

**5. CONFIRMATION OF MINUTES**

**5.1 Adopt Ordinary Meeting of Council Minutes 11 March 2020**

The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Wednesday, 11 March 2020

**COUNCIL RESOLUTION**

**Moved By** Cr. A.N. Smith

**Seconded By** Cr. P.T. Saxelby

That this Report be received and that:

1. The Unconfirmed Minutes of the Ordinary Meeting of Council held on 11 March 2020, copies of which have been circulated to Members, be taken as read and confirmed.

**CARRIED**



## Ordinary Meeting of Council Minutes

**Date:** Wednesday, 11 March 2020  
**Time:** 9:30am  
**Location:** Miles Customer Service Centre  
29 Dawson Street, Miles, QLD, 4415

**Councillors:** Cr.P.M.McVeigh (Chairperson)  
Cr.D.E.Ashurst  
Cr.R.C.Brown  
Cr.K.A.Maguire  
Cr.G.M.Olm  
Cr.I.J.Rasmussen  
Cr.P.T.Saxelby  
Cr.A.N.Smith  
Cr.C.T.Tillman

**Officers:** R.A.Musgrove, Chief Executive Officer  
P.Greet, Acting General Manager (Corporate Services)  
B.Barnett, Acting General Manager (Infrastructure Services)  
J.K.Taylor, General Manager (Community and Liveability)  
J.Weier, Senior Executive Officer  
Abbey Lyell, Executive Services Administration Officer

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**1. DECLARATION OF MEETING OPENING**

The Chairperson declared the Meeting open at 9.30AM.

**2. OPENING PRAYER AND MINUTE SILENCE**

Reverend Stuart Andrews from the Presbyterian Church delivered the opening prayer. This was followed by the observance of a minute silence.

**3. APOLOGIES**

**COUNCIL RESOLUTION**

**Moved By** Cr.R.C.Brown

**Seconded By** Cr.P.T.Saxelby

That Council accept the apology for non-attendance from Cr I.J. Rasmussen.

**CARRIED**

**ABSENT. DID NOT VOTE:** Cr. I.J. Rasmussen

**4. CONGRATULATIONS**

Nil.

**5. CONFIRMATION OF MINUTES**

**5.1 Adopt Minutes Ordinary Meeting of Council**

**5.1.1 Adopt Ordinary Meeting of Council Minutes 19 February 2020**

*The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Wednesday, 19 February 2020*

**COUNCIL RESOLUTION**

**Moved By** Cr.A.N.Smith

**Seconded By** Cr.R.C.Brown

*That this Report be received and that:*

*1. The Unconfirmed Minutes of the Ordinary Meeting of Council held on 19 February 2020, copies of which have been circulated to Members, be taken as read and confirmed.*

**CARRIED**

**ABSENT. DID NOT VOTE:** Cr. I.J. Rasmussen

**6. BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETINGS**

Nil.

**7. PRESENTATION OF PETITIONS BY COUNCILLORS**

Nil.

**8. MAYORAL UPDATE**

**8.1 Executive Services Mayoral Report February 2020**

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

**COUNCIL RESOLUTION**

**Moved By** Cr.D.E. Ashurst

**Seconded By** Cr.C.T. Tillman

*That this report be received and noted.*

**CARRIED**

**ABSENT. DID NOT VOTE:** Cr. I.J. Rasmussen

**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.R.C.Brown

**Seconded By** Cr.P.T.Saxelby

That Council resolve to close the Meeting in accordance with Sections 275 (1) (c,f) of the Local Government Regulation 2012 at 9.45AM to discuss the following Confidential Reports:

1. Executive Services Confidential Report Audit Committee Meeting Minutes 3 December 2019
2. Corporate Services Confidential Report Tender MM13-19-20 Digital Billboards Dalby Chinchilla
3. Corporate Services Confidential Report Quarterly Liability Update as at 31 December 2019

**CARRIED**

**ABSENT. DID NOT VOTE:** Cr. I.J. Rasmussen

**COUNCIL RESOLUTION - REOPEN MEETING**

**Moved By** Cr.R.C.Brown

**Seconded By** Cr.G.M.Olm

That Council resolve to reopen the Meeting at 9.58 AM.

