

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, 18 November 2020

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby

Seconded By Cr. K. A. Bourne

That this Report be received and that:

1. The Unconfirmed Minutes of the Ordinary Meeting of Council held on 18 November 2020, copies of which have been circulated to Members, be taken as read and confirmed.

CARRIED



Ordinary Meeting of Council Minutes

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
L. Paine, Executive Assistant
A. G. Lyell, Executive Services Administration officer

1. DECLARATION OF MEETING OPENING

The Chairperson declared the Meeting opening at 9:30am

2. OPENING PRAYER AND MINUTE SILENCE

Pastor Ron Evans from the Community Church, delivered the opening prayer. This was followed by the observance of a minute silence.

3. APOLOGIES

4. CONGRATULATIONS

Cr. P. M. McVeigh requested that congratulations be extended to Natasha Johnston from Chinchilla who has been awarded the honour of Queensland's local hero award at the ceremony for 2021 Australian of the Year Awards. Natasha's hard work and dedication to the Drought Angels in delivering care packages and financial support to thousands of farming families across Queensland and New south Wales is a real credit to her.

Cr. P. M. McVeigh requested that congratulations be extended to Mary O'Brien from Dalby being named as a finalist in the Australia Pacific LNG Community Awards as part of the 2020 Queensland Community Achievement Awards and also for her nomination in the Queensland 2021 Local Hero Award as part of the Australian of the Year awards. Mary's tireless efforts helping Queensland men in the bush with their mental health has seen tremendous results in the community.

Cr. P. T. Saxelby requested that congratulations be extended to Chinchilla Bears who won the Toowoomba Football League Grand Finals against the Rockville Rovers who were the minor premiers this year.

Cr. P. T. Saxelby requested that congratulations be extended to Chinchilla Honeybears won the Toowoomba Football League Grand Finals against the Warwick Wolves

Cr. O. G. Moore requested that Congratulations be extended to Brianna Barnett, Senior Works Manager who won Young Engineer of the Year at the QLD Institute of Public Works Engineering Australasia 2020 Excellence Awards.

Cr. O. G. Moore requested that Congratulations be extended to Lenny wright, Program Coordinator Construction who won Team Member of the year at the QLD Institute of Public Works Engineering Australasia 2020 Excellence Awards.

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, 28 October 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 28 October 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 October 2020

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

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. K. A. Bourne

That this Report be received and noted

CARRIED

UNCONFIRMED

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. A. N. Smith

That Council resolve to close the Meeting in accordance with Sections 275 (1) (h,g) of the *Local Government Regulation 2012* at 9:53am to discuss the following Confidential Reports:

1. Corporate Services Confidential Report - Dalby Airport Proposed Lease R
2. Corporate Services Report Contract for Supply of Microwave Communications Network Support Services.

CARRIED

COUNCIL RESOLUTION - REOPEN MEETING

Moved By Cr. K. A. Bourne

Seconded By Cr. C. T. Tillman

That Council resolve to reopen the Meeting at 9:59am.

CARRIED

9.1 EXECUTIVE SERVICES

9.2 CORPORATE SERVICES

9.2.1 Corporate Services Confidential Report - Dalby Airport Proposed Lease R

The purpose of this Report is to consider a request to renew a lease at the Dalby Aerodrome.

In accordance with Chapter 6, Part 2, Division 5A of the Local Government Act 2009, Cr. P. M. McVeigh informed the meeting of a declarable conflict of interest in respect to this matter due to:

a. His daughter-in-law's family operate an agricultural aviation business from the Dalby airport.

Having given due consideration to his position he determined that he would leave the meeting while the matter is considered and voted on.

Cr. P. M. McVeigh left the meeting while the matter was discussed at 9:53am

Cr. A. N. Smith resumed The Chair at 9:53am.

Cr. P. M. McVeigh re-joined the meeting at 9:55am.

Cr. P. M. McVeigh resumed The Chair at 9:55am

Cr. P. M. McVeigh left the meeting while the matter was voted on at 9:59am.

Cr. A. N. Smith resumed The Chair at 9:59am.

Cr. P. M. McVeigh re-joined the meeting at 10:02am.

Cr. P. M. McVeigh resumed The Chair at 10:02am

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. C. T. Tillman

That Council resolve to close its Meeting in accordance with Section 275 (1) (h) of the *Local Government Regulation 2012 (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)* to discuss a confidential matter.

That this Report be received and that Council:

1. apply the exception contained in section 236(1)(c)(iii) of the *Local Government Regulation 2012* to the proposed lease;
2. offer FBG & VG Drinan t/a Keyland Air Services Qld a ten-year lease over land described as Lease R on SP207425 at the Dalby Aerodrome; and
3. delegate authority to the CEO to negotiate and sign all documents necessary to finalise the lease.

CARRIED

Absent Did not Vote: Cr. P. M. McVeigh

9.2.2 Corporate Services Confidential Report Contract for Supply of Microwave Communications Network Support Services

The purpose of this Report is to present quotations for the renewal of the Supply of Microwave Communications Network support services across the region.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. P. T. Saxelby

That Council resolve to close its Meeting in accordance with Section 254J (3) (g) of the *Local Government Regulation 2012 (negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government)* to discuss a confidential matter.

That this Report be received and that:

1. Council award the contract to Frog Services for the offer price, with a proposed contract period of three years, plus two one-year optional extensions.

