

5. CONFIRMATION OF MINUTES

5.1 Adopt Minutes Ordinary Meeting of Council

5.1.1 Adopt Ordinary Meeting of Council Minutes 19 August 2020

The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Wednesday, 19 August 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 22 July 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
Cr. A. N. Smith (Chairperson)
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)
B. Barnett, A/General Manager (Infrastructure Services)
C. Ole, A/General Manager (Community And Liveability)
J. L. Weier, Senior Executive Officer
A. G. Lyell, Executive Services Administration officer**

1. DECLARATION OF MEETING OPENING

Cr. A. N. Smith assumed the Chair.

The Chair declared the meeting open at 9:30am

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. P. T. Saxelby

That Council approves the attendance of Cr. P. M. McVeigh by teleconference

CARRIED

2. OPENING PRAYER AND MINUTE SILENCE

John Erbacher from the Catholic Church, delivered the opening prayer. This was followed by the observance of a minute silence.

3. APOLOGIES

Nil.

4. CONGRATULATIONS

Cr. O. G. Moore congratulated Cr. C. T. Tillman on receiving the Paul Harris award from the Dalby Rotary Club for her contribution to humanitarian and educational work in our community.

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, 22 July 2020

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. O. G. Moore

That this Report be received and that:

1.The Unconfirmed Minutes of the Ordinary Meeting of Council held on 22 July 2020, copies of which have been circulated to Members, be taken as read and confirmed.

CARRIED

5.2 Adopt Special Meeting of Council ADOPT 2020-21 Budget Minutes 22 July 2020

The Purpose of this Report is for Council to adopt the Minutes of the Special Meeting of Council ADOPT 2020-21 Budget held on Wednesday, 22 July 2020.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. C. T. Tillman

That this Report be received and that:

1.The Unconfirmed Minutes of the Special Meeting of Council ADOPT 2020-21 Budget held on 22 July 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

7.1 Warra Canaga Creek Road Petition - Presented by Cr. O. G. Moore

Cr. O. G. Moore presented a petition to Council in relation to the Warra Canaga Creek Road.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. P. T. Saxelby

The petition be referred to the CEO for consideration and a brief report to the Council.

CARRIED

UNCONFIRMED

7.2 Tara Memorial Swimming Pool - Presented by Cr. M. J. James

Cr. M. J. James presented a petition to Council in relation to the Tara Memorial Swimming Pool.

COUNCIL RESOLUTION

Moved By Cr. M. J. James

Seconded By Cr. I. J. Rasmussen

The petition be received, and no further action be taken.

FORESHADOWED MOTION

Cr. O. G. Moore foreshadowed that if the Motion on the floor failed, he would move:

That the petition be received, and a brief report be provided to the Council.

Cr. I. J. Rasmussen indicated his intention to move an Amendment.

POINT OF ORDER

Cr. M. J. James made a point of order that an Amendment is not permitted under the meetings - Council Policy for Petitions.

The Chair ruled that he would not allow an Amendment.

POINT OF ORDER

Cr. I. J. Rasmussen made a point of order that the Foreshadowed Motion is not in line with the meetings - Council Policy.

The Chair ruled that he would allow the Foreshadowed Motion

The **ORIGINAL MOTION** was **PUT** and **LOST (4 to 5)**

For (4): Cr. A. N. Smith, Cr. K. A. Bourne, Cr. K. A. Maguire, and Cr. I. J. Rasmussen

Against (5): Cr. P. M. McVeigh, Cr. P. T. Saxelby, Cr. M. J. James, Cr. O. G. Moore, and Cr. C. T. Tillman

FORESHADOWED MOTION MOVED

As foreshadowed

Moved By Cr. O. G. Moore

Seconded By Cr. C. T. Tillman

That the petition be received, and a brief report be provided to the Council.

CARRIED (7 to 2)

For (4): Cr. A. N. Smith, Cr. K. A. Bourne, Cr. P. M. McVeigh, Cr. P. T. Saxelby, Cr. M. J. James, Cr. O. G. Moore, and Cr. C. T. Tillman

Against (2): Cr. K. A. Maguire, and Cr. I. J. Rasmussen

8. MAYORAL UPDATE

8.1 Executive Services Mayoral Report July 2020

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

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby

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. K. A. Maguire

Seconded By Cr. M. J. James

That Council resolve to close the Meeting in accordance with Sections 275 (1) (h,f) of the *Local Government Regulation 2012* at 10:06am to discuss the following Confidential Reports:

1. Corporate Services Confidential Report - Proposed Sale by Tender 13 King Street, Chinchilla.
2. Corporate Services Confidential Report Quarterly Liability Update as at 30 June 2020.
3. Infrastructure Services Confidential Report Jandowae Dam Regulated Risk Mitigation.

