERN DOWNS REGIONAL COUNCIL PLANNING SCHEME
FLOOD HAZARD OVERLAY MAP OM-004.24



FIGURE 2.3 – 2011 FLOOD LEVEL PEAK



Source: <https://floodcheck.information.qld.gov.au/>

3 ASSESSMENT OF FLOOD RISK

An assessment of flood risk has been conducted for the proposed operations. The definition of a flood under the State Planning Policy Guideline is;

- Flood: the temporary inundation of land by expanses of water that overtop the natural or artificial banks of a watercourse i.e. a stream, creek, river, estuary, lake or dam.

The town of Chinchilla has experienced significant flood events in 1942, 1956, 1983 and 2010/11. Of these floods the 1942 flood is the highest recorded with an estimated 20 to 50 year ARI. The most recent flood event during December 2010/January 2011 was approximately a 35 year ARI. During this event floodwaters from Charleys Creek rose slowly and predictably up to a depth of 450mm above the ground level at the lowest point on site (300mRL). However, a 100 year ARI flood level (303.41mRL AHD) is predicted to cause water depths of up to 1.4m above ground level, which poses a greater risk to life and property. In the event of a 100 year ARI flood it is expected that the site would require evacuation to the nearest safe refuge. It is considered that there is sufficient warning available during these flood events with upstream flood indicators at nearby locations along Charleys Creek (Seven Oaks TM) and the upstream catchments.

Although the proposed development is located within the Extreme and High levels of Flood Severity it is argued that the use is still appropriate with the use of special controls (listed in **Sections 4 & 5**).

3.1 FLOOD HAZARD IDENTIFICATION

An assessment has been undertaken to identify the potential hazards due to flooding at the site, the findings are displayed in **Table 3.1**.

TABLE 3.1: HAZARD IDENTIFICATION

Item	Potential Hazard/s	Hazard Control Measures
1	Flood event occurs during a time of inadequate telephone communications.	As the site is located within close proximity to the town (not remote), the local SES will alert properties within the vicinity of the flood area in person. The site is easily accessed by the local road network. Unlikely that a flood event would coincide with issues in mobile telecommunications.
2	Flood event causes significant property damage	The operator understands the commercial risk of working within the flood zone and has adequate insurances. Given that sufficient notice is available, items with significant value may be removed from the property during the evacuation.
3	Flooding occurs quicker than expected and traps personnel at the site	Unlikely that flooding would reach the development without prior notification as the creek is visible from the site; however as a last resort evacuation via Forrest St, then Edward street then the Warrego Highway is available prior to the floodwaters reaching the site. If personnel become stranded on site refer to the emergency kit for first aid and supplies, climb to roof of the shed or office and contact emergency services.
4	Visitor/staff are left behind during an evacuation	Visitors are accounted for by the visitors register at site office, Site Manager is responsible for communicating to all staff during an emergency. The site is relatively small and verbal alerts are considered suitable for gaining the attention of all personnel.
5	Temporary disruption to power, communication and other services during minor flood events.	Two phone services are provided to the site - mobile and landline, during flood events it is unlikely that both services would be unavailable at the same time. Resort to other methods of communication such as UHF, radio or TV if phone services are disrupted. If other services are disrupted during operating hours the Site Manager will assess situation and determine if work can safely continue at the site during the minor flood event.

6	Flood waters block evacuation route	The designated evacuation route is along slightly lower ground than the site, personnel will have to be mindful of early warning devices or announcements about the status of the Warrego Highway travelling West from Chinchilla. Personnel will leave the site prior to the highway being flooded and therefore it is unlikely that personnel would be trapped by floodwaters. Due to the proposed use as industrial, it is considered unlikely that personnel on site would be unaware of the rising floodwaters.
7	Material capable of being moved by floodwaters causes damage	If sufficient warning time is provided, items on site that may cause damage when moved by floodwaters shall be removed from site or sufficiently secured on site to reduce the risk of movement.

4 CODE ASSESSMENT

The WDRC Planning Scheme (March 2017) provides a code assessment for assessable development. **Table 4.1** below shows the code assessment as per Table 8.2.4.1 of the Planning Scheme with proposed solutions provided in the last column.

TABLE 4.1: CODE ASSESSMENT		
Performance Outcomes	Acceptable Outcomes	Proposed Outcomes
All flood hazard areas		
PO1 Development prevents the carriage or dispersal of contaminants or pollutants into the receiving environment.	AO1 The processing or storage of <i>dangerous goods or hazardous materials</i> is: <ul style="list-style-type: none"> a) not undertaken in a flood hazard area on Flood hazard overlay maps (OM-004); or b) is located above the <i>defined flood level</i> plus 300mm freeboard. 	PO1: The proposed operation includes storage of small quantities of potential contaminants or pollutants such as oils and fuel for general machine maintenance, these materials will be stored above the DFL plus 300mm on a mezzanine level within the shed.
PO2 Community infrastructure is able to function effectively during and immediately after flood events.	AO2 Design levels for <i>buildings</i> must comply with the flood immunity standards specified in Table 8.2.4.2 and Table 8.2.4.3 where within a flood hazard area identified on Flood hazard overlay maps (OM-004) . Note- Refer to SC6.2 – Planning Scheme Policy 1 – Design and Construction Standards for definition of development type categories identified in Table 8.2.4.3 .	PO2: N/A – proposed use is not for community infrastructure.
Extreme flood hazard area		
PO3 Development within an Extreme flood hazard area on Flood hazard overlay maps (OM-004) is	Where for Material Change of Use AO3.1 Uses within the following <i>Activity groups</i> are not located within an Extreme flood hazard area identified	PO3: approx 40% of the site is covered by the Extreme flood hazard area.

<p>appropriate to the flood hazard risk having regard to the:</p> <ul style="list-style-type: none"> (a) likelihood and frequency of flooding; (b) the flood risk acceptability of development; (c) the vulnerability of and safety risk to persons associated with the use; and (d) associated consequences of flooding in regard to impacts on proposed buildings, structures and supporting infrastructure. 	<p>on Flood hazard overlay maps (OM-004):</p> <ul style="list-style-type: none"> a) <i>Accommodation activities</i>; b) <i>Business activities</i>; c) <i>Centre activities, Community activities or Entertainment activities, except where for a Club with a maximum gross floor area of 100m²</i>; d) <i>Industry activities</i>; e) <i>Rural activities, except where for animal husbandry, cropping, and permanent plantation.</i> 	<p>PO3 (a): Infrastructure on the site is existing and has been in its current location since before the 2011 floods.</p> <p>(b): the development is an industrial site and the operator has an understanding of the flood risk and is accepting of the development in its current location.</p> <p>(c): the development does not impact the safety of the persons working at the site as there are emergency procedures in place to manage the hazards effectively. The proposed development is classified as non-residential and therefore persons will not inhabit the extreme flood risk areas.</p> <p>(d): the consequences of flooding at the site are considered limited, the site has already experienced the 2011 floods with minimal damage and it is anticipated that the worst case flooding will only cause minor infrastructure damage which is considered reasonable given the likelihood of occurrence.</p>
	<p>AO3.2 <i>Recreation activities</i> are not located within an Extreme flood hazard area identified on Flood hazard overlay maps (OM-004) except where for:</p> <ul style="list-style-type: none"> (a) <i>Environment facility</i>; (b) <i>Park; and Outdoor Sport and Recreation (excluding the provision of ancillary facilities or amenities conducted within a building).</i> 	<p>PO3.2: the proposed development is not for a recreation activity.</p>
<p>PO4 Development is located and designed to:</p> <ul style="list-style-type: none"> (a) maintain and enhance the flood conveyance capacity of the premises; (b) not increase the number of people calculated to be at risk from flooding; (c) not increase the flood impact on adjoining premises; 	<p>Where for Material Change of Use or Building Work AO4.1 <i>Buildings, including extensions to existing buildings</i> are:</p> <ul style="list-style-type: none"> (a) not located within an Extreme flood hazard area on Flood hazard overlay maps (OM-004); or (b) elevated above the <i>defined flood level</i>; and (c) elevated above the <i>defined flood level</i> plus 300mm 	<p>PO4 (a): No site works are proposed, existing infrastructure is designed to maintain the flood conveyance as doors on the shed can be opened to enhance flood conveyance capacity.</p> <p>(b): the site has a low number of employees who will be on site during work hours Monday to Friday. It is likely that during flood events the business will not</p>

<p>(d) ensure the safety of all persons by ensuring that development levels are set above the <i>defined flood level</i>;</p> <p>(e) reduce property damage; and</p> <p>(f) provide flood safe access to <i>buildings</i>.</p>	<p>freeboard where for <i>habitable rooms</i> within a <i>dwelling</i>.</p>	<p>be operating and employees will not be present on site.</p> <p>(c): All the adjacent properties have similar flooding impacts. The existing infrastructure on the site is not likely to impact neighbouring uses as there is no proposed filling or changes to the ground elevation.</p> <p>(d): development levels are below the defined flood level, this is an existing issue. However no new development is proposed and flood management measures have been implemented in existing infrastructure. The safety of persons is not impacted by the current development within defined flood level as the business is not likely to operate during flood events.</p> <p>(e): The development has been designed to reduce property damage during flood events, the shed can be opened up to allow free flowing of stormwater and a mezzanine level allows storage of materials above the DFE. The storage building includes minimal fitout to ensure damage is minimised during the DFE.</p> <p>(f) access is maintained during flood events with the front gate at the highest point of the site. Doors to the buildings provide ample access to the site access point and all buildings have multiple egress options.</p>
<p>Note- <i>buildings</i> may be constructed from flood resistant, waterproof materials below the <i>defined flood level</i> where certified by a qualified structural engineer to be flood proof (including the ability to withstand damage from floodwater and debris) and where a performance solution to PO3 is also demonstrated.</p>	<p>AO4.2 All <i>building work</i> must be high set (comprising pier and beam construction) and retains the flood storage and conveyance capacity of the premises.</p> <p>Note- <i>Building work</i> must be certified by a qualified structural engineer to be flood proof including the ability to withstand damage from floodwater and debris.</p>	<p>PO4.2 Buildings are existing. The shed is considered to be an appropriate development with regards to flooding. The storage building is anchored to the ground to assist with flood immunity.</p>

<p>Note- in the event that a lawful <i>building</i> or <i>structure</i> is destroyed by flood or other event the building may be replaced where a building work approval is obtained and where not constituting a material change of use i.e. there is no increase in:</p> <ul style="list-style-type: none"> i. <i>gross floor area</i>; or <p>the number of <i>dwelling</i>s or bedrooms on the premises</p>	<p>Where for Material Change of Use</p> <p>AO4.3</p> <p>New <i>buildings</i> are provided with flood free pedestrian and vehicle evacuation access between the <i>building</i> and a flood safe accessible road.</p> <p>Note- a flood safe accessible road includes a road where identified as no flood hazard, Low flood hazard, Potential flood hazard or Medium flood hazard on Flood hazard overlay maps (OM-004).</p>	<p>PO4.3: if buildings are destroyed by flood they will be replaced by appropriate development.</p>
	<p>Where for Reconfiguring a Lot AO4.4</p> <p>Development does not increase the number of lots in areas of Extreme flood hazard area as identified on Flood hazard overlay maps (OM-004) except where for the purposes of public open space.</p>	<p>PO4.4: N/A no reconfiguring a lot proposed.</p>
<p>PO5</p> <p>Flood risk management minimises the impact on property and appropriately protects the health and safety of persons at risk of Extreme flood hazard, and:</p> <ul style="list-style-type: none"> (a) indicates the position and path of all safe evacuation routes off the site; and (b) if the site contains or is within 100 metres of a flood hazard area, hazard warning signage and depth indicators are provided at key hazard points, such as at floodway crossings. <p>Note- A material change of use or reconfiguring a lot that involves new <i>gross floor area</i> or increases the number of persons living, working or residing in areas of Extreme flood hazard area as identified on Flood hazard overlay maps (OM-004) is supported by a Flood Emergency Evacuation Plan prepared</p>	<p>Where for Material Change of Use or Reconfiguring a Lot that involves new gross floor area or increases the number of persons living, working or residing in areas of High flood hazard area other than a Dwelling house AO5</p> <p>No acceptable outcome.</p>	<p>PO5: this flood risk management plan provides necessary details for the evacuation route and access to flood warning devices.</p>

<p>by suitably qualified persons having regard to <i>Floodplain Management in Australia: Best Practice Principles and Guidelines</i> (2000), prepared by Standing Committee on Agriculture and Resource Management (SCARM), CSIRO.</p>		
<p>Where for Material Change of Use or Building Work or Operational Works PO6 Development involving earthworks in a flood hazard area below the <i>defined flood level</i> must protect life and property on premises and off premises through maintaining:</p> <ul style="list-style-type: none"> (a) flood storage capacity of land; (b) flood conveyance function of land; (c) flood and drainage channels; (d) overland flow paths; and (e) flood warning times. 	<p>Where for Material Change of Use or Building Work or Operational Works AO6 Filling above <i>ground level</i> is not undertaken in areas of Extreme flood hazard area as identified on Flood hazard overlay maps (OM-004).</p>	<p>PO6: (a): the development will not affect the flood storage capacity of land as it does not involve filling or excavating.</p> <p>(b): the development does not affect the flood conveyance function of the land as buildings can be opened up to maintain flood water flows.</p> <p>(c): the development does not involve any change to the flood and drainage channels of the exiting land.</p> <p>(d): the development does not impact overland flow paths</p> <p>(e): The development will not shorten flood warning times.</p>
<p>High flood hazard area</p>		
<p>PO7 Development within a High flood hazard area on Flood hazard overlay maps (OM-004) is appropriate to the flood hazard risk having regard to the:</p> <ul style="list-style-type: none"> (a) likelihood and frequency of flooding; (b) the flood risk acceptability of development; (c) the vulnerability of and safety risk to persons associated with the use; and (d) associated consequences of flooding in regard to impacts on proposed buildings, structures and supporting infrastructure. 	<p>Where for Material Change of Use AO7.1 Uses within the following <i>Activity groups</i> are not located within a High flood hazard area identified on Flood hazard overlay maps (OM-004):</p> <ul style="list-style-type: none"> (a) <i>Accommodation activities</i>, except where for <i>dwelling house</i> and only where the lot existed or had a lawful reconfiguring a lot approval at the commencement of the planning scheme; (b) <i>Centre activities</i>, except where for <i>business activities</i>; (c) <i>Community activities</i> or <i>Entertainment activities</i>, except where for a <i>Club</i> with a maximum gross floor area of 100m²; (d) <i>Rural activities</i>, except where for <i>animal husbandry, cropping, and permanent plantation</i>. 	<p>Please refer to the responses above for the extreme flood hazard area.</p>
	<p>AO7.2 Recreation activities are not located within a High flood hazard area</p>	

	<p>identified on Flood hazard overlay maps (OM-004) except where for:</p> <ul style="list-style-type: none"> (a) <i>Environment facility;</i> (b) <i>Park; and</i> (c) <i>Outdoor Sport and Recreation</i> (excluding the provision of ancillary facilities or amenities conducted within a <i>building</i>). 	
<p>PO8 Development is located and designed to:</p> <ul style="list-style-type: none"> (a) maintain the flood conveyance capacity of the premises; (b) minimise the number of people calculated to be at risk from flooding; (c) minimise the flood impact on adjoining premises; (d) ensure the safety of all persons by ensuring that an appropriate proportion of <i>buildings</i> are set above the <i>defined flood level</i>; (e) reduce the carriage of debris in flood waters; (f) reduce property damage; and (g) provide flood safe access. <p>Note- <i>buildings</i> may be constructed from flood resistant, waterproof materials below the <i>defined flood level</i> where certified by a qualified structural engineer to be flood proof (including the ability to withstand damage from floodwater and debris) and where a performance solution to PO8 is also demonstrated.</p> <p>Note- in some circumstances a flood safe access may be provided in the form of an emergency evacuation route.</p>	<p>Where for Material Change of Use or Building Work AO8.1 <i>Buildings</i>, including extensions to existing <i>buildings</i> are:</p> <ul style="list-style-type: none"> (a) not located within a High flood hazard area on Flood hazard overlay maps (OM-004); or (b) elevated above the <i>defined flood level</i>; and (c) elevated above the <i>defined flood level</i> plus 300mm freeboard where for <i>habitable rooms</i> within a <i>dwelling</i>. (d) comply with the Queensland Development Code MP 3.5 - Construction of buildings in flood hazard areas. <p>OR</p> <p>AO8.2 <i>Where for business activities or industry activities buildings</i> the minimum floor level supporting the following elements of the development must be located above the <i>defined flood level</i> plus 300mm freeboard:</p> <ul style="list-style-type: none"> (a) administrative areas; (b) utilities, plant and equipment associated with the <i>building</i>. <p>Note- in complying with A08.2 the proponent accepts that the cost of flood impact is an operational cost of the <i>business activity</i> or <i>industry activity</i>.</p> <p>AO8.3 All <i>building work</i> below the <i>defined flood level</i> must be high set (comprising pier and beam construction) and retains the flood storage and conveyance capacity of the premises.</p> <p>Note- <i>Building work</i> must be certified by a qualified structural engineer to be flood proof including the ability to</p>	

	<p>withstand damage from floodwater and debris.</p>	
	<p>AO8.4 New <i>temporary, relocatable or impermanent buildings and structures</i> are to be anchored with the ability to withstand transportation by floodwater. Note- <i>Building work</i> must be certified by a qualified structural engineer.</p>	
	<p>Where for Material Change of Use AO8. 5 New <i>buildings</i> are provided with flood safe pedestrian and vehicle evacuation access between the <i>building</i> and a flood safe accessible road. Note- a flood safe accessible road includes a road where identified as no flood hazard, Low flood hazard, Potential flood hazard or Medium flood hazard on Flood hazard overlay maps (OM-004).</p>	
	<p>Where for Accommodation activities AO8.6 <i>Dwellings</i> do not exceed four bedrooms.</p>	
	<p>Where for Reconfiguring a Lot AO8.7 Development does not increase the number of lots in areas of High flood hazard area as identified on Flood hazard overlay maps (OM-004) except where for the purposes of public open space.</p>	
<p>PO9 Flood risk management minimises the impact on property and appropriately protects the health and safety of persons at risk of High flood hazard, and: (a) indicates the position and path of all safe evacuation routes off the site; and (b) if the site contains or is within 100 metres of a flood hazard area, hazard warning signage and depth</p>	<p>Where for Material Change of Use or Reconfiguring a Lot that involves new gross floor area or increases the number of persons living, working or residing in areas of High flood hazard area other than a Dwelling house AO9 No acceptable outcome.</p>	

<p>indicators are provided at key hazard points, such as at floodway crossings.</p> <p>Note- A material change of use or reconfiguring a lot that involves new <i>gross floor area</i> or increases the number of persons living, working or residing in areas of High flood hazard area as identified on Flood hazard overlay maps (OM-004) is supported by a Flood Emergency Evacuation Plan prepared by suitably qualified persons having regard to <i>Floodplain Management in Australia: Best Practice Principles and Guidelines (2000)</i>, prepared by Standing Committee on Agriculture and Resource Management (SCARM), CSIRO.</p>		
<p>Where for Material Change of Use or Building Work or Operational Works PO10</p> <p>Development involving earthworks in a flood hazard area below the <i>defined flood level</i> must protect life and property on premises and off premises through maintaining:</p> <ul style="list-style-type: none"> (a) flood storage capacity of land; (b) flood conveyance function of land; (c) flood and drainage channels; (d) overland flow paths; and <p>flood warning times.</p>	<p>Where for Material Change of Use or Building Work or Operational Works AO10</p> <p>Filling above <i>ground level</i> is not undertaken in areas of High flood hazard area as identified on Flood hazard overlay maps (OM-004).</p>	

5 EARLY WARNING SERVICES

There are several services that provide up to date information about flooding within the Western Downs Region, this information shall be used to assist the Site Manager and others to determine the immediate risk of floodwaters reaching the site. It is considered that being prepared and informed about an emergency is one of the most effective mitigation measures; with adequate preparation and preventative measures the likelihood of an event occurring or, if an event occurs, to reduce the severity of the event.

- Western Downs Regional Council: Disaster Management;
<https://www.wdrc.qld.gov.au/about-council/disaster-management/>
- Bureau of Meteorology: Condamine, Balonne & Border Rivers Rainfall and River Conditions;
<http://www.bom.gov.au/qld/flood/border.shtml>
- Bureau of Meteorology: Queensland Warnings Summary;
<http://www.bom.gov.au/qld/warnings/>

6 EVACUATION PLAN

6.1 ACCOUNTING FOR PERSONNEL

The operation maintains a visitor's register which is kept in the site office at all times. Visitors may be unfamiliar with the evacuation procedures in the event of a flood, therefore special care is required to ensure all visitors are accounted for. In the event of an emergency it is the responsibility of the Site Manager to ensure all visitors are escorted from the site during the evacuation. Due to the relatively small size of the site and the low number of employees the Site Manager is responsible for alerting all staff of the evacuation.

6.2 EMERGENCY KIT

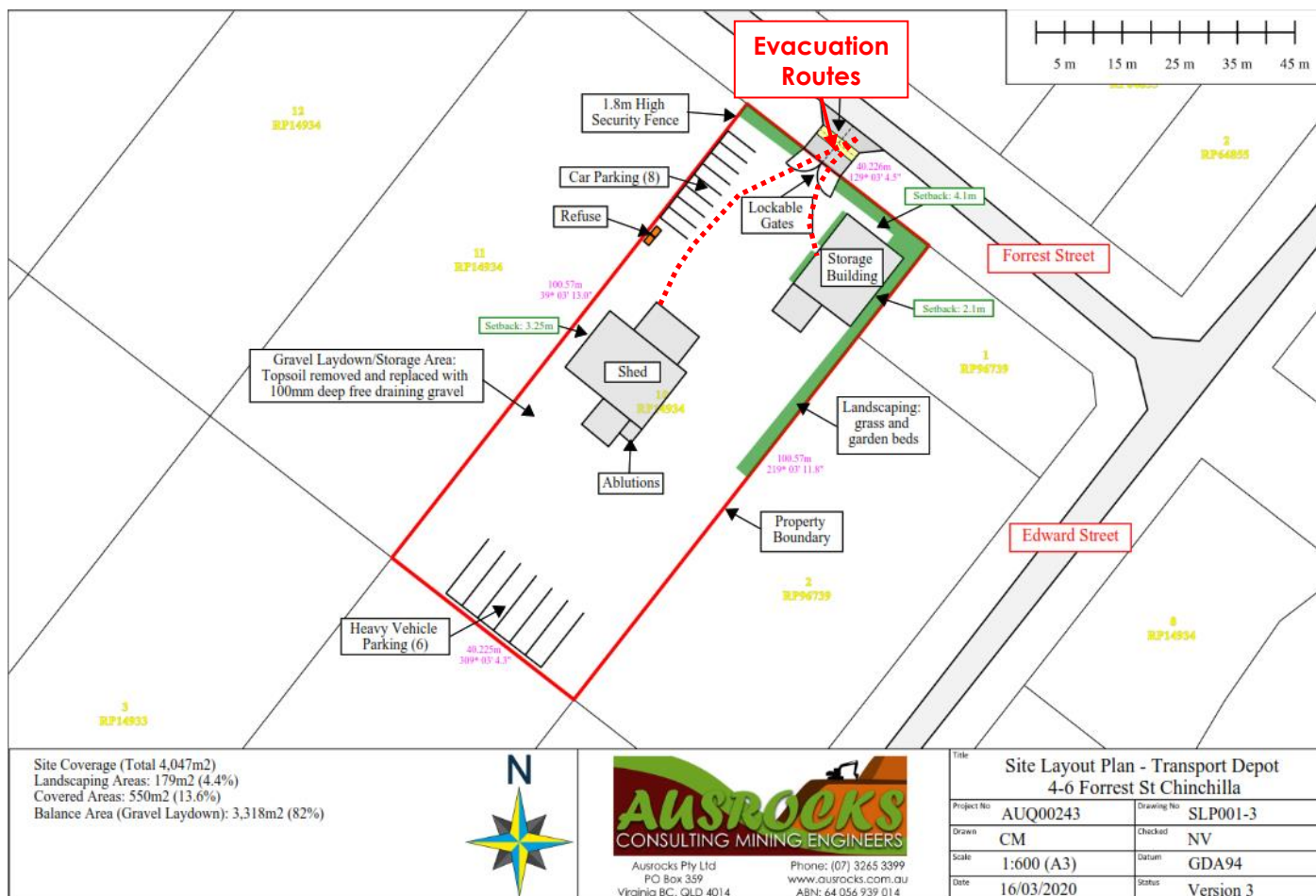
An emergency kit shall be kept in the site office, and shall contain the following information;

- Hard copy list of emergency contact numbers,
- Copies of important documents such as insurances, business accounts etc,
- Valuables and computer backup data,
- Portable radio and torch with spare batteries,
- First aid kit,
- List of special needs and physical aids,
- Additional blankets, food, water and first aid (in case of staff becoming stranded), and
- Spare set of master keys.

6.3 EVACUATING THE SITE

The site has a single main exit, comprising of a gate located midway along the Northern fence line that accesses Forrest Street, which in the event of a flood, forms part of the designated evacuation route to the Evacuation Centre (Chinchilla Golf Club).

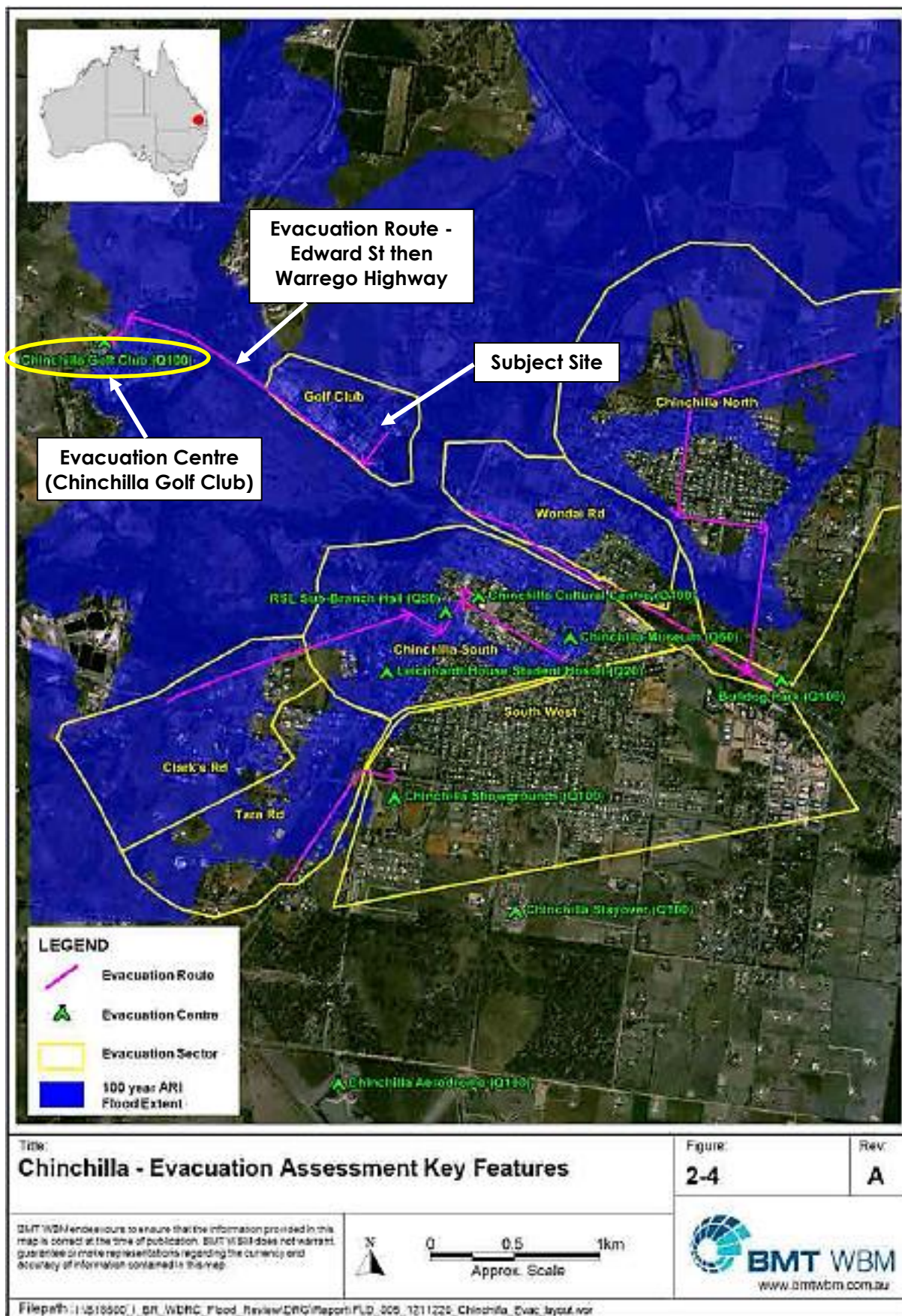
FIGURE 6.1 EVACUATION PLAN - SITE



6.4 EVACUATING TO EVACUATION CENTRE

Once personnel evacuate the site, safe shelter can be sought at the Evacuation Centre at the Chinchilla Golf Club. The Chinchilla Golf Club has been identified as the designated Evacuation Centre (*Western Downs Floodplain Risk Management Strategy 2013*) for the industrial area where the property is located. Personnel can either walk or drive to the evacuation centre (approx 2,000m) depending on the amount of notice provided. Once all personnel from site are accounted for, the Site Manager will liaise with the designated emergency management personnel at the Evacuation Centre to determine the most likely course of action from there. Evacuation to the Evacuation Centre may be required for a number of reasons, if there is any doubt over the likely severity of flooding (due to insufficient communication) it is preferable to evacuate early and liaise with emergency management personnel at the Evacuation Centre to determine if it is safe to return to the site. Figure 6.2 shows the designated evacuation route from site to the evacuation centre.

FIGURE 6.2 EVACUATION PLAN - EVACUATION CENTRE



[Source: Figure 2-4 from Western Downs Floodplain Risk Management Study - BMT WBM Pty Ltd]

7 COMMUNICATION AND CONSULTATION

The ability for a risk management plan to function correctly is underpinned by continuous requirement for communication and consultation with people working at and visiting the site. The hazards associated with flooding at the site shall be communicated to all people who enter the property and a record of this communication shall be kept in the site office and provided for inspection when required.

Methods of communicating to and from the site include;

- Landline Telephone,
- Mobile Telephone, and
- UHF/VHF networks

Additional information on flood events can be obtained from broadcast radio and TV services.

7.1 EMERGENCY CONTACTS

Table 7.1 provides various emergency contacts that may be of use during an emergency.

TABLE 7.1: EMERGENCY CONTACTS

Name	Number
Chinchilla District Local SES Controller (Peter Taylor)	0427 768 278 / 132 500
Chinchilla Public Hospital	(07) 4662 8888
Chinchilla Ambulance Service	(07) 4662 7000
Chinchilla Police	(07) 4672 9666
Chinchilla Fire Service	(07) 4662 5137
General Emergency Number	000
Mobile Phone Emergency Number	112
Ausrocks Pty Ltd (Consultants)	(07) 3265 3399 / 0404 778 394

8 MONITORING AND REVIEW

Monitoring and review of this Flood Risk Management Plan is an essential part of reducing the risk by ensuring that the plan is up to date with current site operations and is relevant to persons working and visiting the site. The site manager shall make regular (at least monthly) checks that all visitors are being appropriately informed of the risks associated with flooding at the site. In addition, the plan shall be reviewed by a competent person at a minimum of 12 month intervals and more frequently in the event of a significant flood event. The process of continuous improvement will be implemented by regular monitoring and review of this plan.

9 REFERENCES

- Western Downs Planning Scheme, March 2017
- Queensland Government, April 2016, Natural Hazards, Risk and Resilience (State Planning Policy – state interest guideline).
- Western Downs Regional Council, Flood Hazard Overlay Map OM-004.24, Department of Natural Resources and Mines (2019)
- BMT WBM Pty Ltd, Western Downs Floodplain Risk Management Study - Chinchilla, 2013
- Western Downs Regional Council, Western Downs Local Disaster Management Plan v1.10, March 2015.
- Brisbane City Council, Flooding in Brisbane - A Guide for Businesses.
- Bureau of Meteorology, Queensland Warnings Summary.

INFRASTRUCTURE CHARGES NOTICE

APPLICANT:	MPC Contracting Pty Ltd
APPROVED DEVELOPMENT:	Material Change of Use to establish a Transport Depot at 4-6 Forrest Street, Chinchilla
FILE REFS:	030.2020.97.001, A10884, LG7.6.1
AMOUNT OF THE CHARGE:	Nil
LAND TO WHICH CHARGE APPLIES:	Lot 10 on RP14934
PAYABLE TO:	Western Downs Regional Council
WHEN PAYABLE:	Prior to commencement of use

This charge is made in accordance with Council's ***Infrastructure Charges Resolution (No. 7.1) 2017***.

The charge has been calculated on the following basis:

USE	Charge	Reference	No. of Units	Amount
Medium Impact Industry	\$30.17* per m ² of Gross Floor Area (water, transport and parks networks)	Table 3.3.3, Col 2, Charge Area A	550m ²	\$16,593.50
	\$4.00/m ² for stormwater network	Table 3.3.3, Col 3, Charge Area A	3,318m ²	\$13,272.00
DISCOUNT	Discount Charge	Reference	No. of Units	Discount Amount
Existing Industrial Lot	\$50,400.00*	Section 3.4 (1)(e)(iv)	1	\$50,400.00
			TOTAL CHARGE	Nil

* includes a discount for development not within an area serviced by, or requiring connection to Council's reticulated sewer network. The rate is applied in accordance with Table 5.1 Allocation of Infrastructure Charge to Trunk Infrastructure Networks.

INFORMATION NOTICE

[Section 119 of the *Planning Act 2016*]

DECISION AND REASONS

This infrastructure charge has been levied in accordance with Sections 119 to 121 of the *Planning Act 2016* and Council's ***Infrastructure Charges Resolution (No. 7.1) 2017*** for additional demand placed on Council's trunk infrastructure that will be generated by the approved development.

APPEALING DECISION

Under the *Planning Act 2016* the recipient of this Infrastructure Charges Notice may appeal against Council's decision to issue the Infrastructure Charges Notice. Chapter 6, Part 1 of the *Planning Act 2016* details the recipient's right to appeal Council's decision and how the recipient may appeal.

Title (035.2020.163.001) Community and Liveability Report Development Application Reconfiguring a Lot (Subdivision of 1 Lot into 2 Lots) on Lot 3 on RP96248 40 Fletcher's Road Jimbour East Watson and Brabrook

Date 8 July 2019

Responsible Manager T. Summerville, PLANNING AND ENVIRONMENT MANAGER

Summary

The purpose of this Report is for Council to decide the proposed development for a Reconfiguring a Lot (1 lot into 2 lots) on land described as Lot 3 on RP96248 and situated at 40 Fletcher's Road, Jimbour East.