**CARRIED**

**ABSENT. DID NOT VOTE:** Cr. I.J. Rasmussen

## 9.1 EXECUTIVE SERVICES

### 9.1.1 Executive Services Confidential Report Audit Committee Meeting Minutes 3 December 2019

The purpose of this Report is to provide Council with a copy of the Unconfirmed Minutes of the Western Downs Regional Council Audit Committee Meeting held on Tuesday, 3 December 2019.

#### COUNCIL RESOLUTION

**Moved By** Cr.R.C.Brown

**Seconded By** Cr.K.A.Maguire

That this Report be received and that:

1. Council note the Minutes of the Western Downs Regional Council Audit Committee Meeting held on Tuesday, 3 December 2019.

**CARRIED**

**ABSENT. DID NOT VOTE:** Cr. I.J. Rasmussen

## 9.2 CORPORATE SERVICES

### 9.2.1 Corporate Services Confidential Report Tender MM13-19-20 Digital Billboards Dalby Chinchilla

The purpose of this Report is to provide Council with an assessment of the tenders received for the supply/manufacture and installation of two double faced LED billboards approximately 6 metres high by 3 metres wide located at Dalby and Chinchilla to enable Council and Local Community Groups to promote local events and inform the public.

#### COUNCIL RESOLUTION

**Moved By** Cr.P.T.Saxelby

**Seconded By** Cr.G.M.Olm

That Council receive and notes the Report and awards the Digital Billboard Tender MM13-19-20 to Visual Focus for \$548,536.00 inclusive of GST.

**CARRIED**

**ABSENT. DID NOT VOTE:** Cr. I.J. Rasmussen



**9.2.2 Corporate Services Confidential Report Quarterly Liability Update as at 31 December 2019**

The purpose of this Report is to provide Council with a quarterly update on liability matters as at 31 December 2019.

**COUNCIL RESOLUTION**

**Moved By** Cr.A.N.Smith

**Seconded By** Cr.D.E. Ashurst

That Council note the liability matters.

**CARRIED**

**ABSENT. DID NOT VOTE:** Cr. I.J. Rasmussen

**9.3 COMMUNITY AND LIVEABILITY**

**9.4 INFRASTRUCTURE SERVICES**

## 10. PLANNING

### 10.1 (035.2019.565.001) Community and Liveability Report Development Application for Reconfiguring a Lot (Boundary Realignment) of Lots 3 4 5 and 6 on D14948 at 153 Cunningham Street Dalby The Corporation of the Synod of the Diocese of Brisbane

*The purpose of this Report is for Council to consider the proposed development to Reconfigure a Lot (Boundary Realignment) of land described as Lots 3 4 5 and 6 on D14948 and situated at 153 Cunningham Street, Dalby.*

#### **COUNCIL RESOLUTION**

**Moved By** Cr.A.N.Smith

**Seconded By** Cr.K.A.Maguire

*That this report be received and that:*

*1.The application for Reconfiguring a Lot (Boundary Realignment) of land described as Lots 3 4 5 and 6 on D14948 at 153 Cunningham Street, Dalby, 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:**SP229747

**Description:**Plan of Lots 1 and 2, Cancelling Lots 3 - 6 on D14948, prepared by Stephen Ring, dated 19-8-2009

**Plan No:**00113/09, Sheet 1 of 1, Issue B

**Description:**Relocated Office Diagram, Site Plan, prepared by Martin Building Design, dated 28-04-14

*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.*

#### **APPROVED DEVELOPMENT**

*3.The approved development is Reconfiguring a Lot for a Boundary Realignment as shown on the Approved Plans.*

*4.Prior to lodgment of the Plan of Survey to Council for endorsement, building approval must be obtained for the relocation of the Church Office as shown on Approved Site Plan No. 00113/09, Sheet 1 of 1, Issue B, prepared by Martin Building Design and dated 28-04-14; and a Form 11 - Certificate of Classification issued.*

#### **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.

7. The Plan of Survey shall not be executed until a letter of compliance is received demonstrating the development's compliance with all conditions of this approval.