CARRIED

COUNCIL RESOLUTION - REOPEN MEETING

Moved By Cr. M. J. James

Seconded By Cr. C. T. Tillman

That Council resolve to reopen the Meeting at 10:12am

CARRIED

9.1 EXECUTIVE SERVICES

9.2 CORPORATE SERVICES

**9.2.1 Corporate Services Confidential Report - Proposed Sale by Tender
13 King Street, Chinchilla**

This report is to seek Council's direction regarding the proposed sale of 13 King Street, Chinchilla being Lot 24 SP188009.

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby

Seconded By Cr. M. J. James

That this Report be received and that Council:

1. Approve the sale of 13 King Street, Chinchilla by tender (being Lot 24 on Survey Plan 188009), and
2. Authorise the Chief Executive Officer to prepare all documents necessary to offer 13 King Street, Chinchilla (being Lot 24 on Survey Plan 188009) for sale by tender.

CARRIED

**9.2.2 Corporate Services Confidential Report Quarterly Liability Update as
at 30 June 2020**

To provide Council with a quarterly update on liability matters as at 30 June 2020.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. K. A. Bourne

That this Report be received, and Council note the liability matters.

CARRIED

9.3 COMMUNITY AND LIVEABILITY

9.4 INFRASTRUCTURE SERVICES

9.4.1 Infrastructure Services Confidential Report Jandowae Dam Regulated Risk Mitigation

The purpose of this report is to inform Council of recommendations following a risk assessment of Jandowae Dam to address Council's obligations as an operator of a regulated dam under the Water Supply (Safety & Reliability) Act 2008.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. I. J. Rasmussen

It is recommended that this report be received and that Council:

1. allocates \$20,000 at the 2020/21 mid-year budget review for Survey and Design of the Primary Spillway Upgrade recommended in Option 1 in the Jandowae Dam Risk Assessment Report 2020 prepared by SMEC
2. includes the construction of the Jandowae Spillway Upgrade for further consideration by Council in the 2022/23 budget deliberations.

CARRIED

10. PLANNING

10.1 (030.2020.119.001) Community and Liveability Report Development Application Material Change of Use High Impact Industry and ERA 62(1)(b) and (c) Resource Recovery and Transfer Facility Operation at 18-20 Emmerson Street Chinchilla Veolia Environmental Ser

The purpose of this Report is for Council to decide the application for a Material Change of Use to establish a High Impact Industry and Environmentally Relevant Activity 62(1)(b) and (c) Resource Recovery and Transfer Facility Operation on land described as Lot 36 on SP109512 including Easement R on SP258563 and Easement E on SP109512 and situated at 18-20 Emmerson Street, Chinchilla

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. I. J. Rasmussen

That this Report be received and that:

1. The application for Material Change of Use to establish a High Impact Industry and Environmentally Relevant Activity 62(1)(b) and (c) Resource Recovery and Transfer Facility Operation on land described as Lot 36 on SP109512 including Easement R on SP258563 and Easement E on SP109512 and situated at 18-20 Emmerson Street, Chinchilla, be approved, subject to the following conditions:

APPROVED PLANS

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

Plan No:SK401, Rev B

Description:Waste Transfer Facility Concept, prepared by ATC Williams, dated 26/02/20

Amendment:As amended in red by Council on 31/7/2020

Plan No:P10452

Description:AV Right- in Right-Out, prepared by Christopher Wight, dated 12/02/2020

Amendment:As amended in red by Council on 31/7/2020

Plan No:SK402, Rev A

Description:Existing Structure, Proposed Structure and Existing Hardstand, prepared by ATC Williams, dated Oct 2019

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

3. The following further Development Permits must be obtained prior to commencement of any work associated with the process:

3.1 Building Works.

APPROVED DEVELOPMENT

4. The approved development is a Material Change of Use for a High Impact Industry and Environmentally Relevant Activity 62(1)(b) and (c) Resource Recovery and Transfer

Facility Operation on land described as Lot 36 on SP109512 including Easement R on SP258563 and Easement E on SP109512 and situated at 18-20 Emmerson Street, Chinchilla 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.

INFRASTRUCTURE CHARGES

6.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.

HOURS OF OPERATION AND LOADING AND UNLOADING OF GOODS

7.Unless otherwise approved in writing by Council, the approved development must only operate between the following hours:

Operating Hours:5:00am and 6:00pm

VISUAL AND GENERAL AMENITY

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

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

10. 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.

LIGHTING

11.All lighting is to enhance the security of the site and surrounds without creating unnecessary glare or overspill to the detriment of surrounding activities. Direct lighting or lighting must not exceed 8.0 lux at 1.5 metres beyond the boundary of the site.

ACOUSTIC AMENITY - NOISE LIMITS

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

13.In the event that a bona fide complaint is received by Council in relation to noise emissions produced from the site, and the use is not being carried out in accordance with the conditions of this approval, Council reserves the right to require the applicant to re-assess site management procedures already in place. In this instance, the applicant may be required to undertake a further assessment on noise impacts through a third party, and implement any recommendations by a date agreed to by Council.