Link to Corporate Plan

Strategic Priority: Strong Economic Growth

- There is a confidence in our strong and diverse economy.
- We're open for business and offer investment opportunities that are right for our region.
- We optimise our tourism opportunities, unique experiences and major events.
- Business and industry in our region live local and buy local.
- Our region is a recognised leader in energy, including clean, green renewable energies.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and that:

1. The application for Reconfiguring a Lot (1 lot into 2 lots) on land described as Lot 3 on RP96248 and situated at 40 Fletcher's Road, Jimbour East, be refused, on the following grounds:
 - (a) The development application for Reconfiguring a Lot (1 lot into 2 lots) has been assessed against the relevant Codes of the Western Downs Planning Scheme 2017 incorporating Amendment 1, and does not comply with the following matters:
 - (i) The development does not comply with Strategic Outcome 3.5.1 and Element 3.5.3 of the Strategic Plan, as the development will further fragment an already undersized rural land parcel within the Rural Zone and create a lot configuration that will permanently diminish potential agricultural productivity of the property.
 - (ii) The development conflicts with Overall Outcome 2 of the Rural Zone Code, as it will result in further fragmentation and alienation of land within the Rural Zone.
 - (iii) The development is inconsistent with Overall Outcome 1 of the Reconfiguring a Lot Code, as the development is inconsistent with the Outcomes in the Rural Zone Code.
 - (iv) The development does not comply with Overall Outcome 2(b) of the Reconfiguring a Lot Code, as the development results in rural lots of a size that are not viable for rural activities.

- (v) The development is inconsistent with Acceptable Outcomes 1.1 and 1.3 of the Reconfiguring a Lot Code, as the development will result in lots that are significantly smaller than the minimum lot size for the Rural Zone. The alternative solution is not considered to comply with Performance Outcome 1, as the proposal is inconsistent with the character and amenity of the Rural Zone.
- (vi) The proposed development does not satisfy Performance Outcome 14 of the Reconfiguring a Lot Code, as the applicant has not justified that the development meets a demonstrated planning need for further fragmentation of an already undersized rural lot within the Rural Zone.
- (vii) The development could not be conditioned to comply with the relevant Codes of the Western Downs Planning Scheme 2017 incorporating Amendment 1, as the proposed design and lot layout of the development are inconsistent with the Overall and Performance Outcomes of the relevant Codes.

Background Information

The relevant background information to this application is as follows:

PART 1: APPLICATION		
Applicant:	BJ Watson and DM Brabrook	
Land Owners:	BJ Watson and DM Brabrook	
Assessing Officer:	Dominic Bradley PLANNING OFFICER DEVELOPMENT ASSESSMENT	
Site Address:	40 Fletcher's Road JIMBOUR EAST	
Site Area:	16.425ha	
Real Property Description:	Lot 3 on RP96248	
Proposed Development:	Reconfiguring a Lot (Subdivision of 1 lot into 2 lots)	
Level of Assessment:	Impact Assessable	
Type of Application:	Reconfiguring a Lot	
Relevant Planning Scheme:	Western Downs Planning Scheme 2017 incorporating Amendment 1	
Zone:	Rural	
Precinct:	N/A	
Overlays:	<ul style="list-style-type: none"> • Biodiversity • Bushfire Hazard • Cultural Heritage • Agricultural Land Classification • Scenic Amenity 	<ul style="list-style-type: none"> - Regulated Vegetation - Medium - Heritage Line - Class A Agricultural Land - High Landscape Value Area
Pre-lodgement Meeting:	No	
Application Lodgement Date:	1 May 2020	
Properly Made Application:	Yes	Date: 8 May 2020
Confirmation Notice Issued:	Yes	Date: 14 May 2020
PART 2: REFERRALS		
N/A		
PART 3: INFORMATION REQUEST		
Information Request Issued:	Yes	Date: 20 May 2020
Information Response Provided	Date: 23 May 2020	
PART 4: PUBLIC NOTIFICATION		
Start Date:	Date: 1 June 2020	
Notice of Compliance Received:	Date: 22 June 2020	
Submissions:	Nil	
PART 5: DECISION PERIOD		
Commencement Date:	23 June 2020	
Decision Due Date:	31 July 2020	

Report

1. Background

1.1 Site Context

The property is legally described as Lot 3 on RP96248, located at 40 Fletcher's Road, Jimbour East and has an area of 16.425ha. The property is a corner allotment with frontage to Fletcher's Road and Jimbour-Cooranga North Road.

The property is located within the Rural Zone of the Western Downs Planning Scheme 2017 incorporating Amendment 1 (the Planning Scheme). The property is also identified within the Scenic Amenity Overlay, Agricultural Land Classification Overlay, Cultural Heritage Overlay, Bushfire Hazard Overlay and Biodiversity Overlay Mapping of the Planning Scheme.

The property is improved by an existing residence and associated rural outbuildings and a rural dam. The property has access to reticulated electricity, an on-site septic system and water tanks for domestic water supply. The property features scattered native vegetation and is used for residential purposes and has historically been used for animal husbandry purposes.

The property has existing access to Fletcher's Road which is a dirt road adjacent to the frontage of the property. The property does not have any existing access to Jimbour-Cooranga North Road.

Surrounding properties are predominantly used for animal husbandry and cropping purposes. Lot 61 on LY344 and Lot 66 on LY854 (207 Fletcher's Road) to the west of the property, is subject to a development approval (030.2016.523.001) for a Material Change of Use for Intensive Animal Industry (1,000 SCU Feedlot).

1.2 Proposal Details

The applicant is seeking a Development Approval from Council for Reconfiguring a Lot to subdivide the property into two rural lots.

The intention of the development is to create a small rural lot for the applicant's son, partner and their son to purchase with the intention of constructing a residence and carport on the property in the future. The applicant seeks to develop the land for personal reasons, including the health of the applicant's son, moving closer to family for support and a change to a rural lifestyle.

The development will create Proposed Lot 1 with an area of 4ha and the balance in Proposed Lot 2 with an area of 12ha. Proposed Lot 2 will have a frontage of 260 metres to Fletcher's Road, Proposed Lot 1 will have a frontage of 623.58 metres to Fletcher's Road and a frontage of 226.65 metres to Jimbour-Cooranga North Road.

Proposed Lot 1 will feature the applicant's existing residence and associated rural outbuildings and will continue to be used by the applicant for residential purposes. The existing residence will continue to be accessed via the existing access to Fletcher's Road.

Proposed Lot 2 is currently undeveloped and is predominantly cleared of vegetation and there would be sufficient area to develop a future residence. Proposed Lot 2 would require an additional access to be constructed to Fletcher's Road.

The applicant has not submitted a proposal plan prepared by a Surveyor for consideration by Council and the areas illustrated do not align with the existing area of the existing property. The Assessing Officer has amended the Proposal Plan in red to label Proposed Lots 1 and 2 for clarification.

2. Assessment

2.1 Assessment against Western Downs Planning Scheme 2017 incorporating Amendment 1 (the Planning Scheme)

- The development application for Reconfiguring a Lot (1 lot into 2 lots) is Impact Assessable development under the Planning Scheme, as the development is inconsistent with the minimum lot size and minimum frontage requirements for the Rural Zone as prescribed under the Reconfiguring a Lot Code.
- The following assessment benchmarks of the Planning Scheme are applicable to assessment of the application:
 - Strategic Plan
 - Rural Zone Code
 - Reconfiguring a Lot Code
 - Transport, Access and Parking Code
 - Infrastructure Services Code
 - Biodiversity Overlay Code
 - Bushfire Hazard Overlay Code
 - Cultural Heritage Overlay Code
 - Scenic Amenity Overlay Code
- The development has been assessed against the abovementioned Assessment Benchmarks of the Planning Scheme below:

Strategic Plan

- The Strategic Plan sets the policy direction and intent for the Planning Scheme and forms the basis for ensuring appropriate development occurs in the Planning Scheme area for the life of the Planning Scheme.
- It is considered that the following parts of the Strategic Plan are relevant to the assessment of the application:
 - **Strategic Outcome 3.5.1 Economic Development**

The Western Downs has an abundance of natural resources, including agricultural, extractive minerals, coal seam gas, biological, Energy and Water Resources. Natural resources including mineral and energy and extractive resources (MEER) are valued, protected and sustainably managed to ensure the benefits of the resources are equitably distributed across all parts of the region for further generation.
 - **Element 3.5.3 Agriculture**

The long-term sustainability of the rural economy is based on the protection of productive rural land from fragmentation, encroachment and alienation by incompatible development or diminished productivity.
- Council, in its Information Request, sought further justification from the applicant, that the development could be considered to comply with the abovementioned parts of the Strategic Plan and relevant Codes of the Planning Scheme.
- The applicant provided a further justification in their response which is summarised below:

- The applicant advised that the dingo fence that intersects the property limits the use of the property for agricultural purposes.
- The applicant has provided a number of examples of undersized rural lots within the Rural Zone that are located within the Jimbour locality and advises that there would be few properties within the area that comply with the minimum lot size requirements of the Rural Zone.
- The applicant has advised that the property is not suitable for agriculture based on the sandstone ridge located within the property.
- The applicant has advised that the intended use of the new lot is to build a residence and carport and use the property to run a few head of sheep, chickens and to plant fruit trees and a vegetable patch.
- The development will not result in any environmental impacts or impacts on adjoining rural properties.
- The Assessing Officer has considered the applicant's justification and is not satisfied that the proposal is consistent with the Strategic Plan, as follows:
 - It is not considered that dividing the land further will improve the agricultural productivity of the property.
 - It is not considered that the residential density or the intent of the development is for a rural purpose and that the applicant's intent for Proposed Lot 2 for rural lifestyle purposes would be better located within a Rural Residential Zone.
 - The surrounding properties within the locality generally range in size from 200ha to 500ha in area. It is acknowledged that small unproductive allotments have been created historically as a result of subdivisions that are inconsistent with the current requirements of the Rural Zone under the Planning Scheme. However, none of the properties identified in the applicant's response as examples of undersized lots have been created as a result of a subdivision decided in the context of the current Planning Scheme.

Rural Zone Code

- The proposed development will further fragment the property into parcels that are inconsistent with the minimum lot size and frontage requirements specified for the Rural Zone in the Acceptable Outcomes of the Rural Zone Code.
- The proposed development is also considered to conflict with the predominant rural character of the locality, as it will further fragment land to a size and configuration that are inconsistent with the lot size and rural character of properties within the locality.
- The applicant does not seek to subdivide the property to improve the land for rural purposes, but seeks to subdivide for residential purposes to provide a rural lifestyle for the applicant's family which is inconsistent with the purpose of the Rural Zone.
- The applicant's justification regarding the viability of the land for rural purposes and the examples of historic non-compliance within minimum lot size of properties within the Jimbour East locality, are not considered as sufficient reasons to justify the development.

- On this basis, the development does not comply with the Overall Outcomes or Performance Outcomes of the Rural Zone Code and is therefore not supported.

Reconfiguring a Lot Code

- The applicant seeks to subdivide their existing property into two rural lots, being Proposed Lot 1 with an area of 12ha and Proposed Lot 2 with an area of 4ha.
- The development is inconsistent with the Reconfiguring a Lot Code for the following reasons:
 - The development does not comply with the minimum lot size or frontage requirements for the Rural Zone as prescribed by Acceptable Outcome 1.1 of the Reconfiguring a Lot Code.
 - The development is inconsistent with Overall Outcome 1 of the Reconfiguring a Lot Code, as the development is inconsistent with the purpose of the Rural Zone Code.
 - The development does not comply with Overall Outcome 2 of the Reconfiguring a Lot Code, as the development results in rural lots of a size that is not viable for rural activities.
 - The development will result in a lot configuration that is inconsistent with the predominant character of surrounding rural properties within the Rural Zone.
 - The proposed development does not satisfy Performance Outcome 14 of the Reconfiguring a Lot Code, as the applicant has failed to demonstrate that there is a planning need for further undersized rural lots within the Rural Zone.
- On this basis, it is considered that the development is not consistent with the Reconfiguring a Lot Code and is therefore not supported.

Transport, Access and Parking Code

- The existing property has existing access to Fletcher's Road which provides access to the existing residence on the property.
- The existing access arrangements will be utilised for Proposed Lot 1 in which the existing residence will be located.
- Proposed Lot 2 does not feature an existing access to Fletcher's Road, however, it is considered that suitable access to Fletcher's Road could be conditioned to comply with Council's engineering requirements.
- It is considered that these matters could be addressed through relevant conditions of approval to comply with the Code if approval was to be granted.

Infrastructure Services Code

- The property is located within a remote rural locality without access to reticulated urban services.
- The existing residence constructed on Proposed Lot 1 features an effluent disposal system, rainwater tanks for domestic water consumption and a connection to reticulated electricity network.

- If a residence was developed on the proposed balance lot, an effluent disposal system, water supply and connection to electricity would need to be provided.
- It is considered that these matters could be addressed through relevant conditions of approval to comply with the Infrastructure Services Code.

Biodiversity Overlay Code

- The property features areas of Matters of State Environmental Significance (MSES) regulated vegetation illustrated by the Overlay Mapping of the Planning Scheme.
- The proposed development will not result in any impacts on the areas of mapped regulated vegetation on the property.
- The applicant has indicated that no clearing would occur as a result of the development.
- On this basis, it is considered that the development is consistent with the Biodiversity Overlay Code.

Bushfire Hazard Overlay Code

- Part of the property is located within the Medium Bushfire Hazard area as illustrated by the Overlay Mapping of the Planning Scheme.
- The existing residence within Proposed Lot 1 is not located within a Medium Bushfire Hazard Area on the property.
- It is considered that Proposed Lot 2 would need to provide suitably cleared areas to establish a future Dwelling on the property.
- It is considered that Fletcher's Road would be a suitable road for evacuation in the event of an emergency.
- The development would be able to comply with the Bushfire Hazard Overlay Code subject to appropriate conditions of approval.

Natural Resources Overlay Code

- A small part of the property is located within the Agricultural Land Classification (Class A Agricultural Land) within the Overlay Mapping of the Planning Scheme.
- The development will result in the further fragmentation of the existing rural lot which is already significantly below the 500ha minimum lot size specified by Acceptable Outcome 6.2 of the Natural Resource Overlay Code.
- It is not considered that the development is consistent with the Overall Outcomes or Performance Outcomes of the Natural Resources Overlay Code.

Scenic Amenity Overlay Code

- The property is located within the High Landscape Value Area Identified within the Overlay Mapping of the Planning Scheme.
- The development will not result in any impact on the scenic amenity of the rural locality, as the development (subdivision of the land) will not involve construction of any buildings or structures.

- The applicant has not identified that any clearing will occur as a result of the development.
- It is considered that the development is consistent with the Scenic Amenity Overlay Code.

Cultural Heritage Overlay Code

- The property is intersected by a Cultural Heritage Line within the Overlay Mapping of the Planning Scheme.
- The Cultural Heritage Line reflects the dingo fence which intersects the property.
- It is not considered that the development will physically impact the dingo fence or reduce accessibility to the dingo fence.
- It is considered that the development is consistent with the Cultural Heritage Overlay Code,

3. Other Matters

3.1 Public Notification

Public Notification was undertaken for a period of 15 business days in accordance with the requirements of the *Planning Act 2016* and Development Assessment Rules. No submissions were received during the Public Notification Period of the application.

Consultation (Internal/External)

Internal

Council's A/Planning and Environment Manager has reviewed the Report and provided comments where necessary.

Legal/Policy Implications (Justification if applicable)

An applicant or any eligible submitter may elect to appeal against Council's decision in accordance with the relevant Section of the *Planning Act 2016*, which states:

"Chapter 6 Dispute Resolution

Part 1 Appeal Rights

229 Appeals to Tribunal or P&E Court

(1) *Schedule 1 states -*

(a) *matters that may be appealed to -*

- (i) *either a tribunal or the P&E Court; or*
- (ii) *only a tribunal; or*
- (iii) *only the P&E Court; and*

(b) *the person -*

- (i) *who may appeal a matter (the **appellant**); and*
- (ii) *who is a respondent in an appeal of the matter; and*
- (iii) *who is a co-respondent in an appeal of the matter; and*

- (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is -
- (a) for an appeal by a building advisory agency - 10 business days after a Decision Notice for the decision is given to the Agency; or
 - (b) for an appeal against a deemed refusal - at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under Chapter 7, Part 4, to register premises or to renew the registration of premises - 20 business days after a Notice is published under Section 269(3)(a) or (4); or
 - (d) for an appeal against an Infrastructure Charges Notice - 20 business days after the Infrastructure Charges Notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a Decision Notice has not been given - 30 business days after the applicant gives the Deemed Approval Notice to the Assessment Manager; or
 - (f) for any other appeal - 20 business days after a Notice of the decision for the matter, including an Enforcement Notice, is given to the person.

Note - See the P&E Court Act for the Court's power to extend the appeal period."

Budget/Financial Implications

NIL

Conclusion

The proposed development has been assessed against the requirements of the Planning Scheme. It is considered that the proposed development does not comply with the requirements of the Planning Scheme and as such, the application should be refused, as per the grounds contained in the Officer's Recommendation.

Attachments

1. Locality Plans
2. Proposal Plan

Authored by: D Bradley, PLANNING OFFICER DEVELOPMENT ASSESSMENT

1. Locality Plans

Aerial Map of the property




Aerial Map of the Locality



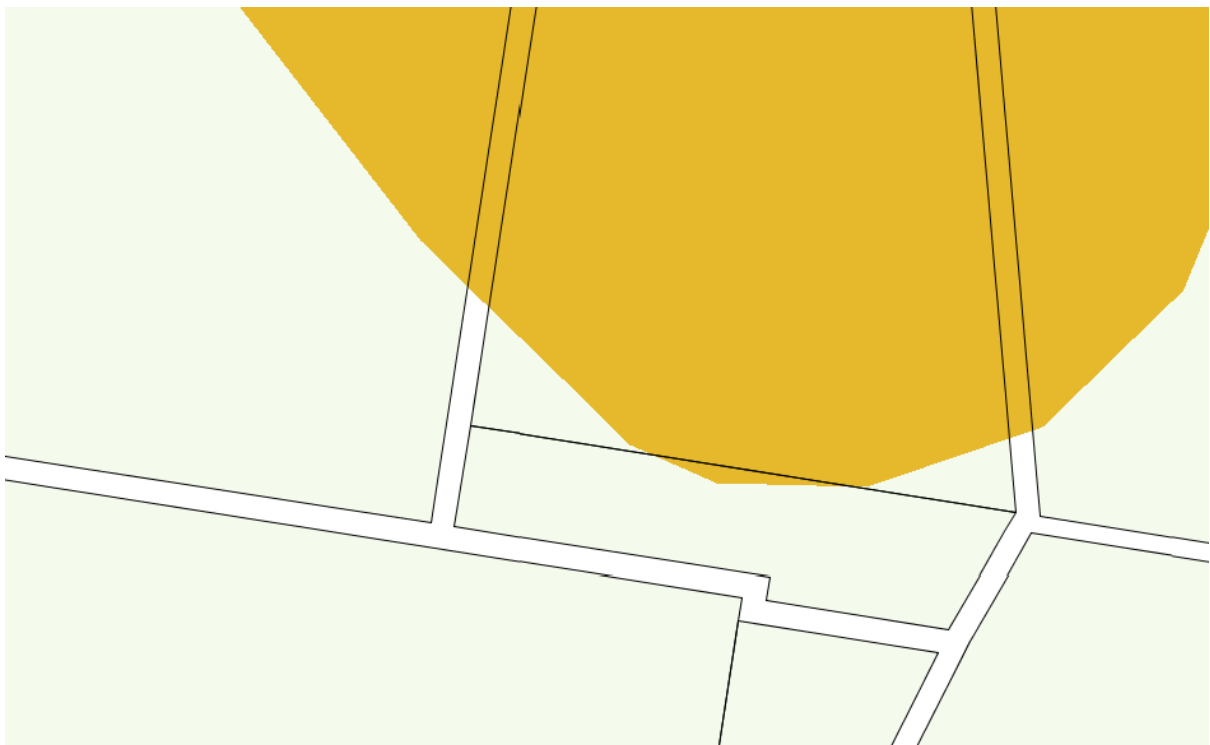
Zone Map



LEGEND


 Rural Zone


Agricultural Land Classification Overlay Map



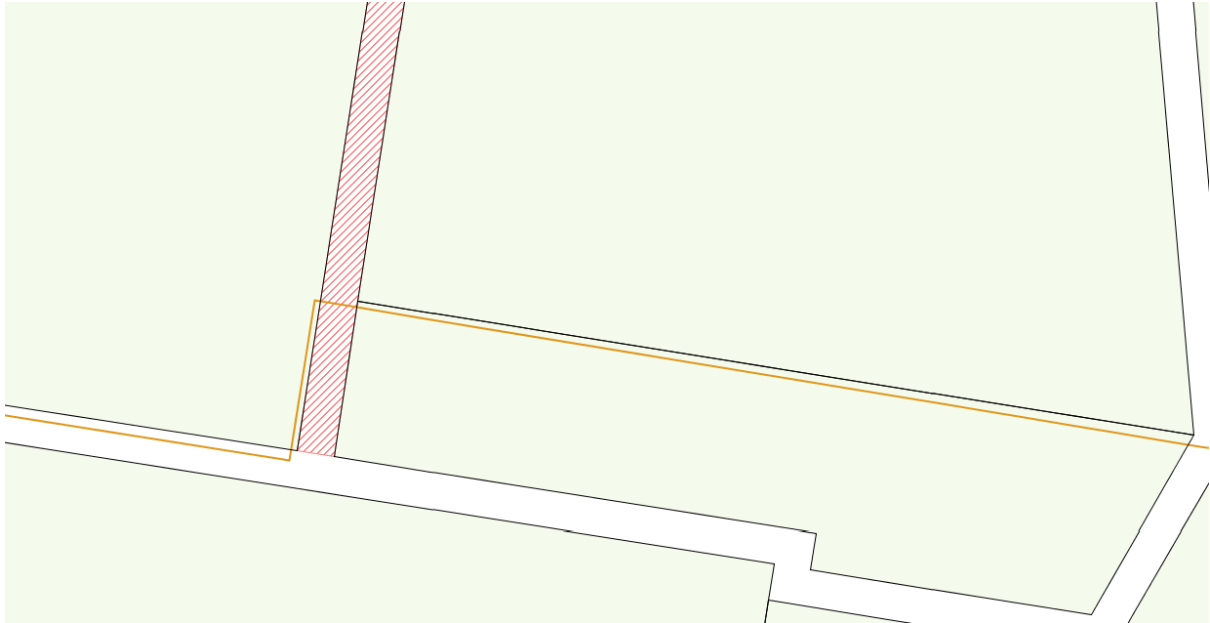
LEGEND

 Agricultural Land Classification

 Agricultural Land Classification (ALC) - Class A

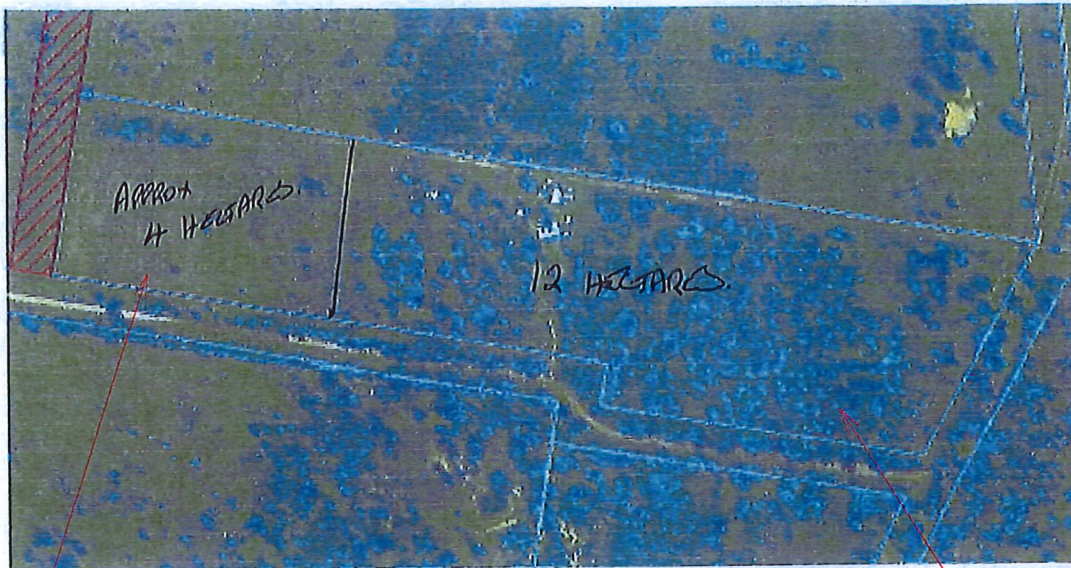
 Agricultural Land Classification (ALC) - Class B

Cultural Heritage Overlay Map



LEGEND

— Local Heritage Line



Proposed Lot 2

Proposed Lot 1

Amended In Red
By Council on
6/7/2020



Title Executive Services Chief Executive Officer Report June 2020

Date 9 July 2020

Responsible Manager R. Musgrove, CHIEF EXECUTIVE OFFICER

Summary

The purpose of this Report is to provide Council with the significant meetings, forums and delegations attended by the Chief Executive Officer during the month of June 2020.

Link to Corporate Plan

Strategic Priority: Strong Economic Growth

- There is a confidence in our strong and diverse economy.
- We're open for business and offer investment opportunities that are right for our region.
- We optimise our tourism opportunities, unique experiences and major events.
- Business and industry in our region live local and buy local.
- Our region is a recognised leader in energy, including clean, green renewable energies.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and noted

Background Information

Nil

Report

Meetings, delegations and forums attended by the Chief Executive Officer during the month of June 2020:

Date	Who/Where	Details
1 June 2020	<ul style="list-style-type: none"> • Councillor 2020/21 Budget Workshop • Councillor Information Sessions 	Dalby
2 June 2020	<ul style="list-style-type: none"> • Teleconference with Department of Local Government - COVID-19 	Phone
3 June 2020	<ul style="list-style-type: none"> • Councillor 2020/21 Budget Workshop • Councillor Information Sessions • Development Assessment Panel (DAP) Meeting 	Dalby Dalby
4 June 2020	<ul style="list-style-type: none"> • Meeting with Local Business • Meeting with Bureau of Meteorology • Queensland Resource Council - COVID-19 Update 	Dalby Phone Phone
5 June 2020	<ul style="list-style-type: none"> • Meeting with Local Government Managers Association Qld CEO's 	Phone
10 June 2020	<ul style="list-style-type: none"> • Meeting with Local Radio Station 	Dalby
11 June 2020	<ul style="list-style-type: none"> • Queensland Resource Council - COVID-19 Update 	Phone
15 June 2020	<ul style="list-style-type: none"> • Planning and Pre-Agenda Meeting 	Dalby

	<ul style="list-style-type: none"> • Councillor 2020/21 Budget Workshop • Councillor Information Sessions 	Dalby Dalby
17 June	<ul style="list-style-type: none"> • Ordinary Meeting of Council • Councillor 2020/21 Budget Workshop 	Chinchilla Chinchilla
18 June 2020	<ul style="list-style-type: none"> • Meeting with John Mongard • Queensland Resource Council - COVID-19 Update 	Chinchilla Phone
19 June 2020	<ul style="list-style-type: none"> • Meeting with Local Government Managers Association Qld CEO's 	Phone
22 June 2020	<ul style="list-style-type: none"> • Development Assessment Panel (DAP) Meeting • Meeting with Toowoomba Surat Basin Enterprise • Queensland Resource Council Meeting 	Dalby Dalby Dalby
23 June 2020	<ul style="list-style-type: none"> • Regional Recovery Workshop • Meeting with Minister Glenn Butcher 	Phone Dalby
24 June 2020	<ul style="list-style-type: none"> • Monthly Meeting with Origin 	Phone
25 June 2020	<ul style="list-style-type: none"> • Catch up with Ann Leahy 	Dalby
26 June 2020	<ul style="list-style-type: none"> • Meeting with DLGRMA - Covid Safe Events Framework 	Phone
29 June 2020	<ul style="list-style-type: none"> • Monthly Meeting with Shell 	Phone
30 June 2020	<ul style="list-style-type: none"> • Meeting with Judith Brett - LaTrobe University 	Dalby

Consultation (Internal/External)

Chief Executive Officer

Legal/Policy Implications (Justification if applicable)

Nil

Budget/Financial Implications

Nil

Conclusion

The foregoing represents activities undertaken by the Chief Executive Officer during the month of June 2020.

Attachments

Nil

Authored by: A. Lyell, Executive Services Administration Officer

Title **Executive Services Report Local Government Association of Queensland Annual Conference 19-21 October 2020 Gold Coast October Ordinary Meeting of Council**

Date 9 July 2020

Responsible Manager R. Musgrove, CHIEF EXECUTIVE OFFICER

Summary

The purpose of this Report is to seek Council's direction regarding the delegates from Western Downs Regional Council to be approved to attend the 124th Annual Conference of the Local Government Association of Queensland, to be held 19 to 21 October 2020, at the Gold Coast Convention and Exhibition Centre. Further, that the Ordinary Meeting of Council scheduled on 21 October be held on 28 October 2020 to allow Councillors to attend the LGAQ Conference.

Link to Corporate Plan

Strategic Priority: Strong Economic Growth

- There is a confidence in our strong and diverse economy.
- We're open for business and offer investment opportunities that are right for our region.
- We optimise our tourism opportunities, unique experiences and major events.
- Business and industry in our region live local and buy local.
- Our region is a recognised leader in energy, including clean, green renewable energies.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and that:

1. Council appoints two (2) Councillors (Cr. P.M. McVeigh and Cr. A.N. Smith) as delegates to attend the Annual Conference of the Local Government Association of Queensland, to be held 19 to 21 October 2020, at the Gold Coast Convention and Exhibition Centre; and
2. The Ordinary Meeting of Council scheduled on 21 October 2020 be held on 28 October 2020 at the Dalby Events Centre commencing at 9.30am.

Background Information

The Annual Conference of the Local Government Association of Queensland is a significant opportunity for Mayors, Councillors and Chief Executive Officers representing all of Queensland's cities, towns and shires to meet and discuss issues facing local government in Queensland.

Report

Held annually in October, the Annual Conference provides an important opportunity for councils to not only network and learn, but also to debate and vote on new policy. The event doubles as the Association's AGM.

The Annual Conference brings together Federal, State and Local Government, external stakeholders and media. Additionally, a significant contingent of industry suppliers comprise a large trade exhibition to show-off their latest offerings to the sector's leaders from across the state.

The Annual Conference consists of two and a half days of full plenary, split plenary and workshop sessions where participants will immerse themselves in the challenges facing local government and their communities.

It is further recommended that, to enable Councillors to attend the LGAQ Conference, the Ordinary Meeting of Council scheduled for 21 October be amended to 28 October 2020 at the Dalby Events Centre commencing at 9.30am.

Consultation (Internal/External)

Nil

Legal/Policy Implications (Justification if applicable)

Nil

Budget/Financial Implications

Registration for two (2) Delegates is provided by LGAQ; Observer registration is \$1,540.

Conclusion

That Council appoints Cr. P.M. McVeigh and Cr. A.N. Smith as Delegates to attend the Annual Conference of the Local Government Association of Queensland, to be held on 19 to 21 October 2020, at the Gold Coast Convention and Exhibition Centre and amends the date for the October Ordinary Meeting of Council to 28 October 2020 at the Dalby Events Centre commencing at 9.30am.

Attachments

1. 2020 LGAQ Annual Conference Program

Authored by: J. Weier, SENIOR EXECUTIVE OFFICER



**NEXTGEN
COUNCILS**

Local Government Association of Queensland 124th

ANNUAL CONFERENCE

19 – 21 OCTOBER 2020

**Gold Coast Convention &
Exhibition Centre**

NEXTGEN COUNCILS | #LGAQ2020



PLATINUM SPONSORS



GOLD SPONSORS



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QUEENSLAND
TREASURY
CORPORATION

PRESIDENT'S WELCOME

Welcome to the Local Government Association of Queensland's 124th Annual Conference and Annual General Meeting on the Gold Coast.

The significance of this year's event cannot be overstated. This is our first Annual Conference of the new term, the first of the new decade.

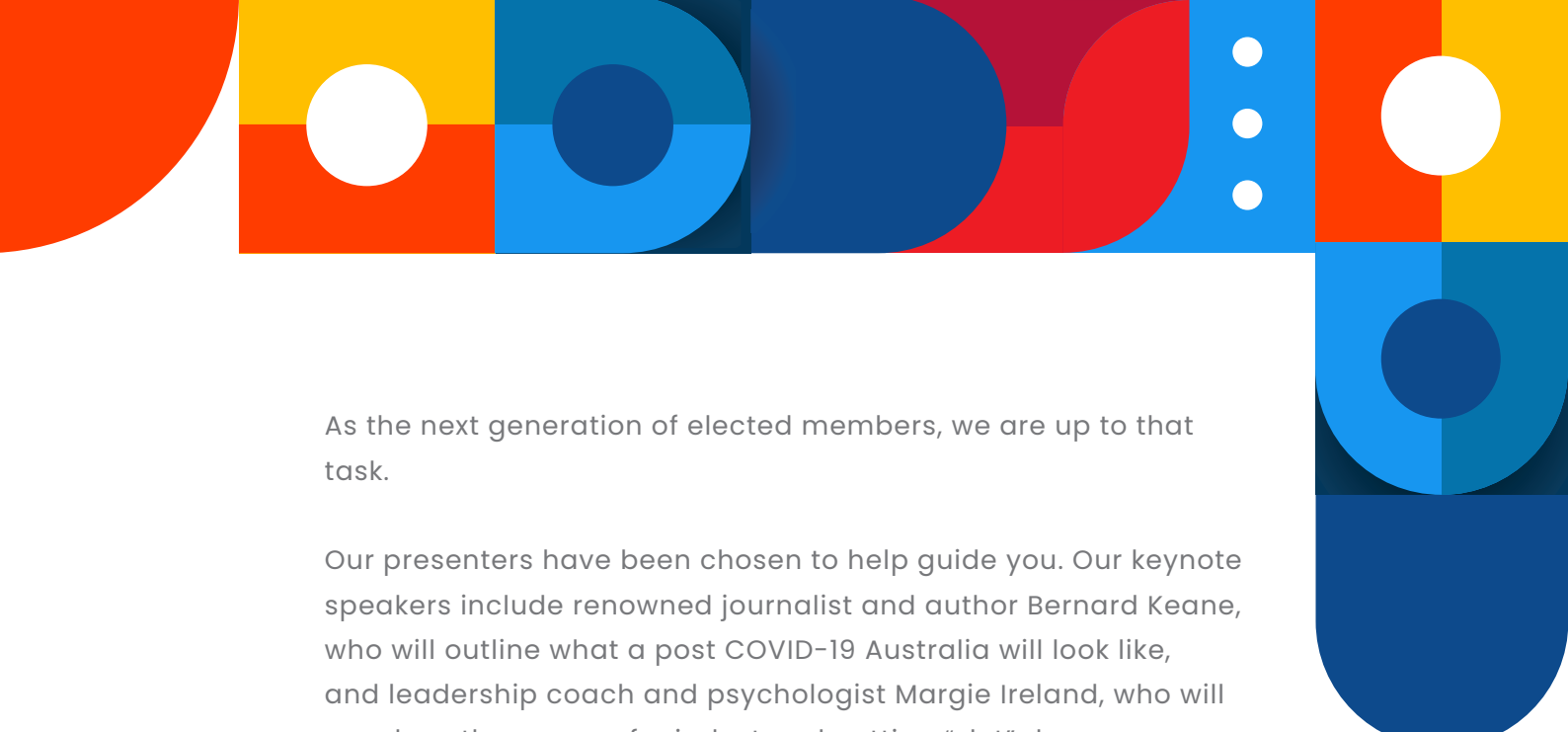
Perhaps of most importance, however, is that this is the first gathering of the next generation of local leaders – those who have been elected to see their communities through the challenges ahead in the wake of the COVID-19 pandemic and to help their residents and local businesses to recover and thrive.