CARRIED

9.3 COMMUNITY AND LIVEABILITY

9.4 INFRASTRUCTURE SERVICES

11. PLANNING

11.1 (030,035&040.2020.260.001) Community and Liveability Report Development Application Material Change of Use Reconfiguring a Lot Operational Work Jandowae Road 18130 Warrego Highway Dalby Millmax Pty Ltd

The purpose of this Report is for Council to decide the proposed development for a Material Change of Use to establish a High Impact Industry (Expansion of Existing Metal Foundry), Reconfiguring a Lot (Boundary Realignment) and Operational Work (Earthworks) on land described as Lot 7 on SP256013 and Lot 8 on SP261626 and situated at Jandowae Road and 18130 Warrego Highway, Dalby

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. K. A. Bourne

That this Report be received and that:

1. The application for a Material Change of Use to establish a High Impact Industry (Expansion of Existing Metal Foundry), Reconfiguring a Lot (Boundary Realignment) and Operational Work (Earthworks) on land described as Lot 7 on SP256013 and Lot 8 on SP261626 and situated at Jandowae Road and 18130 Warrego Highway, Dalby, be approved, subject to the following conditions:

MATERIAL CHANGE OF USE

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:

Job No.: 00012/20, Sheet 1 of 6

Description: Site Plan, Issue A, prepared by Martin Building Design, dated 11-02-20

Job No.: 00012/20, Sheet 2 of 6

Description: Floor Plan, Issue A, prepared by Martin Building Design, dated 11-02-20

Job No.: 00012/20, Sheet 3 of 6

Description: Elevations, Issue A, prepared by Martin Building Design, dated 11-02-20

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 Permit must be obtained prior to commencement of any work associated with the process:

3.1 Building Works

APPROVED DEVELOPMENT

4. The approved development is a Material Change of Use for a High Impact Industry (Expansion of Existing Metal Foundry) on land described as Lot 7 on SP256013 and Lot 8 on SP261626 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.

INFRASTRUCTURE CHARGES

7. All infrastructure charges including those associated with Council's Water, 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.

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

16. The buildings and the site must be maintained in a clean and tidy manner at all times.
17. 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

18. 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

19. 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.
20. The Landscaping Plan must detail:
 - 20.1 all landscaping areas, including a 2 metre wide landscaping strip to be provided along the Volker Street frontage;
 - 20.2 the typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on-site;
 - 20.3 the number and size of plants; and
 - 20.4 the typical planting detail including preparation, backfill, staking and mulching.
21. 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.

SCREEN FENCING

22. Any security or screen fencing erected on the subject site shall present an attractive visual appearance to adjoining properties.
23. The applicant shall submit a Concept Plan of the proposed screen fencing arrangements for the development, for endorsement by Council's Planning and Environment Manager or an authorised delegate prior to commencement of the use. Once the Concept Plan is formally endorsed by Council, the approved fencing arrangements are to be constructed prior to commencement of the use.

ENGINEERING WORKS

24. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant Australian Standards.
25. 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

26. 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.
27. 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

28. Design and construct stormwater drainage to ensure that there is no 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 ARI 2, ARI 5, ARI 10, ARI 20 and ARI 50.
29. Ensure that adjoining properties and roadways are protected from ponding as a result of any site works undertaken.
30. Design and construct stormwater drainage incorporating measures to prevent any sediment, solid matter or floatable oils being carried into the existing stormwater system.

HAZARDOUS CHEMICAL AND FUEL STORAGE

31. Ensure that all hazardous chemicals are stored and handled in accordance with the *Work Health and Safety Act 2011*.

FLOODING - GENERAL

32. 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 which is 303.82 metres Australian Height Datum.
33. 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

34. A minimum of thirteen (13) car parking spaces are to be provided, including a minimum of one (1) person with disability space.
35. 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.
36. 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.
37. 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

38. Maintain all existing crossovers generally in accordance with Council's Standard Drawing No. R-007. The turnout width and splay shall be designed to accommodate the largest expected vehicle.

SERVICES

39. Connect the development to Council's reticulated water supply system.
40. Connect the development to Council's reticulated sewerage system.
41. Connect the development to electricity and telecommunication services.

EARTHWORKS - RETAINING STRUCTURES AND BATTERS

42. Ensure batters do not exceed a maximum slope of 25% (1 in 4).
43. Contain the batters wholly within the proposed development site.

EROSION AND SEDIMENT CONTROL - GENERAL

44. 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.
45. 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

46. Undertake operations and construction work associated with this development to the requirements of Council, including the following:
 - 46.1 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;
 - 46.2 remove immediately, any material spilled or carried onto existing roads to avoid dust nuisance and ensure traffic safety; and
 - 46.3 do not carry out work on Sundays or Public Holidays (unless approved otherwise by Council).

R E C O N F I G U R I N G A L O T

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:

Drawing No: 10614-4-SK1, Sheet 1 of 1, Revision A

Description: Proposed Reconfiguration of Lot 8 on SP261626 and Lot 7 on SP256013, prepared by Cottrell Cameron & Steen Surveys Pty Ltd, dated 26.5.2020

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.

APPROVED DEVELOPMENT

3. The approved development is Reconfiguring a Lot (Boundary Realignment) as shown on the Approved Plan.

COMPLIANCE, TIMING AND COSTS

4. All conditions of the approval shall be complied with before Council's endorsement of the Plan of Survey and whilst 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.
6. 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

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 Plan, subject to and modified by any conditions of this approval.

LOT NUMBERING

9. The numbering of all approved lots shall remain as indicated on the Approved Plan (unless otherwise amended/approved by Council).
10. The developer is to make a request to Council for street numbering for the proposed lots upon registration of the Survey Plan.

LANDSCAPING

11. All declared weeds and pests shall be removed from the subject land and the subject land kept clear of such nuisance varieties at all times during the course of the development works and any ensuing defects liability period.
12. 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.

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

13. 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

14. Provide overland flow paths that do not alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.
15. Discharge all minor stormwater flows from the new lots to a lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM).
16. Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken.

WATER SUPPLY

17. Connect each lot to Council's reticulated water supply system in accordance with Council's standards and requirements. Each lot shall have its own single principal water meter.

SEWERAGE

18. Each lot shall have its own single sewer connection to Council's reticulated sewerage system.
19. Actual connection to Council's live sewerage infrastructure must be undertaken by or under the supervision of Council.

ELECTRICITY AND TELECOMMUNICATIONS

20. Provide electricity and telecommunication services to both lots.

ACCESS

21. Ensure all existing vehicular property accesses are maintained in accordance with Council's Planning Scheme.
22. Construct any future crossover to Proposed Lot 7 on Volker Street in accordance with Council's Standard Drawing No. R-007. The turnout width and splay shall be designed to accommodate the largest expected vehicle.