AIR EMISSIONS

14.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*.

15.In the event that a bona fide complaint is received by Council in relation to odour emissions produced from the site, and the use is not being carried out in accordance with

the conditions of this approval, Council reserves the right to require the applicant to re-assess waste and odour management procedures already in place. In this instance, the applicant may be required to undertake a further assessment on waste and odour management through a third party, and implement any recommendations by a date agreed to by Council.

SCREEN FENCING

16. Any security or screen fencing erected on the subject site shall present an attractive visual appearance to adjoining properties.

17. 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.

REFUSE STORAGE AREA

18. Refuse bin storage areas shall be provided on the premises within an enclosed structure so that they are screened to the satisfaction of Council.

19. The size and capacity of the refuse storage areas shall be sufficient to accommodate:

19.1 the level of waste likely to be generated from the development having regard to the frequency of refuse collection; and

19.2 general refuse bins of an industrial type appropriate to the nature and scale of the use.

20. Waste collection shall be undertaken in a manner that complies with the following requirements:

20.1 the bins shall be located in a manner that allows the refuse vehicle to pick them up automatically without the driver or any other person having to relocate them;

20.2 the collection of putrescible waste arising from the activities undertaken on this development shall be collected and removed at periods not exceeding 7 days;

20.3 the collection of waste shall be undertaken so as to minimise, so far as reasonable and practical, excessive noise to neighbouring occupants; and

20.4 the collection method shall ensure that waste is adequately managed to prevent the escape of contamination.

21. Refuse bin collection areas shall be maintained in a manner that complies with the following requirements:

21.1 waste containers shall be kept in a clean state and in good repair;

21.2 waste containers are to be provided with tight-fitting lid assemblies designed to prevent ingress of pests and water;

21.3 the occupier of the serviced premises shall ensure that all waste containers supplied are kept within the boundaries of the premises; and

21.4 the occupier shall ensure that there is unobstructed access to the container for the removal of waste.

ENGINEERING WORKS

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

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

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

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

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

SERVICES CONNECTIONS

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

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

ELECTRICITY AND TELECOMMUNICATIONS

28. Connect the development to electricity and telecommunication services.

STORMWATER MANAGEMENT

29.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.

30.Discharge stormwater runoff from sealed areas and overflow pipes from the development to the kerb and channel in Emmerson Street, and the existing stormwater easement at the rear of the lot, as per the existing arrangement.

31.The existing stormwater easement shall be kept free from obstructions and blockages at all times.

WASH DOWN AND HARDSTAND AREAS

32.The business must ensure that:

32.1maintenance and cleaning of equipment (including vehicles and plant) are carried out in Wash Down Bays, or an area where contaminants cannot be released into stormwater drainage, a roadside gutter, a water course or onto unsealed ground;

32.2any spillage of contaminants is cleaned up immediately by a method other than hosing, sweeping or otherwise releasing the contaminants into stormwater drainage, a roadside gutter or a water course; and

32.3incidental rainfall and overland flow of stormwater do not contact contaminants (for example, areas with contaminants should be roofed or protected by diversion drains).

33.Do not release contaminants or contaminated water directly or indirectly from the premises or to the ground or groundwater at the premises, except for:

33.1 uncontaminated overland stormwater flow;

33.2 uncontaminated stormwater to the stormwater system;

33.3 contaminants released to the sewer under and in accordance with a Trade Waste Permit granted by the Local Government under the *Sewerage and Water Supply Act 1949*; or

33.4 other water following treatment through an oil/silt interceptor trap or separator.

34. Spillage of all chemicals and other liquid contaminants must be contained within an on-site containment system and controlled in a manner that prevents environmental harm.

35. Where regulated waste is removed from the premises, records must be kept of the following:

35.1 the date, quantity and type of waste removed;

35.2 the name of the waste transporter and/or disposal operator who removed the waste; and

35.3 the intended treatment/disposal destination of the waste.

HAZARDOUS CHEMICAL STORAGE

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

PARKING AND ACCESS - GENERAL

37. Provide a minimum of five (5) car parking spaces including a minimum of one (1) person with disability (PWD) car parking space for the development.

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

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

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

41. Vehicles associated with the operation of the development are not to use the Emmerson Street road reserve for parking at any time.

VEHICLE ACCESS

42. Construct two (2) new concrete commercial crossovers between the property boundary and the edge of the Emmerson Street road pavement, at the locations generally illustrated by Council's amendment to the Approved Plans. The crossovers shall have a minimum width of five (5) metres, generally in accordance with Council's Standard Drawing No. R-006, Revision A. Ensure that crossover splay is designed to accommodate turning movements of an Articulated Vehicle.

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

REDUNDANT CROSSOVERS

44.Remove all redundant crossovers and reinstate the kerb and channel, road pavement, services, verge and any footpath to the standard immediately adjacent the frontage of the site.