Which is why our conference theme is **"NextGen Councils"**.

The challenges our communities selected us to face have been coming thick and fast as councils navigate their way through the public health directions and the ensuing economic crisis, which have impacted the social fabric of our communities.

At the same time, our councils have also been at the forefront of overseeing ongoing recovery efforts from natural disasters like floods and fires and dealing the continuing drought.





As the next generation of elected members, we are up to that task.

Our presenters have been chosen to help guide you. Our keynote speakers include renowned journalist and author Bernard Keane, who will outline what a post COVID-19 Australia will look like, and leadership coach and psychologist Margie Ireland, who will speak on the power of mindset and getting “sh.t” done.

This year was not just an election year for local government. The State Election is due 10 days after this conference wraps. Our political leaders will be here to talk to you about their vision for local government should their party win government on October 31 and secure the first fixed four-year Parliamentary term.

There will also be plenty of opportunities for you to learn and share throughout the three days. The Indigenous Leaders Forum will be held on Monday, as will the Regional Roads and Transport Group Assembly. On Tuesday, councils will showcase some of the good work they are doing in their patch, from disaster recovery to regional innovation and community empowerment.

And of course, there is the Gala Dinner on Tuesday night before the final day’s program, including a State Election panel and address from the final keynote speaker of the event, Performance Lab head coach Tony Wilson, who will outline how to perform at your best.

Please make the most of this program and learn what you can from our speakers to assist you and your colleagues as we look to the term and the decade ahead.

Mayor Mark Jamieson
PRESIDENT



WELCOME TO THE CITY OF GOLD COAST



Since I know every one of my LGAQ colleagues is passionately proud of your own home town, I won't sell Gold Coast as the venue for this year's annual conference.

Sure, I want you to come and visit but this year, more than ever before, we have weighty issues to discuss and vital learnings to be shared, thanks to COVID-19.

Above all, this should be a celebration of how local government has held our communities together against the backdrop of a truly global crisis. In the darkest of hours we have shown a light to those who depend on us to deliver them a healthy, secure and prosperous lifestyle.

It's quite a challenge but we, and the many great individuals who have gone before us, have been guiding Queenslanders since 1896 and, dare I say, we do a pretty good job of it.

So, join me in Australia's favourite holiday playground and let's refine the vital role local government plays in our Australian way of life. It will be a great occasion.

Mayor Tom Tate
COUNCIL OF THE CITY OF GOLD COAST

Program Agenda

Sunday 18th October 2020

9:00 am - 4:30 pm

Peak Services Professional Development Course

LGASS00002 - Elected Member Skill Set (1 of 2 days)

Attendees must register with Peak Training prior to arriving at Conference

10:00 am

Church Service

Stella Maris Church, 268 hedges Avenue, Broadbeach

12:00 pm - 4:30 pm

Policy Executive Meeting

2:00 pm - 5:00 pm

Registration

Delegates, observers, trade, corporate and accompanying persons

4:00 pm - 4:30 pm

Trade and Sponsor Briefing

Monday 19th October 2020

8:00 am – 5:00 pm

Registration

Delegates, observers, trade, corporate and accompanying persons

9:00 am – 4:30 pm

Peak Services Professional Development Course

LGASS00002 - Elected Member Skill Set (2 of 2 days)

Attendees must register with Peak Training prior to arriving at Conference

9:00 am – 11:00 am

QSport Workshop

9:00 am – 12:30 pm

Living Lab - Intelligent insights to deliver digital dividends

10:15 am – 11:00 am | Morning Tea

10:30 am – 5:00 pm

Indigenous Leaders Forum

12:30 pm – 2:00 pm

Business Retention, Expansion and Attraction Workshop and Lunch

12:30 pm – 2:00 pm | Lunch

2:00 pm – 4:00 pm

Regional Roads and Transport Group Assembly

4:30 pm – 5:00 pm

First Time Delegate Briefing

5:15 pm – 6:30 pm Welcoming Ceremony

5:15 pm
Opening Act

5:25 pm
Welcome to Country

5:30 pm
Welcome to the City of Gold Coast
Mayor Tom Tate

5:35 pm
Response
Mayor Mark Jamieson – President, LGAQ

5:40 pm
Sponsor Address – King & Company
Tim-Fynes Clinton, Managing Partner

5:45pm
2020 LGAQ Journalism Award
The LGAQ Regional Journalism Award is dedicated to showcasing excellence in reporting in regional Queensland. The award honours the memory of ABC journalists John Bean, Paul Lockyer and Gary Ticehurst. Listen to the official announcement of the 2020 winner, who will receive a \$15,000 prize.

5:55 pm – 7:30 pm
Networking Drinks
Trade Exhibition

Tuesday 20th October 2020

8:00 am – 5:00 pm

Registration

Delegates, observers, trade, corporate and accompanying person

8:30 am

Security Briefing

Master of Ceremonies – Mr Tim Cox, Communications Advisor, LGAQ

8:31 am

Call to Order by the President

8:33 am

Presentation of the Policy Executive

8:45 am | Official Opening

Hon Anastacia Palaszczuk MP (Invited)
Premier of Queensland

8:55 am

Presidential Address

Mayor Mark Jamieson – President, LGAQ

9:15 am

Keynote Address: Australia – Post COVID-19

Bernard Keane, Crikey

9:50 am

Building resilient landscapes together – from planning to practice

Chris Norman – CEO, NRM Regions QLD

10:00 am | Morning Tea

10:30 am
Sponsor Address

10:35 am
Panel Session: Council Showcases
Chaired by: Sarah Buckler PSM – General Manager, Advocacy LGAQ

11:55 am
Sponsor Address

12:00 pm
Community Intelligence – Our Town a Working Demonstration
Glen Beckett – General Manager, Assist, LGAQ Pippa Riddell – BI Specialist/
Analyst, LGAQ

12:30 pm
"Class of 2020" Group Photo

12:40 pm | Lunch

1:40 pm
NextGen Procurement – LocalBuy
Peter Mifsud, CEO – Marketplace, Local Buy

2:30 pm
Council Forums
Rural and Remote Councils
Resources and Regional Councils
SEQ and Coastal Councils

4:00 pm
Sponsor Address

4:05 pm
LGMS Member Update and Risk Management Awards
Ian Leckenby – Chair, LGMS
Rachel Chambers – Mayor, North Burnett Regional Council and Board
Member

4:20 pm
Councillor Conduct Tribunal Update
June Anstee – President, Councillor Conduct Tribunal

4:35 pm
Keynote Address: Mindset – And how to get shi...t done!
Margie Ireland – Principal Leadership Coach & Psychologist

5:05 pm
Program concludes

6:30 pm for 7:15 pm Start
Gala Dinner
Gold Coast Convention and Exhibition Centre

11:30 pm
Dinner concludes

Wednesday 21st October 2020

8:30 am
Conference Resumes

8:35 am
Annual General Meeting including debate of motions

10:00 am
Australian Local Government Association Update
Mayor David O'Loughlin - President

10:10 am
Sponsor Address

10:15am | Morning Tea

10:35 am
Peak Services Update
Brent Reeman - Managing Director
David Foster - Non-Executive Director

10:55 am
Sponsor Address

11:00 am
Motions Debate

12:00 pm
Opposition Update
Ms Ann Leahy - Shadow Minister for Local Government (Invited)

12:30 pm | Lunch

1:30 pm
Motions Debate

2:40 pm
Domestic and Family Violence Award

2:50 pm
State Election Panel

Chaired by: Sarah Vogler - Media Executive, LGAQ
and Tim Cox - Communications Advisor, LGAQ

Hon Stirling Hinchliffe - Minister for Local Government, Racing and
Multicultural Affairs

Ann Leahy MP - Shadow Minister for Local Government (Invited)

3:45 pm
Keynote Address - High Performance: Managing Yourself
Tony Wilson - Head Coach, Director at Performance Lab

4:30 pm
Plenary Concludes

WORKSHOPS

MONDAY
19 OCTOBER 2020

QSPORT WORKSHOP

This year's third annual QSport-LGAQ workshop will address the impacts of COVID-19 on the delivery of sport at the community level, with a focus on spaces and places that are owned, leased, controlled and/or supported by local governments.

Through the lens of the staged easing of COVID-19 restrictions – that effectively closed down sport in mid-March – this workshop will focus on what has been done to assist with the resumption of local sporting activities, and what might be done to further to boost their recovery.

As the peak body for organised sport in Queensland, QSport sees this workshop as an important part of the process of successfully contributing to councils' and local clubs' efforts to assist their communities re-emerge from the shadow of the pandemic.

LIVING LAB - INTELLIGENT INSIGHTS TO DELIVER DIGITAL DIVIDENDS

This workshop will showcase the simple and practical steps councils can take to improve community engagement, communications and business efficiency through use of LGAQ's growing library of analytical and digital member services.

BUSINESS RETENTION, EXPANSION AND ATTRACTION WORKSHOP

Councils can play a significant role in ensuring that their regions are best placed to attract and retain investment in highly competitive markets.

This session is perfect for those seeking a more sophisticated understanding of the investment attraction market, as well as the practical skills needed for success.

You will hear from a world-leading practitioner who will outline and demystify the investment trends and decision-making processes behind site selection. Obtain real-life insights into world's best practice in investment attraction, and how other leading investment promotion agencies are remaining competitive and successfully engaging with investors.



MONDAY, 19 OCTOBER 2020

10:30AM – 5:00PM

INDIGENOUS LEADERS FORUM

Hosts: Cr Wayne Butcher and Cr Jason Woibo

Since 2011, the Indigenous Leaders Forum has been a valuable way for Aboriginal and Torres Strait Islander councils to come together in order to discuss specific challenges and to put forward issues they would like the LGAQ to assist them in addressing.

The Forum is held twice-yearly.

WEDNESDAY, 21 OCTOBER 2020

2.30PM – 4.00PM

COUNCIL FORUMS

Come and join with your council peers in one of three forums to discuss, share and debate key issues. This is also your opportunity to talk with each other and your Policy Executive members about ways the LGAQ can help and support your council.

The forums will be hosted by the LGAQ Policy Executive members

Please register for the forum that you believe will most interest your council – if you can't decide you are welcome to send delegates to separate forums.

Delegates/observers are welcome to attend any one of the forums:

SMALL

RURAL AND REMOTE COUNCILS

Hosts: Cr Robyn Fuhrmeister, Cr Robert Dare and Cr Jane McNamara

MEDIUM

RESOURCES & REGIONAL COUNCILS

Hosts: Cr Andrew Willcox and Cr Paul McVeigh

LARGE

COASTAL COUNCILS

Hosts: Cr Jack Dempsey, Cr Matt Burnett, Cr Jenny Hill, Cr Bob Manning

SOUTH EAST QUEENSLAND COUNCILS

Hosts: Cr Peter Matic, Cr Karen Williams and Cr Paul Tully



Butch Lenton MEMORIAL

BUSH COUNCIL INNOVATION AWARDS

In recognition of the innovative contribution to Queensland made by Graeme 'Butch' Lenton as Mayor of Winton Shire Council, Peak Services continues the annual Butch Lenton Memorial Bush Council Innovation Award.

Butch, who passed away on 1 October 2017, spent more than 20 years - first as a councillor, then as mayor - pursuing his unique vision for the region in which he was born and raised. That vision extended far beyond driving the traditional agricultural and grazing industries existing in the area. It included developing tourism, renewable energy and telecommunications as key features of a thriving local economy.

The award is a small way for us to recognise innovation in Bush Councils and pay tribute to Butch's legacy.

The inaugural award in 2018, was won by Brett Walsh from Barcaldine Regional Council for the study tour of the United States of America to discover how small rural communities are adopting smart growth opportunities to ensure their future survival and translating the findings of the tour to opportunities for western Queensland communities.

In 2019, the winner of the award was Cr Kathy Duff from South Burnett Regional Council for the Proston Community Revival Project.

The award will be presented at the LGAQ Annual Conference each year and showcased at the Bush Councils Convention, held every two years. We are seeking nominations for a council group or individual who would like to undertake or have completed an activity that demonstrates innovation.



The successful application will be awarded with a bursary of \$10,000 to go towards the nominated innovative activity. The nominations will be judged by the committee led by; LGAQ Chief Executive Officer Greg Hallam AM, Peak Services Managing Director and Chief Executive Officer Brent Reeman.

Applications open on 15 June 2020. Nominations close on 10 August 2020.

Applications are available from
hello@wearepeak.com.au



LGASS00002 ELECTED MEMBER SKILL SET
2020 LGAQ Conference, Gold Coast
Sunday 18 & Monday 19 October 2020

ENROL NOW: Accredited 2-day program \$1,500 GST FREE
 Non-Accredited program \$1,060 GST FREE

COURSE NAME	UNIT CODE	DESCRIPTION
Councillor roles and responsibilities	<p>LGAGENE503 Perform the role of an elected member</p> <p>LGAGENE501A Undertake councillor roles and responsibilities</p>	Covers the behaviours and actions required of elected members in meeting their roles and responsibilities. Using legislation as its basis, the units explore in practical ways how the framework of laws, regulations, and codes create a clear path that guide the steps of elected members and helps them to carve out a successful role at council and within the community.
Effective decision making	<p>LGAGENE302A Contribute to effective decision making</p>	Explores decision making processes and the capabilities required by those in positions of authority within council. It recognises the impact of personal and community influences upon councillors when making clear and strong decisions.

This program has been specifically developed for Queensland Elected Members or Senior Council Executives

BENEFITS TO THE COUNCILLOR AND THE COMMUNITY

Upon successful completion of this course, elected members will gain increased knowledge and skills to help prepare them for the diverse range of topics and issues they may need to address in their roles. Our 2-day program focuses on increasing their leadership and governance skills. Communities too will benefit from having highly skilled representatives who will be able to effect change, make more informed decisions and positively influence and lead the community.

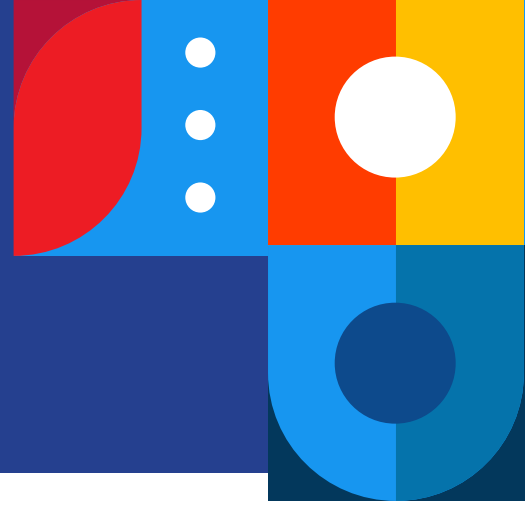
Completion of this Skill Set provides a pathway to completing the LGA50712 Diploma of Local Government. Further training can be conducted inhouse, via virtual training or through our confirmed publicly scheduled courses.

To enrol into the 2-day Elected Member Skill Set, please complete the [calendar-booking form](#) and return to training@wearepeak.com.au or contact Peak Services on 07 3000 2148 for further details.

wearepeak.com.au

ACCOMMODATION:

(GST INCLUSIVE)



Accommodation for Annual Conference is being organised by cievents

Accommodation booking

A \$10 booking fee will be added per person, per booking

CONFERENCE SHIRT

(Council delegates/observers only)

Council delegates and observers will be issued with ONE shirt whilst at conference. These need to be ordered on line as part of your conference registration. The sizing is as follows:

The sizing is as follows:

MENS MODERN FIT	S	M	L	XL	2XL	3XL	5XL
GARMENT ½ CHEST (CM)	52	55	58	62	65	71	79

LADIES MODERN FIT	8	10	12	14	16	18	20	22	24
GARMENT ½ CHEST (CM)	46.5	49	52	54	56.5	59	62	65	68

Please select your size carefully as there won't be the opportunity to change your size once at conference.

CONFERENCE REGISTRATION

(GST INCLUSIVE)

Please refer to registration cancellation policies on www.lgaq.asn.au when making your registration.

Early Bird Registration - prior to and including 4th September 2020

Council or State Government observer	\$ 1540.00
5 or more observers from one Council/Government Department	\$ 1430.00
Corporate (Private Sector)	\$ 3000.00

After 13 September 2020

Council or State Government observer	\$ 1740.00
5 or more observers from one Council/Government Department	\$ 1600.00
Corporate (Private Sector)	\$ 3240.00

Early Bird One Day Registration - prior to and including 4th September 2020

Council or State Government observer	\$ 770.00
Corporate (Private Sector)	\$ 1210.00

After 4th September 2020

Council or State Government observer	\$ 880.00
Corporate (Private Sector)	\$ 1600.00

FUNCTIONS

Welcoming Ceremony (accompanying persons, day registrations and additional trade exhibitors)	\$ 75.00
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DINNER

Gala Dinner – Tuesday evening (20 October 2020)	\$ 175.00
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Please note that the Welcoming Ceremony on the Monday evening is included in the conference fee for delegates, observers and corporates attending the full three days of conference.

Accompanying persons are welcome to attend the Welcoming Ceremony and Gala Dinner.



Register via links below or online at
www.lgaq.asn.au
under the Events Tab 124th LGAQ Annual Conference.

Delegate & Observers Group registration

**Registration
Booking**

Delegate & Observer Individual registration

**Registration
Booking**

Corporate Registration

**Registration
Booking**



ENQUIRIES

Conference: Members Hotline

P 1300 542 700

E ask@lgaq.asn.au

EXHIBITION

Adrienne Coats, Sponsor and Trade Sales Officer

P 3000 2224

E adrienne_coats@lgaq.asn.au

  [#LGAQ2020](https://twitter.com/LGAQ2020)

Title Executive Services Report Outstanding Actions June 2020

Date 15 July 2020

Responsible Manager R. Musgrove, CHIEF EXECUTIVE OFFICER

Summary

The purpose of this Report is to provide Council with an updated on the status of outstanding Council Meeting Action Items to 17 June 2020.

Link to Corporate Plan

Strategic Priority: Strong Economic Growth

- There is a confidence in our strong and diverse economy.
- We're open for business and offer investment opportunities that are right for our region.
- We optimise our tourism opportunities, unique experiences and major events.
- Business and industry in our region live local and buy local.
- Our region is a recognised leader in energy, including clean, green renewable energies.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and noted.

Background Information

Nil

Report

The purpose of this Report is to provide Council with an update on the status of Outstanding Council Meeting Action Items to the Meeting held on 17 June 2020.

1. Outstanding Council Meeting Action List (As at 17 June 2020)

Meeting date	Item description	File No.	Council Resolution/Task	Responsible Division
21/06/2017	Corporate Services Confidential Report Authorise Chief Executive Officer Negotiate Purchase Properties	AD6.6.2	<p>MOVED by Cr. I.J. Rasmussen Seconded by Cr. R.C. Brown</p> <p>That this Report be received and that:</p> <p>1. Council authorise the Chief Executive Officer to negotiate the acquisition of properties as proposed up to the amount in the table on page 81 of the report.</p> <p style="text-align: right;">CARRIED (7,1)</p> <p>FOR VOTE: Cr. P.M. McVeigh, Cr R.C. Brown, Cr. C.T. Tillman, Cr. K.A. Maguire, Cr. G.M. Olm, Cr. I.J. Rasmussen, Cr. A.N. Smith</p>	Corporate Services

Meeting date	Item description	File No.	Council Resolution/Task	Responsible Division
			AGAINST VOTE: Cr. P.T. Saxelby ABSENT. DID NOT VOTE: Cr. D.E. Ashurst	

Consultation (Internal/External)

Chief Executive Officer;
 General Manager (Community & Liveability);
 General Manager (Corporate Services);
 General Manager (Infrastructure Services); and
 Relevant Managers, Coordinators and Officers.

Legal/Policy Implications (Justification if applicable)

Nil

Budget/Financial Implications

Nil

Conclusion

This report is provided to inform Council of the progress of resolutions of Council.

Attachments

Nil

Authored by: A. Lyell, Executive Serviced Administration Officer

Title Corporate Services Financial Report June 2020

Date 7 July 2020

Responsible Manager E. Lambert, ACTING CHIEF FINANCIAL OFFICER

Summary

The purpose of this Report is to provide Council with the Financial Report for the period ending 30 June 2020. A final report will be provided to the September Council meeting once all accruals, prepayments and provisioning has been finalised for 2019-20. This will also include a report on business unit outcomes.

Link to Corporate Plan

Strategic Priority: Financial Sustainability

- We are recognised as a financially intelligent and responsible Council.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That Council receives and notes the June 2020 Financial Report and resolves to approve \$1.144 million in capital expenditure and \$0.130 million in capital revenue being added to Council's capital works program.

Background Information

The Chief Executive Officer is required by Section 204 (2) of the Local Government Regulation 2012 to present the financial report at each meeting of the local government if each meeting is held less frequently than monthly, or monthly. The financial report must state the progress that has been made in relation to the local government's budget for the period of the financial year up to a day as near as practicable to the end of the month before the meeting is held (section 204 (3)).

Report

1. Operating Result

The operating profit as at the end of June is currently \$8.132 million compared to a budgeted surplus of \$1.854 million which is \$6.279 million ahead of budget. It is expected that the end of year operating surplus will be approx. \$5.654 million when all end of year adjustments are entered, including accruals and provision adjustments.

An analysis of the major variances for each operating revenue and expense item is provided in the following table:

Council Consolidated	Revised Budget \$	YTD Budget \$	YTD Actuals \$	Variance \$	Comments
Revenue					
Rates and Utility Charges	(88,811,615)	(88,811,615)	(88,080,711)	730,904	Rates and Utility Charges are under budget mainly due to \$0.642 million being paid out in Economic Hardship concessions to Retail and Commercial rate payers. There have also been some minor QVAs adjustments.
Volumetric	(7,227,791)	(7,227,791)	(7,722,419)	(494,628)	Volumetric income is over budget with increased consumption due to the hot and dry conditions.
Less: Discounts & Pensioner Remissions	4,924,373	4,924,373	4,751,017	(173,356)	Discounts & Pensioner remissions are under budget and is waiting on numbers from final water rates levy issued in last week of June, and yet to be applied.
Net Rates and Utility Charges	(91,115,033)	(91,115,033)	(91,052,113)	62,920	
Fees and Charges	(6,787,310)	(6,787,310)	(7,246,123)	(458,813)	<p>Fees & Charges are \$0.459 million greater than budget due to:</p> <ul style="list-style-type: none"> > Water sales from the standpipes being \$0.288 million more than budget due to the drought. > Washdown Bay fees being \$0.242 million more than budget due to increased activity at the Saleyards flowing through to the washdown bays. > Fines & Penalties being \$0.230 million more than budget due to Council focusing more on enforcement. > Other Fees & Charges are more than budget by \$0.168 million including Cemetery income, Town Planning Fees, Health Licences and Permits & Stock Route fees. <p>These favourable outcomes have been offset by:</p> <ul style="list-style-type: none"> > Waste Disposal Fees being \$0.504 million below budget due to lower than expected volumes being tipped.
Rental and Levies	(1,672,589)	(1,672,589)	(1,735,220)	(62,631)	
Sales of Major Services	(18,980,642)	(18,980,642)	(24,075,454)	(5,094,812)	<p>Sales of Major Services are \$5.095 million more than budget due to:</p> <ul style="list-style-type: none"> > Commercial Works being \$4.406 million more than budget due to unbudgeted projects being completed throughout the year. > Saleyards revenue being \$0.826 million more than budget due to higher than expected sales from the prolonged drought.

Council Consolidated	Revised Budget \$	YTD Budget \$	YTD Actuals \$	Variance \$	Comments
Operating Grants, Subsidies and Contributions	(25,177,684)	(25,177,684)	(26,369,383)	(1,191,699)	<p>Operating Grants, Subsidies and Contributions have come in more than budget due to:</p> <ul style="list-style-type: none"> > \$0.443 million received in additional grants for Apprentice/Trainee incentive claims, library grants, QLD feral pest initiative grant, Qld Destination Events program grants and environmental health protection grants. > An additional \$0.412 million being paid in the Financial Assistance Grants prepayment for 2020-21 than was budgeted. > \$0.407 million additional government funding for Home and Community Care client additional services post COVID - 19. > \$0.080 million for additional Resource Sector maintenance contributions.
Interest Revenue	(3,645,978)	(3,645,978)	(2,407,664)	1,238,314	Interest Income was budgeted for at 2.50% (the return in 2018-19) for the year but due to the RBA rate decreases, Council has received an average of 1.76% from QTC. As at May 2020, interest rates have dropped to 0.87%.
Other Income	(1,602,500)	(1,602,500)	(959,272)	643,228	<p>Other income has come in under budget by \$0.643 million due to:</p> <ul style="list-style-type: none"> > No ticket sales income being received for the Big Skies event (\$0.422 million). > Cinema income being less than budget by (\$0.137 million) due to COVID-19 implications. > Legal fees recovered have come in less than budget by \$0.178 million for the year due to Council not pursuing unpaid rates.
TOTAL OPERATING REVENUES	(148,981,736)	(148,981,736)	(153,845,229)	(4,863,493)	

Council Consolidated	Revised Budget \$	YTD Budget \$	YTD Actuals \$	Variance \$	Comments
Expenses					
Employee Benefits	56,922,638	56,922,638	55,246,927	(1,675,711)	Employee Benefits are below budget due to council managing vacancies across the year, and also during the COVID - 19 pandemic period where staff were not taking leave.
Less Capitalised Employee Benefits	(5,317,506)	(5,317,506)	(4,476,285)	841,222	This lower capitalisation cost is due to deferrals of projects budgeted & savings on completed projects for the internal work force.
Net Employee Benefits	51,605,132	51,605,132	50,770,642	(834,490)	
Materials and Services	53,079,460	53,079,460	51,403,000	(1,676,460)	Materials and Services are currently under budget. This variance will reduce as projects are finalised as a part of end of financial year. There has also been significant savings in diesel expenses of \$0.573 million for the year due to a material decline in oil prices.
Depreciation and Amortisation	41,863,459	41,863,459	42,975,999	1,112,540	Depreciation is greater than budget because of the outcomes from the valuation on buildings in the previous year where economic useful lives were shortened on a wide range of assets which then increases depreciation expense.
Finance Costs	580,110	580,110	563,138	(16,972)	
Corporate Overhead	-	-	-	-	
TOTAL OPERATING EXPENSES	147,128,161	147,128,161	145,712,779	(1,415,382)	
Operating (surplus)/deficit	(1,853,575)	(1,853,575)	(8,132,450)	(6,278,875)	

2. Capital Revenue and Expenditure

o Capital Revenue

Capital Revenue for the year is \$16.968 million which is \$0.956 million ahead of budget.

- Capital Grants & Subsidies are \$0.280 million behind budget. This is due to savings in projects and projects being deferred to 2020-21.
- Capital Contributions are \$1.657 million ahead of budget. This is due to additional contributions from the resource sector and some old outstanding claims being finalised.
- Contributed Assets are \$0.894 million behind budget. This budget was an estimate with it being hard to predict what will be contributed throughout the year.
- \$0.798 million has been received in Developer Contributions for the upgrade of Sherwood Road and other projects. Council did not budget for and Developer Contributions.

- Disposal of Non-Current Assets is \$0.325 million behind budget. Disposal of Non-Current Assets will come in under budget for the year with the second yellow fleet auction being postponed until October 2020 due to the restrictions in place for COVID-19.

- **Capital Expenditure**

As at 30 June 2020 Council has spent \$36.192 million of its \$49.958 million budget being \$13.766 million behind budget. It is estimated that Council will spend around \$39.000 million for 2019-20 when finalised with \$8.700 million to be carried over to 2020-21 and identified savings/cancelled projects of \$2.500 million. A detailed report on the status of each capital project will be presented to Council in the end of year report at the September meeting.

Projects to the value of \$1.144 million in expenditure and \$0.130 million in revenue have been added to the 2019-20 capital works program. As per the Budget Policy, the projects have been approved by either Council, the Chief Executive Officer or, in some cases, the general managers. The projects are listed in the table below.

Project ID	Project Name	Expenditure Budget	Revenue Budget	Comment
Current Revised Capital Budget		48,814,636	(13,097,962)	
Capital Expenditure for Council Approval				
66800.0276.0486	UTV for Parks Department	12,137	-	Approved at Fleet Management Meeting 27/05/20
66100.0085.1421	QGC Ravens Road - Ch0.00 to 3.74 Medium Formation Grading (with water) + Gravel Patching	112,713	(129,620)	Resource sector project. Fully funded. Approved by CEO 22/05/20
	Total	124,850	(129,620)	
Capital Expenditure Previously Approved by Council to be added to Total Capital Expenditure				
11100.0057.0055	Miles Centennial Sports Oval Toilet Replacement	45,000	-	Approved Stimulus project. 2019-20 budget allocation.
11100.0057.0056	Archibald Street Toilet Block Revitalisation	5,000	-	Approved Stimulus project. 2019-20 budget allocation.
11100.0219.0075	Dalby & Chinchilla Cinema/Auditorium upgrade	135,000	-	Approved Stimulus project. 2019-20 budget allocation.
11100.0215.0174	Replace Secretary Building Dalby Showgrounds	100,000	-	Approved Stimulus project. 2019-20 budget allocation.
11100.0215.0178	Tara Showgrounds Founders Pavilion Roof & Wall Lining Replacement	20,000	-	Approved Stimulus project. 2019-20 budget allocation.
11100.0215.0179	Tara Showgrounds Grandstand and Bar Roof Sheeting replacement	10,000	-	Approved Stimulus project. 2019-20 budget allocation.
11100.0217.0114	Dalby Aquatic Centre Carpark Extension Myall Creek Side & Concrete Sealing Under the 25m Pool	24,000	-	Approved Stimulus project. 2019-20 budget allocation.
11100.0217.0116	Shade sails over the eastern side of the outdoor pool grass area at the Dalby Aquatic Centre	90,000	-	Approved Stimulus project. 2019-20 budget allocation.
11100.0218.0088	Bell Golf Club Building Replacement	20,000	-	Approved Stimulus project. 2019-20 budget allocation.
11100.0219.0077	Refurbishment of the Miles Civic Centre Bar Area	3,000	-	Approved Stimulus project. 2019-20 budget allocation.
11100.0220.0302	Community Halls Painting Package	24,000	-	Approved Stimulus project. 2019-20 budget allocation.
11100.0220.0305	Tara Memorial Soldiers Hall Replace Chairs	30,000	-	Approved Stimulus project. 2019-20 budget allocation.
11100.0239.0027	Painting Package - 2 houses	4,500	-	Approved Stimulus project. 2019-20 budget allocation.
66400.0258.0078	Installation Shade Structure and seating at Tanderra Lawn Cemetery Garden of Angels in Chinchilla	11,250	-	Approved Stimulus project. 2019-20 budget allocation.
66400.0258.0080	Replace Miles Cemetery Fence	15,000	-	Approved Stimulus project. 2019-20 budget allocation.
66400.0258.0081	Installation of Storage Shed Wandoan Cemetery	10,000	-	Approved Stimulus project. 2019-20 budget allocation.
66400.0258.0081	Miles SES 4 Bay Equipment Storage Shed	6,000	-	Approved Stimulus project. 2019-20 budget allocation.
66500.0261.0228	Replace Picnic Shelters at Pioneer Park Kogan	10,000	-	Approved Stimulus project. 2019-20 budget allocation.
66100.0058.0231	Bell- Kaimkillenbun Rd footpath construct. (Past Bell school)	34,650	-	Approved Stimulus project. 2019-20 budget allocation.
66100.0058.0234	Messenger St footpath construct (Balfour St to end of sealed car park area)	12,600	-	Approved Stimulus project. 2019-20 budget allocation.
66100.0058.0235	Moffat St footpath construct (Caravan park to existing concrete footpath)	10,500	-	Approved Stimulus project. 2019-20 budget allocation.
66100.0058.0240	Dillon St footpath construct (Kindy to George St)	22,500	-	Approved Stimulus project. 2019-20 budget allocation.
66100.0058.0241	George St footpath construct (Payne St to Dillon St)	23,400	-	Approved Stimulus project. 2019-20 budget allocation.
66100.0058.0253	Zeller St footpath construct (existing concrete footpath to Windmill Rd)	68,250	-	Approved Stimulus project. 2019-20 budget allocation.
66100.0058.0246	Nicholson St replacement (Connelly St to Bunya St)	23,715	-	Approved Stimulus project. 2019-20 budget allocation.
66100.0058.0228	Nicholson St replacement (Archibald St to Moy St)	26,520	-	Approved Stimulus project. 2019-20 budget allocation.
66100.0058.0229	Nicholson St replacement (Moy St to Drayton St)	24,735	-	Approved Stimulus project. 2019-20 budget allocation.
66100.0058.0257	Nicholson St footpath construct (Besley St. to Roachdale St)	81,270	-	Approved Stimulus project. 2019-20 budget allocation.
66100.0058.0270	Zeller St (Windmill Rd to Beutel St) new construction	88,200	-	Approved Stimulus project. 2019-20 budget allocation.
11300.0233.0014	Welcome to Western Downs region entry signage (Bunya Hwy, Leichardt Hwy, Goondiwindi & Warrego)	40,000	-	Approved Stimulus project. 2019-20 budget allocation.
	Total	1,019,090	-	
	Total adjustments	1,143,940	(129,620)	
Revised Capital Budget		49,958,576	(13,227,582)	

3. Cash and Investments

Council's Cash and Investments at 30 June 2020 totalled \$174.933 million which represents 14.3 months of Operating Expenses including depreciation. The balance as at 30 June 2019 was \$142.251 million. The primary reason for this increase is due to additional operating revenue, savings in operational expenditure, additional capital revenue and an underspend in capital works due to deferrals and savings.

Consultation (Internal/External)

Nil

Legal/Policy Implications (Justification if applicable)

Nil

Budget/Financial Implications

Council adopted the FY2020 Original Budget on 19 June 2020. The attached One-Page report details the progress made against Year-To-Date (YTD) budget for the period ending 30 June 2020. The outcome for the year is expected to be better than budget.

Conclusion

While Council still needs to process a large number of accruals and undertake its provisioning, the provisional operating profit of \$5.654 million has been a very positive outcome for Council considering the COVID-19 effect on some of council's income streams, a reduction in interest rates and an increase in depreciation expense. Council's cash position remains strong with \$174.933 in the bank as at 30 June 2020. A final report for the year will be provided at the September meeting.

In addition, there are projects totalling \$1.144 million in expenditure and \$0.130 million in revenue which needs to be approved so that Council's capital works program can be adjusted accordingly.