EROSION AND SEDIMENT CONTROL - GENERAL

23. 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.
24. Remove and clean-up the sediment or other pollutants in the event that sediment or other pollutants are tracked or released onto adjoining streets or stormwater systems, at no cost to Council.

OPERATIONAL WORK

1. Undertake all approved work at no cost to Council and in accordance with the Approved Plans, approval conditions and Western Downs Regional Council's Planning Scheme Policy 1 Design and Construction Standards.
2. This approval extends to Earthworks as detailed.
3. The approval is subject to construction being undertaken in accordance with the Approved Plans listed below:

Drawing No: 101, Revision C

Description: Concept Plan, prepared by Baker Rossow Consulting Engineers, dated 18FEB20

Drawing No: 102, Revision C

Description: Bulk Earthworks Plan, prepared by Baker Rossow Consulting Engineers, dated 18FEB20

Drawing No: 201, Revision C

Description: Construction Details, prepared by Baker Rossow Consulting Engineers, dated 18FEB20

4. Submit to Council for endorsement, a set of "Issued for Construction" drawings, amended if required by the conditions of this approval, prior to the Pre-start Meeting.
5. Pay to Council, applicable inspection fees based on Council's Fees and Charges current at the time of commencement of work. The fee must be calculated based on the estimated project cost.
6. Ensure that supervision of all construction work is carried out by a suitably qualified and experienced Engineer (RPEQ).
7. Adhere to the following hours of construction unless otherwise approved in writing by Council:

Monday to Saturday:	6.30am to 6.30pm	Noise permitted
Monday to Sunday:	6.30pm to 6.30am	No noise permitted
Sunday and Public Holidays:		No noise permitted

Do not conduct work or business that causes audible noise from or on the site outside the above hours.

8. Be responsible to carry out Work Health and Safety legislative requirements.
9. Ensure all work sites are maintained in a clean, orderly state at all times.
10. Manage all waste in accordance with the relevant legislation and regulations and dispose of regulated waste at a licensed facility of Western Downs Regional Council by a licensed regulated waste disposal contractor.
11. 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.
12. Repair all damage incurred to Council and public utility services infrastructure and assets, as a result of completed or incomplete work under this approval, 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.
13. Undertake earthworks in accordance with the provisions of AS3798 Guidelines on Earthworks for Commercial and Residential Developments.
14. Submit to Council, certification from a suitably qualified Engineer (RPEQ) that the work has been undertaken in accordance with the Approved Plans and specifications and to Council's requirements, prior to commencement of the use.
15. Ensure that development work on the subject land does not lead to ponding of stormwater or cause actionable nuisance to adjoining properties, and drains freely to a lawful point of discharge in accordance with the Queensland Urban Drainage Manual.
16. Be responsible for protecting nearby property owners from dust pollution arising from construction and maintenance of the work required by this approval, and comply with any lawful instructions from the Assessment Manager if, in his opinion, a dust nuisance exists.
17. Submit the following to Council for approval in the event it is proposed to import material to or export material from the site, prior to commencement of the work:

- 17.1 details of the location of any material to be sourced for fill including the volume of fill to be moved from any particular source site;
- 17.2 details of the final location for any material to be exported from the site from excavations including the volume to be moved to any particular site; and
- 17.3 the proposed haulage route(s) and truck sizes for carting of the material.

Note: Further Development Applications may be required to be submitted to and approved by Council for sites proposed to import material from or export material to, or conditions may be applied to any sites endorsed in accordance with this condition; eg submit a Traffic Management Plan to Council for acceptance, or rehabilitation of the site. Any required approvals are to be in place prior to commencement of the work.

- 18. This approval does not extend to any material proposed to be imported to or exported from the site:
 - 18.1 other than from or to site(s) that have a current Development Approval enabling them to export/accept any material; or
 - 18.2 the material is being exported to and accepted at a licensed Council Refuse Facility.

INSPECTIONS AND TESTING

- 19. Submit to Council, the Pre-start Meeting Agenda at the confirmation of a date and time for the Meeting.
- 20. Provide Council with a minimum of two clear working days' notice to undertake compulsory inspections and meetings at the following stages:
 - 20.1 Pre-start Meeting with Council, Contractor, Supervising Engineer and developer; and
 - 20.2 at the point of completion of all work.
- 21. Submit to Council, all inspection and test data in their entirety prepared by the applicant, Engineer, Principal Contractor or by Subcontractors in relation to the Operational Work or as described in the application prior to commencement of the use. Undertake any further inspection, testing or analysis required, due to failure of work to meet specifications or where the testing previously provided is considered insufficient on behalf of the Principal Contractor by a NATA accredited entity (where applicable).
- 22. Uncover all work covered, prior to inspection, to allow inspection by Council at Council's sole discretion.
- 23. Allow Council to enter a work site to which this approval relates and undertake testing or analysis of any part of the construction. Council is not liable for the rectification of or compensation for any damage caused in the testing or analysis process. Should work be found to be not constructed to specification or of poor quality, rectification work must be undertaken by the Principal Contractor.
- 24. Undertake any work for the safety or health of the community or protection of infrastructure where Council deems it necessary.

AS CONSTRUCTED INFORMATION

25. Submit to Council within 10 working days of completion of the Operational Work, suitable "As Constructed" drawings in hard copy and AutoCAD format and on GDA Zone 56 co-ordinates. The "As Constructed" drawings or data capture methods as required by Council must be certified by a Registered Professional Engineer of Queensland (RPEQ) on every drawing and shall be to an appropriate electronic format and standard as required by Council's Infrastructure Services General Manager.

26. Provide "As Constructed" data for the following elements, where applicable:

26.1 earthworks

ADVISORY NOTES

NOTE 1 - Currency Period

A part of a development approval lapses at the end of the currency period. The standard currency period, as stated in Section 85 of the *Planning Act 2016*, applies to this approval as outlined below:

- Material Change of Use (6 years after the approval starts to have effect);
- Reconfiguring a Lot (4 years after the approval starts to have effect); and
- Operational Work (2 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 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.