ROADWORKS AND PEDESTRIAN SAFETY

45.Install signage for all work on or near roadways in accordance with the Manual for Uniform Traffic Control Devices – Part 3, Works on Roads.

46.Submit to Council, an application for any footpath, road or lane closures, and ensure all conditions of that approval are complied with during construction of the work.

47.Maintain safe pedestrian access along Council's footpaths at all times.

DRAINAGE EASEMENT

48. The Drainage Easement identified as Easement E on SP109512 at the rear of the property is to remain unobstructed at all times.

RIGHT OF WAY EASEMENTS

49.The use of registered easements R and Q on SP258563 is to be consistent with the terms of the registered easement document at all times.

EROSION AND SEDIMENT CONTROL - GENERAL

50.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.

51.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

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

52.1do not cause nuisance to adjoining residents by the way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours;

52.2remove immediately, any material spilled or carried onto existing roads to avoid dust nuisance and ensure traffic safety; and

52.3do not carry out work on Sundays or Public Holidays (unless approved otherwise by Council).

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

53.1.uncontaminated overland stormwater flow; and

53.2.uncontaminated stormwater to the stormwater system.

REFERRAL AGENCY RESPONSE

1. The applicant be advised of the attached Concurrence Agency response from Queensland Treasury dated 19 June 2020.

ADVISORY NOTES

NOTE 1 -Relevant Period

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

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

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

NOTE 2 - Aboriginal Cultural Heritage

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

NOTE 3 -General Environmental Duty

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

NOTE 4 -General Safety of Public during Construction

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

NOTE 5 -Property Note (Audit of Conditions)

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

NOTE 6 -Duty to Notify of Environmental Harm

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

NOTE 7 -Infrastructure Charges Notice

An Infrastructure Charges Notice is attached.

NOTE 8 -Commencement of Use

(i) Prior to commencement of this use, the applicant is to request a Compliance Inspection be undertaken by Council to confirm that all conditions of this Development Permit are considered compliant.

(ii) Upon receipt of confirmation from Council that all conditions of this Development Permit are considered compliant, the applicant is to notify Council within 20 business days, that this approved use has lawfully commenced.

CARRIED

UNCONFIRMED

10.2 (030.2020.77.001) Community and Liveability Report Development Application Material Change of Use for Medium Impact Industry (Motor Mechanic Workshop) and Caretaker's Accommodation at Lot 11 on RP14934 8-10 Forrest Street Chinchilla Crank Diesel

The purpose of the Report is for Council to decide the proposed development for a Material Change of Use to establish a Medium Impact Industry (Motor Mechanic Workshop) and Caretaker's Accommodation on land described as Lot 11 on RP14934 and situated at 8-10 Forrest Street, Chinchilla

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. M. J. James

That this Report be received and that:

1.The application for a Material Change of Use to establish a Medium Impact Industry (Motor Mechanic Workshop) and Caretaker's Accommodation on land described at Lot 11 on RP14934 and situated at 8-10 Forrest Street, Chinchilla, be approved, subject to the following conditions:

APPROVED PLANS AND DOCUMENT

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

Plan No:20101101, Issue E

Description:Site Plan / Landscaping Plan, prepared by Brandon & Associates, dated 22.07.20

Plan No:20101102, Issue E

Description:Site Civil Works / Stormwater Management, prepared by Brandon & Associates, dated 22.07.20

Plan No:20101103, Issue E

Description:Floor Plan & Elevations, prepared by Brandon & Associates, dated 22.07.20

Plan No:20101104, Issue E

Description:Sections, prepared by Brandon & Associates, dated 22.07.20

Plan No:20101105, Issue E

Description:Vehicle Simulation Path, prepared by Brandon & Associates, dated 22.07.20

Document:Flood Emergency Evacuation Plan, Project No. AUQ00246, Version 1.2, prepared by Ausrocks, dated 17/06/2020

2.The Approved Plans are to be amended in accordance with the conditions of this approval and as outlined below:

2.1Provide floor plans and elevations for the proposed Caretaker's Accommodation.

APPROVED DEVELOPMENT

3.The approved development is a Material Change of Use for a Medium Impact Industry (Motor Mechanic Workshop) and Caretaker's Accommodation as shown on the Approved Plans.

4.The existing Dwelling House is used only as a Caretaker's Accommodation, ancillary to the Medium Impact Industry Use.

OPERATING HOURS

5.Unless otherwise approved in writing by Council, the approved use must only operate between the following hours:

Monday to Friday:7:00am to 6:00pm

Saturday:7:00am to 12:00pm

Sunday/Public Holidays:No operation

COMPLIANCE, TIMING AND COSTS

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

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

FEES AND CHARGES

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

MAINTENANCE

9.The development (including landscaping, parking, driveways and other external spaces) shall be maintained in accordance with the Approved Plans, 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 the buildings must be removed within 3 business days.