Attachments

1. One Page Report June 2020

Authored by: C. Prain, MANAGEMENT ACCOUNTANT



Western Downs Regional Council
One Page Result
Period Ending: 30 June 2020

	Council Consolidated					Council Net					Commercial Works				
	Original Budget	Revised Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	Revised Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	Revised Budget	YTD Budget	YTD Actuals	YTD Variance
Operating Revenue															
Rates and Utility Charges	(88,811,615)	(88,811,615)	(88,811,615)	(88,080,711)	730,904	(68,981,313)	(68,981,313)	(68,981,313)	(68,111,798)	869,515	-	-	-	-	-
Volumetric	(7,227,791)	(7,227,791)	(7,227,791)	(7,722,419)	(494,628)	-	-	-	-	-	-	-	-	-	-
Less: Discounts & Pensioner Remissions	4,924,373	4,924,373	4,924,373	4,751,017	(173,356)	3,645,841	3,645,841	3,645,841	3,717,492	71,651	-	-	-	-	-
Net Rates and Utility Charges	(91,115,033)	(91,115,033)	(91,115,033)	(91,052,113)	62,920	(65,335,472)	(65,335,472)	(65,335,472)	(64,394,306)	941,166	-	-	-	-	-
Fees and Charges	(6,787,310)	(6,787,310)	(6,787,310)	(7,246,123)	(458,813)	(3,245,310)	(3,245,310)	(3,245,310)	(3,659,372)	(414,062)	-	-	-	-	-
Rental and Levies	(1,672,589)	(1,672,589)	(1,672,589)	(1,735,220)	(62,631)	(1,582,589)	(1,582,589)	(1,582,589)	(1,664,248)	(81,659)	-	-	-	-	-
Sales of Major Services	(18,980,642)	(18,980,642)	(18,980,642)	(24,075,454)	(5,094,812)	-	-	-	(21,000)	(21,000)	(5,435,000)	(5,435,000)	(5,435,000)	(9,841,496)	(4,406,496)
Operating Grants & Subsidies	(25,177,684)	(25,177,684)	(25,177,684)	(26,369,383)	(1,191,699)	(22,073,013)	(22,073,013)	(22,073,013)	(23,152,847)	(1,079,834)	(3,104,671)	(3,104,671)	(3,104,671)	(3,200,000)	(95,329)
Interest	(3,645,978)	(3,645,978)	(3,645,978)	(2,407,664)	1,238,314	(3,645,978)	(3,645,978)	(3,645,978)	(2,303,410)	1,342,568	-	-	-	-	-
Other Income	(1,602,500)	(1,602,500)	(1,602,500)	(959,272)	(643,228)	(1,552,500)	(1,552,500)	(1,552,500)	(925,147)	627,353	-	-	-	-	-
TOTAL OPERATING REVENUES	(148,981,736)	(148,981,736)	(148,981,736)	(153,845,229)	(4,863,493)	(97,434,862)	(97,434,862)	(97,434,862)	(96,120,330)	1,314,532	(8,539,671)	(8,539,671)	(8,539,671)	(13,041,496)	(4,501,825)
Operating Expenses															
Employee Benefits	56,922,638	56,922,638	56,922,638	55,246,927	(1,675,711)	45,880,292	45,880,292	45,880,292	45,044,058	(836,234)	2,554,938	2,554,938	2,554,938	2,232,844	(322,094)
Less Capitalised Employee Benefits	(5,317,506)	(5,317,506)	(5,317,506)	(4,476,285)	841,221	(4,586,925)	(4,586,925)	(4,586,925)	(3,906,274)	680,651	-	-	-	-	-
Net Employee Benefits	51,605,132	51,605,132	51,605,132	50,770,642	(834,490)	41,293,367	41,293,367	41,293,367	41,137,784	(155,583)	2,554,938	2,554,938	2,554,938	2,232,844	(322,094)
Materials and Services	53,079,460	53,079,460	53,079,460	51,403,000	(1,676,460)	26,733,036	26,733,036	26,733,036	23,399,883	(3,333,153)	5,312,776	5,312,776	5,312,776	8,033,354	2,720,578
Depreciation and Amortisation	41,863,459	41,863,459	41,863,459	42,975,999	1,112,540	34,053,592	34,053,592	34,053,592	35,689,113	1,635,521	-	-	-	-	-
Finance Costs	580,110	580,110	580,110	563,138	(16,972)	549,110	549,110	549,110	566,507	17,397	-	-	-	-	-
Corporate Overhead	-	-	-	-	-	(4,417,445)	(4,417,445)	(4,417,445)	(4,417,445)	-	479,299	479,299	479,299	479,299	-
TOTAL OPERATING EXPENSES	147,128,161	147,128,161	147,128,161	145,712,779	(1,415,382)	98,211,660	98,211,660	98,211,660	96,375,842	(1,835,818)	8,347,013	8,347,013	8,347,013	10,745,497	2,398,484
Operating (surplus)/deficit	(1,853,575)	(1,853,575)	(1,853,575)	(8,132,450)	(6,278,875)	776,798	776,798	776,798	255,512	(521,286)	(192,658)	(192,658)	(192,658)	(2,295,998)	(2,103,340)
Capital Revenue															
Capital Grants & Subsidies	(6,434,700)	(9,265,833)	(9,265,833)	(8,986,154)	279,679	(6,424,700)	(9,265,833)	(9,265,833)	(8,976,154)	289,679	-	-	-	-	-
Contributions	(4,295,658)	(3,961,749)	(3,961,749)	(5,618,563)	(1,656,814)	(4,295,658)	(3,961,749)	(3,961,749)	(5,617,400)	(1,655,651)	-	-	-	-	-
Contributions - Contributed Assets	(1,980,000)	(1,980,000)	(1,980,000)	(1,086,080)	893,920	(1,980,000)	(1,980,000)	(1,980,000)	(853,872)	1,126,128	-	-	-	-	-
Contributions from Developers - Cash	-	-	-	(797,548)	(797,548)	-	-	-	(749,557)	(749,557)	-	-	-	-	-
Disposal of Non-Current Assets	(804,500)	(804,500)	(804,500)	(479,964)	324,536	(804,500)	(804,500)	(804,500)	(479,964)	324,536	-	-	-	-	-
TOTAL CAPITAL REVENUE	(13,514,858)	(16,012,082)	(16,012,082)	(16,968,309)	(956,227)	(13,504,858)	(16,012,082)	(16,012,082)	(16,676,947)	(664,865)	-	-	-	-	-
Capital Expenses															
Loss of Revaluation of Inventory	-	-	-	3,830	3,830	-	-	-	3,830	3,830	-	-	-	-	-
Restoration of Land Provision	-	-	-	21,539	21,539	-	-	-	-	-	-	-	-	-	-
Capital Expense Write-Off	8,500,000	8,500,000	8,500,000	13,775,046	5,275,046	7,500,000	7,500,000	7,500,000	9,331,042	1,831,042	-	-	-	-	-
TOTAL CAPITAL EXPENDITURE	8,500,000	8,500,000	8,500,000	13,800,415	5,300,415	7,500,000	7,500,000	7,500,000	9,334,871	1,834,871	-	-	-	-	-
Net Result (surplus)/deficit	(6,868,433)	(9,365,657)	(9,365,657)	(11,300,344)	(1,934,687)	(5,228,060)	(7,735,284)	(7,735,284)	(7,086,564)	648,720	(192,658)	(192,658)	(192,658)	(2,295,998)	(2,103,340)
Capital Funding Applications															
Capital Expenditure - New Assets	6,828,177	7,969,568	7,969,568	4,867,336	(3,102,232)	6,728,177	7,845,033	7,845,033	4,813,641	(3,031,392)	-	-	-	-	-
Capital Expenditure - Upgrade Assets	6,293,719	7,430,051	7,430,051	4,117,324	(3,312,727)	5,262,286	6,171,117	6,171,117	3,557,959	(2,613,158)	-	-	-	-	-
Capital Expenditure - Replacement Assets	34,183,320	34,558,957	34,558,957	27,207,204	(7,351,753)	26,279,583	26,857,721	26,857,721	22,077,449	(4,780,272)	-	-	-	-	-
Loan Principal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Land Rehab	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL CAPITAL FUNDING APPLICATIONS	47,305,216	49,958,576	49,958,576	36,191,864	(13,766,712)	38,270,046	40,873,871	40,873,871	30,449,049	(10,424,822)	-	-	-	-	-



Western Downs Regional Council
One Page Result
Period Ending: 30 June 2020

	Gas					Water					Sewerage				
	Original Budget	Revised Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	Revised Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	Revised Budget	YTD Budget	YTD Actuals	YTD Variance
Operating Revenue															
Rates and Utility Charges	-	-	-	-	-	(5,772,380)	(5,772,380)	(5,772,380)	(5,761,650)	10,730	(8,866,302)	(8,866,302)	(8,866,302)	(8,821,781)	44,521
Volumetric	-	-	-	-	-	(7,227,791)	(7,227,791)	(7,227,791)	(7,722,419)	(494,628)	-	-	-	-	-
Less: Discounts & Pensioner Remissions	-	-	-	-	-	614,999	614,999	614,999	417,585	(197,414)	418,489	418,489	418,489	385,753	(32,736)
Net Rates and Utility Charges	-	-	-	-	-	(12,385,172)	(12,385,172)	(12,385,172)	(13,066,484)	(681,312)	(8,447,813)	(8,447,813)	(8,447,813)	(8,436,028)	11,785
Fees and Charges	(27,000)	(27,000)	(27,000)	(33,167)	(6,167)	(1,010,000)	(1,010,000)	(1,010,000)	(1,297,782)	(287,782)	(5,000)	(5,000)	(5,000)	(17,229)	(12,229)
Rental and Levies	-	-	-	-	-	(90,000)	(90,000)	(90,000)	(70,972)	19,028	-	-	-	-	-
Sales of Major Services	(3,042,497)	(3,042,497)	(3,042,497)	(2,950,162)	92,335	(104,888)	(104,888)	(104,888)	(53,363)	51,525	(17,094)	(17,094)	(17,094)	(35,510)	(18,416)
Operating Grants & Subsidies	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Interest	-	-	-	-	-	-	-	-	(49,268)	(49,268)	-	-	-	(40,495)	(40,495)
Other Income	-	-	-	-	-	-	-	-	(1,646)	(1,646)	-	-	-	-	-
TOTAL OPERATING REVENUES	(3,069,497)	(3,069,497)	(3,069,497)	(2,983,328)	86,169	(13,590,060)	(13,590,060)	(13,590,060)	(14,539,515)	(949,455)	(8,469,907)	(8,469,907)	(8,469,907)	(8,529,261)	(59,354)
Operating Expenses															
Employee Benefits	357,956	357,956	357,956	344,514	(13,442)	4,522,532	4,522,532	4,522,532	4,259,766	(262,766)	1,513,261	1,513,261	1,513,261	1,340,898	(172,363)
Less Capitalised Employee Benefits	-	-	-	-	-	(194,299)	(194,299)	(194,299)	(85,955)	108,344	(17,500)	(17,500)	(17,500)	(14,745)	2,755
Net Employee Benefits	357,956	357,956	357,956	344,514	(13,442)	4,328,233	4,328,233	4,328,233	4,173,811	(154,422)	1,495,761	1,495,761	1,495,761	1,326,153	(169,608)
Materials and Services	1,193,739	1,193,739	1,193,739	1,259,932	66,193	4,169,810	4,169,810	4,169,810	4,800,599	630,789	1,501,890	1,501,890	1,501,890	1,622,825	120,935
Depreciation and Amortisation	270,778	270,778	270,778	273,369	2,591	3,880,384	3,880,384	3,880,384	4,057,490	177,106	2,847,925	2,847,925	2,847,925	2,082,626	(765,299)
Finance Costs	31,000	31,000	31,000	(3,282)	(34,282)	-	-	-	-	-	-	-	-	-	-
Corporate Overhead	313,052	313,052	313,052	313,052	-	1,542,032	1,542,032	1,542,032	1,542,032	-	883,472	883,472	883,472	883,472	-
TOTAL OPERATING EXPENSES	2,166,525	2,166,525	2,166,525	2,187,585	21,060	13,920,459	13,920,459	13,920,459	14,573,931	653,472	6,729,048	6,729,048	6,729,048	5,915,076	(813,972)
Operating (surplus)/deficit	(902,972)	(902,972)	(902,972)	(795,743)	107,229	330,399	330,399	330,399	34,417	(295,982)	(1,740,859)	(1,740,859)	(1,740,859)	(2,614,185)	(873,326)
Capital Revenue															
Capital Grants & Subsidies	-	-	-	-	-	(10,000)	-	-	(10,000)	(10,000)	-	-	-	-	-
Contributions	-	-	-	-	-	-	-	-	(290)	(290)	-	-	-	(873)	(873)
Contributions - Contributed Assets	-	-	-	-	-	-	-	-	(114,496)	(114,496)	-	-	-	(117,712)	(117,712)
Contributions from Developers - Cash	-	-	-	-	-	-	-	-	(28,450)	(28,450)	-	-	-	(19,541)	(19,541)
Disposal of Non-Current Assets	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL CAPITAL REVENUE	-	-	-	-	-	(10,000)	-	-	(153,236)	(153,236)	-	-	-	(138,125)	(138,125)
Capital Expenses															
Loss of Revaluation of Inventory	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Restoration of Land Provision	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital Expense Write-Off	-	-	-	-	-	600,000	600,000	600,000	4,339,033	3,739,033	200,000	200,000	200,000	104,972	(95,028)
TOTAL CAPITAL EXPENDITURE	-	-	-	-	-	600,000	600,000	600,000	4,339,033	3,739,033	200,000	200,000	200,000	104,972	(95,028)
Net Result (surplus)/deficit	(902,972)	(902,972)	(902,972)	(795,743)	107,229	920,399	930,399	930,399	4,220,213	3,289,814	(1,540,859)	(1,540,859)	(1,540,859)	(2,647,339)	(1,106,480)
Capital Funding Applications															
Capital Expenditure - New Assets	-	-	-	-	-	-	24,535	24,535	24,535	-	-	-	-	-	-
Capital Expenditure - Upgrade Assets	-	-	-	-	-	700,000	818,337	818,337	290,464	(527,873)	210,000	319,164	319,164	174,237	(144,927)
Capital Expenditure - Replacement Assets	-	-	-	-	-	3,612,335	3,518,998	3,518,998	2,255,817	(1,263,181)	3,734,381	3,625,217	3,625,217	2,654,122	(971,095)
Loan Principal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Land Rehab	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	-	-	-	-	-	4,312,335	4,361,870	4,361,870	2,570,816	(1,791,054)	3,944,381	3,944,381	3,944,381	2,828,359	(1,116,022)



Western Downs Regional Council
One Page Result
Period Ending: 30 June 2020

	Quarry					Waste					Saleyards					Washdown Bays					
	Original Budget	Revised Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	Revised Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	Revised Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	Revised Budget	YTD Budget	YTD Actuals	YTD Variance	
Operating Revenue																					
Rates and Utility Charges	-	-	-	-	-	(5,191,620)	(5,191,620)	(5,191,620)	(5,385,482)	(193,862)	-	-	-	-	-	-	-	-	-	-	-
Volumetric	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Less: Discounts & Pensioner Remissions	-	-	-	-	-	245,044	245,044	245,044	230,187	(14,857)	-	-	-	-	-	-	-	-	-	-	-
Net Rates and Utility Charges	-	-	-	-	-	(4,946,576)	(4,946,576)	(4,946,576)	(5,155,295)	(208,719)	-	-	-	-	-	-	-	-	-	-	-
Fees and Charges	-	-	-	(468)	(468)	(2,040,000)	(2,040,000)	(2,040,000)	(1,535,764)	504,236	-	-	-	-	-	(460,000)	(460,000)	(460,000)	(702,341)	(242,341)	
Rental and Levies	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sales of Major Services	(7,612,463)	(7,612,463)	(7,612,463)	(7,579,238)	33,225	-	-	-	-	-	(2,768,700)	(2,768,700)	(2,768,700)	(3,594,686)	(825,986)	-	-	-	-	-	-
Operating Grants & Subsidies	-	-	-	-	-	-	-	-	(16,536)	(16,536)	-	-	-	-	-	-	-	-	-	-	-
Interest	-	-	-	-	-	-	-	-	(14,492)	(14,492)	-	-	-	-	-	-	-	-	-	-	-
Other Income	-	-	-	-	-	(50,000)	(50,000)	(50,000)	(32,479)	17,521	-	-	-	-	-	-	-	-	-	-	-
TOTAL OPERATING REVENUES	(7,612,463)	(7,612,463)	(7,612,463)	(7,579,706)	32,757	(7,036,576)	(7,036,576)	(7,036,576)	(6,754,566)	282,010	(2,768,700)	(2,768,700)	(2,768,700)	(3,594,686)	(825,986)	(460,000)	(460,000)	(460,000)	(702,341)	(242,341)	
Operating Expenses																					
Employee Benefits	1,102,720	1,102,720	1,102,720	982,631	(120,089)	401,786	401,786	401,786	460,000	58,214	479,490	479,490	479,490	456,333	(23,157)	109,663	109,663	109,663	125,883	16,220	
Less Capitalised Employee Benefits	(503,782)	(503,782)	(503,782)	(469,310)	34,472	-	-	-	-	-	(15,000)	(15,000)	(15,000)	-	15,000	-	-	-	-	-	-
Net Employee Benefits	598,938	598,938	598,938	513,321	(85,617)	401,786	401,786	401,786	460,000	58,214	464,490	464,490	464,490	456,333	(8,157)	109,663	109,663	109,663	125,883	16,220	
Materials and Services	4,597,152	4,597,152	4,597,152	4,238,265	(358,887)	7,922,904	7,922,904	7,922,904	6,426,370	(1,496,534)	1,243,924	1,243,924	1,243,924	1,222,789	(21,135)	404,229	404,229	404,229	398,983	(5,246)	
Depreciation and Amortisation	19,714	19,714	19,714	20,928	1,214	339,428	339,428	339,428	411,854	72,426	418,428	418,428	418,428	412,142	(6,286)	33,210	33,210	33,210	28,477	(4,733)	
Finance Costs	-	-	-	-	-	-	-	-	(37)	(37)	-	-	-	-	-	-	-	-	(51)	(51)	
Corporate Overhead	370,001	370,001	370,001	370,001	-	553,378	553,378	553,378	553,378	-	219,695	219,695	219,695	219,695	-	56,516	56,516	56,516	56,516	-	
TOTAL OPERATING EXPENSES	5,585,805	5,585,805	5,585,805	5,142,516	(443,289)	9,217,496	9,217,496	9,217,496	7,851,565	(1,365,931)	2,346,537	2,346,537	2,346,537	2,310,958	(35,579)	603,618	603,618	603,618	609,808	6,190	
Operating (surplus)/deficit	(2,026,658)	(2,026,658)	(2,026,658)	(2,437,190)	(410,532)	2,180,920	2,180,920	2,180,920	1,096,999	(1,083,921)	(422,163)	(422,163)	(422,163)	(1,283,728)	(861,565)	143,618	143,618	143,618	(92,533)	(236,151)	
Capital Revenue																					
Capital Grants & Subsidies	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Contributions	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Contributions - Contributed Assets	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Contributions from Developers - Cash	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Disposal of Non-Current Assets	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL CAPITAL REVENUE	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital Expenses																					
Loss of Revaluation of Inventory	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Restoration of Land Provision	-	-	-	948	948	-	-	-	20,590	20,590	-	-	-	-	-	-	-	-	-	-	-
Capital Expense Write-Off	-	-	-	-	-	-	-	-	-	-	200,000	200,000	200,000	-	(200,000)	-	-	-	-	-	-
TOTAL CAPITAL EXPENDITURE	-	-	-	948	948	-	-	-	20,590	20,590	200,000	200,000	200,000	-	(200,000)	-	-	-	-	-	-
Net Result (surplus)/deficit	(2,026,658)	(2,026,658)	(2,026,658)	(2,436,242)	(409,584)	2,180,920	2,180,920	2,180,920	1,117,590	(1,063,330)	(222,163)	(222,163)	(222,163)	(1,283,728)	(1,061,565)	143,618	143,618	143,618	(92,533)	(236,151)	
Capital Funding Applications																					
Capital Expenditure - New Assets	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	100,000	100,000	100,000	29,160	(70,840)	
Capital Expenditure - Upgrade Assets	60,000	60,000	60,000	51,500	(8,500)	61,433	61,433	61,433	43,164	(18,269)	-	-	-	-	-	-	-	-	-	-	-
Capital Expenditure - Replacement Assets	-	-	-	-	-	315,000	315,000	315,000	210,237	(104,763)	242,021	242,021	242,021	9,579	(232,442)	-	-	-	-	-	-
Loan Principal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Land Rehab	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	60,000	60,000	60,000	51,500	(8,500)	376,433	376,433	376,433	253,401	(123,032)	242,021	242,021	242,021	9,579	(232,442)	100,000	100,000	100,000	29,160	(70,840)	

Title Corporate Services Report Adoption Human Rights - Council Policy

Date 12 June 2019

Responsible Manager P. Greet, CUSTOMER SUPPORT AND GOVERNANCE MANAGER

Summary

This report seeks Council's adoption of the Human Rights - Council Policy.

Link to Corporate Plan

Strategic Priority: Active Vibrant Communities

- We are a region without boundaries, united in community pride.
- Our community members are the loudest advocates for what's great about our region.
- Our social, cultural and sporting events are supported locally and achieve regional participation.
- Our parks, open spaces, and community facilities are well utilised and connect people regionally.
- A recognised culture of volunteerism is active throughout our communities.

Strategic Priority: Financial Sustainability

- We are recognised as a financially intelligent and responsible Council.
- Our long term financial planning guides informed and accountable decision making.
- Our value for money culture enables us to deliver our core functions sustainably.
- Our agile and responsive business model enables us to align our capacity with service delivery.
- Effective asset management ensures that we only own and maintain assets that are utilised.

Strategic Priority: Great Liveability

- Our residents enjoy convenience of modern infrastructure and quality essential services.
- Valued recreational spaces, sporting and community facilities are provided regionally.
- A safe and well maintained road network connects our region.
- Our region remains an affordable place for families to live, work, prosper and play.
- We're recognised as one of the safest regions in Queensland.

Strategic Priority: Strong Economic Growth

- There is a confidence in our strong and diverse economy.
- We're open for business and offer investment opportunities that are right for our region.
- We optimise our tourism opportunities, unique experiences and major events.
- Business and industry in our region live local and buy local.
- Our region is a recognised leader in energy, including clean, green renewable energies.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

It is recommended that Council adopt the Human Rights - Council Policy as proposed.

Background Information

Local Government is under a general obligation to comply with all relevant State and Commonwealth laws and regulations and all employees have a responsibility to ensure their work activities, on behalf of Council, comply with the applicable laws.

Queensland's *Human Rights Act 2019* ("the Act") commenced on 1 July 2019. The Act requires public entities to make decisions and act compatibly with human rights. Local government is considered a 'core public entity' under section 9 of the Act.

Obligations for public entities under the Act commenced on 1 January 2020. The main objects of this Act are:

- a) to protect and promote human rights;
- b) to help build a culture in the Queensland public sector that respects and promotes human rights; and
- c) to help promote a dialogue about the nature, meaning and scope of human rights.

Report

The Act achieves a consolidated statutory protection of various human rights, including social, cultural, property, privacy and reputational rights. In total there are 23 fundamental human rights outlined in the Act.

Importantly, the Act creates a 'dialogue model' of rights that are designed to ensure human rights are considered:-

- in the development of laws and policies;
- in the delivery of public services; and,
- in government decision-making.

The Act is modelled on similar human rights laws that are in operation in the ACT and Victoria.

One of the key requirements of the Act is to ensure Council's actions and decisions are 'compatible with human rights' which means that Council needs to:-

- act and make decisions compatibly with human rights;
- develop policy and legislation compatibly with human rights; and
- interpret legislation compatibly with human rights.

If Council does not comply with the requirements of the Act, a person may make a complaint to Council, who has 45 days to respond, after which the individual can make a formal complaint to the Queensland Human Rights Commission (QHRC) if their complaint remains unresolved (eg, if they do not receive a response or they feel the response is inadequate).

In order to ensure compliance with the Act, a Council Policy has been prepared for Council adoption – see Attachment 1. This Policy clearly articulates Council's commitment to protecting and promoting human rights and provides scope around when the application of human rights may occur.

To complement the Council Policy, a Human Rights Guideline - see Attachment 2, has been developed for Councillors and Officers which clearly outlines:-

- what the Act means for individuals;
- how Council will apply and interpret the Act;
- the complaints management process; and
- mechanisms for external review.

In correspondence received 13 February 2020, the QHRC advised that Western Downs Regional Council was among a select number of Queensland Councils that will be asked to *'identify the process towards developing a human rights culture in the local government sector'* and will be requested to provide responses to the Commission regarding:-

- education and staff development;
- stakeholder consultation and engagement regarding human rights;
- awareness raising and support for related entities (ie contractors);
- review of existing legislation or future plans to review legislation (ie local laws);

- review of policies and procedures;
- implementation of internal complaint management for human rights complaints; and
- future plans.

In conjunction with the Policy and Guidelines, a Human Rights Implementation Plan has been developed and approved by the General Manager (Corporate Services). The Plan includes the following implementation activities:-

- updating Council's website to bring awareness to the new Act;
- Council officers will be attending training to ensure compliance with the Act;
- review of Council's Policy Framework - Council Policy to include obligations for human rights compatibility assessments;
- staged review of all Council policies, procedures, service delivery protocols and local laws (in line with normal review timeframes) to assess compatibility with human rights; and
- inclusion of human rights obligations in the Staff Code of Conduct.

Consultation (Internal/External)

The Human Rights - Council Policy and Human Rights Guideline have been prepared by aligning with best practice recommendations from the QHRC. The Policy was endorsed and the Guideline adopted by the Executive Management Team at its meeting held 11 June 2020.

Legal/Policy Implications (Justification if applicable)

As indicated previously, Queensland's *Human Rights Act 2019* commenced on 1 July 2019. The Act requires public entities to make decisions and act compatibly with human rights. Local government is considered a 'core public entity' under section 9 of the Act.

Whilst no monetary penalties currently apply for failure to comply with the Act, failure to comply with legislative requirements may result in a high volume of complaints and external reviews by the Human Rights Commission, which will ultimately affect Council's reputation and legal obligations.

Budget/Financial Implications

Nil

Conclusion

The *Human Rights Act 2019* came into full effect on 1 January 2020. The Act aims to ensure that public powers and functions are exercised in a principled way and that public power is not misused. The Act complements a number of other pieces of legislation that are aimed at regulating the relationship between individuals and the state, such as the *Anti-Discrimination Act 1991*; the *Judicial Review Act 1991*; the *Ombudsman Act 2001*; the *Crime and Corruption Act 2001*; the *Right to Information Act 2009*; and the *Information Privacy Act 2009*.

Attachments

1. Human Rights - Council Policy as proposed.
2. Human Rights Guideline

Authored by: K. Gillespie, GOVERNANCE COORDINATOR

Human Rights- Council Policy

Effective Date	<i>TBA</i>
Policy Owner	<i>Customer Support & Governance Manager</i>
Link to Corporate Plan	<i>Active Vibrant Communities Great Liveability Financial Sustainability</i>
Review Date	<i>TBA</i>
Related Legislation	<i>Human Rights Act 2019</i>
Related Documents	<i>Human Rights Guideline Complaints Management Policy Complaints Management Standard Work Practice</i>

DRAFT

Policy Version	Approval Date	Adopted/Approved
		Council/Organisational Policy

*This policy may not be current as Council regularly reviews and updates its policies. The latest controlled version can be found in the policies section of Council's intranet or Website. **A hard copy of this electronic document is uncontrolled.***



Human Rights - Council Policy

1. PURPOSE

The *Human Rights Act 2019* (the Act) requires Council as a public entity¹ to act and make decisions in a way that is compatible with human rights.

2. SCOPE

This Policy applies to Councillors and all employees of Council, including temporary and contract staff.

This Policy applies to interactions that occur when:-

- i. dealing with customers or community members when providing day-to-day services;
- ii. processing and dealing with human rights complaints from the public;
- iii. making decisions, interpreting and applying laws;
- iv. developing policies and procedures; and
- v. inducting new employees of Council.

Council will respond to human rights complaints in accordance with the *Human Rights Act 2019* and Council's Complaints Management Policy and Standard Work Practice.

3. POLICY

3.1 Policy Statement

Western Downs Regional Council is committed to protecting and promoting human rights, and to building a culture within Council that respects and promotes human rights and as such will respect, protect and promote human rights in our decision making and actions.

3.2 Roles and Responsibilities

Councillors and Council employees are required to act and make decisions in a way that is compatible with human rights. When making a decision Council must give proper consideration to a human right relevant to that decision.

Council employees responsible for responding to human rights complaints made under the *Human Rights Act 2019* will do so in accordance with the *Human Rights Act 2019*, Council's Complaints Management Policy, Standard Work Practice and any relevant policies and procedures.

3.3 Definitions

Human rights has the meaning given in part 2, divisions 2 and 3 of the *Human Rights Act 2019* and include:-

- Recognition and equality before the law (section 15)
- Right to life (section 16)
- Protection from torture and cruel, inhuman or degrading treatment (section 17)
- Freedom from forced work (section 18)
- Freedom of movement (section 19)
- Freedom of thought, conscience, religion and belief (section 20)
- Freedom of expression (section 21)
- Peaceful assembly and freedom of association (section 22)
- Taking part in public life (section 23)
- Property rights (section 24)
- Privacy and reputation (section 25)
- Protection of families and children (section 26)

¹ A 'public entity' as defined in section 9(d) of the *Human Rights Act 2009* is a local government, a Councillor of a local government or a local government employee and includes a registered provider when performing 'functions of a public nature' in the State (as defined in section 10 of the *Human Rights Act 2019*).



- Cultural rights – generally (enjoyment of culture, religion and language) (section 27)
- Cultural rights – Aboriginal and Torres Strait Islander peoples (section 28)
- Right to liberty and security of person (section 29)
- Humane treatment when deprived of liberty (section 30)
- Fair hearing (section 31)
- Rights in criminal proceedings (section 32)
- Children in the criminal process (section 33)
- Right not to be tried or punished more than once (section 34)
- Right not to be subject to retrospective criminal laws (section 35)
- Right to education (section 36)
- Right to health services (section 37)

Compatible with human rights has the meaning given in section 8 of the *Human Rights Act 2019*:-

An act, decision or statutory provision is compatible with human rights if the act, decision or provision—

(a) does not limit a human right; or

(b) limits a human right only to the extent that is reasonable and demonstrably justifiable in accordance with section 13.





HUMAN RIGHTS GUIDELINE

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1. Introduction

This Guideline should be read in conjunction with Council's Human Rights - Council Policy, the policy statement which provides that Western Downs Regional Council is committed to protecting and promoting human rights, to building a culture within Council that respects and promotes human rights, and as such will respect, protect and promote human rights in our decision making and actions.

2. Legislative requirements

As a public entity¹, Council's must:

- a) give proper consideration to human rights;² and
- b) act and make decisions in a way that is compatible with human rights.³

Therefore, an act, decision or statutory provision is compatible with human rights if the act, decision or provision:

- a) does not limit a human right; or
- b) limits a human right only to the extent that is reasonable and demonstrably justifiable and in accordance with section 13 of the Act.⁴

3. What are "human rights"?

Human rights apply to all individuals and are based on principles of freedom, respect, equality and dignity. Human rights recognise the inherent value of each person, regardless of background, where we live, what we look like, what we think or what we believe. In other words, human rights belong to all people by virtue of being human. Everyone is entitled to these rights, without discrimination.

4. Commencement of the Act

The *Human Rights Act 2019* (the Act) commenced on 1 July 2019. The Act requires public entities, including local government, to make decisions and act compatibly with human rights. Obligations for public entities under the Act commenced in full on 1 January 2020.

5. Objectives of the Act

The main objects of this Act are:

- a) to protect and promote human rights;
- b) to help build a culture in Queensland's public sector that respects and promotes human rights; and
- c) to help promote a dialogue about the nature, meaning and scope of human rights.⁵

The Act is an important development in recognising the essential role human rights play in our society because it will:

- protect the rights of vulnerable Queenslanders by addressing disadvantage;
- result in development of a human rights culture across communities in Queensland;
- lead to improved law making and government policy;
- result in improved public service delivery; and,
- assist Australia to fulfil its international human rights obligations.⁶

¹ *Human Rights Act 2019* s 9

² *Human Rights Act 2019* s 58(1)(b)

³ *Human Rights Act 2019* s 4(b)

⁴ *Human Rights Act 2019* s 8

⁵ *Human Rights Act 2019* s3

⁶ Queensland Human Rights Commission

6. Protected human rights

Pursuant to section 11 of the Act, all individuals in Queensland have human rights. This means a corporation does not have human rights⁷. As such, the Act protects 23 fundamental human rights as outlined in Appendix A.

7. Application of the Act

The Act creates a 'dialogue model' of specific rights that are designed to ensure that human rights are considered in the development of laws and policies; in the delivery of public services; and, in government decision-making. Essentially, the Act aims to ensure that public powers and functions are exercised in a principled way and that public power is not misused. The Act further complements a number of other pieces of legislation that are aimed at regulating the relationship between individuals and the state.

Importantly, the Act cannot apply and protect an individual's human rights on a general level. In other words, the Act protects 23 specific human rights as outlined above rather than offering broad protection.

One of the key requirements of the Act is to ensure actions and decisions are compatible with human rights. Therefore, Council needs to:

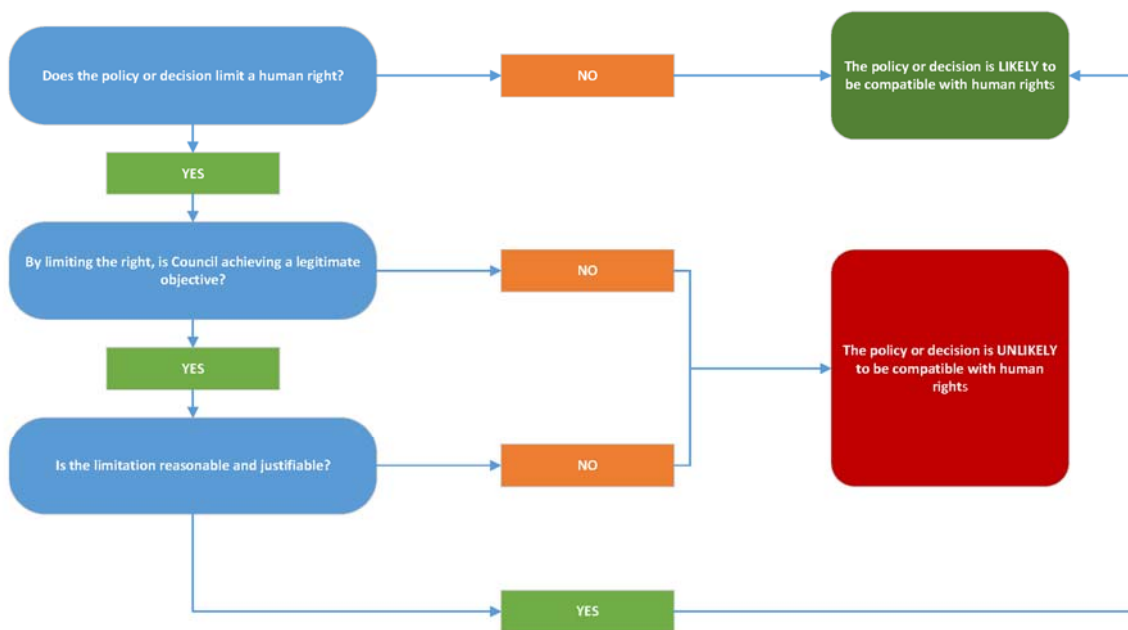
- act and make decisions compatibly with human rights;
- develop policy and legislation, including local laws, compatibly with human rights; and,
- interpret legislation compatibly with human rights.

Section 8 of the Act defines the term 'compatible with human rights' and states that an act or decision will be compatible with human rights if:

- it does not limit a human right, or
- it limits a human right only to the extent that is reasonable and demonstrably justifiable, in accordance with section 13 of the Act.

This means that every act, policy or decision by a public entity must be assessed for compatibility with these rights.

Council has adopted the following approach⁸ illustrated below to assess the compatibility of our decisions or policies with legislative requirements.