APPEAL RIGHTS

An applicant has the opportunity 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 Planning and Environment 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*

...(g) *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

11.2 (030&040.2020.312.001) Community and Liveability Report Development Application Material Change of Use for a Transport Depot and Operational Work (Earthworks) at Lot 11 on SP200480 Edward Street Chinchilla Donpon

The purpose of this Report is for Council to decide the proposed development for a Material Change of Use for a Transport Depot and Operational Work (Earthworks) on land described as Lot 11 on SP200480 and situated at Edward Street, Chinchilla

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby

Seconded By Cr. O. G. Moore

That this Report be received and that:

1. The application for a Material Change of Use to establish a Transport Depot and Operational Work (Earthworks) on land described as Lot 11 on SP200480 and situated at Edward Street, Chinchilla, be approved, subject to the following conditions:

M A T E R I A L C H A N G E O F U S E

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: -

Description: Site Layout Plan – Transport Depot, Edward Street, Chinchilla, *Amended in red by Council dated 15 October 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.

APPROVED DEVELOPMENT

3. The approved development is a Material Change of Use for a Transport Depot as shown on the Approved Plan. No buildings are approved as part of this Permit.

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:

Monday to Friday: 6:00am to 6:00pm

Saturday: 7:00am to 12:00pm

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 Plan, 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 2008*.

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 2008*.

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*.

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.

LANDSCAPING

16. 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.
17. The Landscaping Plan must detail:
 - 17.1 all landscaping areas shown on the Approved Plan, including a 2 metre wide landscaping strip to be provided along the Edward Street frontage;

- 17.2 the typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on-site;
 - 17.3 the number and size of plants; and
 - 17.4 the typical planting detail including preparation, backfill, staking and mulching.
18. 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

- 19. Submit to Council, an Operational Work application for all Civil Works including Roadworks.
- 20. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant Australian Standards.
- 21. 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

- 22. 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.
- 23. 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

- 24. Provide overland flow paths that do not alter the characteristics of existing overland flows or create an increase in stormwater impacts on other properties.
- 25. Ensure that adjoining properties and roadways are protected from ponding as a result of any site works undertaken.
- 26. Design and construct stormwater drainage incorporating measures to prevent any sediment, solid matter or floatable oils being carried into the existing stormwater system.

HAZARDOUS CHEMICAL AND FUEL STORAGE

- 27. Ensure that all hazardous chemicals are stored and handled in accordance with the *Work Health and Safety Act 2011*.
- 28. 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

- 29. 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 it 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.
30. The Flood Risk Management Plan is to be kept on-site and available to customers, staff and Council at all times.
31. 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.
32. The storage of dangerous goods or hazardous materials, including objects able to be transported in flood water is not to be undertaken on-site.
33. 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

34. A minimum of fifteen (15) car and five (5) truck parking spaces are to be provided.
35. Provide an area to allow the turning pathway for an Articulated Vehicle to enter and exit the site in a forward direction in accordance with Australian Standard 2890.2.
36. 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.
37. Maintain dust suppression treatment to all internal roadways, and vehicle manoeuvring areas, ensuring to not have an adverse impact on adjoining properties.
38. 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

39. 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

40. Design and construct a vehicle turnout generally in accordance with Council's Standard Drawing No. R-007. The turnout width and splay shall be designed to accommodate the largest expected vehicle.

EXTERNAL ROADWORKS

41. Design and construct Edward Street for the full frontage of Lot 11, to the following standard:
- 41.1 widening of the existing pavement to 8 metres, including a two-coat bitumen seal;
 - 41.2 grassed table drains, and formation of a grassed verge;

- 41.3 tapers to the existing road pavement;
- 41.4 provision for stormwater drainage and easements (if required), line marking, and road reserve transitions between existing and proposed roads; and
- 41.5 design all work in consultation with Council prior to submission of detailed Engineering drawings.

EROSION AND SEDIMENT CONTROL - GENERAL

- 42. 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.
- 43. 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

- 44. Undertake operations and construction work associated with this development to the requirements of Council, including the following:
 - 44.1 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;
 - 44.2 remove immediately, any material spilled or carried onto existing roads to avoid dust nuisance and ensure traffic safety; and
 - 44.3 do not carry out work on Sundays or Public Holidays (unless approved otherwise by Council).

OPERATIONAL WORK

- 1. Undertake all approved work at no cost to Council and in accordance with the Approved Plan, approval conditions and Western Downs Regional Council's Planning Scheme Policy 1 Design and Construction Standards.
- 2. This approval extends to Earthworks as detailed.
- 3. The approval is subject to construction being undertaken in accordance with the Approved Plan listed below:

Plan No: 53711 S

Description: Plan of Proposed Final Ground Levels & Contours And Proposed Operational Works Permit Boundary, Lot 11 on SP200480, *Amended in red by Council dated 15 October 2020*

- 4. Submit to Council for endorsement, a set of "Issued for Construction" drawings, amended if required by the conditions of this approval, prior to the Pre-start Meeting.
- 5. Pay to Council, applicable inspection fees based on Council's Fees and Charges current at the time of commencement of work. The fee must be calculated based on the estimated project cost.

- 6. Adhere to the following hours of construction unless otherwise approved in writing by Council:

Monday to Saturday: 6.30am to 6.30pm Noise permitted

Monday to Sunday: 6.30pm to 6.30am No noise permitted

Sunday and Public Holidays: No noise permitted

Do not conduct work or business that causes audible noise from or on the site outside the above hours.