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

OUTDOOR LIGHTING IMPACT MITIGATION

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

LANDSCAPING

18. The developer must submit to Council's Planning and Environment Manager or authorised delegate for endorsement, a Landscaping Plan for all landscaping associated with the development. The Plan must be prepared by a suitably qualified and experienced person in landscape design and construction.

19. The Landscaping Plan must detail:

19.1 all landscaping areas shown on the Approved Plans;

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

19.3 the number and size of plants; and

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

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

ENGINEERING WORKS

21. Submit to Council, an Operational Work application for all Civil Works including Earthworks (if required), and Roadworks.

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

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

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

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

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

STORMWATER MANAGEMENT

26. Design and construct stormwater drainage to ensure that the development will achieve "no nuisance" as described in the Queensland Urban Drainage Manual (QUDM), to all downstream properties including road reserves and the like for design storms of ARI2, ARI5, ARI10, ARI20 and ARI50.

27. Provide overland flow paths that do not alter the characteristics of existing overland flows or create an increase in stormwater impacts on other properties.

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

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

30. Ensure that adjoining properties and roadways are protected from ponding or nuisance from stormwater as a result of any works undertaken as part of the proposed development.

WATER SUPPLY

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

TRADE WASTE DISPOSAL

32. Do not release contaminants or contaminated water directly or indirectly from the premises or to the ground or groundwater at the premises, except for:

- uncontaminated overland stormwater flow; and
- uncontaminated stormwater to the stormwater system.

33. Releases to water must not cause any visible oil slick or other visible evidence of oil or grease, nor contain visible grease, scum, litter or floating oil.

34. The business must ensure that:

34.1 maintenance and cleaning of equipment (including vehicles) are carried out within the proposed shed where contaminants cannot be released into stormwater drainage, a roadside gutter, a water course or onto unsealed ground;

34.2 any spillage of contaminants is cleaned up immediately by a method other than hosing, sweeping or otherwise releasing the contaminants into stormwater drainage, a roadside gutter or a water course;

34.3 incidental rainfall and overland flow of stormwater do not contact contaminants (for example, areas with contaminants should be roofed or protected by diversion drains); and

34.4 spillage of all chemicals and other liquid contaminants must be contained within an on-site containment system, and controlled in a manner that prevents environmental harm.

HAZARDOUS CHEMICAL AND FUEL STORAGE

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

36. 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

37. The development site is impacted by extreme risk of flooding during a Q100 event. Flood Risk Management for the site shall be carried out as per the Approved Flood Emergency Evacuation Plan, Project No. AUQ00246, Version 1.2, prepared by Ausrocks, dated 17/06/2020.

38. The Flood Emergency Evacuation Plan is to be kept on-site and available to customers, staff and Council at all times.

39. The Flood Emergency Evacuation 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 Manager within 48 hours of such request.

40. 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.

41. All boundary fences must be constructed from chain link or similar to allow flood water to flow through the site unimpeded.

PARKING AND ACCESS – GENERAL

42. A minimum of six (6) car parks must be provided, being four general, one for person with disability, and one shared zone.

43. 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.

44. Maintain dust suppression treatment to all internal roadways, and vehicle manoeuvring areas, ensuring to not have an adverse impact on adjoining properties.

45. A bollard is to be provided at a height of 1,300mm in the shared zone.

46. Vehicle crossover and property access to the development should be constructed with a 1 metre minimum clearance from the edge of the crossover to any existing or proposed infrastructure, including any stormwater gully pit, manhole, service infrastructure or power poles.

47. In the event that a bona fide complaint is 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

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

EXTERNAL ROADWORKS

49. Design and construct Forrest Street along the full frontage of Lot 11 on RP14934, to the following standard:

49.1 widening of the existing pavement to 8 metres, including a two-coat bitumen seal;

49.2 natural grassed table drains, and formation of a natural grassed verge;

49.3 tapers to the existing road pavement;

49.4 provision for stormwater drainage and easements (if required); and

49.5 design all work in consultation with Council prior to submission of detailed Engineering drawings.

EROSION AND SEDIMENT CONTROL - GENERAL

50. Undertake erosion and sediment control during construction work in accordance with Council's Standard Drawing No's D-005 (Rev A), D-006 (Rev A) and D-007 (Rev A) as applicable.

51. 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.

52. 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

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

53.1 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;

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

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

54. Bunding is to be provided as illustrated on the proposal plans to ensure potential pollutants are contained within the workshop.

ELECTRICITY AND TELECOMMUNICATIONS

55. Connect the development to electricity and telecommunication services.

ADVISORY NOTES

NOTE 1 -External Road Construction

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

NOTE 2 -Flood Hazard

The property is identified as being located in Low, High and Extreme Flood Hazard Areas on the Flood Hazard Overlay Map in the Western Downs Planning Scheme 2017 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 .