⁷ Human Rights Act 2019 s11(2)

⁸ Based on best practice from the Queensland Human Rights Commission

8. Human Rights Complaints

Pursuant to the Act, a person who believes a public entity has breached their human rights obligations has the right to complain and seek remedies.⁹

There are three ways a person can make a complaint:

1. utilising Council's internal complaints process;
2. independent complaints; and,
3. raising the Act in courts and tribunals.

8.1 Internal Complaints

An individual must first raise a complaint directly with Council. Council has 45 days to respond, after which the individual can make a formal complaint to the Queensland Human Rights Commission (QHRC) if the complaint has not been responded to or the person is not satisfied with Council's response.

In order to ensure that a complaint is handled in the most efficient manner, Council may request that complainants:

- clearly identify the issues of complaint, or ask for help from Council staff to do this;
- give Council all the available information in support of the complaint in an organised format and not provide any information that is intentionally misleading or knowingly wrong or vexatious;
- cooperate with the Council's inquiries or investigations; and
- treat staff with courtesy and respect.

A person can make a human rights complaint to Council as follows:

- via email and sent to info@wdrc.qld.gov.au; or
- telephone or in person at any Customer Service Centre, by post and addressed to:

Chief Executive Officer
Western Downs Regional Council
PO Box 551
DALBY QLD 4405

- Council's complaint management process is outlined in Attachment B.

8.2 Independent complaints

A person can also raise a complaint about human rights with the QHRC or another independent body. In order to accept complaints under the Act, the QHRC must be satisfied that:

- a complaint has first been made to the public entity alleged to have breached the Act;
- at least 45 business days have elapsed since the complaint was made to the public entity;
- the complainant has not received a response to their complaint or has received an inadequate response.

For further details on QHRC's complaint process, please refer to: <https://www.qhrc.qld.gov.au/>.

8.3 Raising the Act in courts and tribunals

In some cases, the complaint can be taken to a court or tribunal. While people cannot make complaints directly to courts and tribunals for breaches of the Act, it is possible to raise breaches of the Human Rights Act in the process of a hearing based on another law.

⁹ Human Rights Act 2019 division 2

8.4 Remedies

Where there is a breach of the Act, a person cannot claim financial compensation. However, where the complaint is not resolved, the QHRC can make recommendations regarding actions required of the respondent to uphold human rights.

9. Roles and responsibilities

9.1 Councillors

As detailed in Council's Human Rights - Council Policy, Councillors are required to act and make decisions in a way that is compatible with human rights. When making a decision Council must give proper consideration to a human right relevant to that decision.

A Councillor who receives a human rights complaint is obliged to report the complaint to Council's Complaints team.

9.2 Council Officers

All Council officers have a duty and responsibility to perform their functions on behalf of Council, including the making of decisions or undertaking actions in a professional manner and in compliance with the Act.

Council officers must also assist individuals wishing to make a human rights complaint and assist with any related investigation and response.

9.3 Chief Executive Officer

The Chief Executive Officer (CEO) will only get involved in complaints if the matter is exceptionally complex or requires input by the CEO.

9.4 General Managers & Managers

General Managers and Managers are responsible for oversight, investigation (if required) and responding to complaints with their teams, having regard to the relevant area of operation and expertise.

General Managers and Managers are also responsible for the oversight of implementing improvement opportunities identified from the complaints process.

9.5 Reviewing Officer

The reviewing officer who is investigating the complaint shall do so in accordance with identified timeframes and within legislative requirements. Where a complex investigation is required, the Reviewing Officer will update the complainant on the progress of the response.

Appendix A - Rights protected under the Human Rights Act and their relevance to the work of public entities

Right to recognition and equality before the law (section 15)

Every person has the right to recognition as a person before the law and the right to enjoy their human rights without discrimination. Every person is equal before the law and is entitled to equal protection of the law without discrimination. Every person is entitled to equal and effective protection against discrimination.

May be relevant to your work if you are involved in:

- providing for the delivery of an entitlement or service to some groups but not others
- assisting or recognising the interests of Aboriginal persons or members of other ethnic groups
- creating policy or procedures that are stated in neutral terms but have a disproportionate impact on a sector of the community whose members have one or more protected attributes under the *Anti-Discrimination Act 1991* (for example, sex, race, age or disability)
- dealing with any of the human rights set out in the Human Rights Act in a discriminatory way: for example, if the legislation or policy curtails freedom of expression or prohibits industrial activity
- setting age brackets that are expressed as protective measures, graduated entitlements (for example, driver licensing), or statements of legal capacity (for example, voting)
- establishing eligibility requirements for access to services or assistance
- taking steps to diminish or eliminate conditions that have resulted in specific groups within society being disadvantaged (positive discrimination)
- regulating access to infrastructure and public facilities including building, roads, transport, schools, housing and hospitals
- affecting information and communications services including electronic services
- regulating access to public services including education, healthcare, the justice system, courts, voting and advocacy
- providing for mobility aids, assistive devices and technologies designed for people with disabilities
- setting standards or guidelines for access to facilities and services to ensure businesses that provide public services take into account access for people with disabilities¹⁰

Right to life (section 16)

Every person has the right to life and the right not to be deprived of life. The right not to be deprived of life is limited to arbitrary deprivation of life.

May be relevant to your work if you are involved in:

- policy decisions that may undermine or threaten someone's life or put their life at risk
- caring for people or protecting them from danger
- investigating deaths where people were in the care of public entities
- providing essential services, how and whether these services can be accessed in a way that impacts on the welfare or safety of persons (such as medical or welfare services)
- developing procedures for the management of people held in care
- creating or amending laws, policy, or practices permitting law enforcement officers to use force, including the use of weapons (such as aerosols, batons, taser guns) in the course of their duties
- creating or amending laws withholding or requiring medical treatment, or coronial inquests
- investigating the conduct of public entities, especially when people die while in the care of public entities, for example, deaths in custody or of children in the child protection system
- suspecting someone's life is at risk¹¹.

¹⁰ Queensland Human Rights Commission - *Queensland's Human Rights Act 2019 - A guide for public entities*

¹¹ Queensland Human Rights Commission - *Queensland's Human Rights Act 2019 - A guide for public entities*

Right to protection from torture and cruel, inhuman or degrading treatment (section 17)

A person must not be tortured or treated in a way that is cruel, inhuman or degrading. This includes that a person must not be subjected to medical or scientific experimentation or treatment unless they have given their full, free and informed consent.

May be relevant to your work if you are involved in:

- caring for other people, especially those who are vulnerable because of their age (young or old) or for some other reason such as physical or mental health
- working in a place where the physical or mental well-being of a person may be inadvertently affected, causing serious physical or mental pain or suffering, or humiliating or debasing a person, e.g. nursing home, hospital
- creating new powers, modifying or increasing existing powers of police, inspectors or authorised officers, or other persons
- removing or restricting the right to complain about service delivery
- removing or restricting the right to complain of mistreatment by a public entity, or limits by those with a role of independent scrutiny to places of detention
- affecting the operation of detention facilities and conditions attached to all forms of state care and detention (including access to goods and services, such as medical treatment while in detention)
- creating new types of penalties (including mandatory minimum sentences, and limits to or denial of a service)
- authorising changes to rules of evidence or procedure that would allow for evidence obtained as a result of torture, inhuman or degrading treatment, to be used in courts or tribunals
- introducing or permitting corporal punishment by a public entity
- authorising a person to be searched or putting in place procedures for conducting searches
- regulating the treatment of persons located at any site for which a public entity is responsible, including: a public hospital, an approved mental health service, a prison, a government school, a disability or aged care service, and supported residential service
- allowing prolonged periods of segregation or other particularly harsh prison regimes
- implementing crisis intervention strategies or behavioural management plans that include the use of seclusion, chemical restraint or physical restraint
- defining and regulating procedures for obtaining consent to medical treatment and experiments
- regulating medical treatment of persons without their consent.¹²

Right to freedom from forced work (section 18)

A person must not be made a slave or forced to work. Forced work does not include certain forms of work or service required of a person who is detained because of a lawful court order.

May be relevant to your work if you are involved in:

- making people work in an emergency
- regulating employers in relation to things like working conditions and work health and safety
- compelling the provision of any labour or the performance of any service under threat of a penalty
- giving a Minister or public entity the power to employ or direct people to perform work in a vital industry or during a state of emergency.¹³

¹² Queensland Human Rights Commission - *Queensland's Human Rights Act 2019 - A guide for public entities*

¹³ Queensland Human Rights Commission - *Queensland's Human Rights Act 2019 - A guide for public entities*

Right to freedom of movement (section 19)

Every person lawfully within Queensland has the right to move freely within Queensland, enter or leave Queensland, and choose where they live.

May be relevant to your work if you are involved in:

- limiting the ability of a person to choose where to live in Queensland
- restricting the movement of people as part of the criminal process, for example, the imposition of bail conditions
- allowing for an intervention order against a person, or enabling their detention
- proposing surveillance of an individual
- empowering public entities to restrict people's movement based on national security considerations
- compelling someone to provide information (for example, a subpoena)
- regulating access to land based on quarantine considerations, or eligibility requirements permitting exclusion from public land or premises
- restricting the conduct of public protests.¹⁴

Right to freedom of thought, conscience, religion and belief (section 20)

Every person has the right to think and believe what they want and to have or adopt a religion, free from external influence. This includes the freedom to demonstrate a religion individually or as part of a group, in public or in private.

May be relevant to your work if you are involved in:

- promoting, restricting or interfering with a particular religion or set of beliefs
- requiring a person to disclose their religion or belief
- affecting an individual's ability to adhere to their religion or belief
- impinging upon or disadvantaging a person because of the person's opinions, religion, thoughts or beliefs
- attempting to regulate conduct that will affect some aspect of a person's worship, observance, practice or teaching of their religion or belief
- subjecting conduct that is required or encouraged by a person's religion or beliefs to criminal penalties or fines
- restricting the capacity for people under state control (for example, prisoners) to comply with the requirements of their religion
- compelling certain acts that may be inconsistent with a religion or set of beliefs
- restricting the capacity for people in the care or control of a public entity to comply with the requirements of their religion
- setting dress codes (possibly for safety or hygiene reasons) that do not accommodate religious dress
- imposing requirements as a condition of receiving a benefit that prevent a person from adhering to their religion or belief
- requiring students to learn about particular religions or beliefs or to be taught materials that may have the effect of undermining their religious beliefs
- regulating planning or land use that may make it difficult to use or establish places of religious worship.¹⁵

¹⁴ Queensland Human Rights Commission - *Queensland's Human Rights Act 2019 - A guide for public entities*

¹⁵ Queensland Human Rights Commission - *Queensland's Human Rights Act 2019 - A guide for public entities*

Right to freedom of expression (section 21)

Every person has the right to hold and express an opinion, through speech, art, and writing (or other forms of expression) and to seek out and receive the expression of others' opinions.

May be relevant to your work if you are involved in:

- regulating of the manner, content and format of any public expression – the contents of a speech, publication, broadcast, display or promotion
- exercising censorship and review of materials before they are published
- making decisions in relation to the provision of information including restrictions (including access to information on the internet)
- compelling someone to provide information (for example, a subpoena)
- regulating or policing demonstrations
- developing and applying of dress codes.¹⁶

Right to peaceful assembly and freedom of association (section 22)

Every person has the right to join or form a group and to assemble. The right to assembly is limited to peaceful assemblies.

May be relevant to your work if you are involved in:

- making decisions regarding public protests, demonstrations or marches
- treating people differently on the basis of their membership of a group or association, for example, trade unions
- regulating membership of groups and associations
- creating disincentives or conferring preferences for membership in a group or association (including a disclosure requirement)
- prohibiting membership in a group or association, for example a motorcycle gang.¹⁷

Right to taking part in public life (section 23)

Every person in Queensland has the right and opportunity without discrimination to take part in public life. Every eligible person has the right to vote, be elected, and have access on general terms of equality to the public service and public office.

May be relevant to your work if you are involved in:

- limiting the ability to take part in municipal and parliamentary elections
- requiring individuals to meet certain conditions in order to be eligible to participate in municipal and parliamentary elections
- regulating how individuals vote in elections
- regulating eligibility and access to employment in the public service or appointment to public office
- establishing requirements for membership of public bodies
- regulating the conduct of elections and the electoral process
- regulating the suspension and conduct of local government
- regulating the suspension and removal of statutory office holders
- regulating electoral processes including funding of and expenditure by political parties and the drawing of electoral boundaries
- affecting communication of information and ideas about public and political issues
- affecting the ability of a person to participate in local council meetings.¹⁸

¹⁶ Queensland Human Rights Commission - *Queensland's Human Rights Act 2019 - A guide for public entities*

¹⁷ Queensland Human Rights Commission - *Queensland's Human Rights Act 2019 - A guide for public entities*

¹⁸ Queensland Human Rights Commission - *Queensland's Human Rights Act 2019 - A guide for public entities*

Property rights (section 24)

All persons have the right to own property alone or in association with others. A person must not be arbitrarily deprived of their property.

May be relevant to your work if you are involved in:

- providing for acquisition, seizure or forfeiture of a person's property under civil or criminal law
- taking decisions about planning, licensing or allowing people to exercise a trade or profession
- impounding or suspending registration of a motor vehicle
- conferring on a public entity a right of access to private property
- limiting or terminating property rights (for example, by legislation which establishes a limitation period)
- restricting the use of private property (for example, under planning laws)
- restricting or regulating established patterns of access (especially for commercial or business purposes) to public property
- implementing government control over its own property (for example, resumption of land).¹⁹

Right to privacy and reputation (section 25)

A person's privacy family, home and correspondence must not be unlawfully or arbitrarily interfered with. A person has the right not to have their reputation unlawfully attacked.

May be relevant to your work if you are involved in:

- conducting surveillance of persons for any purpose (such as closed-circuit television, CCTV)
- collecting, storing, using or publishing personal information and how that information is accessed, used or disclosed
- regulating information held on a public register
- restricting access by people to their own personal information
- providing for sharing of personal information across or within agencies
- exercising powers of entry, search, seizure, confiscation or forfeiture (including entry into a controlled environment)
- providing for a compulsory physical intervention on a person such as a DNA, blood, breath or urine test; forced gynaecological or other medical examination; or corporal punishment
- providing for treatment or testing of a patient without their consent
- exercising a professional duty of confidentiality
- changing or creating any confidentiality provisions or secrecy provisions relating to personal information
- providing for mandatory disclosure or reporting of information (including disclosure of convictions, injury or illness), or by professionals reporting abuse, for example, doctors regarding patients or teachers regarding students
- regulating a person's name, private sexual behaviour, sexuality or gender identity
- the intercepting, censoring, monitoring, or other regulation of postal articles and all other communications
- handling personal information for research or statistics
- recognising, or failing to give legal recognition to close or enduring personal relationships
- providing for the removal of children from a family unit, or a family intervention order
- regulating tenancy or eviction
- regulating a state-run care facility or mental health service
- regulating standards, consultation and procedures operating in respect of public housing
- authorising compulsory acquisition of a home or regulating planning or environmental matters that may affect a person's home.²⁰

¹⁹ Queensland Human Rights Commission - *Queensland's Human Rights Act 2019 - A guide for public entities*

²⁰ Queensland Human Rights Commission - *Queensland's Human Rights Act 2019 - A guide for public entities*

Right to protection of families and children (section 26)

Families are recognised as the fundamental unit of society and are entitled to protection. Every child has the right, without discrimination, to the protection that is in their best interest as a child.

Every person born in Queensland has the right to a name and to registration of birth.

May be relevant to your work if you are involved in:

- affecting the law regarding close or enduring personal relationships or failing to give legal recognition to these relationships
- making decisions about the care of children, including children cared for by parents, guardians, informal carers, children in out-of-home care, children with a disability, parents or carers with a disability
- making decisions about the treatment of children in the criminal process, family violence and/or adoption or surrogacy
- regulating the obligations of family members towards each other, including parents and guardians towards children
- providing for the separation and removal of children from parents or guardians, or other adults responsible for their care
- regulating family contact for those in the care of public entities or enabling intervention orders to be granted between family members
- making decisions about the welfare of children within the family or in state care
- creating a regime for giving children access to information about biological parents when the child has been adopted or born using assisted reproductive technology.²¹

Cultural Rights – Generally (section 27)

All persons with particular cultural, religious, racial and linguistic have a right to enjoy their culture, declare and practice their religion, and use their language in community with other persons of that background.

May be relevant to your work if you are involved in:

- limiting or failing to support the observance of any religious practices
- addressing discrimination based on attributes including race or religion
- restricting the capacity for persons to declare or make public their affiliation to a particular racial, religious or cultural group
- limiting or prohibiting communication in languages other than English, including through the provision of information
- preventing people using their language in community with others
- limiting the ability of members of an ethnic group to take part in a cultural practice, or otherwise interfere with their distinct cultural practices
- restricting the provision of services or trade on religious holidays
- regulating access to public spaces including libraries, museums, sports facilities
- regulating cultural or religious practices around the provision of secular public education
- imposing or coercing people to do something that interferes with their distinct cultural practices, for example, wear clothes that differ from their traditional cultural attire
- regulating traditional medical practices
- licencing or providing a restriction on the preparation and serving of food.²²

²¹ Queensland Human Rights Commission - *Queensland's Human Rights Act 2019 - A guide for public entities*

²² Queensland Human Rights Commission - *Queensland's Human Rights Act 2019 - A guide for public entities*

Cultural Rights – Aboriginal Peoples and Torres Strait Islander Peoples (section 28)

Aboriginal peoples and Torres Strait Islander peoples hold distinct cultural rights as Australia's first people. They must not be denied the right, with other members of their community, to live life as an Aboriginal or Torres Strait Islander person who is free to practice their culture.

May be relevant to your work if you are involved in:

- limiting the ability of Aboriginal or Torres Strait Islander persons to take part in a cultural practice, or otherwise interfere with their distinct cultural practices
- regulating the conduct of commercial activities on the traditional lands of Aboriginal or Torres Strait Islander persons
- restricting or interfering with the relationship between Aboriginal or Torres Strait Islander peoples and land, water and resources.²³

Right to liberty and security of person (section 29)

Every person has the right to liberty and security. This right protects against the unlawful or arbitrary deprivation of liberty. If a person is arrested or detained, they are entitled to certain minimum rights, including the right to be brought to trial without reasonable delay.

May be relevant to your work if you are involved in:

- arresting or detaining people including granting a power of arrest
- limiting or curtailing people's liberty such as (restrictive practices)
- reviewing the involuntary treatment of mental health patients
- providing for the interim detention of a person whether or they are suspected of committing an offence (for example, to prevent the spread of a contagious disease, or enable a person to 'sober up')
- providing for special powers of detention of people for purposes including national security
- making provision for granting of bail
- managing the security of anyone in the care of public entities, particularly those in involuntary care
- making it an offence for a person to fail to remain at a place (for example, for further questioning or to conduct a search or test by a police officer or other official)
- allowing a public entity to cordon an area and control movement within that area.²⁴

Right to humane treatment when deprived of liberty (section 30)

A person must be treated with humanity and respect when deprived of liberty. An accused person who is detained must not be detained with convicted persons unless reasonably necessary and must be treated in a way that is appropriate for a person who has been convicted.

May be relevant to your work if you are involved in:

- enabling a public entity to detain individuals or relating to the conditions under which a person may be detained for example, in prisons, mental health services, prison transportation facilities
- setting standards and procedures for treatment of people who are detained (for example, use of force, dietary choice, access to private shower and toilet facilities)
- authorising a person to be held in a place with limited facilities or services for the care and safety of detainees
- enabling enforcement officers to undertake personal searches of people detained in custody or detainee visitors.²⁵

²³ Queensland Human Rights Commission - *Queensland's Human Rights Act 2019 - A guide for public entities*

²⁴ Queensland Human Rights Commission - *Queensland's Human Rights Act 2019 - A guide for public entities*

²⁵ Queensland Human Rights Commission - *Queensland's Human Rights Act 2019 - A guide for public entities*

Right to a fair hearing (section 31)

A person has the right to have criminal charges or civil proceedings decided by a competent, independent and impartial court or tribunal after a fair and public hearing. There is an exception to the right to a public hearing, whereby a court or tribunal may exclude certain people from a hearing if it is in the public interest or the interests of justice.

May be relevant to your work if you are involved in:

- creating or restricting review of administrative decision making and appeals processes
- reversing the onus of proof
- regulating the rules of evidence in courts and tribunals or amending the way in which evidence is collected and presented
- regulating the procedures for challenging the impartiality and independence of courts and tribunals
- affecting the way witnesses give evidence
- regulating the way media may report on proceedings.²⁶

Rights in criminal proceedings (section 32)

A person charged with a criminal offence has the right to be presumed innocent until proven guilty according to law and is entitled without discrimination to receive certain minimum guarantees. A person has the right to appeal a conviction in accordance with law. A child charged with a criminal offence has the right to a procedure that takes into account their age and the desirability of promoting rehabilitation.

May be relevant to your work if you are involved in:

- right to be presumed innocent (including amendments to the law relating to self-incrimination)
- bringing of disciplinary actions
- treatment of children in complaint and disciplinary proceedings
- regulating aspects of criminal trial procedure for investigation and prosecution of offences, for example, establishing time limits on the lodging of complaints or appeals, or effects access of an accused to witnesses, information and evidence, filing and service charges
- establishing guidelines or procedures for the provision of assistants, translators and interpreters
- amending any guidelines or procedures enabling the accused to represent them self personally or restricts the right of an accused to choose a support person or advisor of their choice
- regulating how an accused person may appear in court, for example, security measures associated with their appearance
- limiting requirements on courts or tribunals to accord fair hearing rights for example, in relation to disclosure of evidence to an accused
- dealing with the admissibility of evidence
- restricting access to information and material to be used as evidence
- making decisions affecting the law of evidence governing examination of witnesses
- allowing special procedures for examination of witnesses, for example, the manner in which they give evidence
- creating or amending an offence that contains a presumption of fact or law and puts the legal or evidential burden on the accused to rebut the presumption
- altering the criteria or conditions under which a person may apply for or be released on bail
- amending or altering procedures under which a person is able to appeal against or review a decision
- amending the eligibility criteria for legal assistance
- considering criteria governing remedies available to people whose criminal convictions have been overturned or who have been pardoned in situations involving a miscarriage of justice
- making decisions affecting the capacity of investigators and prosecutors to prepare for trial and of courts to conduct trials through allocation of resources.²⁷

²⁶ Queensland Human Rights Commission - *Queensland's Human Rights Act 2019 - A guide for public entities*

²⁷ Queensland Human Rights Commission - *Queensland's Human Rights Act 2019 - A guide for public entities*

Rights of children in the criminal process (section 33)

Children in the criminal process are entitled to special protections on the basis of their age. An accused child must not be detained with adults and must be brought to trial as quickly as possible. A convicted child must be treated in a way that is appropriate for their age.

May be relevant to your work if you are involved in:

- enabling children to be detained for any length of time
- authorising the holding of children in amenities that have limited facilities or services for the care and safety of children
- enabling people to undertake personal searches of a detained child
- considerations impacting on the environmental design of detention centres or conditions under which children are detained
- establishing or altering programs in prisons, youth training centres and residential care settings
- affecting the speed at which a child may be brought to trial
- creating or amending procedures and the law of evidence applicable to children charged with criminal offences, including the investigation and prosecution of offences
- amending the law relating to children in criminal proceedings, including bail, adjournments and sentencing.²⁸

Right not to be tried or punished more than once (section 34)

A person must not be tried or punished more than once for an offence in relation to which they have already been finally acquitted or convicted according to law.

May be relevant to your work if you are involved in:

- allowing a person to be punished a second time for the same offence
- amending any criminal procedure rules relating to previous convictions and acquittals
- creating an overlap between an offence in regulations and an offence in the authorising legislation
- allowing continued incarceration of people for example convicted sex offenders, following completion of sentence.²⁹

Protection from retrospective criminal laws (section 35)

A person must not be prosecuted or punished for conduct that was not a criminal offence at the time the conduct was engaged in. A person must not receive a penalty that is greater than the penalty that applied at the time they committed the offence.

May be relevant to your work if you are involved in:

- seeking to sanction a person for conduct that was not contrary to law at the time the conduct was undertaken
- applying more severe penalties for conduct by a person than those that existed at the time the conduct was undertaken
- failing to apply less severe penalties for conduct of a person if penalties have decreased since the conduct was undertaken
- expanding the range of activities that are covered by an existing criminal offence
- amending criminal law procedure that applies to trials for acts done before the legislation commences or introduces new sentencing options to apply to acts done before the legislation was operative
- changing parole conditions that apply to sentences of imprisonment imposed before the legislation commenced.³⁰

²⁸ Queensland Human Rights Commission - *Queensland's Human Rights Act 2019 - A guide for public entities*

²⁹ Queensland Human Rights Commission - *Queensland's Human Rights Act 2019 - A guide for public entities*

³⁰ Queensland Human Rights Commission - *Queensland's Human Rights Act 2019 - A guide for public entities*

Right to education (section 36)

Every child has the right to have access to primary and secondary education appropriate to their needs. Every person has the right to have access, based on their abilities, to further vocational education and training that is equally accessible to all.

May be relevant to your work if you are involved in:

- teaching or school administration (public) providing non-school based education
- providing vocational education and training
- working with education policy
- funding of schools or other forms of education
- working with special educational needs assessments.³¹

Right to health services (section 37)

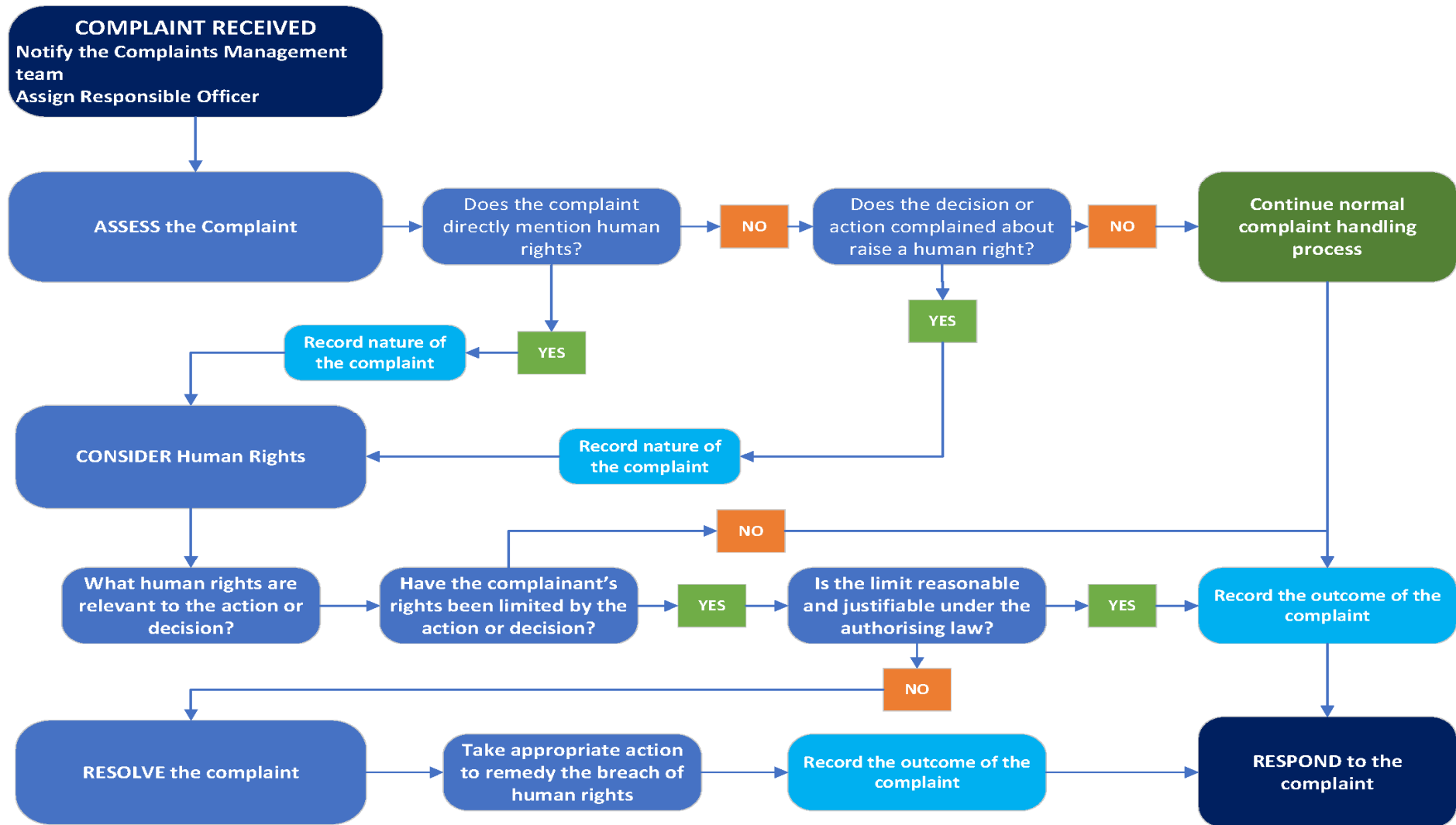
Every person has the right to access health services without discrimination. A person must not be refused necessary emergency medical treatment.

May be relevant to your work if you are involved in:

- providing health services
- designing and implementing health services policy, procedures and services
- funding of health services
- providing interpreter services in a health setting
- managing complaints in a health setting.

³¹ Queensland Human Rights Commission - *Queensland's Human Rights Act 2019 - A guide for public entities*

Appendix B - Human Rights Complaints Management Flowchart



Title **Corporate Services Report Annual Close Down Period Christmas New Year 2020/2021**

Date 18 June 2020

Responsible Manager J. Marrinan, A/CHIEF HUMAN RESOURCES OFFICER

Summary

The purpose of this Report is to seek Council's approval of the proposed closure arrangements for the Christmas/New Year for 2020/2021 for Council Officers.

Link to Corporate Plan

Strategic Priority: Financial Sustainability

- We are recognised as a financially intelligent and responsible Council.
- Our long term financial planning guides informed and accountable decision making.
- Our value for money culture enables us to deliver our core functions sustainably.
- Our agile and responsive business model enables us to align our capacity with service delivery.
- Effective asset management ensures that we only own and maintain assets that are utilised.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

This this report be received and that the proposed closure arrangements for the annual close down period for 2020/2021 Christmas/New Year period be adopted as follows:

1. All Council Customer Service Centres including Libraries close from 5:00pm Wednesday, 23 December 2020 and reopen Monday, 4 January 2021 at 8:00am.
2. All field (Works Department) based staff will cease work at 3:00 pm on Friday, 18 December 2020 for a period of three (3) weeks returning on Monday, 11 January 2021.
3. Aged Care, Utilities and Parks and Open Space staff will continue to operate during this close down period. Any leave during this period will be approved by the relevant Supervisor/Coordinator.
4. On call arrangements for emergency works will be established.

Background Information

The Christmas/New Year period is traditionally a time when the majority of firms and government departments close for an extended time. In previous years, employees have also taken advantage of the public holidays at this time and applied for additional leave.

Report

1. Internal Arrangements

It is proposed that all Council Customer Service Centres including Libraries will close from 5:00pm Wednesday, 23 December 2020 and reopen Monday, 4 January 2021 at 8:00am.

Health Services staff will continue to operate during this close down period. Any leave during this period will be approved by the relevant Supervisor/Coordinator.

During this period staff will be required to use accrued leave, RDOs and TOIL for this period, which are not Public Holidays.

The Customer Contact Centre will have a recorded message during this period stating Council is closed for the Christmas break and to press "0" for an emergency which will then transfer to Council's emergency after hours service.

Arrangements will also be made for public notices to be issued, advertising on Council's website, social media and messages for when customers are on hold to the Call Centre advising of the closedown arrangements and emergency contact details.

2. External Arrangements

It is proposed that all field (Works Department) based staff will be required to conclude at 3:00 pm on Friday, 18 December 2020 for a period of three (3) weeks returning on Monday, 11 January 2021.

During this period staff will be required to use accrued leave and RDOs for this period, which are not Public Holidays. Any additional leave to this compulsory period will be at the discretion of the relevant Works Coordinator.

A minimal workforce will continue to operate during this close down period as determined by the relevant Managers. On call arrangements for emergency works will be established.

Utilities and Parks and Open Space staff will continue to operate during this close down period. Any leave during this period will be approved by the relevant Supervisor/Coordinator.

Consultation (Internal/External)

The report was presented to the Executive Management Team on the 11 June 2020.

In addition, the following were also consulted:

- Senior Works Manager
- Program Coordinator Maintenance
- Program Coordinator Construction
- Works Manager Maintenance
- Senior Project Manager Construction

Legal/Policy Implications (Justification if applicable)

Nil

Budget/Financial Implications

Nil

Conclusion

This proposal is in line with the 2019/2020 Christmas / New Year close down arrangements.

Attachments

Nil

Authored by: E. McGovern, Acting HR Services Coordinator

Title Corporate Services Report Proposed Lease Public Safety Business Agency Rural Fire Station Glenmorgan

Date 30 June 2020

Responsible Manager S. Thompson, GENERAL COUNSEL

Summary

The purpose of the Report is to consider a request received from the Public Safety Business Agency (PSBA) for a lease over a parcel of three adjoining Council owned freehold properties in Glenmorgan to develop a rural fire station.

Link to Corporate Plan

Strategic Priority: Great Liveability

- Our residents enjoy convenience of modern infrastructure and quality essential services.

Strategic Priority: Strong Economic Growth

- There is a confidence in our strong and diverse economy.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and that Council:

1. Apply the exception contained in Section 236(1)(b)(i) of the *Local Government Regulation 2012* to the proposed lease;
2. Offer the PSBA a 20 year lease to develop a rural fire station over the land described as Lots 318, 319 and 320 on Crown Plan G8081 at the rate of \$1.00/year (plus GST); and
3. Delegate authority to the CEO to negotiate and sign all documents necessary to finalise the lease.

Background Information

Lots 318, 319 and 320 on Crown Plan G8081 ("subject land") form part of a 10 lot parcel (previously being Unallocated State Land "USL") that was purchased by Council from the State Government. Please refer Attachment 1.

In a report to Council dated 8 October 2009 it was stated;

On 26 February 2008 the former Tara Shire Council made application to purchase Unallocated State Land described as Lots 311-320 on Plan G8081, Methuen Street, Glenmorgan in order to facilitate the further expansion of the Township.

The report concluded;

The acquisition of the subject Lots will provide an additional 10 residential Lots in Glenmorgan which should be sufficient to meet the Township's urban growth needs in the short term.

The purchase of the 10 lot parcel was progressed by Western Downs Regional Council and approved by resolution of Council on the 21 October 2009. The 10 lots were purchased for a total of \$30,802. Each lot has an area of 1,012m². The 10 lots remain vacant land.

Report

On behalf of the PSBA, the Department of Natural Resources, Mines and Energy (DNRME) approached Council in December 2019, regarding locating and establishing a rural fire station in Glenmorgan. The PSBA identified that a station at Glenmorgan would benefit the community and fill a gap within their rural fire services network. Multiple sites were reviewed and considered for this purpose by Council and DNRME.

The main selection criteria for the site was:

1. area must be greater than 2,000m²;
2. sufficient space to erect a building for storage of the RFS vehicles, equipment and provide amenities and training facilities;
3. a suitable area to permit large vehicle access to the building; and
4. additional external storage areas for miscellaneous equipment such as water tanks.