7. Be responsible to carry out Work Health and Safety legislative requirements.
8. Ensure all work sites are maintained in a clean, orderly state at all times.
9. Manage all waste in accordance with the relevant legislation and regulations and dispose of regulated waste at a licensed facility of Western Downs Regional Council by a licensed regulated waste disposal contractor.
10. 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.
11. Repair all damage incurred to Council and public utility services infrastructure and assets, as a result of completed or incomplete work under this approval, 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.
12. Ensure that development work on the subject land does not lead to ponding of stormwater or cause actionable nuisance to adjoining properties, and drains freely to a lawful point of discharge in accordance with the Queensland Urban Drainage Manual.
13. Maintain erosion and sedimentation controls at all times during the course of the project and the ensuing defects liability period. Council Officers will inspect and assess the sediment and erosion control measures and temporary fencing implemented, and any alterations and/or supplementary works required must be incorporated.
14. Implement measures to prevent site vehicles tracking sediment and other pollutants from the site onto adjoining streets during the course of the project, and to prevent dust nuisance during construction and the ensuing defects liability period.
15. Be responsible for protecting nearby property owners from dust pollution arising from construction and maintenance of the work required by this approval, and comply with any lawful instructions from the Assessment Manager if, in his opinion, a dust nuisance exists.

EARTHWORKS

16. Supervise bulk earthworks to Level 1 or Level 2 as applicable, and have a frequency of field density testing carried out in accordance with Table 8.1 of AS3798.
17. The depth of the fill is limited to 0.3 metre.
18. Contain cut or fill batters wholly within the subject land. Do not place fill on adjacent properties without providing Council with written permission from the respective property owner(s).
19. Do not store plant or material on adjoining land without written permission from the respective property owner(s).

20. Do not use contaminated material as fill on the site. Undertake any filling using inert materials only, with a maximum particle size of 75mm.
21. Ensure open drains and fill platforms are constructed with a longitudinal grade on no less than 0.1%.
22. Submit to Council, the following for approval in the event it is proposed to import material to the site, prior to commencement of the work:
 - (a) details of the location of any material to be sourced for fill including the volume of fill to be moved from any particular source site.

Note: Further Development Applications may be required to be submitted to and approved by Council for sites proposed to import material from or export material to, or conditions may be applied to any sites endorsed in accordance with this condition; eg submit a Traffic Management Plan to Council for acceptance, or rehabilitation of the site. Any required approvals are to be in place prior to commencement of the work.

INSPECTIONS AND TESTING

23. Submit to Council, the Pre-start Meeting Agenda at the confirmation of a date and time for the Meeting.
24. Provide Council with a minimum of two clear working days' notice to undertake compulsory inspections and meetings at the following stages:
 - (a) Pre-start Meeting with Council, and Contractor; and
 - (b) at the point of completion of all work.
25. Submit to Council, all inspection and test data in their entirety prepared by the applicant, Engineer, Principal Contractor or by Subcontractors in relation to the Operational Work or as described in the application prior to commencement of the use. Undertake any further inspection, testing or analysis required, due to failure of work to meet specifications or where the testing previously provided is considered insufficient on behalf of the Principal Contractor by a NATA accredited entity (where applicable).
26. Uncover all work covered, prior to inspection, to allow inspection by Council at Council's sole discretion.
27. Allow Council to enter a work site to which this approval relates and undertake testing or analysis of any part of the construction. Council is not liable for the rectification of or compensation for any damage caused in the testing or analysis process. Should work be found to be not constructed to specification or of poor quality, rectification work must be undertaken by the Principal Contractor.
28. Undertake any work for the safety or health of the community or protection of infrastructure where Council deems it necessary.

COMPLIANCE CERTIFICATE

29. Upon completion of the work, submit to Council, a written request for a Compliance Certificate from the developer's certifying Engineer stating that all approved work has been completed and ready for Council inspection.
 - The Compliance Certificate will be issued only when Council provides written confirmation that all of the following are completed:

- (a) satisfactory completion of all work and conditions of Operational Work approval;
- (b) provision of all necessary test and quality audit requirements; and
- (c) compliance with the conditions of approval for any Operational Work and any other approvals on the subject site.

ADVISORY NOTES

NOTE 1: External Road Construction

Please contact Council's Planning and Environment Manager to discuss arrangements for the construction of Edward Street as per the Conditions package.

NOTE 2: Flood Hazard

The property is identified as being located in Low, Medium, High and Extreme Flood Hazard Areas on the Flood Hazard Overlay Map in the Western Downs Planning Scheme incorporating Amendment 1. 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 3: 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 4: 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 5: 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 6: 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 7: 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 8: 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

PROCEDURAL MOTION

Moved By Cr. M. J. James

Cr. M. J. James moved that agenda items 11.3, 11.4 and 11.5 be moved to later in the agenda.

The **PROCEDURAL MOTION** was **PUT** and **CARRIED**

12. EXECUTIVE SERVICES

12.1 Executive Services Chief Executive Officer Report October 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 October 2020.

COUNCIL RESOLUTION

Moved By Cr. C. T. Tillman

Seconded By Cr. M. J. James

That this Report be received and noted

CARRIED

12.2 Executive Services Report Outstanding Actions October 2020

The purpose of this Report is to provide Council with an updated on the status of outstanding Council Meeting Action Items to 28 October 2020.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. O. G. Moore

That this Report be received and noted.

CARRIED

13. DEPUTATION

13.1 Josh Hardimon

Josh Hardimon addressed Council in regards to his Development Application for reconfiguring a lot at his property in Chinchilla. He advised that the current configuration makes the land unpractical and the proposed configuring would help financially.

13.2 Richard Salter

Richard Salter addressed Council in regards to his Development Application for reconfiguring a lot as his property in Tara. He advised Council he is wanting to divide off a house block on his farm using land that is not valuable for farming.

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby

Seconded By Cr. K. A. Maguire

That Council resolve to adjourn the Meeting.

The Meeting adjourned at 10:38am

The Meeting resumed at 10:54am

CARRIED

11. PLANNING

11.3 (035.2020.377.001) Community and Liveability Report Development Application Reconfiguring a Lot (1 Lot into 2 Lots) at Lot 47 on RG55 2549 Tullagrie Road Tara Salter

The purpose of this Report is for Council to decide the application for Reconfiguring a Lot (subdivision of 1 lot into 2 lots) on land described as Lot 47 on RG55, located at 2549 Tullagrie Road, Tara.