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.

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

"Chapter 6Dispute Resolution

Part 1Appeal Rights

229Appeals to Tribunal or P&E Court

(1)Schedule 1 states -

(a)matters that may be appealed to -

(i)either a tribunal or the P&E Court; or

(ii)only a tribunal; or

(iii)only the P&E Court; and

(b)the person -

*(i)who may appeal a matter (the **appellant**); and*

(ii)who is a respondent in an appeal of the matter; and

(iii)who is a co-respondent in an appeal of the matter; and

(iv)who may elect to be a co-respondent in an appeal of the matter.

(2)An appellant may start an appeal within the appeal period.

(3)The **appeal period** is -

(a)for an appeal by a building advisory agency - 10 business days after a Decision Notice for the decision is given to the Agency; or

(b)for an appeal against a deemed refusal - at any time after the deemed refusal happens; or

(c)for an appeal against a decision of the Minister, under Chapter 7, Part 4, to register premises or to renew the registration of premises - 20 business days after a Notice is published under Section 269(3)(a) or (4); or

(d)for an appeal against an Infrastructure Charges Notice - 20 business days after the Infrastructure Charges Notice is given to the person; or

(e)for an appeal about a deemed approval of a development application for which a Decision Notice has not been given - 30 business days after the applicant gives the Deemed Approval Notice to the Assessment Manager; or...

...(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

10.3 (035.2020.211.001) Community and Liveability Report Development Application Reconfiguring a Lot (1 lot into 2 lots) Lot 24 on DY991 Fletts Road, Hopeland Davis C/- Murray & Associates

The purpose of this Report is for Council to decide the proposed development to Reconfigure a Lot (1 lot into 2 lots) on land described as Lot 24 on DY991 and situated at Fletts Road, Hopeland.

COUNCIL RESOLUTION

Moved By Cr. C. T. Tillman

Seconded By Cr. P. T. Saxelby

That this Report be received and that:

The application for Reconfiguring a Lot (1 lot into 2 lots) on land described as Lot 24 on DY991 and situated at Fletts Road, Hopeland be approved, subject to the following conditions:

APPROVED PLAN

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

Plan No: 9044-33141

Description: Plan of Development, prepared by Murray & Associates, dated 18/06/2020

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 (1 lot 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.

LOT/STREET NUMBERING

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

9. The developer is to make a request to Council for rural road numbering, within 30 business days of the new title being registered.

INFRASTRUCTURE CHARGES

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

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 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.

ENGINEERING WORKS

13. Complete all work approved and work required by conditions of this development approval and/or any related approval at no cost to Council.
14. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, relevant Australian Standards, Codes of Practice, EDROC Regional Standards Manual and relevant Design Manuals.
15. Be responsible for any alteration necessary, to electricity, telephone stormwater drainage systems or easements and/or other public utility installations resulting from the development or from road and drainage work required in connection with the development.

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

16. Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted during construction of the development.
17. 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

18. 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.
19. Discharge all minor storm flows that fall or pass onto the site to the lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM).
20. 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.

ON-SITE WATER SUPPLY

21. Prior to the issue of a Building Approval for a future Dwelling on Proposed Lot 240 and Proposed Lot 241, each lot must be provided with a potable water supply for the development.

WATER SUPPLY - FIRE FIGHTING SUPPLY

22. Prior to the issue of a Building Approval for a future Dwelling on Proposed Lot 240 and Proposed Lot 241, each lot must be provided with a minimum fire fighting water supply of 5,000 litres. This is to be a permanent supply of water for fire fighting purposes, separate from any potable water supply.
23. Any water tank for fire fighting supply must be provided with a supply outlet with a 50mm male camlock fitting for fire fighting connection.

ON-SITE SEWAGE TREATMENT

24. Prior to obtaining a Building Approval for any future Dwelling on Proposed Lots 240 and 241 and Proposed Lot 2, development must be connected to an on-site effluent disposal system, in accordance with Schedule 1, Division 4: Standards for Sewerage Supply, Section 4.2; Standards for On-site Sewerage, AS1547 and the Queensland Plumbing and Waste Water Code.

ELECTRICITY AND TELECOMMUNICATIONS

25. Provide electricity and telecommunication services to any future Dwelling on Proposed Lot 240 and Proposed Lot 241.

ACCESS

26. Ensure all existing vehicular property accesses are maintained in accordance with Council's Planning Scheme and the latest revision of Council's Standard Drawing R-004.

ROADWORKS AND PEDESTRIAN SAFETY

27. All work on or near roadways shall be adequately signed in accordance with the "*Manual for Uniform Traffic Control Devices – Part 3, Works on Roads*".

EROSION AND SEDIMENT CONTROL - GENERAL

28. 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.
29. 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

The standard Currency Period for Reconfiguring a Lot of 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 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 - Infrastructure Charges Notice

An Infrastructure Charges Notice is attached.