The subject land was the only parcel that satisfied the selection criteria. The proposed leased area of the subject land totals 3,036m². Although 2 lots total 2,024m² (being slightly more than the selection criteria area of 2,000 m²), PSBA has requested the leased area contain 3 lots to facilitate additional water storage, ease of access and a suitable buffer to neighbouring properties. Please refer Attachment 2.

Consultation (Internal/External)

Numerous emails were exchanged with PSBA (which included the local Rural Fire Area Director) commencing in January 2020 that dealt with investigating the suitability of multiple sites before deciding on the subject land as the most suitable.

The Planning & Environment Manager was consulted, and the Planning staff advised:

- The proposal to establish a rural fire station on Lots 318, 319 and 320 on G8081 will require a Material Change of Use application to establish emergency services on this site. The application will be Code Assessable.
- Emergency services is a consistent use in the Township Zone. Subject to the lodgement and detailed assessment of a MCU application, it is considered acceptable from a Planning perspective.
- A Flood Hazard Map for Glenmorgan was provided from the State's interactive Flood Check map - please refer to Attachment 3.

The Senior Works Manager was consulted and provided the following comment:

- No objections or comments from a Works perspective. I suggest comments from Utilities may be required though due to the purpose and location.

The Utilities Manager was consulted and provided the following comment:

- I don't oppose the lease, however Glenmorgan is a non potable scheme with low drought tolerance, so they'll need to have their own drinking water supply. The system is also not capable of providing fire flow.

Legal/Policy Implications (Justification if applicable)

Leases are considered a disposal of a valuable non-current asset (land) under the *Local Government Regulation 2012* ("LGR") (section 224(6)). In order to dispose of land other than by following the set tendering/auction

process under sections 227 and 228 of the LGR, an exception under section 236 of the LGR will need to apply to the disposal.

The exception at s236 (1)(b)(i) applies and provides an exception to the application of s224(7) in that this disposal is for the purpose of disposing of the land to a government agency, being the PSBA. Therefore, the disposal is not required to be by tender or auction as it is for the purpose of leasing the land to a government agency.

It is submitted the proposed disposal is in line with the Council resolution dated 21 October 2009 to purchase the land to facilitate the further expansion of the township, albeit not by residential occupancy.

Budget/Financial Implications

It is recommended that a rental amount of \$1.00/year (plus GST) be applied as the establishment of a rural fire station will provide an increase of emergency services to the Glenmorgan region. The rental amount is consistent with other community focused leases issued to PSBA.

The disposal of an asset under s 236(3) LGR requires the disposal, or in this case the lease, to be at market value. However, s 236(4) excludes the operation of s236(3) when the disposal is to a government agency. The proposed rental amount of \$1.00/year (plus GST) is compliant with the provisions of the LGR.

Conclusion

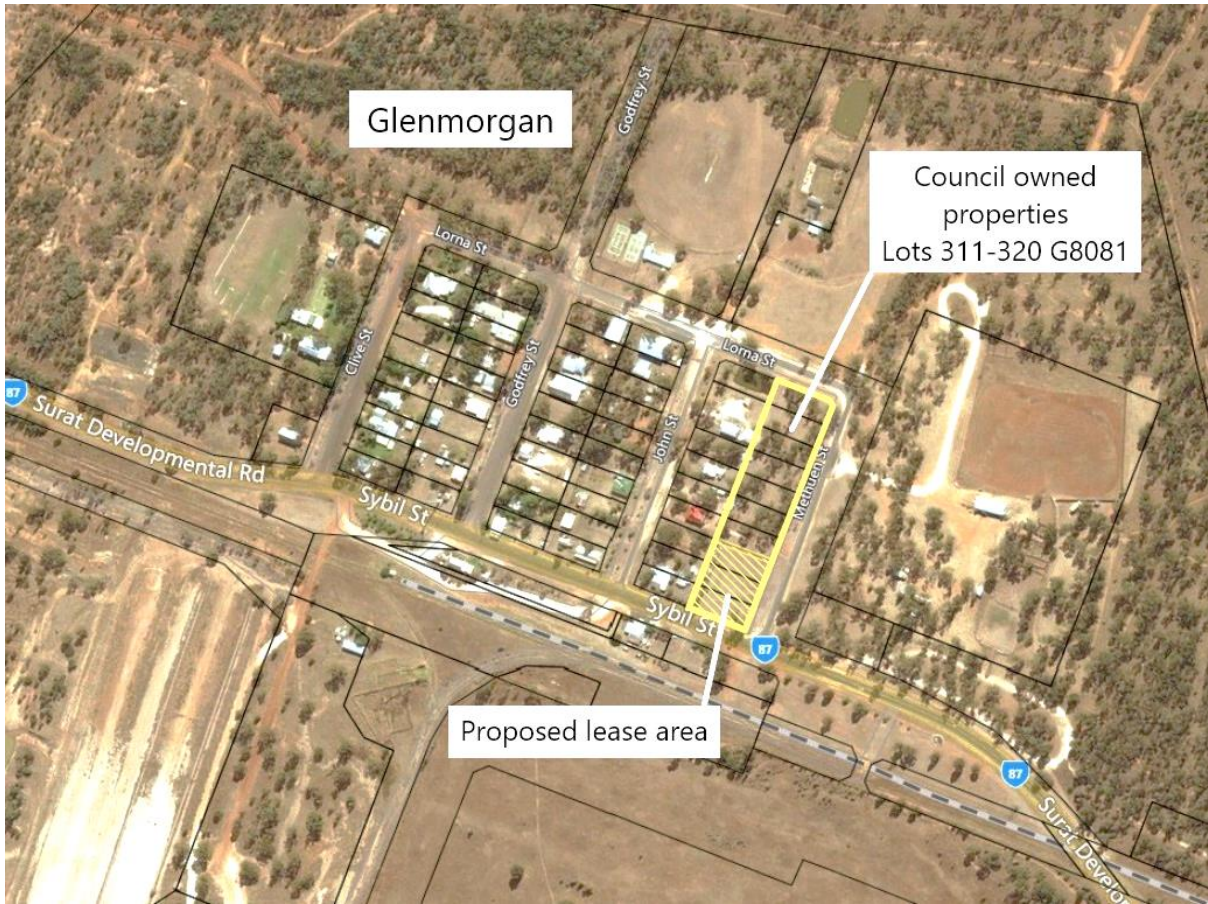
Following an extensive search for a suitable parcel of land to establish a rural fire station in Glenmorgan the subject land is the ideal location. Proceeding with a lease of the subject land to PSBA will expand the coverage of the rural fire services and benefit Glenmorgan and the wider Western Downs region.

Attachments

1. Glenmorgan possible fire station location and parcel of 10 lots;
2. Glenmorgan proposed rural fire station leased area; and
3. Glenmorgan Flood Hazard Map.

Authored by: S. Thompson, GENERAL COUNSEL

Attachment 1 - Glenmorgan possible fire station location and parcel of 10 lots



Attachment 2 - Glenmorgan proposed rural fire station leased area



Please note with respect to the image above, there may be an alignment variation of up to 15mts between the aerial photograph boundary overlay and the property boundary. This is a limitation of the software used to display information regarding rural locations such as Glenmorgan.



Title Corporate Services Report Permanent Road Closure Application Part Littleton's Lane Along Southern Boundary Lot 59 A342908 Bell

Date 2 July 2020

Responsible Manager S. Thompson, GENERAL COUNSEL

Summary

To determine an application for the permanent road closure of part of Littleton's Lane, an unformed part of a road that runs along the southern boundary of Lot 59 Crown Plan A342908, Bell.

Link to Corporate Plan

Strategic Priority: Financial Sustainability

- We are recognised as a financially intelligent and responsible Council.

Strategic Priority: Great Liveability

- Our residents enjoy convenience of modern infrastructure and quality essential services.
- A safe and well maintained road network connects our region.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received, and that Council:

1. Advise the applicant and DNRME that Council objects to the permanent closure of the identified part of Littleton's Lane that runs along the southern boundary of Lot 59 on Crown Plan A342908, Bell on the basis its closure could remove future water supply options for the town of Bell.

Background Information

The applicant has lodged a request for WDRC to provide comments on his application to DNRME to permanently close part of Littleton's Lane, being an unformed part of the road that runs along the southern boundary of Lot 59 Crown Plan A342908, Bell (please refer Attachment 1 - Department of Natural Resources Mines and Energy - Part A, Part B, and Part C)

The application relates to an unformed part of a road that runs along the southern boundary of the applicant's land. The part of the road requested to be closed is identified in pink highlighting on Attachment 2 - Aerial view of proposed closure.

The applicant requires the area for grazing.

Report

The part of Littleton's Lane along the southern boundary of Lot 59 on Crown Plan A342908 forms part of Council's road network. The applicant is applying for the permanent closure of this section of the road. It is noted that quite a few blocks will have a considerably longer alternative route to access their properties if the road was closed.

Consultation (Internal/External)

Advice was sought from Council's:

- Senior Planner and Planning and Environment Manager
Both Council's Senior Planner and Planning and Environment Manager had no objections providing all lots continued to have lawful road access, but it was noted that quite a few blocks will have a considerably longer alternative route to access their properties if the road was closed.
- Senior Works Manager
Council's Senior Works Manager inspected this section of road and noted that it was not a formed road however there is evidence that traffic do use the road. While all lots do have an alternative route, it is significantly longer and potentially why some traffic do use the road as an unformed track.
- Rural Services Coordinator
Rural Services Coordinator also objected to the closure, in the event that stock needed to utilise this lane in the future. It was suggested that a temporary closure with a permit or lease may be an option available to the applicant.

Legal/Policy Implications (Justification if applicable)

An applicant must obtain DNRME's approval for the closure of a road. As standard practice, DNRME requests the relevant Local Government to advise if it has any concerns or objections.

If Council offers an objection to the road closure, the applicant is still able to submit their application to DNRME. The final decision to approve or not approve the road closure will be made by DNRME after considering any objections made by Council.

The CEO has delegated power for submissions to be made to DNRME under section 420CB of the *Land Act 1994* (Qld) pursuant to Council's Delegations' Register B31.148.

Budget/Financial Implications

Nil

Conclusion

Littleton's Lane forms part of Council's road network. It is recommended Council advise the applicant and DNRME that it objects to the permanent closure of part of Littleton's Lane.

Attachments

1. Department of Natural Resources Mines and Energy - Part A, Part B, and Part C
2. Aerial view of proposed closure

Authored by: S. Thompson, GENERAL COUNSEL



DEPARTMENT OF NATURAL RESOURCES, MINES AND ENERGY

28.9.1
A.41289

Application form
Contact and Land Details
Part A

Application form requirements

- 1. Part A: Contact and land details will need to be completed.
2. Part B: Application specific form will need to be completed.
3. Payment of the prescribed application fee, if relevant. A refund of application fees will not be given.
4. If the application is not lodged by a solicitor, bank or consultant on behalf of the applicant, then all applicants must sign the declaration on the appropriate Part B application form.
5. All parts of this application form need to be completed accurately, otherwise your application may be returned to you to complete.
6. Prior to lodging your application, the Department encourages the applicant to have a pre-lodgement meeting with a DNRME officer...

Important information

- 7. All applications will be processed having regard to the requirements of the Land Act 1994 and related legislation, approved policies and procedures and the requirements of all other agencies with an interest in the land.
8. All completed applications can be lodged with DNRME by sending information to the following email or postal addresses or in person at your local DNRME business centre.
9. Email: SLAMlodgement@dnrme.qld.gov.au
10. If lodging an application, all relevant Part B application forms must be signed and supporting documentation must be scanned and then emailed.

11. Post:

Department of Natural Resources, Mines and Energy
PO Box 5318
TOWNSVILLE QLD 4810

- 12. In terms of the Right to Information Act 2009 interested parties may seek access to DNRME records and view relevant documents.
13. Information on this form, and any attachments, is being collected to process and assess your application under the Land Act 1994. The consideration of your application may involve consultation and if so details of your application may be disclosed to third parties. They will not be otherwise disclosed outside the department unless required or authorised by law.

W.D.R.C RECEIVED
For Land/Original
19 FEB 2020
Table with columns: Officer, FY, Task. Includes handwritten signature 'Scott' and a checkmark. Retention ECM 9/2012.

Contact details

Lodger Details and Mailing Address

A lodger is only required when a solicitor, bank, consultant lodges the application on behalf of the applicant.

Full Name(s)

Title	First name	Surname
MR	TERRY	WATERS

Company name(s)

TD WATERS

If a Corporation then record ACN ARBN ABN

80 719 823 301

Postal Address

P.O. Box 66

BELL

QLD 4408

Phone number

Mobile phone

042787 8886

Email

tdewaters@hotmail.com

Applicant(s) Details and Mailing Address

If the applicant is a Corporation, either the Australian Company number, Australian Registered Body number or the Australian Business number must be shown.

Full Name(s)

Title	First name	Surname
MR	TERENCE	WATERS

Company name(s)

If a Corporation then record ACN ARBN ABN

80 719 823 301

Postal Address

P.O. Box 66
BELL.
QLD 4408.

Phone number

Mobile phone

042 787 8886

Email

tdcewaters@hotmail.com.

Future correspondence should be sent to

Lodger

Applicant

1. Are the applicants a foreign acquirer as defined by the Additional Foreign Acquirer Duty (AFAD)? Yes **go to 2** No **go to 4**

For further information refer to the Queensland Government website to determine if the applicant/s are a foreign person (acquirer) for AFAD >:
<https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad/foreign-persons>

2. Is the application related to the purchase of land, for example a permanent road closure, or conversion of a lease where the land is or will be used solely or primarily for residential purposes as defined for the Additional Foreign Acquirer Duty (AFAD) under the *Duties Act 2001*? Yes **go to 3** No **go to 4**

Note – Under the *Duties Act 2001* an additional amount of duty applies where the land is residential land and the applicant is a foreign person (acquirer) for AFAD. For further details, please refer to the information on the Queensland Government website for Additional Foreign Acquirer Duty:-
<https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad>

3. Enter the full name/s of the foreign acquirer/s.
(If there is insufficient space, please lodge as an attachment)

go to 4

Full Name/s (If a company, also provide a contact name)	Share held

4. Are the Applicant/s registered for GST **AND** acquiring the land for a creditable purpose?

Yes

No go to 5

Under the *Tax Administration Act (Cth) 1953* certain purchasers of new residential premises or potential residential land are required to withhold the Goods and Services Tax (GST) amount from the price of the supply (purchase price) for payment directly to the Australian Taxation Office (ATO) as outlined on the ATO's website. The department is unable to provide further advice on the ATO's requirements. For further information contact the ATO on 13 28 65 or refer to the ATO website <https://www.ato.gov.au/business/gst/in-detail/your-industry/property/gst-property-settlement-online-forms-and-instructions/> or seek advice from a financial or legal expert.

Details of land for which the application is being lodged

5. Select the type of land for which the application is being lodged.

Permit

Lease

Licence

Unallocated State Land (USL)

go to 6

Trust Land Reserve/
Deed of Grant in Trust (DOGIT)

Road

Dealing Number (refer to **Item 6**)

Other

6. Enter the description of the land for which the application is being lodged. If this application concerns a road, enter the description of the land adjoining the road.

Schedule 1		
You must enter either the Lot on Plan or Title Reference of the land for which the application is being lodged.		
Lot	Plan	Title Reference
5	AG-80 3549	

go to 7

The details of the land can be found on a current copy of the Title, your rates notice or the Queensland Globe from the Queensland Government website can be downloaded to help access current Lot on Plan details. <<https://www.business.qld.gov.au/business/support-tools-grants/services/mapping-data-imagery/maps>>. If insufficient space, please add additional description as an attachment.

7. Enter additional details of the land

Dealing number

Tenure type

Tenure number

Local Government

Other details of land location (optional)

go to 8

8. Have you participated in a pre-lodgement meeting with the department? Yes **go to 9** No

Please provide name of officer you spoke with and this department's associated reference.

DNRME Contact Officer

Prelodgement ID
(eLVAS CI Ref)



Application form requirements

1. This Application is for a road closure.
2. Read the respective Roads – Applying for a road closure – [Guide](#) which include the application requirements.
3. Payment of the prescribed [application fee](#). A refund of application fees will not be given.
(Details of fees are available on the Department of Natural Resources, Mines and Energy (DNRME) website at <https://www.dnrme.qld.gov.au> or from a [DNRME business centre](#)).
4. A drawing showing the information listed in the “[application requirements](#)” that are included in the Applying for a road closure guide.
5. Any additional information to support application.
6. **Part A:** [Contact and land details form](#) will need to be completed and submitted with your application.
7. **Part C:** [Statement in relation to an application under the Land Act 1994 over state land](#) will need to be completed and submitted with your application.
8. Your application will not be considered as having been properly made unless all parts of this application form are completed accurately, otherwise your application may be returned to you to complete.

Important information

9. A road is any area of land that has been set aside by legislation for the use of the travelling public. Not all roads are currently formed or being used by vehicles or pedestrians, and some may never be developed or used for that purpose.
10. You are encouraged to contact your nearest [DNRME business centre](#) to arrange a pre-lodgement meeting. The pre-lodgement meeting is intended to clarify the application requirements thereby preventing any unnecessary delays. It is also intended to cover the process, timeframes, costs and the quality of information necessary to properly assess the application.
11. An adjoining landholder may apply for a permanent or temporary road closure. An adjoining owner is defined as the registered owner of the property that shares a common boundary. i.e. Contiguous; directly connected; or without interruption.
An adjoining owner can apply for the area of road that immediately adjoins the property boundary and not any part of the road that continues in either direction beyond the property boundary.
If a road is a “dead end”; and the property boundary only adjoins on the end and does not extend along the road, the owner is not considered an adjoining owner for a road closure application. To be clear, a person who has limited frontage to the road cannot apply for closure of the entire length of the road.
12. A public utility provider as defined under the [Land Act 1994](#) may also apply for a permanent road closure. An application for temporary closure can be considered for another person for:
 - pipes for irrigation purposes that cross the road beneath its surface.
 - water channels for irrigation purposes that cross the road.
13. A road may be closed "in strata" to provide for works such as:
 - connecting overhead viaduct, or underground tunnel for commercial purposes between two buildings,.
 - structure which will overhang a road.
 - car park or building under or over a road.

14. You may be required to pay a purchase price for the permanent closure of a road.
15. When a road is closed permanently, its status changes from 'road' to 'unallocated state land'. Depending on how the land is to be allocated, the area of road to be permanently closed may be:
 - incorporated into the applicant's adjoining freehold or leasehold land.
 - included in an existing reserve or set apart as a new reserve.
 - retained as a separate parcel of freehold land, although this option is rarely used in view of the planning requirements of local governments.
16. A road may be permanently closed under the [Land Act 1994](#) if the Minister is satisfied the road is not the only dedicated access to a person's land; used regularly by the public as a road or stock route; or providing continuity to a road network.
17. Although the state owns the land in a dedicated road, a local government (section 60 of the [Local Government Act 2009](#)) is responsible for the day to day management of dedicated roads in its area including their construction and maintenance. The [Department of Transport and Main Roads](#) is responsible for management of state controlled roads such as a freeway, highway or 'major road connecting cities'.

Information on this form, and any attachments, is being collected to process and assess your application under the *Land Act 1994*. The consideration of your application may involve consultation, and if so details of your application may be disclosed to third parties. They will not be otherwise disclosed outside DNRME unless required or authorised by law.



Road Closure

Temporary Road Closure

1. The Application is for:

Permanent road closure go to 2

Temporary road closure go to 2

2. If you are not the manager of the road as defined below, have you consulted with the Road Manager to determine if the road is still required? Yes go to 3 No go to 3

Before submitting your application to the DNRME, it is recommended that you discuss your proposal for closure of a local road with the local government responsible for its management, or the [Department of Transport and Main Roads](#) for a state controlled road managed under the [Transport Infrastructure Act 1994](#).

This will assist you to plan your project and will help reduce the time required to assess your application. It will also provide you with an opportunity to address in your application any issues identified through discussion with the road manager.

A signed '[Part C - Statement in relation to an application under the Land Act 1994](#) over State land' from the road manager must accompany this application.

A road may be permanently closed under the *Land Act 1994* if the Minister is satisfied the road is not:

- (a) the only dedicated access to a person's land;
- (b) used regularly by the public as a road or stock route; or
- (c) providing continuity to a road network.

An application must be refused if the road is still needed in accordance with section 101(3) of the [Land Act 1994](#).

Note – A road manager has the powers to authorise various uses on roads, however neither agency is able to permanently close the dedicated road and allocate the land for another use.

Road Manager is –

- The local government for a road that is controlled by the local council
- For a state controlled road, the chief executive of the Queensland Government agency administering the *Transport Infrastructure Act 1994* such as the Department of Transport and Main Roads.

3. Are you a public utility provider or the registered owner, lessee or trustee of the land adjoining the area of road subject to this road closure application? Yes go to 4 No Application cannot be considered unless temporary closure is for reasons listed in Question 4

Section 99(1) of the [Land Act 1994](#) states that only a public utility provider or the registered owner, lessee or trustee of the land adjoining a road may apply for a **permanent closure** of the road.

4. Is the temporary closure to make structural improvements for:

Pipes for irrigation purposes that cross the road beneath its surface go to 5

Water channels for irrigation purposes that cross the road

Section 99(3) of the *Land Act 1994* limits who can apply for temporary closure of a road to only the registered owner, lessee or trustee of the land adjoining a road or another person for;

- Pipes for irrigation purposes that cross the road beneath its surface; or
- Water channels for irrigation purposes that cross the road.

5. Provide details in Schedule 1 below, of any land you lease from the state or are the registered owner that adjoins or is in the vicinity of the land applied for. go to 6
 (If there is insufficient space, please lodge as an attachment)

Schedule 1		
You must enter either the Lot on Plan or Title Reference of the land.		
Lot	Plan	Title Reference
5	CP AG 803549	
59	A34 2908.	

6. Have you made a previous application for closure of this area of road? Yes go to 7 No go to 10

7. Was this application refused? Yes go to 8 No go to 10

8. Has there been any change in circumstances from the previous application, which may lead to this application being accepted for further consideration? Yes go to 9 No go to 10

The application maybe rejected without further consideration.

9. Provide details of the change in circumstances from the previous application. go to 10
 (If there is insufficient space, please lodge as an attachment)

10. Is any use currently being made of the road area? Yes go to 11 No go to 12

11. Provide details of the current use of road e.g. grazing, encroachment of building or structure go to 12
 (If there is insufficient space, please lodge as an attachment)

GRAZING.

12. Provide details of the proposed use of the road area. go to 13
 (If there is insufficient space, please lodge as an attachment)

Additional grazing.

13. Provide details of any additional information to support the application. (optional)
(If there is insufficient space, please lodge as an attachment)

go to 14

I have spoken to Neighbours joining the road end
they are very supportive of my application to close the road.

Attachments

The following will need to be lodged with your application for it to be considered a properly made application. If all this information is not submitted or the forms are not completed accurately, your application will be returned.

14. Tick the box to confirm the attachments for part of the application.

- Part A - Contact and land details form.
- Part C - Statement from road manager.
- Application fee.
- A copy of a [Dial Before You Dig](#) enquiry confirmation sheet verifying if there is any Telstra infrastructure located on the road area applied for.
- A drawing showing the information listed in the "application requirements" that are included in the Applying for a road closure guide.
- Additional information in support of your application such as correspondence from the road manager or current users of the road.

Declaration

I certify that I have read the information which forms part of this application and the information I have provided is true and accurate.

Signature of applicant (or their legal representative)

J Waters

Date: 04 / 02 / 2020

If applicant, section 142 of the [Land Act 1994](#) states a person is eligible to apply for, buy or hold land under the *Land Act 1994* if the person is an adult, that is, 18 years of age or over.
If the legal representative of the applicant is signing as the applicant then the legal representative's full name must be printed immediately below the signature.



DEPARTMENT OF NATURAL RESOURCES, MINES AND ENERGY
**Statement in relation to an application under
the *Land Act 1994* over State land
Part C**

Supplementary requirements

1. This form (Part C) is to be used to support the following applications under the *Land Act 1994* (Land Act):
 - Application for Road Closure. Part B Form LA18
 - Application for a Permit to Occupy. Part B Form LA03
2. Refer to the DNRME web site and relevant Part B for specific application requirements.

Important information

3. Notice of your application must be first provided to the road manager or trustee of the reserve to determine the impacts of your application.

Road Manager is –

- the local government for a road that is under the control of the a local government; or
 - for a State-controlled road—the chief executive of the department administering the *Transport Infrastructure Act 1994*.
4. Section 68 of the *Local Government Act 2009* and section 74 of the *City of Brisbane Act 2010*, requires notice of any proposed closure or opening be provided to the local government. The local government **must fully state its reasons** for its decision, which this department will consider.
 5. The local government may have a specific local law for administering the use of local roads and reserves.
 6. A Permit to Occupy application over a reserve or road must include the support of the reserve trustee or the road manager. For reserve land, the trustee of the reserve must provide additional comments stating why a trustee lease is not supported.
 7. This form must be supported by a drawing (minimum size A4) which includes the following information:
 - general location
 - area of land under application
 - Lot on Plan information
 - scale
 - dimensions
 - a north point
 8. This form must be lodged with the application, including Part A and Part B, within three months.

I/We TERRY WATERS., as

Please tick relevant fields –

- Road Manager; or
- Trustee of a reserve issued under the *Land Act 1994*.

have considered information from the applicant including:

- Completed copy of the application form, namely Part A and Part B – Application under the Land Act
- Copy of drawing referred to as TALOUMBI MAP (copy attached, endorsed by the road manager or trustee).

and advise the Department of Natural Resources, Mines and Energy (DNRME) that use of the land as proposed:

- Will be authorised by the road manager or trustee of the reserve land and advise that no further contact with DNRME is needed at this time. A formal application to the road manager will be required.
- Can be authorised by the road manager or trustee of the reserve, however it is not supported for the reasons detailed in the additional comments.
- Is unable to be authorised by the road manager or trustee of the reserve and it is not supported for the reasons detailed in the additional comments.
- Can be authorised by the road manager or trustee of the reserve, however for the reasons detailed in the additional comments, requests DNRME to consider an application under the Land Act.
- Is unable to be authorised by the road manager or trustee of the reserve, however for the reasons detailed in the additional comments, requests DNRME to consider an application under the Land Act.

Additional comments –

Provide information or requirements that you believe should be consider when assessing this application. (If there is insufficient space, please lodge as an attachment)

Does the road manager or trustee require further contact from the department before a decision is made on the application?

Yes

No

Note – a different form of tenure may be considered a more appropriate tenure once the application has been assessed.

Authorisation

I certify that I have the authorisation to make this statement and the information I have provided is true and accurate.

I have **signed** a copy of the attached drawing provided by the applicant in relation to this application.

Full name and position of person making this declaration on behalf of the road manager or trustee

Signature

J. Waters

Date: 04 / February / 2020

This information will not otherwise be disclosed outside of the department unless required or authorised by law such as under the *Right to Information Act 2009*.

END DOCUMENT

Taloumbi

February 2020



60

BELL



BELL - KAIMKILLENBURN ROAD

59 A342908

130 Ha.

0

LOTS AG803549

38 Ha.

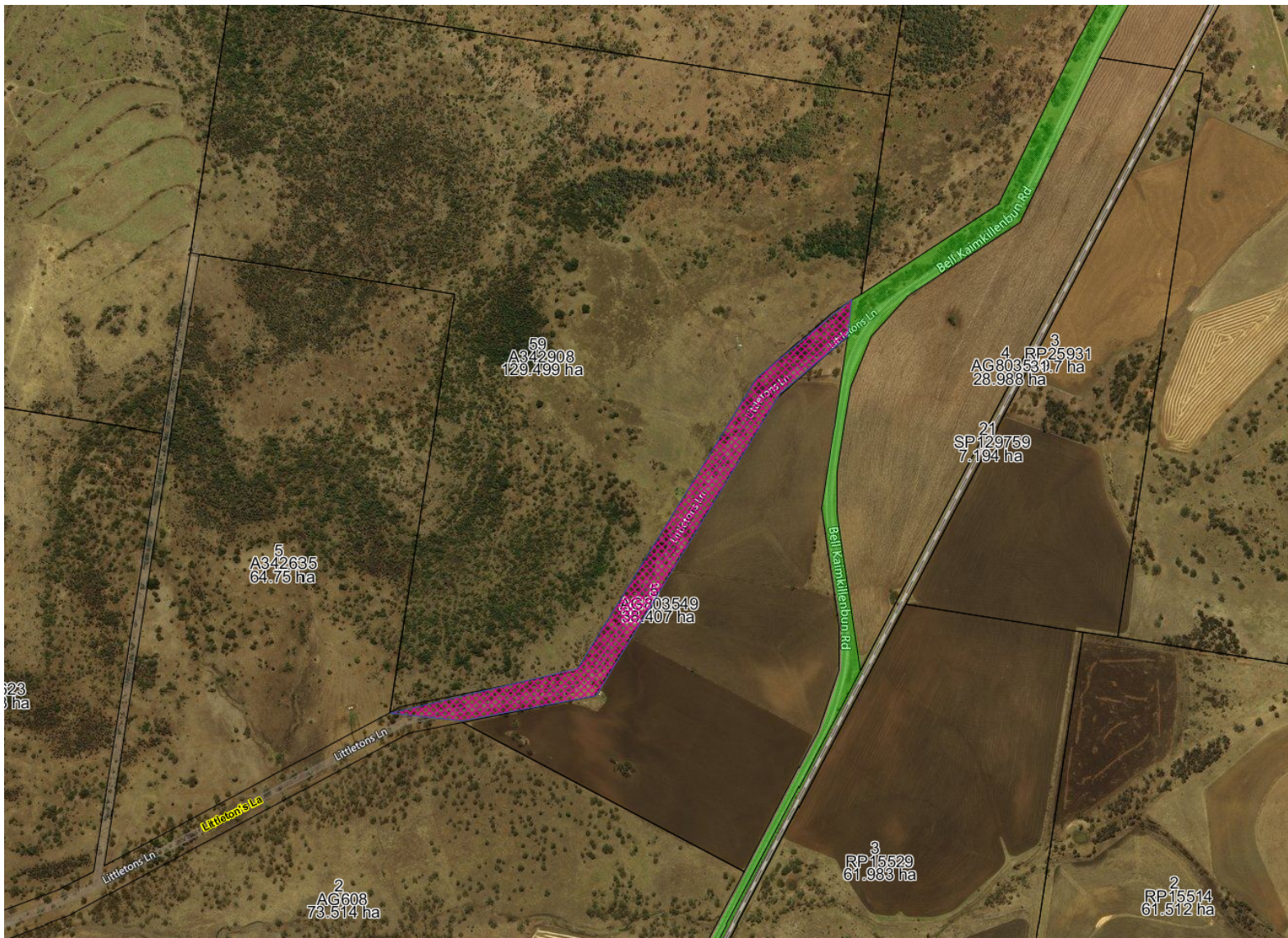
Littleford Lane



400 m



KAIMKILLENBURN
(10 kms)



Title **Infrastructure Services Report Dalby Desalination Plant Stage 1 Membrane Performance**

Date 3 July 2020

Responsible Manager Choose Manager.

Summary

The purpose of this Report is to inform Council of significant cost savings as a result of reverse osmosis membrane performance at the Dalby Desalination Plant Stage 1.

Link to Corporate Plan

Strategic Priority: Financial Sustainability

- We are recognised as a financially intelligent and responsible Council.
- Our long term financial planning guides informed and accountable decision making.
- Our value for money culture enables us to deliver our core functions sustainably.
- Our agile and responsive business model enables us to align our capacity with service delivery.
- Effective asset management ensures that we only own and maintain assets that are utilised.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and noted.

Background Information

Dalby Reverse Osmosis Plant Stage 1 was commissioned and started supply to the town in June 2004. Since commissioning it has supplied an estimated 7 gigalitres of high-quality water from a resource that would have otherwise been unusable. At the time it was considered to be the first reverse osmosis base load water treatment plant for municipal supply in Australia. The project is the design base for other reverse osmosis plants in Western Downs and elsewhere and is very successful from an operational point of view.

Winter 2020 is considered to be a milestone in plant performance as the original reverse osmosis membranes are scheduled for replacement after 16 years of reliable service.



**Official Opening Dalby Desalination Plant
21st September 2004**

(L-R Hon. S. Robertson, MP, Premier P. Beattie, MP, Cr W. Geisel, Mayor of Dalby, Cr Barry O'Shea, Deputy Mayor of Dalby, Mr S. Hegedus, Manager Engineering Services, DTC.)

Report

Dalby Town Council's Water supply network had been servicing the community's needs since it's commissioning in December 1960. Decreased reliability of surface water and water quality issues with increased salinity guided Council to identify and evaluate future raw water options. Fifteen options were reviewed including flood harvesting, water recycling, rainwater tanks, pipelines from Toowoomba or the South Burnett, desalination, surface water storage, demand management and extraction from the Hutton Sandstone Aquifer. Four options were deemed to be feasible being demand management, groundwater development, off stream storage and desalination.

Detailed research into the desalination process was carried out including sending a Council Officer, Mr Terry Fagg on a two-week study tour of USA Desalination plants. The study reviewed data from 150 municipal supply desalination plants in the United States and involved a more detailed analysis of data from approximately 40 plants.

Funding assistance from the Department of Local Government and Planning provided 40% of the \$2.8 million required to construct a 20 litre/sec desalination plant, which used reverse osmosis technology to treat medium to poor quality irrigation water. This was implemented with a water demand strategy, which contributed to a 30% decrease in water consumption after 2 years of implementation. The operating cost is comparable to treating the surface water from Loudon Weir. The plant processes approximately two million litres of potable water each day to Dalby's reticulated water supply contributing 40% of the town's average daily consumption.

The heart of Dalby Reverse Osmosis Plant Stage 1 (RO1) is the 84 Dow Filmtec XLE440 extra low energy membranes that perform the actual reverse osmosis process of desalination. At the time of construction these membranes were valued at approximately \$3,000 each at a total cost of \$252,000 or 10% of the total plant cost. Consumer use and technology has driven the cost of membranes down over time and can now be purchased for as low as \$1,500 in today's dollars.



Design consideration anticipated a maximum life of five years before the membranes would require replacement. The life of the membrane is influenced by the original quality, the design of the plant, the cleaning regime employed and the overall commitment to sound operations by Council's operational staff. The combination of these elements has achieved long membrane life well beyond original expectations. The industry has many examples of membrane failures in a few years at similar plants due to poor operational practice.

The elements that contribute to long membrane life also have positive impacts on energy and chemical consumption, availability of the facility for production, improved water quality and reduced operating labour requirements. These factors long term go well beyond the value of the membranes.

The membranes themselves are still intact but the salt removal potential has gradually reduced to the point where they must be replaced.

Consultation (Internal/External)

Terry Fagg, Water Treatment Principal

Legal/Policy Implications (Justification if applicable)

Nil

Budget/Financial Implications

Purchase of replacement membranes has been allowed for in the Utilities 2020/21 Operational Budget.

Conclusion

The design of Dalby's Desalination Plant Stage 1 anticipated that the reverse osmosis membranes would have a maximum design life of five years. The successful design and staff operating practices has led to the original membranes lasting sixteen years, potentially saved Council well over \$300,000 in replacement costs and long term savings in maintenance, chemical and electricity costs.

Attachments

1. NIL

Authored by: LEIGH COOK, UTILITIES MANAGER

Title **Infrastructure Services Report One Basin Co-operative Research Centre**

Date 9 July 2020

Responsible Manager T. Fagg, ACTING UTILITIES MANAGER

Summary

The purpose of this report is to provide Council information regarding the Murray Darling Basin and Councils potential involvement in the One Basin Co-operative Research Centre that is currently being proposed.