#### **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 subject to and modified by any conditions of this approval.

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

10. 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.

#### **LOT NUMBERING**

11. The numbering of all approved lots shall remain as indicated on the Approved Plans (unless otherwise amended/approved by Council).

#### **VEHICLE ACCESS**

12. Ensure all existing vehicular property accesses are maintained in accordance with Council's Planning Scheme.

#### **WATER SUPPLY**

13. Install a separate water service connection to each lot as per Council's standards.

#### **SEWERAGE**

14. Connect each lot separately to Council's reticulated sewerage system.

#### **STORMWATER**

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

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

#### **ADVISORY NOTES**

**NOTE 1 -Currency Period**

*A part of a development approval lapses at the end of the currency period. The standard currency period for Reconfiguring a Lot (4 years after the approval starts to have effect) as stated in Section 85 of the Planning Act 2016 applies to this approval.*

**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.*

**A P P E A L R I G H T S**

**"Chapter 6Dispute Resolution**

**Part 1Appeal Rights**

**229Appeals 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."

**CARRIED**

**ABSENT. DID NOT VOTE:** Cr. I.J. Rasmussen

**COUNCIL RESOLUTION**

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

*That Council resolve to adjourn the Meeting.*

**CARRIED**

**ABSENT. DID NOT VOTE:** Cr. I.J. Rasmussen

*The Meeting adjourned at 10:06am*

*The Meeting resumed at 10:24am*

**COUNCIL RESOLUTION - CLOSE MEETING**

**Moved By** Cr.R.C.Brown  
**Seconded By** Cr.G.M.Olm

That Council resolve to close the Meeting in accordance with Sections 275 (1) (A-H) of the Local Government Regulation 2012 at 10.24AM to discuss a confidential matter.

**CARRIED**

**ABSENT. DID NOT VOTE:** Cr. I.J. Rasmussen

Cr. P.M. McVeigh advised Council that in relation to the Planning Report Agenda Item No. 11.1 he failed to declare, when considering and voting on this item in this meeting, a perceived conflict of interest. This perceived conflict was previously declared at the Pre-Agenda discussions held on Monday, 9 March 2020 as his family owns the property across the road from the property the subject of the application. He advised that he will be self reporting the matter to the Office of the Independent Assessor. He offered his apologies to Council for his oversight in not declaring this conflict.

**COUNCIL RESOLUTION - REOPEN MEETING**

**Moved By** Cr.R.C.Brown  
**Seconded By** Cr.G.M.Olm

That Council resolve to reopen the Meeting at 10.30AM.

**CARRIED**

**ABSENT. DID NOT VOTE:** Cr. I.J. Rasmussen

**11. DEPUTATION**

**11.1 Deputation Eunice Turner**

Eunice Turner, Community Member

Ms Turner addressed Council in relation to her concerns for the proposed off leash dog park in Chinchilla and also in relation to vacant land in Slessar Street Chinchilla.

**12. EXECUTIVE SERVICES**

**12.1 Executive Services Chief Executive Officer Report February 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 February 2020.*

**COUNCIL RESOLUTION**

**Moved By** Cr.C.T.Tillman

**Seconded By** Cr.A.N.Smith

*That this Report be received and noted*

**CARRIED**

**ABSENT. DID NOT VOTE:** Cr. I.J. Rasmussen

**12.2 Executive Services Report Outstanding Actions February 2020**

*The purpose of this Report is to provide Council with an updated on the status of outstanding Council Meeting Action Items to 19 February 2020.*

**COUNCIL RESOLUTION**

**Moved By** Cr.K.A.Maguire

**Seconded By** Cr.P.T.Saxelby

*That this Report be received and noted.*

**CARRIED**

**ABSENT. DID NOT VOTE:** Cr. I.J. Rasmussen

**13. CORPORATE SERVICES**

**13.1 Corporate Services Report Amendment Enterprise Risk Management - Council Policy**

The purpose of this Report is to seek Council's approval of the amended Enterprise Risk Management - Council Policy.