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

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."

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 (1 lot into 2 lots) on land described as Lot 24 on DY991 and situated at Fletts Road, Hopeland be refused for the following reasons:

- The development application for Reconfiguring a Lot (1 lot into 2 lots) has been assessed against the Western Downs Planning Scheme 2017 incorporating Amendment 1 and does not comply with the following matters:
 - (i)The development does not comply with 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 does not comply with Acceptable Outcome 6.2 of the Natural Resources Overlay Code, as it will create a lot significantly smaller than the 500ha required and will fragment land identified as Agricultural Land Classification - Class A Land.
 - (iii)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.
 - (iv)The development is inconsistent with Overall Outcome 1 of the Reconfiguring a Lot Code, as the development is inconsistent with the Overall Outcomes of the Rural Zone Code.

(v) The development does not comply with Overall Outcome 2(f) of the Reconfiguring a Lot Code, as the development will further fragment Agricultural Land Classification - Class A Land.

(vi) The development is inconsistent with Acceptable Outcomes 1.1 and 1.3 of the Reconfiguring a Lot Code, as it will create a lot significantly smaller than the minimum lot size for the Rural Zone and with an irregular lot configuration.

(vii) The proposed development does not satisfy Performance Criterion 14 of the Reconfiguring a Lot Code, as the applicant has not sufficiently demonstrated that there is a justified community need for further undersized irregular shaped allotments within the Rural Zone.

(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.

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

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

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(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."

The **ORIGINAL MOTION** was **PUT** and **LOST (3 to 6)**
For (3): Cr. P. T. Saxelby, Cr. O. G. Moore, and Cr. C. T. Tillman
Against (6): Cr. P. M. McVeigh, Cr. A. N. Smith, Cr. K. A. Bourne, Cr. K. A. Maguire, Cr. I. J. Rasmussen, and Cr. M. J. James

FORESHADOWED MOTION MOVED

Moved By Cr. I. J. Rasmussen

Seconded By Cr. K. A. Maguire

As foreshadowed Cr. I. J. Rasmussen moved

That this Report be received and that:

1.The application for Reconfiguring a Lot (1 lot into 2 lots) on land described as Lot 24 on DY991 and situated at Fletts Road, Hopeland be refused for the following reasons:

- The development application for Reconfiguring a Lot (1 lot into 2 lots) has been assessed against the Western Downs Planning Scheme 2017 incorporating Amendment 1 and does not comply with the following matters:

(i)The development does not comply with 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 does not comply with Acceptable Outcome 6.2 of the Natural Resources Overlay Code, as it will create a lot significantly smaller than the 500ha required and will fragment land identified as Agricultural Land Classification - Class A Land.

(iii)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.

(iv)The development is inconsistent with Overall Outcome 1 of the Reconfiguring a Lot Code, as the development is inconsistent with the Overall Outcomes of the Rural Zone Code.

(v)The development does not comply with Overall Outcome 2(f) of the Reconfiguring a Lot Code, as the development will further fragment Agricultural Land Classification - Class A Land.

(vi) The development is inconsistent with Acceptable Outcomes 1.1 and 1.3 of the Reconfiguring a Lot Code, as it will create a lot significantly smaller than the minimum lot size for the Rural Zone and with an irregular lot configuration.

(vii) The proposed development does not satisfy Performance Criterion 14 of the Reconfiguring a Lot Code, as the applicant has not sufficiently demonstrated that there is a justified community need for further undersized irregular shaped allotments within the Rural Zone.

(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.

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

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—

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(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

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(d) for an appeal against an Infrastructure Charges Notice - 20 business days after the Infrastructure Charges Notice is given to the person; or

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...(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 (6 to 3)

For (6): Cr. P. M. McVeigh, Cr. A. N. Smith, Cr. K. A. Bourne, Cr. K. A. Maguire,
Cr. I. J. Rasmussen, and Cr. M. J. James

Against (3): Cr. P. T. Saxelby, Cr. O. G. Moore, and Cr. C. T. Tillman

UNCONFIRMED

11. DEPUTATION

CARRIED

11.1 David Gunther

David Gunther, President of the Tara Swim Club and P&C addressed Council in relation to the Tara Pool Replacement Project. He provided a brief history of the Pool and his opinion in relation to the project not aligning with all of Council's strategic priorities.

11.2 Jaime Hirst

Jaime Hirst addressed Council on the Tara Pool Replacement Project. She advised that with a 25m pool the Clubs usage would go down and without the attraction of the 50m pool local spend will end up out of Tara town.

11.3 Andrew Hirst

Andrew Hirst addressed Council on the Tara Pool. He advised that the community have not been kept up to date with the plans for the upgrade of the Tara Pool. He advised that the he feels the number one priority should be to replace the pool with a shallower 50metre pool and to keep the same filtration system. He advised that he looks forward to working with Council in relation to the Pool precinct.