Link to Corporate Plan

Strategic Priority: Great Liveability

- *Our residents enjoy convenience of modern infrastructure and quality essential services.*
- *Valued recreational spaces, sporting and community facilities are provided regionally.*
- *A safe and well-maintained road network connects our region.*
- *Our region remains an affordable place for families to live, work, prosper and play.*
- *We're recognised as one of the safest regions in Queensland.*

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this report be received and that Council:

1. offer in principle support to the One Basin CRC and provide \$50,000 per annum for up to ten (10) years subject to the One Basin CRC proposal being jointly funded by the Federal Government.
2. authorised the Chief Executive Officer to enter into agreements with the One Basin CRC and to authorise kind support as required.

Background Information

The Murray Darling Basin covers 14% of Australia and is one of the world's largest, most complex and productive river systems (~\$19.4 billion p.a. of agricultural produce). Each year it accounts for almost 40% of Australia's agricultural production (by value) and 50% of Australia's irrigated produce. Its natural assets are of national and international significance, driving \$8 billion in tourism. It supports 9,200 irrigated agriculture businesses and is home to more than 2.6 million Australians. Its diverse users and geography spans four states and the ACT. The Murray Darling Basin Plan directs water use in one of the most highly regulated river systems in Australia.

Sharing water resources in this varied yet productive river basin is one of our nation's most difficult challenges. There is limited capacity to be shared between farmers, regional communities, industry and the environment but policy makers must plan for future water and climate risks in a changing Basin. Climate extremes, extended drought and declining water availability combined with rising demand for Australia's agricultural products create further challenges in the Basin and surrounding regions.

The Condamine River Basin including the associated groundwater systems is at the most northern extreme of the Murray Darling Basin and is the lifeblood of the Western Downs Region. Not only does it provide water supply for most of our towns but is used extensively for agricultural purposes and supports directly or indirectly much of the commercial and industrial businesses in our region.

Report

A One Basin Co-operative Research Centre (CRC) is a proposed industry led Research and Development (R and D) collaboration of research, industry, business and government partners. Over 10 years, the One Basin CRC proposes to conduct R and D across the Murray Darling Basin to increase our knowledge thereby supporting improved policy options and development of products and services focused on creating a more productive and resilient Basin and its communities.

Specifically, the One Basin CRC proposes to undertake a 10-year research program to build a legacy framework to identify and adopt innovative solutions through:

- Developing networking opportunities across the Basin to influence the direction of research in the region;
- Developing an extension program through the Adaptation Solutions Program, Water Solutions Program and Basin Foresight Program;
- Supporting R and D for regional development planning with a focus on adaptation to risks associated with climate and water;
- Investing in R and D that provide water infrastructure solutions for our region;
- Engagement with community development to optimise local investment and social capital;
- Supporting R and D which will strengthen the resilience of in the region;
- Supporting an initiative which focus on building workforce skills in the region;
- Supporting a Regional Hub which will provide high-skilled job opportunities in the region;
- Accessing advice from leading researchers on agriculture-water issues; and
- Supporting participation of regional indigenous groups in water-agriculture R and D.

The CRC Program, an Australian Government grant initiative, provides an average of \$45 million to each successful CRC. Partners contribute matching cash and two-times in-kind resources.

One Basin CRC has invited Council to be Tier 3 non-research partner, which involves committing to "in principle" financial and in-kind support to a value of approximately \$50,000 pa over 10 years. At a presentation to Council on the CRC, it was indicated that Council could withdraw at any time in the future should they wish. The CRC proposal is due to be submitted by the 29 July and therefore Council's consideration needs to be immediate. If the One Basin CRC is approved funding would likely to be required from October 2021.

WDRC lists its Corporate Mission *"We are part of the community we serve, working together to provide valued leadership and services to our diverse region"*. Council also states that it will advocate for long term improvements in domestic and industrial water supply for the region. With these goals it is therefore imperative that WDRC is involved in any initiative regarding water use in the Basin. It nonetheless should be pointed out that it is unlikely that the CRC research will amount to "more water" or increases in entitlements from existing resources. However, using the CRC's research as a platform, it may lead to changes in water distribution, improved water use efficiencies, improvements to the regulatory environment or improved scope for new or innovative water supply schemes. Any or all these types of initiatives will be needed if the Murray Darling Basin is to remain as a premier agricultural region in Australia.

Benefits

The One Basin CRC is a long-term research program that potentially could drive changes in the allocation of resources from the basin. With some much at stake for the Western Downs region, it is essential that Council is involved to ensure that issues affecting agricultural production, associated support businesses and urban water supplies from the Condamine catchment in Western Downs are raised. Council's financial involvement may not drive outcomes from the research but certainly would ensure that issues raised would be taken seriously by researchers and given fair consideration.

The One Basin CRC has indicated that there is the possibility that they may set up a Regional Hub in the Western Downs Region. The potential for knowledge transfer to Council staff working closely with researchers would provide a huge benefit for the Utilities staff. Also, regional issues that affect our operations would also be raised by Council staff with the CRC. That will create the opportunity for positive outcomes when those issues are investigated.

Consultation (Internal/External)

NIL

Legal/Policy Implications (Justification if applicable)

NIL

Budget/Financial Implications

Council involvement in the One Basin CRC will require \$50,000 per annum from the second quarter of the 21/22 financial year for a period of ten years. At this stage it is difficult to define the cost of any in kind contributions but that is likely to be limited to potential use of Council facilities should the CRC wish to set up a Regional Hub in the Western Downs.

Conclusion

The Murray Darling Basin is a major contributor to the wealth of this nation. Council should support any initiative that has the aim of better managing water resources in what could be considered the lifeblood of the Western Downs.

Attachments

1. One Basin CRC & Partner Pack

Authored by: Terry Fagg, ACTING UTILITIES MANAGER



**ONE
BASIN
CRC**

**WESTERN DOWNS
REGIONAL COUNCIL:
A POTENTIAL ONE
BASIN CRC BID
PARTNER**

A Briefing Paper

7 July 2020

THE ONE BASIN CRC BID

The Murray Darling Basin covers 14% of Australia and is one of the world's largest, most complex and productive river systems (~\$19.4 billion p.a. of agricultural produce). Each year it accounts for almost 40% of Australia's agricultural production (by value) and 50% of Australia's irrigated produce. Its natural assets are of national and international significance, driving \$8 billion in tourism. It supports 9,200 irrigated agriculture businesses and is home to more than 2.6 million Australians. Its diverse users and geography spans four states and the ACT. The Murray Darling Basin Plan directs water use in one of the most highly regulated river systems in Australia.

Sharing water resources in this varied yet productive river basin is one of our nation's most 'wicked' problems. There is limited capacity across farmers and their suppliers, regional communities, rural service providers and policy makers, to plan for future water and climate risks in a changing Basin. Climate extremes, extended drought and declining water availability combined with rising demand for Australia's agricultural products create further challenges in the Basin and surrounding regions. Over 10 years, the ONE Basin CRC will conduct R&D to increase our knowledge thereby supporting improved policy options, and development of products and services focused on creating a more productive and resilient Basin and its communities.

WHAT IS A CRC?

The ONE Basin CRC (Cooperative Research Centre) is a proposed industry-led R&D collaboration of research, industry, business and government partners. The CRC Program, an Australian Government grant initiative, provides an average of \$45 million to each successful CRC. Partners contribute matching cash and two-times in-kind resources. A short clip can be found here ([What is a CRC?](#)).

OPPORTUNITIES FOR WESTERN DOWNS REGIONAL COUNCIL

The Western Downs region is a desired regional centre in the ONE Basin CRC Northern Hub. The region's thriving industries in broad acre agriculture, intensive agriculture and energy makes it a strategic fit to the Northern Hub and supports the ONE Basin CRC's six core objectives including establishing a strong regionally based innovation system supporting an entrepreneurial outlook by regional communities and businesses.

The ONE Basin CRC will provide benefits to the Western Downs Regional Council including:

- Be a part of a 10-year research program to build a legacy framework to identify and adopt innovative solutions;
- Networking opportunities across the Basin to influence the direction of research in the region;
- Opportunity for an Extension program through the [Adaptation Solutions Program](#), [Water Solutions Program](#), and [Basin Foresight Program](#).
- R&D support for regional development planning with a focus on adaptation to risks associated with climate and water;
- Investing in R&D that provide water infrastructure solutions for your region;
- Engaging with community development to optimise local investment and social capital;
- Supporting Research & Development (R&D) which will strengthen the resilience of your region;
- Supporting an initiative which as a focus on building workforce skills in your region;
- Supporting a Regional Hub which will provide high-skilled job opportunities for your region;
- Accessing advice from leading researchers on agriculture-water issues;
- Supporting participation of regional indigenous groups in water-agriculture R&D.

NEXT STEPS

1. Confirming the Western Downs Regional Council commitment to the ONE Basin CRC bid as a Tier 3 partner – cash and in kind support as appropriate;

In-kind support from the Western Downs Regional Council can be a combination of support through accessing infrastructure for the ONE Basin CRC Northern Hub, plus access to experts in the Western Downs Regional Council.





2. Sign a declaration for the Stage 1 application by 15 July 2020 (deadline for submission: 29 July 2020).

PARTNERS

Assuming the CRC is funded (commences 1 July 2021), the ONE Basin CRC will collaborate with core R&D Partners including the University of Melbourne, University of Southern Queensland, Goyder Institute for Water Research, Australian National University, Charles Sturt University, and the Bureau of Meteorology to address the challenges and opportunities for the Basin. These institutions provide leading multi-disciplinary researchers with successful track records and access to world-class R&D infrastructure.

For the ONE Basin CRC, regional engagement is crucial. The five Regional Hubs located throughout the Basin will support relevant R&D (priorities and delivery), plus development of products and services (models and tools) which recognise regional needs and variations.

Commercial-in-confidence negotiations continue with potential Partners including:

			
Government	Strategic and Peak Bodies	Rural Research and Development Corporations	Business and industry
<p>Federal Department of Agriculture, Water and Environment</p> <p>Geoscience Australia</p> <p>State departments of agriculture, water and natural resources</p> <p>Local governments in the Basin via Murray Darling Association Inc</p> <p>ABARES</p>	<p>Murray Darling Basin Authority (confirmed)</p> <p>State water corporations and authorities</p> <p>National Farmers Federation</p> <p>State based farming and irrigation bodies</p> <p>Peak bodies including: Australian Almond Board, Australian Table Grape Association, Dried Fruits Australia, Citrus Australia, Cotton Australia</p>	<p>Grains RDC, Meat & Livestock Australia, Cotton RDC, Horticulture Innovation Limited, Fisheries RDC, Dairy Australia, Wine Australia; and</p> <p>A proposed cross-RDC climate initiative; and</p> <p>Industry Growth Centre: Food Innovation Australia Ltd (FIAL)</p>	<p>Willis Towers Watson; NAB;</p> <p>Elders Ltd, Australian Dairy Products Federation</p> <p>Corporate farms: including OLAM, Costa Group, Australian Food and Fibre; GoFARM, Rubicon</p> <p>Technology and innovation companies including Telstra; SunWorld Innovations and Swan Systems</p>

GOVERNANCE

Upon announcement of the CRC being awarded funds, a CRC Steering Committee and a CRC Establishment Committee will be formed.

The CRC Steering Committee will provide oversight of the establishment phase of the CRC. The committee will comprise the Chair Elect, and a nominated representative from all tier 1 and tier 2 partners.

The Establishment Committee (EC) will be responsible for initial implementation of the CRC. It will most likely comprise the interim CEO, the Chair Elect, and other interim resources as appropriate.

The Establishment Committee will appoint a Chairperson of the EC, most likely the interim CRC Chair; and be responsible for:

- Developing an implementation plan and budget – aligned with the agreed strategy articulated in the bid documents;
- Developing a final partner Term Sheet which will inform the Partner Agreements
- Developing a draft constitution;
- Developing a skills-based matrix for board nomination and voting process;
- Facilitating the board nomination and voting process;
- Appointing and overseeing contractors and other resources to assist with the development of the activities they are responsible for, in accordance with an agreed budget and implementation plan.

The Steering Committee will be responsible for:

- Agreeing to a CRC Implementation Plan and budget;
- Agreeing on a final partner Term Sheet which will inform the Partner Agreements;
- Agreeing on the key elements of the constitution of the company;
- Agreeing on budget expenditure until the CRC entity is set up and a board established;
- Agreeing on the skills-based matrix for board nomination and voting process;
- Meeting regularly during the establishment period to meet their responsibilities in a collaborative and consultative manner; and
- Nominating and voting for the inaugural directors of the Board.

Inaugural Board Director Nomination and selection process

The process, facilitated by the Establishment Committee, will:

- Circulate nominees to all members of the Steering Committee with the opportunity for any member to recommend additional nominees;
- If after the nomination process, there is a perceived gap in skills, an additional recruitment process will be explored.
- Provide a final and complete list of nominees mapped against the skills based matrix, to the Steering Committee for voting.
- Each member of the Steering Committee will have equal voting rights for the inaugural board membership.

Sub-committees of the board

Sub committees of the board will include:

- Finance
- Audit and risk
- Remuneration and nominations
- Research, Commercialisation and Translation Committee (RCTC)

The Finance, Audit and Risk, and Remuneration and Nominations committees will comprise of board members nominated by the Chair.

RCTC Membership is comprised of:

- The chair of the CRC
- R&D Manager
- Program Lead Managers
- Education and Training Manager
- The Chair of the Hub Advisory Committee
- Up to 5 representatives from Tier One Non-Research Partners
- Up to 3 representatives from Tier Two Non-Research Partners
- Up to 1 representative from Tier Three Non-Research Partners

(Non-Research Partner representation on RCTC will be determined when the mix of partners is known to ensure a mix of representation across all sectors).

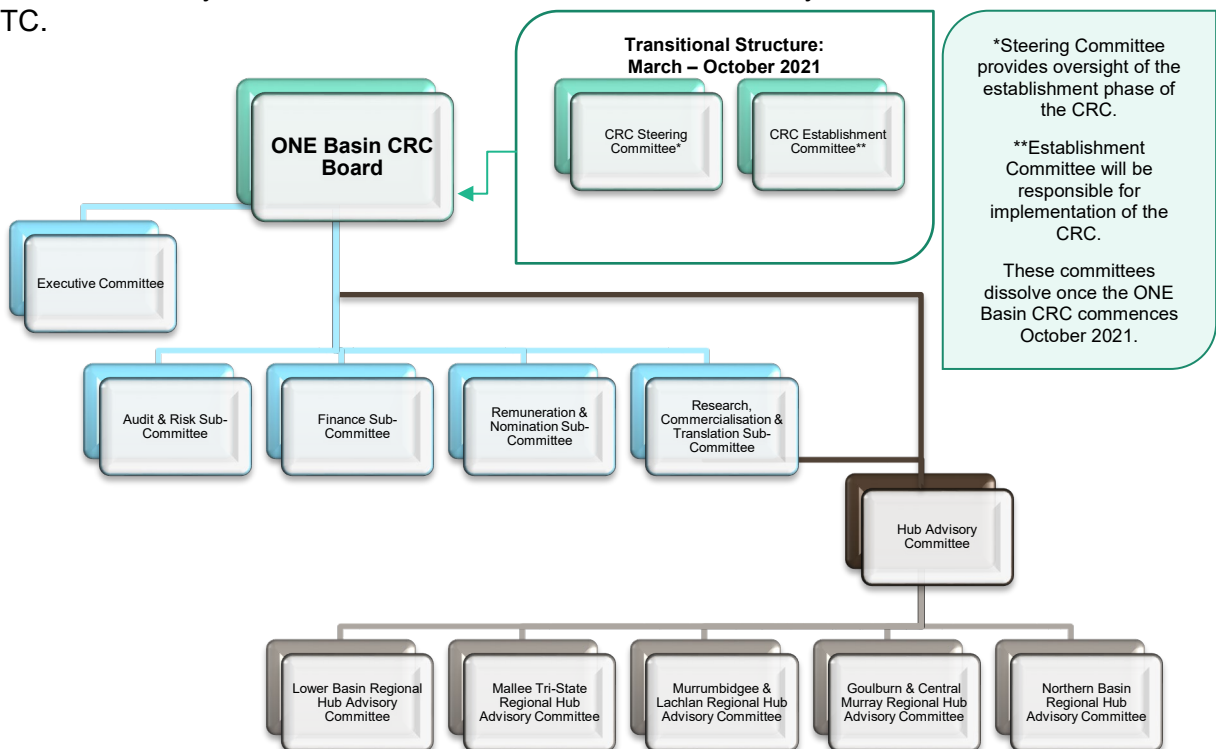
Hub Governance

The CRC expects to have five regional hubs.

A Regional Advisory Committee will be established for each Regional Hub to represent the interests of the non-research partners in the region. The membership of this committee will be developed in consultation with hub partners during bid development.

An existing committee may be adopted (or augmented) for this purpose or the Regional Hub partners may prefer to establish a fit-for-purpose committee. This committee will advise the RCTC on project priorities for the region and oversee annual reviews of Regional Hub Projects. This will be done in collaboration with the Chair of the Hub Advisory Committee (refer below for a description of this committee) and will help determine projects that will be undertaken within each region across the programs.

Furthermore, a Hub Advisory Committee will be established to identify and action opportunities for collaboration between hubs on CRC research projects, education and training and translation activities; and act as an advisory committee to the board to provide recommendations on strategic priorities for the hubs regarding research, education and training and translation. This committee, which will meet annually, will comprise a lead from each hub and will be chaired by an annually rotating committee member as determined by the committee. The Chair of the Hub Advisory Committee will be a member of the RCTC.





WESTERN DOWNS REGIONAL COUNCIL: A POTENTIAL ONE BASIN CRC BID PARTNER

For more information

InstituteforLifeSciencesandtheEnvironment@usq.edu.au

onebasin.com.au

Subject: ONE Basin CRC Partner Pack
Attachments: [image001.jpg](#)
[image002.png](#)
[03 Partner involvement in the CRC \(Action Needed\).docx](#)
[02 ONE Basin CRC round 22 partner declaration \(Action Needed\).docx](#)
[01 ONE Basin CRC - Partner Contribution \(Action Needed\) .xlsx](#)
[One Basin CRC - Term Sheet ver 3.6 22 June 2020.pdf](#)

Thank you for your interest and support of the ONE Basin CRC. This email details the next steps for this process, which we can help you with so please don't hesitate to reach out. Also, we would like to add your logo to the web site and prospectus as soon as possible, so if appropriate, please send to me at your earliest convenience.

Documents requiring your input.

A Partner Declaration form (attached). All CRC partners will need to provide a signed form which will be included with the CRC stage 1 application.

A Contribution Sheet and Partner Involvement document (refer attached). These capture the information we need to describe your organisation's contributions and involvement in the CRC. You may like to nominate a delegate we can work with on these.

To be a named partner in the ONE Basin CRC stage 1 bid **we need the above information no later than the 15th July 2020**. We will also work with you, or your nominated delegate, to draft the Partner Involvement section, capture administrative-type organisational information that will be included in the application, and details on contributions.

Documents for noting.

- The ONE Basin CRC [Prospectus](#)
- A draft term sheet (attached).
- A [Fact Sheet](#) that describes the purpose of the declaration, under '*What is a partner declaration*', stating that the declaration is a declaration of intent and is not a contract nor does it create any binding legal obligation on the partner.
- The [CRC Guidelines](#).

The CRC application is a two-stage process. Below is an explanation of what each stage means for you.

The Stage 1 CRC application, requires a signed Partner Declaration from all partners. This non legally binding document is an indication of your intent to participate in the CRC.

The Stage 2 CRC application, will be submitted around January 2021, if our Stage 1 application is successful. Your Partner Declaration will be provided again. It is the exact same form as that used in Stage 1. Changes can be made if necessary.

Establishment of the CRC. Successful CRC applicants will be notified around March 2021 and funds will be disbursed to the CRC around October 2021. During March to October, the CRC will become incorporated and establish Partner Agreements. These legal agreements will detail the cash and in-kind contributions that your organisation will provide to the CRC. If contributions have changed, these can be reflected in the Partner

Agreement. If circumstances change during the CRC's 10-year lifespan, and you need to significantly change or withdraw from the CRC, you can do so by giving a maximum of 12 months notice.

We look forward to continuing our engagement with you. Please do not hesitate to contact me if you have any questions.

Liz Neary
MProfStudies USQ
Senior Research Operations Officer



Connecting communities, industry and researchers to manage climate and water risks in the Murray-Darling Basin
onebasin.com.au

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Term Sheet - One Basin CRC

June 2020

DRAFT - Ver 3.6

March, 2020

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Purpose

The purpose of this term sheet is to provide a summary for partners of the terms of collaboration for a proposed ONE Basin Co-operative Research Centre (ONE Basin CRC), an industry-led bid, which, if successful, will operate from 1 July 2021 to 30 June 2031.

These terms are consistent with the Australian Government’s Guidelines for the CRC Programme.

The One Basin CRC bid will be submitted in June 2020, as a Round 22 Stage 1 CRC application. This draft term sheet is intended as a basis for discussion amongst partners with a view to reflecting what would be proposed in that application. The term sheet is a ‘live’ document and will be refined during the bid process in response to partners’ input. The term sheet is not intended to be, and does not constitute, a legally binding document. Final terms will be articulated in the Partners Agreement upon establishment of the CRC.

Draft Terms

About the One Basin CRC

CRC name	The ONE Basin CRC
Vision	ONE Basin CRC is a focused collaboration developing policy, technical and financial solutions that support Basin communities, businesses, industries and governments to understand and reduce their exposure to climate, water and environmental threats.
Mission	<p>The ONE Basin CRC’s mission is to deliver valued and trusted advice for Basin business and industry, its leaders, communities and environmental managers by:</p> <ul style="list-style-type: none"> • Empowering these groups with relevant predictive knowledge of their future water risks and opportunities; • Building the capacity for water planning to account for a changing Basin; • Developing risk-mitigating and transfer products and services that support resilience in water plans, rural and regional industries and environmental management; • Enabling technological and financial solutions; and • Providing an evidence base to inform policy, strategic and operational thinking by all stakeholders.
Research Programs	<p>Three Research Programs:</p> <ol style="list-style-type: none"> 1. Basin Foresight 2. Adaptation Solutions 3. Water Solutions
Hubs	<p>The CRC anticipates having up to five regional hubs as per:</p> <ol style="list-style-type: none"> 1. Lower Basin Hub 2. Mallee Hub 3. Mid-Basin Hub 4. Goulburn-Central Murray Hub 5. Northern Basin Hub

Funding and resources

Funding term	Ten years
Target funding (cash)	\$80-120 million over ten years (comprising Commonwealth grant funds and Partner cash contributions)
Partner contributions	<p>Partner cash contributions: \$40-60 million over ten years</p> <p>Partner in-kind contributions: Approximately double the partner cash contributions.</p> <p>Note: The CRC Program guidelines stipulate that a compliant bid must match the CRC funding request with partners' cash and in-kind contributions. However, to be a competitive CRC application in 2020, the contributions must be more than the CRC funding request. Therefore, the ONE Basin CRC expects that the total partners' cash contributions will at least match the requested CRC funding and the total partners' cash and in-kind contributions will be at least three times the requested CRC funding.</p> <p>Once the CRC is established, partners may change their contributions, or withdraw from the CRC by providing the CRC with 12 months notice.</p>
Use of funds	<p>Contributions (cash and in-kind) will be expended in accordance with a Partner Agreement and in alignment with the Mission, with cash and in-kind contributions allocated to the following categories to achieve the CRC's objectives:</p> <ul style="list-style-type: none"> • Research projects, including place based research in hubs; • Education & training; • Demonstration, utilisation and translation into tangible, impactful outcomes, including via hub activities; • Administration, management, and governance (15% of the total). <p>Partners can expect their cash commitments made during the Stage 1 bid development to be leveraged 1:1 with Commonwealth cash, towards CRC activities.</p> <p>Funding for programs and regional hubs will reflect non-research partners' interests in proportion to their cash contributions (as monitored in a register) when aligned with the ONE Basin CRC strategy as defined in Stage 1 documents.</p> <p>Note: As stated in the CRC Guidelines, on-costs and overheads for cash funded staff and in-kind FTEs can be a maximum 30% of salary. Additional overheads cannot be paid for in cash nor can they be claimed as an in-kind contribution.</p>

Governance

Company status	Once established, the ONE Basin CRC will be a not-for-profit company limited by guarantee with Tier 1 Research Partners and Tier 1 & 2 Non-Research Partners (as defined in the Partner Categories section below) eligible to become members of the ONE Basin CRC company.
Interim roles	Interim CEO - Prof. Mike Stewardson, University of Melbourne. A Chair Elect will be appointed during bid development.
Governance structure	Please refer to Attachment one for an image of the governance structure, which is also described within the body of this term sheet.
Board	The ONE Basin CRC will have a fully independent Board, elected by the members (Tier 1 Research Partners and Tier 1 & 2 Non-Research Partners who take up the invitation to become a member of the ONE Basin CRC company).

	<p>The Board will have seven members who will be selected against an agreed skills matrix.</p> <p>Directors' capabilities will include a mix of technical, policy, industry, water and agri-sector experience and leadership; plus community engagement and education and training leadership. In addition, the directors and subcommittee members will collectively bring knowledge and experience spanning all geographical regions of the Murray Darling Basin.</p> <p>A strong focus on governance and appropriate financial management will form the basis of the Board's role.</p>
Directors' terms	<p>The first Chair will be appointed for a 2-year term, thereafter the term will be three years.</p> <p>Directors will be nominated and appointed on the CRC being awarded the agreed CRC funds following the process described in this Term Sheet.</p> <p>Over the longer term, Board appointments will be for three years, however, initially, to allow for staggered appointments, three of the six inaugural appointments will be for two years, and three appointments for three years.</p>
Audit	<p>The CRC will be subject to external audit procedures as reflected in appropriate governance protocols for a company of this nature.</p>
Interim Governance Structure	<p>Upon announcement of the CRC being awarded funds, a CRC Steering Committee and a CRC Establishment Committee will be formed.</p> <p>The CRC Steering Committee will provide oversight of the establishment phase of the CRC. The committee will comprise the Chair Elect, and a nominated representative from all tier 1 and tier 2 partners.</p> <p>The Establishment Committee (EC) will be responsible for initial implementation of the CRC. It will most likely comprise the interim CEO, the Chair Elect, and other interim resources as appropriate.</p> <p>The Establishment Committee will appoint a Chairperson of the EC, most likely the interim CRC Chair; and be responsible for:</p> <ul style="list-style-type: none"> • Developing an implementation plan and budget – aligned with the agreed strategy articulated in the bid documents; • Developing a final partner Term Sheet which will inform the Partner Agreements; • Developing a draft constitution; • Developing a skills-based matrix for board nomination and voting process; • Facilitating the board nomination and voting process; • Appointing and overseeing contractors and other resources to assist with the development of the activities they are responsible for, in accordance with an agreed budget and implementation plan. <p>The Steering Committee will be responsible for:</p> <ul style="list-style-type: none"> • Agreeing to a CRC Implementation Plan and budget; • Agreeing on a final partner Term Sheet which will inform the Partner Agreements; • Agreeing on the key elements of the constitution of the company; • Agreeing on budget expenditure until the CRC entity is set up and a board established; • Agreeing on the skills-based matrix for board nomination and voting process;

	<ul style="list-style-type: none"> • Meeting regularly during the establishment period to meet their responsibilities in a collaborative and consultative manner; and • Nominating and voting for the inaugural directors of the Board.
Inaugural Board Director nomination and selection process	<p>The process, facilitated by the Establishment Committee, will:</p> <ul style="list-style-type: none"> • Circulate nominees to all members of the Steering Committee with the opportunity for any member to recommend additional nominees; • If after the nomination process, there is a perceived gap in skills, an additional recruitment process will be explored. • Provide a final and complete list of nominees mapped against the skills based matrix, to the Steering Committee for voting. <p>Each member of the Steering Committee will have equal voting rights for the inaugural board membership.</p>
Sub-committees of the board	<p>Sub committees of the board will include:</p> <ul style="list-style-type: none"> • Finance • Audit and risk • Remuneration and nominations • Research, Commercialisation and Translation Committee (RCTC) <p>The Finance, Audit and Risk, and Remuneration and Nominations committees will comprise of board members nominated by the Chair.</p> <p>RCTC Membership is comprised of:</p> <ul style="list-style-type: none"> • The Chair of the CRC • R&D Manager • Program Lead Managers • Education and Training Manager • The Chair of the Hub Advisory Committee • Up to 5 representatives from Tier One Non-Research Partners • Up to 3 representatives from Tier Two Non-Research Partners • Up to 1 representative from Tier Three Non-Research Partners <p>(Non-Research Partner representation on RCTC will be determined when the mix of partners is known to ensure a mix of representation across all sectors).</p>
Hub Governance	<p>The CRC expects to have three to five regional hubs.</p> <p>A Regional Advisory Committee will be established for each Regional Hub to represent the interests of the non-research partners in the region. The membership of this committee will be developed in consultation with hub partners during bid development.</p> <p>An existing committee may be adopted (or augmented) for this purpose or the Regional Hub partners may prefer to establish a fit-for-purpose committee. This committee will advise the RCTC on project priorities for the region and oversee annual reviews of Regional Hub Projects. This will be done in collaboration with the Chair of the Hub Advisory Committee (refer below for a description of this committee) and will help determine projects that will be undertaken within each region across the programs.</p> <p>Furthermore, a Hub Advisory Committee will be established to identify and action opportunities for collaboration between hubs on CRC research projects, education and training and translation activities; and act as an advisory committee to the board to provide recommendations on strategic priorities for the hubs regarding research, education and training and translation. This committee, which will meet annually, will</p>

	comprise a lead from each hub and will be chaired by an annually rotating committee member as determined by the committee. The Chair of the Hub Advisory Committee will be a member of the RCTC.
Transition and Legacy Arrangements	<p>The Board, in consultation with the Members of the CRC will decide on a transition or wind-up pathway at least 12 months before the end of the Commonwealth grant term.</p> <p>If feasible, the CRC will transition to a new entity on termination in order to continue operations. If the CRC transitions to a post-CRC entity, CRC-owned Project IP may be licensed or ownership transferred to the new entity to continue commercialisation efforts, or be divested as set out in any Project Agreements.</p> <p>If dissolution is required, a wind-up plan will be prepared and implementation will begin from 12 months prior to the end of the grant period, following the rules set out in the Corporations Act on the wind up of companies limited by guarantee, including distribution of assets.</p>

Partner Categories

Partner Categories	<p>The ONE Basin CRC has two partner categories: research and non-research. Non-research partners include industry, business, government, and not-for-profit organisations.</p> <p>There are two tiers of research partners and three tiers of non-research partners. Details are provided in the table below.</p>			
	Partner	Contributions	Member of the CRC Company	Member of Committees
	Tier 1 Non-research Partner	<p>Minimum \$300k p.a cash</p> <p>Approx. \$600k p.a. in-kind</p>	<p>Yes.</p> <p>Can nominate up to two independent board member candidates</p> <p>Ability to vote</p>	<p>Can nominate one representative (of the possible five elected representatives from this Tier) on RCTC from their organisation.</p>
	Tier 2 Non-Research Partner	<p>Minimum \$150k p.a cash</p> <p>Approx. \$300k p.a. in-kind</p>	<p>Yes</p> <p>Can nominate up to one independent board member candidate</p> <p>Ability to vote</p>	<p>Can nominate one representative (of the possible three elected representatives from this Tier) on RCTC from their organisation</p>
	Tier 3 Non-Research Partner	<p>Cash and in-kind as appropriate.</p>	<p>No</p>	<p>Can nominate one representative (of the possible one elected representative from this Tier) on RCTC from their organisation</p>
	Tier 1 (Core) Research Partner	<p>Minimum \$150k p.a cash</p> <p>At least \$300k p.a. in-kind</p>	<p>Yes – can nominate up to two independent board member candidates and</p> <p>Ability to vote</p>	<p>Program Leaders will have representation on the RCTC</p>
Tier 2 Research Partner	<p>Cash and in-kind scaled appropriately in accordance with cash funding to Research Partner</p>	<p>No</p>	<p>N/A</p>	

Management of the CRC

Company organisation	<p>The CRC management will comprise of a Chief Executive Officer, Chief Operating Officer, Program Leads and R&D and Education & Training Managers.</p> <p>Other roles and responsibilities will be identified during the bid process to ensure efficient and effective management of the CRC.</p> <p>The CEO will be appointed by the Board. Other management appointments and terms will be on CEO recommendation (or their appointed delegate) to the Board and made upon confirmation of funding for the CRC.</p>
Location	<p>The ONE Basin CRC headquarters will be at the University of Melbourne, Parkville.</p> <p>Hub locations and their management will be confirmed during bid development.</p>
Payment schedule	<p>All partners' contributions to the ONE Basin CRC are to be paid quarterly within 30 days on receipt of a tax invoice.</p> <p>Project funding from the ONE Basin CRC will be paid in accordance with the payment schedules within the Project Agreements.</p>
Reporting requirements	<p>Partners will be required to provide quarterly reports to ONE Basin CRC on their contributions, cash, FTE and non-staff in-kind, against the Funding Agreement. Project teams will also need to report on project status against project agreement milestones. A reporting template will be provided for this purpose.</p>

Research Project Governance and Management

Research strategy	<p>The Research Strategy will be outlined in the CRC application and further refined during the lifetime of the CRC.</p> <p>During the term of the CRC, the R&D Director will be responsible for facilitating the research strategy process in collaboration with partners and with the Research, Commercialisation and Translation Committee (RCTC).</p> <p>The Research Agenda will be driven by the needs of end-users, with industry partners defining the core objectives of the CRC. These core objectives will underpin the CRC's strategic plans which will provide the framework to guide the identification and development of research projects. Research projects will include foundation projects developed in collaboration with industry partners during the bid phase.</p> <p>The research agenda and its objectives will be enabled via a RCTC Committee; and the Directors of the Board will be responsible for enabling achievement of these objectives as well as ensuring the approved activities represent a balance with relative investments by partners.</p> <p>The Research Agenda will have a strong return on investment and impact focus to enable reporting against the objectives established.</p> <p>There will be a strong focus on legacy post the CRC.</p>
Research project and approval process	<p>Program Leads will coordinate development of project proposals that address the core objectives of the CRC's research agenda. These will be developed collaboratively with relevant research and non-research partners. The partners that will participate in the proposed project become the Project Team for the purposes of</p>

	<p>the project proposal and for its implementation if the project is supported by the Board.</p> <p>Program Leads will submit project proposals to the RCTC on behalf of the Project Team. The RCTC will review the proposals, seek clarification from partners if required and provide the board with a prioritised list of projects for funding. The board will be responsible for reviewing the list and approving successful research projects. Approvals for funding will be based on agreed criteria to be established upon the incorporation of the Company and commencement of the Research Program. Criteria may include alignment to the goals of the Company, industry need, extent of collaboration, scientific basis and budget.</p> <p>Proposals will adopt a set template which will include a description of objectives, methodology, outputs, adoption strategy, commercialisation strategy, expected impacts, return on investment/benefit cost for project proposals, IP ownership, participants and budgets.</p> <p>Upon approval, a Project Agreement will be established, and will articulate terms such as participants involved, investment IP ownership and commercialisation rights, timing and milestones.</p>
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Commercialisation terms

<p>Intellectual property</p>	<p>The CRC will apply the National Principles of Intellectual Property Management for Publicly Funded Research and look to secure the maximum benefit to the Australian economy from Project IP.</p> <p>For public good projects where Project IP is intended to be disseminated to the public, Centre IP ownership is proposed (subject to negotiation). For commercial projects, Project IP ownership and commercialisation rights will be negotiated on a project by project basis. The ONE Basin CRC will maintain an IP register to document both Background and Project IP. Any Background IP used in projects will remain the property of its original owner, and access rights will be clarified in Project Agreements at the outset.</p> <p>Public disclosure of findings from Projects will be governed by Partner and Project Agreements such that the commercial value of IP is not compromised. The default approach will be for researchers to provide 30 days' notice to the CEO for any publications related to the CRC's Projects. If the publication contains confidential or commercial information researchers may be asked to amend or remove that information, or delay publication to allow protection of IP. Publication approval will not be unreasonably withheld and researchers will not be indefinitely restricted from publication.</p>
<p>Commercialisation and adoption of outputs</p>	<p>The ONE Basin CRC will utilise a proven framework to maximise the adoption of research project outputs, including:</p> <ul style="list-style-type: none"> • Conducting industry-identified and -defined projects – leading to appropriate impact and return on investment; • Inserting dual project leadership (research and industry) with defined roles; • Developing commercialisation, utilisation and IP plans at the outset, and reviewing the strategy during the project; • Monitoring and evaluation of commercial outcomes and adoption of outputs against KPIs (to be defined) to inform continuous improvement in commercial strategies; and • Engaging and supporting SMEs in the commercialisation of CRC outputs.