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. K. A. Bourne

That this Report be received and that:

1. The application for Reconfiguring a Lot (1 lot into 2 lots) on land described as Lot 47 on RG55 and situated at 2549 Tullagrie Road, Tara 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 or 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 the further fragmentation and alienation of rural 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 within 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 Outcome 1.1 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.
 - (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 proposed development does not comply with Performance Outcome 14 of the Natural Resources Overlay Code, as the development will result in land identified as Class A Agricultural Land that is less than 500ha in area, and will result in the fragmentation of productive agricultural land.

(viii) The proposed development does not comply with Overall Outcome 2 of the Natural Resources Overlay Code, as the development will permanently fragment Class A Agricultural Land. The applicant has not demonstrated that an overriding community need exists for the development in terms of a public benefit.

(ix) 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.

CARRIED (7 to 2)

For (7): Cr. P.M. McVeigh, Cr. A. N. Smith, Cr. K. A. Bourne,
Cr. K. A. Maguire, Cr. I. J. Rasmussen, Cr. M. J. James and Cr. O. G. Moore

Against (2): Cr. P. T. Saxelby and Cr. C. T. Tillman

COUNCIL RESOLUTION

Moved By Cr. C. T. Tillman

Seconded By Cr. P. T. Saxelby

That an Information Session is held to review the Western Downs Regional Council Planning Scheme with regard to small rural lots.

CARRIED (6 to 3)

For (6): Cr. A. N. Smith, Cr. K. A. Bourne, Cr. P. T. Saxelby,
Cr. M. J. James, Cr. O. G. Moore, Cr. C. T. Tillman

Against (3): Cr. P. M. McVeigh, Cr. K. A. Maguire and Cr. I. J. Rasmussen

**11.4 (035.2020.394.001) Community and Liveability Report Development
Application Reconfiguring a Lot Boundary Realignment (2 Lots into 2 Lots)
Lots 313 and 314 on AG47 116 Watt Street Dalby Volker**

The purpose of this Report is for Council to decide the proposed development for Reconfiguring a Lot for a Boundary Realignment (2 lots into 2 lots) on land described as Lots 313 and 314 on AG47 and situated at 116 Watt Street, Dalby.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. K. A. Bourne

That this Report be received and that:

1. The application for Reconfiguring a Lot for a Boundary Realignment (2 lots into 2 lots) on land described as Lots 313 and 314 on AG47 and situated at 116 Watt Street, 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:

Drawing No: 9143-42123

Description: Site Plan - Boundary Realignment (2 lots into 2 lots), 116 Watt Street, Dalby, prepared by Robert Volker *Amended in red by Council dated 7 September 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.

APPROVED DEVELOPMENT

3. The approved development is Reconfiguring a Lot for a Boundary Realignment (2 lots into 2 lots) as shown on the Approved Plan.

COMPLIANCE, TIMING AND COSTS

4. All conditions of the approval shall be complied with before Council's endorsement of the Plan of Survey and whilst 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.
6. 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

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 shall be maintained in accordance with the Approved Plan, subject to and modified by any conditions of this approval.

LOT NUMBERING

9. The numbering of all approved lots shall remain as indicated on the Approved Plan (unless otherwise amended/approved by Council).
10. The developer is to make a request to Council for street numbering for the proposed lots upon registration of the Survey Plan.

LANDSCAPING

11. All declared weeds and pests shall be removed from the subject land and the subject land kept clear of such nuisance varieties at all times during the course of the development works and any ensuing defects liability period.
12. Apart from declared weeds and pests, trees, shrubs and vegetated areas currently existing on the subject land shall be retained where possible, and action taken to minimise disturbance during construction work.

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

13. 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

14. Provide overland flow paths that do not alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.
15. Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken.

SERVICES

16. Any future Dwellings are to be serviced by an on-site effluent disposal system in accordance with AS1547 and the Queensland Plumbing and Waste Water Code.

ELECTRICITY AND TELECOMMUNICATIONS

17. Provide electricity and telecommunication services to both lots.

ACCESS

18. Ensure all existing vehicular property accesses are maintained in accordance with Council's Planning Scheme.
19. Prior to obtaining a Building Approval for any future Dwelling on Proposed Lot 1, construct a dedicated vehicular property access in accordance with Council's Planning Scheme and the latest revision of Council's Standard Drawing R-004.

EROSION AND SEDIMENT CONTROL - GENERAL

20. 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.
21. Remove and clean-up the sediment or other pollutants in the event that sediment or other pollutants are tracked or released onto adjoining streets or stormwater systems, at no cost to Council.

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 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 twelve (12) 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.

CARRIED

11.5 (035.2020.396.001) Community and Liveability Report Development Application Reconfiguring a Lot 215 Red Hill Road Chinchilla Danma Property Pty Ltd C/- Out of the Woods Planning

The purpose of this Report is for Council to decide the proposed development for Reconfiguring a Lot (2 Community Title Scheme lots and Common Property into 2 standard lots) on land described as Lots 0, 1 and 2 on SP249067 and situated at 215 Red Hill Road, Red Hill.

Cr. A. N. Smith declared a conflict on this item. (In accordance with Chapter 6, Part 2, Division 5A of the Local Government Act 2009, Cr. A. N. Smith informed the meeting of a perceived conflict of interest in respect to this matter due to:

He has had business dealings with Josh Hardimon who is a potential beneficiary of the outcome of this application.

Having given due consideration to his position he determined that he would leave the meeting while the matter is considered and voted on.

Cr. A. N. Smith left the meeting at 11:06am.

Cr. A. N. Smith re-joined the meeting at 11:21am.

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby

Seconded By Cr. C. T. Tillman

It is recommended that:

1. The applicant be advised that the application for Development Approval for Reconfiguring a Lot (2 Community Title Scheme lots and Common Property into 2 standard lots) on land described as Lots 0, 1 and 2 on ST249067, situated at 215 Red Hill Road, Red Hill is approved, subject to the following conditions:

APPROVED PLAN

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:

Drawing No: 38800-2_POD-001

Description: Plan of Development for Proposed Lots 10 & 11 cancelling Lots 1, 2 & Common Property on SP249067, Revision A, prepared by Fyfe, dated 04/08/20.