**COUNCIL RESOLUTION**

**Moved By** Cr.R.C.Brown

**Seconded By** Cr.K.A.Maguire

That this Report be received and that Council adopt the Enterprise Risk Management - Council Policy as amended.

**CARRIED**

**ABSENT. DID NOT VOTE:** Cr. I.J. Rasmussen

**13.2 Corporate Services Financial Report February 2020**

The purpose of this Report is to provide Council with the Financial Report for the period ending 29 February 2020.

**COUNCIL RESOLUTION**

**Moved By** Cr.D.E. Ashurst

**Seconded By** Cr.K.A.Maguire

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

**CARRIED**

**ABSENT. DID NOT VOTE:** Cr. I.J. Rasmussen



**14. INFRASTRUCTURE SERVICES**

**14.1 Infrastructure Services Report Transport Asset Maintenance Management Review and Update**

The purpose of this Report is to provide Council with a summary of changes made to Council's Transport Asset Maintenance Management Plan following review of the plan after a 2 years implementation trial.

**COUNCIL RESOLUTION**

**Moved By** Cr.G.M.Olm

**Seconded By** Cr.D.E. Ashurst

That the Report be received, and Council endorse the updated Transport Asset Maintenance Management Plan and continue the implementation trial for another one year

**CARRIED**

**ABSENT. DID NOT VOTE:** Cr. I.J. Rasmussen

**14.2 Infrastructure Services Report Regional Road Transport Group Transport Infrastructure Development Scheme Funding**

The purpose of this Report is to seek Council's approval to amend the 2019/20 Capital Budget to optimise the Regional Road Transport Group Transport Infrastructure Development Scheme Funding in 2019/20 and future years.

**COUNCIL RESOLUTION**

**Moved By** Cr.G.M.Olm

**Seconded By** Cr.A.N.Smith

That this report be received and the proposed changes to the 2019/20 Capital Budget as detailed in this report are adopted.

**CARRIED**

**ABSENT. DID NOT VOTE:** Cr. I.J. Rasmussen

**15. COMMUNITY AND LIVEABILITY**

**15.1 Community and Liveability Report Reds vs Waratahs Pre-Season Trial Match 2020**

The purpose of this Report is to provide Council with a summary of the Reds vs Waratah 2020 Pre-season Trial Match and community activations.

**COUNCIL RESOLUTION**

**Moved By** Cr.K.A.Maguire

**Seconded By** Cr.D.E. Ashurst

That this report be received and noted.

**CARRIED**

**ABSENT. DID NOT VOTE:** Cr. I.J. Rasmussen

**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**

**17.1 Council Delegation to Chief Executive Officer Approval for Councillor Attendance at Meetings by Teleconference**

**COUNCIL RESOLUTION**

**Moved By** Cr.R.C.Brown

**Seconded By** Cr.G.M.Olm

Council delegate the power pursuant to section 276(2) and (3)(b) of the Local Government Regulation 2012, to allow a person to take part in a meeting (Council or Committee Meetings) by teleconferencing and approve the teleconferencing arrangement, to the Chief Executive Officer, in the absence of the Mayor, pursuant to section 257(1)(b) of the Local Government Act 2009.

**CARRIED**

**ABSENT. DID NOT VOTE:** Cr. I.J. Rasmussen

**18. MEETING CLOSURE**

The Meeting concluded at 11.14 AM.

I hereby certify that the foregoing is a true record of the Minutes of the Proceedings of the Ordinary Meeting of Council held this 11 March 2020.

Signed:

Cr. P.M. McVeigh

MAYOR OF WESTERN DOWNS REGIONAL COUNCIL