Student IP	The participation of students in Projects will be governed by the terms of the applicable Project Agreement. Students will own copyright in their thesis and will be permitted to deposit a copy of the thesis in their institution's library.
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R&D Tax Incentive

R&D tax incentive	<p>An organisation's contributions towards the CRC <u>may</u> be eligible for the Commonwealth Government's Research and Development (R&D) Tax Incentive. The information on the R&D Tax Incentive herein is intended to be of a general nature and is not a substitute for, and should not be relied upon in the absence of, independent professional advice. You should seek independent professional advice on the R&D Tax Incentive, including in relation to your organisation's circumstances and eligibility.</p> <p>The R&D tax incentive is the Australian Government's key mechanism to encourage companies to engage in R&D benefiting Australia, by providing a tax offset for eligible R&D activities.</p> <p>The R&D Tax Incentive currently provides generous benefits for certain companies performing eligible R&D activities and has the following core components:</p> <ul style="list-style-type: none"> • A 43.5% refundable tax offset for most small to medium companies with an annual turnover of less than \$20 million per annum; and • A 38.5% non-refundable tax offset to other eligible businesses. <p>For companies whose eligible expenditure exceeds \$100 million for an income year, the tax offset for amounts claimed above \$100 million is calculated using the company tax rate.</p> <p>Regarding contributions under the CRC program, companies must incur at least \$20,000 worth of expenditure on R&D activities to be eligible for a notional deduction under subsection 355-100(1) of the Income Tax Assessment Act (ITAA) 1997. There are limited circumstances where contributions under \$20,000 will be eligible.</p> <p>Where an organisation incurs a non-monetary contribution but the contribution has a cash value (for example an employee's time or plant used in the R&D activities), that contribution should be valued and this value may also constitute expenditure incurred.</p>
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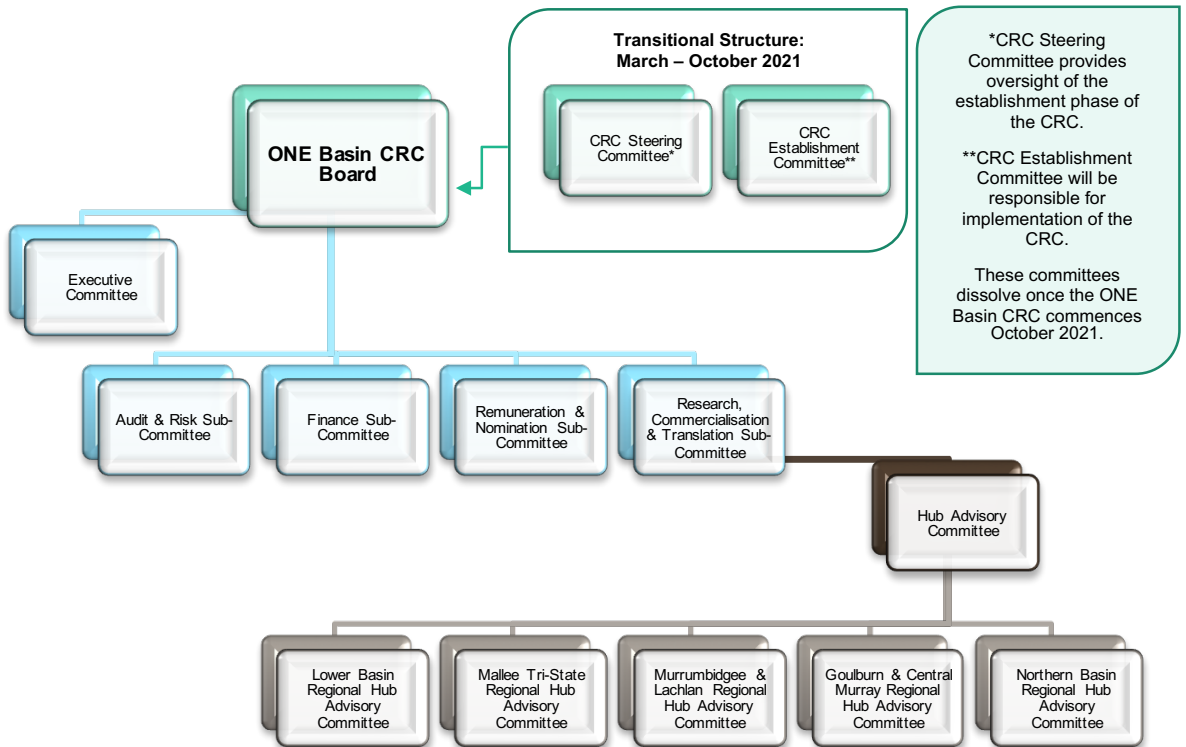
Further information

Please contact:

Prof. Mike Stewardson, Acting CEO Phone: +61 0437 751 393 Email: mjstew@unimelb.edu.au

(Plus CRC Leadership Members: Adj Assoc Prof Gordon Stone, phone: 0408 063 229 and Ms Bern Spinks, Consulting & Implementation Services, phone 0413 455 529).

Attachment one: Governance Structure



*CRC Steering Committee provides oversight of the establishment phase of the CRC.

**CRC Establishment Committee will be responsible for implementation of the CRC.

These committees dissolve once the ONE Basin CRC commences October 2021.

ONE Basin CRC - Partner Involvement

INSTRUCTIONS

Important: Please keep your full response to less than 5,000 characters including spaces (approx 1 page) for inclusion in the Stage 1 application.

Headings have been provided below to capture the required information which is detailed as follows.

Describe your organisation's involvement in the CRC including which program and research projects you will be involved in.

- Points to include: a brief description of your organisation, the Programs and Projects your organisation will be involved in; how your organisation will work with other partners in these projects; the expertise and / or experience your organisation will bring to the CRC.

Provide details of how you will provide the contributions listed below.

- Points to include: the roles and responsibilities your organisation will undertake and the resources your organisation will contribute. Using the descriptions, you have provided in the tables below will be a good starting point for this response. Justify calculations of in-kind contributions.

Demonstrate that the contribution is commensurate with either the size of your organisation or the level of engagement with the CRC

- E.g. the logic / reasoning behind the level of contribution you have decided to make in the CRC. Some considerations may include how important the CRC's activities and outputs are for your organisation to meet your strategic objectives; the value of the collaboration to your organisation; the opportunity to build an innovative culture; to expand into new markets, to grow market share, etc.

Organisation Name:

ABOUT US

INVOLVEMENT IN THE CRC

EXPERTISE AND EXPERIENCE

CONTRIBUTION

STRATEGIC ALIGNMENT AND BENEFIT

Cooperative Research Centres (CRC) – Partner Declaration – Round 22

This declaration is to be completed by each partner in the collaboration. All declarations must be uploaded as attachments to the CRC application form.

- I declare that the partner is aware of its obligations under the CRC Grant Opportunity Guidelines.
- I declare that (subject to this application being successful) the partner will support and actively participate in the proposed CRC.
- I declare that the partner will contribute (subject to this application being successful) the staff, funds and other resources indicated in the application and that the partner has obtained, or will obtain, the necessary authorisations to do so.

Total partner contributions for the full CRC funding term are listed below and are consistent with the total contributions listed in the application form:

Contribution Type	Amount
Cash (\$AUD) for full funding term <i>(Total in \$AUD, for example \$100,000):</i>	\$
FTE for full funding term <i>(Total number, for example 3.0 FTE):</i>	
FTE (\$value) for full funding term <i>(Total in \$AUD, for example \$100,000):</i>	\$
Non-staff in-kind for full funding term <i>(Total in \$AUD, for example \$50,000):</i>	\$

- I declare that the partner will comply with, and require that its subcontractors and independent contractors comply with all applicable laws.
- I declare that the information contained in this application that relates to the partner together with any statement provided, is to the best of my knowledge, true, accurate and complete. I also understand that the giving of false or misleading information is a serious offence.
- I acknowledge that if the department is satisfied that any statement made in an application is incorrect, incomplete, false or misleading, the department may, at its absolute discretion, take appropriate action.
- I understand that I may be requested to provide further clarification or documentation to verify the information supplied in this form and that the department may, during the application process, consult with other government agencies, including State and Territory government agencies, about the applicant's claims and may also engage external technical or financial advisers to advise on information provided in the application.
- I give my consent to be contacted by the department to discuss the particulars of the partner's commitment to the proposed CRC.
- I approve of the information in this application being communicated to the department in electronic form.
- I declare that I am authorised to sign and submit this declaration on behalf of the partner.

By signing below, I agree to the above declaration and confirm all of the above statements to be true.

CRC name: ONE Basin CRC	
Partner (organisation name):	
Partner ABN/ACN:	
Authorised representative (name):	
Position/role:	
Phone:	
Email:	
Signature:	Date:

Please fill out cells highlighted in yellow (if applicable).

Partner Information

General Information	Partner Response
Registered Business Name:	
Australian Business Number (ABN):	
Australian Company Number (ACN):	
Country (if outside of Australia):	
Sector (use drop down menu):	
Please specify if other sector:	
Size (use drop down menu):	
Do you give permission for your logo to be used on One Basin CRC bid	
If yes, please email your logo to:	bernspink@consultingis.com.au
Your contact details	
Expected signatory on the Partner Declaration	

Partner's Involvement in the CRC - Please do on word document

Cash Contribution

Description	Cash contribution (\$)											
	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total	
<<Insert description of cash funds contributed>>												-
Total Cash Contributions	-	-	-	-	-	-	-	-	-	-	-	-

Please include this total in the
← 1st input box on the declaration form.

In-kind Staff

Name and / or Position	Salary (p.a.) as reported on PAYG	Staff Numbers (FTE to two decimal places)										
		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total
<i>Example: Research Manager, John Doe</i>	150,000	0.25	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20	2.05
<<Insert name of staff here>>												-
<<Insert name of staff here>>												-
<<Insert name of staff here>>												-
<<Insert name of staff here>>												-
<<Insert name of staff here>>												-
<<Insert name of staff here>>												-
<<Insert name of staff here>>												-
<<Insert name of staff here>>												-
Total In-kind Staff Contributions		-	-	-	-	-	-	-	-	-	-	-

Please include this total in the
← 2nd input box on the declaration form.

Name and / or Position	Salary, plus 30% for oncosts and overheads	CRC Valuation of FTE Contribution (\$)										
		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total

Partner Contribution Form

<i>Example: Research Manager, John Doe</i>	195,000	48,750	39,000	39,000	39,000	39,000	39,000	39,000	39,000	39,000	39,000	399,750
<<Insert name of staff here>>	-	-	-	-	-	-	-	-	-	-	-	-
<<Insert name of staff here>>	-	-	-	-	-	-	-	-	-	-	-	-
<<Insert name of staff here>>	-	-	-	-	-	-	-	-	-	-	-	-
<<Insert name of staff here>>	-	-	-	-	-	-	-	-	-	-	-	-
<<Insert name of staff here>>	-	-	-	-	-	-	-	-	-	-	-	-
<<Insert name of staff here>>	-	-	-	-	-	-	-	-	-	-	-	-
<<Insert name of staff here>>	-	-	-	-	-	-	-	-	-	-	-	-
<<Insert name of staff here>>	-	-	-	-	-	-	-	-	-	-	-	-
<<Insert name of staff here>>	-	-	-	-	-	-	-	-	-	-	-	-
Total In-kind Staff Contributions		-	-	-	-	-	-	-	-	-	-	-

Please include this total in the
← 3rd input box on the declaration form.

Non-staff In-kind Support

Description of non-staff in-kind	Estimated Value (\$)										Total
	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	
<i>Eg: 10% per annum usage of equipment with annual depreciation value of \$100,000</i>	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	100,000
<i>Eg: 1 domestic trip p.a valued at \$2k for 4 in kind personnel for industry meetings</i>	8,000	8,000	8,000	8,000	8,000	8,000	8,000	8,000	8,000	8,000	80,000
<<Insert description of in-kind support contribution here>>											-
<<Insert description of in-kind support contribution here>>											-
<<Insert description of in-kind support contribution here>>											-
<<Insert description of in-kind support contribution here>>											-
<<Insert description of in-kind support contribution here>>											-
<<Insert description of in-kind support contribution here>>											-
<<Insert description of in-kind support contribution here>>											-
<<Insert description of in-kind support contribution here>>											-
Total In-kind Support Contributions	-	-	-	-	-	-	-	-	-	-	-

Please include this total in the
← 4th input box on the declaration form.



Please contact Bernadette if you need support in filling out this template.
Bernadette Spinks
 Consulting & Implementation Services (CIS)
 Tel: +61 3 9081 0412 | Mobile: 0413 455 529 | Email: bernspinks@consultingis.com.au

Title **Infrastructure Services Report Water Restriction Patrol Approved Inspection Program 2020-2021**

Date 9 July 2020

Responsible Manager L. Cook, UTILITIES MANAGER

Summary

The purpose of this Report is to seek Council's approval to adopt four (4) individual Approved Inspection Programs for 2020-21 to ensure Council's Authorised Persons have the appropriate authorisation to monitor compliance of Council's Water Restriction Policy introduced under the provision of the *Water Supply (Safety and Reliability) Act 2008*.

Link to Corporate Plan

Strategic Priority: Financial Sustainability

- We are recognised as a financially intelligent and responsible Council.
- Our long term financial planning guides informed and accountable decision making.
- Our value for money culture enables us to deliver our core functions sustainably.
- Our agile and responsive business model enables us to align our capacity with service delivery.
- Effective asset management ensures that we only own and maintain assets that are utilised.

Strategic Priority: Great Liveability

- Our residents enjoy convenience of modern infrastructure and quality essential services.
- Valued recreational spaces, sporting and community facilities are provided regionally.
- A safe and well maintained road network connects our region.
- Our region remains an affordable place for families to live, work, prosper and play.
- We're recognised as one of the safest regions in Queensland.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and that:

1. Council in accordance with section 134 of the *Local Government Act 2009* approves four (4) systematic Approved Inspection Programs to monitor compliance and investigate breaches of the *Water Supply (Safety and Reliability) Act 2008* and Water Restrictions - Council Policy;
2. The systematic Approved Inspection Programs will apply to all properties connected to a Western Downs Regional Council reticulated water supply; and
3. The programs commence on 1 July 2020, 1 October 2020, 1 January 2021 and 1 April 2021 and each program will be not more than three (3) months in duration.

Background Information

In previous years, Council has conducted an Approved Inspection Program to monitor compliance of Water Restrictions under the *Water Supply (Safety and Reliability) Act 2008*. The Approved Inspection Program is vital to ensure all reported water breaches are fully and lawfully investigated by Authorised Persons, and where

necessary, Penalty Infringement Notices will be issued for breaches in accordance with the *State Penalties Enforcement Regulation 2014*.

Report

This Report is for Council to give consideration to adopting four (4) Approved Inspection Programs for 2020-2021, each consisting of a maximum of three (3) months in duration, commencing in 1 July 2020, 1 October 2020, 1 January 2021 and 1 April 2021 respectively.

Public Notices in accordance with section 134 of the *Local Government Act 2009* will be:

1. Advertised locally for at least fourteen (14) days, but not more than twenty-eight (28) days prior to the commencement date of each program;
2. Available to view in all Council's Customer Service Centres; and
3. Available on the Western Downs Regional Council website.

A copy of the Public Notice for each program is included in Attachment 1.

The recent removal of the print versions from local newspaper productions Dalby Herald and Chinchilla News is problematic for meeting Point 1 of Section 134 of the Local Government Act 2009. The Department of Local Government are currently reviewing the legislation in relation to advertising requirements and the loss of local newspapers. However, in the meantime the Public Notice will be advertised within the Toowoomba Chronicle which would meet the requirement of the Local Government Act -..."notice must be published-(a) in a newspaper that is circulating generally in the local government area: and...".

The public will also be notified by the following:

- Foyer TV's (Customer Service Centres and Libraries);
- LED Sign (Corporate Office Car Park); and
- Social Media (Facebook).

Customers connected to a reticulated water supply will have adequate time to familiarise themselves and comply with the current Water Restriction Level applicable to their location.

Consultation (Internal/External)

Council's Water Treatment Principal and Environmental Health Coordinator.

Legal/Policy Implications (Justification if applicable)

The compliance inspections - *Water Supply (Safety and Reliability) Act 2008*. Appointment of Authorised Persons and Systematic Approved Inspection Program - *Local Government Act 2009*.

Budget/Financial Implications

Funding for compliance programs is included in the Water Network Operations Budget.

Conclusion

It is necessary to monitor compliance through the Approved Inspection Programs to meet water consumption targets listed in Western Downs Regional Council's Water Restriction Policy.

Attachments

1. Draft Public Notice for each Program

Authored by: T. Fagg, WATER TREATMENT PRINCIPAL

Attachment 1 - Draft Public Notice for each Program



Public Notice of Approved Inspection Program- Water Supply and Restrictions

In accordance with section 134 of the *Local Government Act 2009*, notice is hereby given that the Western Downs Regional Council intends to conduct a Systematic Approved Inspection Program. The purpose of this inspection program is to monitor compliance and investigate breaches of the *Water Supply (Safety and Reliability) Act 2008* relating to Council activity as service provider for the following offences.

SS

- 43(5) A person must not contravene a service provider water restriction.
- 145(1) A person must not take water from a fire fighting system or a service provider's hydrant without the permission of the service provider unless the water is taken for fire fighting purposes.
- 191 A person must not, without the written consent of a service provider, connect to, or disconnect from, the service provider's infrastructure.
- 195(1) A person must not, without the service provider's written approval, take water from a service provider's infrastructure.
- 55 A customer must comply with the customer's approved water efficiency management plan.

APPLICABLE TO: All customers connected to a Western Downs Regional Council reticulated water supply.

START DATE: 1 April 2021.

PERIOD OF PROGRAM: For a period of three (3) months concluding on 30 June 2021.

Authorised Council officers will be monitoring adherence to the current Water Restriction levels with regular patrols planned for all towns within the Western Downs Regional Council area. Infringements will be issued in accordance with the *Water Supply (Safety & Reliability) Act 2008*, with all customers required to abide by the Water Restrictions. Failure to do so, may incur a fine as set by the State Penalties Enforcement Regulation 2014.

For further information, including information on non-residential Water Restrictions, visit www.wdrc.qld.gov.au or contact Council on 1300 COUNCIL (1300 268 624).



OUR COMMUNITIES | OUR FUTURE





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APPLICABLE TO: All customers connected to a Western Downs Regional Council reticulated water supply.

START DATE: 1 January 2021.

PERIOD OF PROGRAM: For a period of three (3) months concluding on 30 March 2021.

Authorised Council officers will be monitoring adherence to the current Water Restriction levels with regular patrols planned for all towns within the Western Downs Regional Council area. Infringements will be issued in accordance with the *Water Supply (Safety & Reliability) Act 2008*, with all customers required to abide by the Water Restrictions. Failure to do so, may incur a fine as set by the State Penalties Enforcement Regulation 2014.

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- 195(1) A person must not, without the service provider's written approval, take water from a service provider's infrastructure.
- 55 A customer must comply with the customer's approved water efficiency management plan.

APPLICABLE TO: All customers connected to a Western Downs Regional Council reticulated water supply.

START DATE: 1 October 2020.

PERIOD OF PROGRAM: For a period of three (3) months concluding on 31 December 2020.

Authorised Council officers will be monitoring adherence to the current Water Restriction levels with regular patrols planned for all towns within the Western Downs Regional Council area. Infringements will be issued in accordance with the *Water Supply (Safety & Reliability) Act 2008*, with all customers required to abide by the Water Restrictions. Failure to do so, may incur a fine as set by the State Penalties Enforcement Regulation 2014.

For further information, including information on non-residential Water Restrictions, visit www.wdrc.qld.gov.au or contact Council on 1300 COUNCIL (1300 268 624).



OUR COMMUNITIES | OUR FUTURE



Title **Community and Liveability Report COVID-19 Recovery Package Initiatives Update**

Date 9 July 2020

Responsible Manager A. Maurice, ECONOMIC DEVELOPMENT MANAGER
C. Barnard, COMMUNITIES MANAGER
T. Summerville, PLANNING & ENVIRONMENT MANAGER

Summary

The purpose of this Report is to provide Council with an update on three of the initiatives forming part of the Covid-19 Recovery Package.

Link to Corporate Plan

Strategic Priority: Active Vibrant Communities

- We are a region without boundaries, united in community pride.
- Our community members are the loudest advocates for what's great about our region.
- Our social, cultural and sporting events are supported locally and achieve regional participation.
- Our parks, open spaces, and community facilities are well utilised and connect people regionally.
- A recognised culture of volunteerism is active throughout our communities.

Strategic Priority: Financial Sustainability

- We are recognised as a financially intelligent and responsible Council.
- Our long-term financial planning guides informed and accountable decision making.
- Our value for money culture enables us to deliver our core functions sustainably.
- Our agile and responsive business model enables us to align our capacity with service delivery.
- Effective asset management ensures that we only own and maintain assets that are utilised.

Strategic Priority: Great Liveability

- Our residents enjoy convenience of modern infrastructure and quality essential services.
- Valued recreational spaces, sporting and community facilities are provided regionally.
- A safe and well-maintained road network connects our region.
- Our region remains an affordable place for families to live, work, prosper and play.
- We're recognised as one of the safest regions in Queensland.

Strategic Priority: Strong Economic Growth

- There is a confidence in our strong and diverse economy.
- We're open for business and offer investment opportunities that are right for our region.
- We optimise our tourism opportunities, unique experiences and major events.
- Business and industry in our region live local and buy local.
- Our region is a recognised leader in energy, including clean, green renewable energies.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this report be received and noted.

Background Information

As is the case for most of the world at present, the Western Downs community is facing a range of challenges presented by the unprecedented COVID-19 health emergency. Council has established a

recovery package to energize the local economy and support the community through this crisis. The intention of this package is to mitigate the current economic challenges, while providing ongoing benefits to the region for many years to come.

As part of the overall Covid-19 Recovery Package, Council approved at its Ordinary Meeting on 27 April 2020; an E-Commerce Initiative, a Community Organisation Hardship and Assistance Program (COHAP), and waived Planning, Building and Plumbing fees.

This report is to provide an update on these initiatives.

Report

E-Commerce Initiative

As social distancing measures are implemented, businesses have been forced to change their daily operations to ensure they can continue to service customer needs. Online marketing and e-commerce have become increasingly important to continue to trade.

This initiative is aimed at providing small business with high quality advice on a range of digital solutions to help them meet their business needs and grow their digital capabilities.

The E-commerce initiative includes two components: online webinars and virtual one-on-one consultation sessions (up to 5 hours). All webinars have been successfully delivered and will be added to Council's website.

Session 1: Digital Marketing Social Media platforms, what are they, which ones to use, how and why?
Session 2: Digital Marketing Easy steps that you can implement to create low-cost, great looking and winning content for your Social Media channels.
Session 3: Digital Marketing Enhance your digital presence even further with a range of simple and effective steps.
Session 4: E-Commerce Thinking of selling online? These are the steps to setup an e-commerce selling platform for your business.
Session 5: Branding Branding is more than just a logo. Learn why and how to build your brand consistently.

Following the webinars, businesses can enroll in a 5-hour one-on-one consultation session with a digital expert on an e-commerce topic of their choice. A digital engagement plan will be created following the first session to assist businesses remain on track to deliver to agreed actions.

The e-commerce initiative has received a strong take-up, with 30 businesses enrolled in the program throughout the region.

Program participants predominantly represented the following industries: Agriculture, Forestry and Fishing, Manufacturing and Retail. An overview of the number of local businesses that participated per town is as follows:

Dalby	11
Chinchilla	7
Miles	6
Jandowae	4
Tara	2

Community Organisation Hardship and Assistance Program (COHAP)

Council launched the **Community Organisation Hardship and Assistance Program (COHAP)** on 1 June 2020 to help our local not-for-profit community organisations who have been unable to carry on their normal activities through the COVID-19 restrictions. This funding for will make it possible successful applicants to keep afloat and pay for fixed costs while they have not had the ability to earn income that usually offsets these costs.

To date 25 applications have been received from Community organisations with \$146,348.00 in funding approved.

Applications are assessed within 10 working days of receipt under this funding initiative.

Planning, Building and Plumbing Fees

After the Council meeting on 27 April 2020, Council announced the fees and charges relief package which waived most Planning, Building and Plumbing application fees until 30 June 2021 to support local businesses and our local construction industry by promoting both small and large-scale development in the region.

Since Council's announcement of the fee waiver to 30 June, 79 Building Applications, 22 Plumbing Applications and 44 Planning Applications have been received, saving customers \$156,375. Local suppliers are noticing the increase in work as a result of Council's announcement and have provided Council officers with feedback in relation to this. Council has been maintaining our expedient assessment timeframes to ensure on-ground construction is not delayed unnecessarily.

Consultation (Internal/External)

General Manager Community & Liveability

Legal/Policy Implications (Justification if applicable)

NIL

Budget/Financial Implications

Council approved in the Ordinary Meeting on 27 April to allocate:

- \$15,000 for the E-Commerce Initiative (Stimulus Package) allowing for 50 businesses to participate in the program. As the program was not fully subscribed, the Economic Development team will open another round of applications in the 20/21 financial year. No further budget allocation is required.
- \$300,000 for the Community Organisation Hardship & Assistance Program.

Conclusion

The E-commerce, COHAP, and Planning, Building and Plumbing Fees initiatives have all received strong take-up from both the local business and broader community.

Attachments

NIL

Authored by Kate Miguel Economic Development Officer

Title **Community and Liveability Report Proposed Motions for LGAQ Annual Conference**

Date 15 July 2020

Responsible Manager J. Taylor, GENERAL MANAGER (COMMUNITY & LIVEABILITY)

Summary

The purpose of this report is to seek Council's endorsement of two motions to be presented for debate at the 2020 Local Government Association of Queensland (LGAQ) Conference.

Link to Corporate Plan

Strategic Priority: Financial Sustainability

- We are recognised as a financially intelligent and responsible Council.

Strategic Priority: Great Liveability

- Our residents enjoy convenience of modern infrastructure and quality essential services.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That the report be received and that:

Council endorse the following two motions for presentation to the 2020 Local Government Association of Queensland Annual Conference, as listed and attached to this report:

1. Telecommunication - support roaming services between service mobile telecommunication providers
2. Waste Levy calculation arrangements for small landfill sites

Background Information

Each year, the Local Government Association of Queensland (LGAQ) hosts an annual conference. This year's conference is to be held between 19 and 21 October 2020, and the representatives of Western Downs Regional Council are to be determined by a motion of Council at the 22 July 2020 Ordinary Meeting.

Aside from normal conference proceedings, such as presentations from keynote speakers, workshops and networking opportunities, the LGAQ conference also provides an opportunity for member Councils to provide motions for debate by the conference group on important policy or operational issues. If endorsed at the conference, these motions will help provide the LGAQ with direction on important matters for Local Governments.

Report

The LGAQ has invited motions for debate at their annual conference from member Councils. These motions are required to be received by the LGAQ on 10 August 2020 and must be endorsed with a resolution of the nominating Council at an Ordinary Meeting.

Two motions have been proposed to be submitted by Western Downs Regional Council, one being in relation to the Mobile Phone Blackspot Program and the other being in relation to the increasing Waste Levy administrative requirements. The proposed motions, along with the required background information, are contained in Attachment 1 and 2 to this report, but the following summary provides some details of the motions:

1. Mobile Phone Blackspot

This proposed motion outlines the mobile phone black spots in regional areas and outlines the safety and connectivity issues faced in areas with poor or non-existent mobile phone service.

Mobile coverage is critical for remote communities to stay connected, attract staff and families, employment opportunities, business & economic development, disaster and emergency management and to enable access to services not readily available nearby.

The motion seeks that the LGAQ lobby the Federal Government to legislate to require telecommunication operators to provide access to their mobile infrastructure in regional areas for competitors to enable roaming.

2. Waste Levy Administrative Requirements

This proposed motion relates to the increasing requirements to administer the waste levy at small landfill sites. Council must pay the waste levy for all waste disposed at landfill, and at present, uses an 'alternative methodology' to calculate the waste levy payment at small sites. From 1 July 2021, this alternative methodology expires and Council must default to the legislated process for waste levy calculation. This will have significant administrative and cost implications for our Council and other Councils that operate small landfills.

In the short term, this will mean a significant operational cost in terms of supervision and reporting of data to the state. Additionally, for sites without a weighbridge, the methodology requires the use of overstated 'deeming' factors to determine the waste quantities received and will therefore overstate the waste levy required to be paid by Council to the State Government.

In the medium term, it will require significant capital expenditure (for weighbridges at even the smallest landfill) as early as 2024.

The motion seeks that LGAQ lobby the Queensland Government in relation to the waste levy administrative requirements for small landfills and seek to reduce the administrative and cost burden to regional Local Governments.

Consultation (Internal/External)

Nil

Legal/Policy Implications (Justification if applicable)

Nil

Budget/Financial Implications

The costs of the additional waste levy administrative requirements for Western Downs Regional Council have been estimated to be as much as:

- \$2,000,000 - \$2,500,000 in additional capital costs (for weighbridges and associated infrastructure at small landfill sites), and
- \$265,200 pa in additional operational costs (for limited part time supervision and data collection at small landfills).

The additional waste levy to be paid to the State as a result of the use of the 'deeming' calculations at landfills without weighbridges is difficult to calculate, but may cost as much as an additional \$100,000 pa.

Conclusion

The upcoming LGAQ Annual Conference provides member Councils the opportunity to present motions for debate, and if adopted, provide the LGAQ a policy direction on matters of importance to Local Government.

The two attached motions are recommended to be endorsed for presentation to the LGAQ Conference.

Attachments

1. Proposed Motion to LGAQ Conference - Telecommunication - support roaming services between service mobile telecommunication providers
2. Proposed Motion to LGAQ Conference - Waste Levy calculation arrangements for small landfill sites

Authored by: T. Summerville, Planning and Environment Manager.

2020 Annual Conference - Motions Template

Please note that this template should assist you with the preparation of the motion.
Submission of the motion can be done via the form link below:

We cannot accept images or tables.

Submitting Council (required)	Western Downs Regional Council (WDRC)
Supporting ROC (if applicable)	
Category (required)	Connectivity, Communications and Innovation
Council resolution # (required)	TBA
Date of council resolution (required)	22/07/2020
Title of motion (required)	Telecommunication - support mandatory roaming services between mobile telecommunication providers
Motion (required)	That the LGAQ lobby the Federal Government to legislate to require telecommunication operators to provide access to their mobile infrastructure in regional areas for competitors to enable roaming.
Background (required) 350 word limit	<p>It is evident that many remote communities are still not sufficiently covered for mobile services.</p> <p>The Blackspot Program has provided some relief for regional areas however, most rounds have focussed on more populated parts of our communities. Another goal of the Blackspot Program is to create competition through the establishment of multiple service providers for communities to stimulate competition and ensure fair pricing to consumers. Unfortunately, this has not been realised and the vast majority of infrastructure is owned by Telstra in our region and across regional Australia. For our communities and visitors this means if they are with anyone other than Telstra, they will have very limited coverage at all.</p>

	Mobile coverage is critical for remote communities to stay connected, attract staff and families, employment opportunities, business & economic development, disaster and emergency management and to enable access to services not readily available nearby.
What is the desired outcome sought? (required)	A mobile roaming service for regional communities require mobile telecommunication operators to share access to their infrastructure.

2020 Annual Conference - Motions Template

Please note that this template should assist you with the preparation of the motion.
Submission of the motion can be done via the form link below:

We cannot accept images or tables.

Submitting Council (required)	Western Downs Regional Council
Supporting ROC (if applicable)	
Category (required)	Environment and Health
Council resolution # (required)	TBA
Date of council resolution (required)	22/07/2020
Title of motion (required)	Waste Levy calculation arrangements for small landfill sites
Motion (required)	That the LGAQ lobby the Queensland Government in relation to the waste levy administrative requirements for small landfills and seek to reduce the administrative and cost burden to regional Local Governments.
Background (required) 350 word limit	<p>In regional areas, Councils provide small local landfills to meet a significant community need for waste disposal. Due to their very small scale, these are often very basic facilities and not equipped with weighbridges and in many cases, not supervised.</p> <p>For small landfills in the 'levy zone', the Department of Environment and Science allows these landfills to utilise an alternative methodology at present for the calculation of waste quantities and the corresponding waste levy. This alternative methodology acknowledges the very small scale of these facilities and is relatively simple to administer.</p> <p>However, that alternative methodology ceases after 30 June 2021. This will create a significant additional operational burden for landfill operators, requiring that small landfills will effectively need to be</p>

	<p>fully supervised in order to provide the necessary vehicle movements data for DES.</p> <p>Additionally, where a weighbridge does not exist at a small landfill, these will need to be provided in the medium term, at the cost of about \$250,000. Again, at a very small landfill that may receive less than 500 tonnes PA. Until a weighbridge is installed, a 'deeming methodology', which is based on the vehicle type, will need to be used. This deeming calculation will be a significant disadvantage to regional communities, as in practice, this overstates the quantity of waste and therefore the waste levy required to be paid to DES.</p> <p>These additional requirements do not take into account the very small scale of some of the facilities, and treats these very small landfills the same as a very large scale landfills in urban areas.</p> <p>Additionally, no funding was available for these sites for capital upgrades under the initial stages of the levy rollout, and there is no assistance for the additional operational costs for levy collection. In some cases, the round trip to existing facilities can be over 100 km, so the option for rationalisation of facilities is very limited.</p> <p>Such administrative and supervision requirements do not exist for transfer stations, but the capital costs of upgrading from a landfill to a transfer station can be significant.</p>
<p>What is the desired outcome sought? (required)</p>	<p>That DES either allow the continuation of alternative methodologies on a permanent basis for the calculation of the waste levy.</p> <p>Alternatively, DES could readily commit funds from Waste Levy proceeds towards the full capital costs for Councils to upgrade landfill facilities to meet levy collection requirements or to upgrade landfills to transfer stations.</p>