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 Reconfiguring of a Lot (2 Community Title Scheme lots and Common Property into 2 standard lots) as shown on the Approved Plan.

COMPLIANCE, TIMING AND COSTS

4. All conditions of the approval shall be complied with before Council's endorsement of the Plan of Survey, 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.
6. 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

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 Plan, subject to and modified by any conditions of this approval.

LOT NUMBERING

9. The numbering of all approved lots shall remain as indicated on the Approved Plan (unless otherwise amended/approved by Council).
10. The developer is to make a request to Council for rural road numbering following registration of the Plan of Survey.

LANDSCAPING – MISCELLANEOUS

11. All declared weeds and pests shall be removed from the subject land, and the subject land kept clear of such nuisance varieties, at all times during the course of the development work and any ensuing defects liability period.
12. 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.

INFRASTRUCTURE CHARGES

13. All infrastructure charges including those associated with Council's 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.

SERVICES - EXISTING CONNECTIONS

14. Ensure that all services provided to the existing dwellings on Proposed Lots 10 and 11 are wholly located within the lot it serves.

ACCESS

15. Ensure all existing vehicular accesses are maintained for Proposed Lots 10 and 11 in accordance with Council's Planning Scheme and the latest version of Council's Standard Drawing R-004.

EROSION AND SEDIMENT CONTROL - GENERAL

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

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 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.

NOTE 7 - Infrastructure Charges Notice

An Infrastructure Charges Notice is attached for the development.

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."

FORESHADOWED MOTION

Cr. I. J. Rasmussen foreshadowed that if the Motion on the floor failed, he would move:-

That this Report be received and that:

1. The application for Reconfiguring a Lot (2 Community Title Scheme lots and Common Property into 2 standard lots) on land described as Lots 0, 1 and 2 on SP249067 and situated at 215 Red Hill Road, Red Hill, be refused, on the following grounds:
 - (a) The development application for Reconfiguring a Lot 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 or 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 proposed development does not comply with Performance Outcome 6 of the Natural Resources Overlay Code, as the development will result in the permanent fragmentation of Rural land with lots less than 500ha.
 - (viii) 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.

The **ORIGINAL MOTION** was **PUT** and **LOST (3 to 5)**
For (3): Cr. P. T. Saxelby, Cr. M. J. James and Cr. C. T. Tillman
Against (5): Cr. P. M. McVeigh, Cr. K. A. Bourne,
Cr. K. A. Maguire, Cr. I. J. Rasmussen and Cr. O. G. Moore

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

FORESHADOWED MOTION MOVED

Moved By Cr. I. J. Rasmussen

Seconded By Cr. O. G. Moore

That this Report be received and that:

1. The application for Reconfiguring a Lot (2 Community Title Scheme lots and Common Property into 2 standard lots) on land described as Lots 0, 1 and 2 on SP249067 and situated at 215 Red Hill Road, Red Hill, be refused, on the following grounds:
 - (a) The development application for Reconfiguring a Lot 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 or 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 proposed development does not comply with Performance Outcome 6 of the Natural Resources Overlay Code, as the development will result in the permanent fragmentation of Rural land with lots less than 500ha.
 - (viii) 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.

CARRIED (5 to 3)

For (5): Cr. P. M. McVeigh, Cr. Cr. K. A. Bourne, Cr. K. A. Maguire,
Cr. I. J. Rasmussen and Cr. O. G. Moore

Against (3): Cr. P. T. Saxelby, Cr M. J. James, Cr. C. T. Tillman

Absent Did not Vote: Cr. A. N. Smith

15. CORPORATE SERVICES

15.1 Corporate Services Report Infrastructure Grants Program Assessment

The purpose of this report is for Council to consider the assessment process for the Infrastructure Grants Program.

Cr. O. G. Moore declared a conflict on this item. (In accordance with Chapter 6, Part 2, Division 5A of the Local Government Act 2009, Cr. O. G. Moore informed the meeting of a prescribed conflict of interest in respect to this matter due to:

his wife Bobbi is now on the executive committee of the Murilla kindergarten which has an application before council.

Having given due consideration to his position he determined that he would leave the meeting while the matter is considered and voted on.

Cr. K. A. Bourne declared a conflict on this item. (In accordance with Chapter 6, Part 2, Division 5A of the Local Government Act 2009, Cr. K. A. Bourne informed the meeting of a prescribed conflict of interest in respect to this matter due to:

a. Her sister Rowena Gurner is on the Moonie Sports Club Committee, which has matter relating to an infrastructure grant application to council.)

Having given due consideration to her position she determined that she would leave the meeting while the matter is considered and voted on.

Cr. K. A. Maguire declared a conflict on this item. (In accordance with Chapter 6, Part 2, Division 5A of the Local Government Act 2009, Cr. K. A. Maguire informed the meeting of a prescribed conflict of interest in respect to this matter due to:

She is on the Board of the Chinchilla Family Support Centre Inc in the position of President, which has a matter relating to an infrastructure grant application to council.

Having given due consideration to her position she determined that she would leave the meeting while the matter is considered and voted on.

Cr. M. J. James declared a conflict on this item. (Cr. M. J. James declared a conflict on this item. (In accordance with Chapter 6, Part 2, Division 5A of the Local Government Act 2009, Cr. M. J. James informed the meeting of a declarable conflict of interest in respect to this matter due to:

a. Her husband Simon is a coach for the Dalby Rugby Club who have an application to Council.

Having given due consideration to her position she determined that she would leave the meeting while the matter is considered and voted on.

Cr. A. N. Smith declared a conflict on this item. (Cr. A. N. Smith declared a conflict on this item. (In accordance with Chapter 6, Part 2, Division 5A of the Local Government Act 2009, Cr. A. N. Smith informed the meeting of a declarable conflict of interest in respect to this matter due to:

a. His company Meterorborough Pty Ltd as the Condamine Hotel is a sponsor of the race.

Having given due consideration to his position he determined that he would leave the meeting while the matter is considered and voted on.

Cr. P. T. Saxelby declared a conflict on this item. (In accordance with Chapter 6, Part 2, Division 5A of the Local Government Act 2009, Cr. P. T. Saxelby informed the meeting of a declarable conflict of interest in respect to this matter due to:

a. His late father was a member of the Pioneer Park Museum and my brother, John Saxelby is a current member, exhibitor and helps with the event.

b. He is a financial member of the Chinchilla Agricultural and Pastrol Association Incorporates.

Having given due consideration to his position he determined that he would leave the meeting while the matter is considered and voted on.

Cr O.G. Moore, Cr. K. A. Bourne, Cr. K. A. Maguire, Cr. M. J. James, Cr A. N. Smith, Cr. P. T. Saxelby left the meeting at 11:25am

Cr O.G. Moore, Cr. K. A. Bourne, Cr. K. A. Maguire, Cr. M. J. James, Cr A. N. Smith, Cr. P. T. Saxelby re-joined the meeting at 11:28am

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. C. T. Tillman

That due to Council not being able to constitute a quorum due to Councillors conflicts that the infrastructure grants program assessment be delegated to the CEO.

CARRIED

15.2 Corporate Services Report Preparation of Tender Consideration Plan

The purpose of this Report is to present the draft updated Tender Consideration Plan for Council's consideration and approval.

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. K. A. Bourne

That this Report be received and that:

1. Council resolves to review and adopt the updated Tender Consideration Plan to facilitate Council's Panel Arrangements for the period 14 December 2020 to 31 December 2025.

CARRIED

15.3 Corporate Services Report Credit Risk Management - Council Policy

The purpose of this Report is to present the draft amended Credit Risk Management - Council Policy for Council's consideration and approval.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. C. T. Tillman

That this Report be received and that:

1. Council resolves to adopt the amended Credit Risk Management - Council Policy.

CARRIED

15.4 Corporate Services Report 2020/21 Q1 Enterprise Risk Management and Operational Plan Review

The purpose of this Report is to provide Council with:

1. The status of the strategic risks which Council manages under its Enterprise Risk Management Framework; and
2. Progress towards achieving the 2020/21 Operational outcomes for the first quarter.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. M. J. James

That this Report be received and noted.

CARRIED

15.5 Corporate Services Financial Report October 2020

The purpose of this Report is to provide Council with the Financial Report for the month ending October 2020.

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. K. A. Maguire

That this Report be received and that:

1. Council notes the October 2020 Financial Report.

CARRIED

15.6 Corporate Services Quarterly Report July to September 2020

The purpose of this Report is to provide Council with an update in relation to the Corporate Services Departments during the first quarter of the 2020-2021 financial year.

COUNCIL RESOLUTION

Moved By Cr. M. J. James

Seconded By Cr. P. T. Saxelby

This this Report be received and noted.

CARRIED

16. INFRASTRUCTURE SERVICES

16.1 Infrastructure Services Report Downs and Border Council Water Alliance

The purpose of this Report is to allow Council to consider participation in a formal water alliance with Toowoomba Regional and other participating Councils.

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. O. G. Moore

That this Report be received and that Council:-

1. Support and participate in the Downs and Border Council's Water Alliance subject to the adoption of a suitable terms of reference under a formal alliance model.
2. Appoint Cr Paul McVeigh as Council's Downs and Border Alliance Representative

CARRIED

16.2 Infrastructure Services Report Purchase of Second Hand Plant and Equipment

The purpose of this report is to seek Council's approval to purchase used plant and equipment.

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby

Seconded By Cr. K. A. Maguire

That this report be received and that Council;

1. Delegate authority to the Chief Executive Officer, pursuant to s.257(1)(b) of the Local Government Act 2009, to procure a second hand truck and dog tipper unit and/or second hand water truck if suitable units become available.

CARRIED

16.3 Infrastructure Services Quarterly Report July To September 2020

The purpose of this Report is to provide Council with a quarterly update in relation to the Infrastructure Services' Works, Utilities and Technical Services departments performance.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. K. A. Bourne

That this Report be received and noted.

CARRIED

17. COMMUNITY AND LIVEABILITY

17.1 Community and Liveability Report Words for Wellbeing Collection Launch

This report is to inform Council on the implementation of the *Words for Wellbeing* collection in Libraries and the successful launch of the project.

COUNCIL RESOLUTION

Moved By Cr. M. J. James

Seconded By Cr. C. T. Tillman

That this report be received and noted.

CARRIED

17.2 Community and Liveability Quarterly Report July to September 2020

The purpose of this Report is to provide Council with an update in relation to the Community and Liveability Division for the first quarter of the 2020 / 2021 Financial Year.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. K. A. Maguire

That this Report be received and noted.

CARRIED

17.3 Community and Liveability Report Health Services Quarterly Statistics July to September 2020

The purpose of this Report is to provide Council with an update in relation to key governance areas within the Health Services sites and services for the first quarter of the 2020 / 2021 Financial Year.

COUNCIL RESOLUTION

Moved By Cr. C. T. Tillman

Seconded By Cr. K. A. Maguire

That this Report be received and noted.

CARRIED

18. NOTICES OF MOTION

18.1 CONSIDERATION OF NOTICES OF MOTION/BUSINESS

18.2 RECEPTION OF NOTICES OF MOTION FOR NEXT MEETING

19. URGENT GENERAL BUSINESS

COUNCIL RESOLUTION

Moved By Cr. M. J. James

Seconded By Cr. O. G. Moore

That Council writes to the Local Government Association of Queensland, Deputy Premier and Minister for Local Government and Director General for Local Government to provide specific examples of how the recent changes to the Local Government Act are impacting us as a Regional Council.

CARRIED

20. MEETING CLOSURE

The Meeting concluded at 12:06pm

UNCONFIRMED