11.4 Pat Devlin

Pat Devlin advised that he wished to express his appreciation to Council for their assistance in relation to the Wandoan Soldier Settlers Memorial Wall project.

11.5 James Irish

James Irish addressed Council on behalf of Bruce Thompson in regard to the Bunya Mountains Dark Sky Park. He asked that matter be considered on the basis that no funding is required just looking for support for the Dark Sky Park proposal.

COUNCIL RESOLUTION

Moved By Cr. C. T. Tillman

Seconded By Cr. I. J. Rasmussen

That Council resolve to adjourn the Meeting.

The Meeting adjourned at 11:02am

The Meeting resumed at 11:25am

12. EXECUTIVE SERVICES

12.1 Executive Services Chief Executive Officer Report July 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 July 2020.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. K. A. Maguire

That this Report be received and noted

CARRIED

12.2 Executive Services Report Outstanding Actions July 2020

The purpose of this Report is to provide Council with an updated on the status of outstanding Council Meeting Action Items to 22 July 2020.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. C. T. Tillman

That this Report be received and noted.

CARRIED

12.3 Executive Services Report Council Meeting Dates January 2021 to December 2021

The purpose of this Report is to provide for Council consideration and subsequent adoption proposed dates and times for the holding of Council Meetings in 2021.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. P. T. Saxelby

That this Report be received and that, in accordance with Section 175 of the *Local Government Act 2009* and Section 277 (1) of the *Local Government Regulation 2012*, Council adopts the following dates for the holding of Council Meetings in 2021:

Ordinary Meetings of Council

Date (2021)	Location	Commencement Time
Wednesday, 20 January	Chinchilla Customer Service Centre	9.30 a.m.
Wednesday, 17 February	Wandoan Customer Service Centre	9.30 a.m.
Wednesday, 17 March	Miles Customer Service Centre	9.30 a.m.
Wednesday, 21 April	Jandowae Customer Service Centre	9.30 a.m.
Wednesday, 19 May	Tara Customer Service Centre	9.30 a.m.
Wednesday, 23 June	Dalby Corporate Office	9.30 a.m.
Wednesday, 21 July	Chinchilla Customer Service Centre	9.30 a.m.
Wednesday, 18 August	Wandoan Customer Service Centre	9.30 a.m.
Wednesday, 22 September	Miles Customer Service Centre	9.30 a.m.
Wednesday, 27 October	Jandowae Customer Service Centre	9.30 a.m.
Wednesday, 17 November	Tara Customer Service Centre	9.30 a.m.
Wednesday, 8 December	Dalby Corporate Office	9.30 a.m.

CARRIED

13. CORPORATE SERVICES

13.1 Corporate Services Report 2019 2020 Q4 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 2019/20 Operational Plan outcomes for the fourth quarter.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. K. A. Maguire

That this Report be received and noted.

CARRIED

13.2 Corporate Services Report Adopt Complaints about the Chief Executive Officer (Section 48A of the Crime and Corruption Act 2001) - Council Policy

To present the proposed Complaints about the Chief Executive Officer (Section 48A of the *Crime and Corruption Act 2001*) - Council Policy, for Council's consideration and adoption.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. K. A. Bourne

That this Report be received and that:

1. Council adopt the Complaints about the Chief Executive Officer (Section 48A of the *Crime and Corruption Act 2001*) - Council Policy as proposed.

CARRIED

13.3 Corporate Services Report Review Complaints Management - Council Policy

To present draft amendments to the Complaints Management - Council Policy for Council's consideration and adoption.

COUNCIL RESOLUTION

Moved By Cr. C. T. Tillman

Seconded By Cr. K. A. Maguire

That this Report be received and that Council:

1. Rescind the Unreasonable Customer Conduct - Council Policy; and
2. Adopt the amended Complaints Management - Council Policy as proposed.

CARRIED

13.4 Corporate Services Financial Report July 2020

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

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. K. A. Maguire

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

CARRIED

13.5 Corporate Services Quarterly Report April to June 2020

The purpose of this Report is to provide Council with an update in relation to the Corporate Services Departments during the fourth quarter of the 2019-2020 financial year.

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby

Seconded By Cr. I. J. Rasmussen

This this Report be received and noted.

CARRIED

14. INFRASTRUCTURE SERVICES

14.1 Infrastructure Services Report Telstra Defects on Council Footpath Network

The purpose of this Report is to inform Council of the current condition of Council's footpath network, reflective of recent maintenance works performed to repair defects, and to make Council aware of the residual risk due to defects from Telstra infrastructure assets.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. K. A. Bourne

That the Report be received, and that Council:

1. Continues communication with Telstra to repair the defects caused by their infrastructure on the Western Downs Regional Council footpath network.
2. Escalate the matter to the Telecommunications Ombudsman if Telstra are uncooperative or unreasonable in their assessment of the risks to the public as a result of its infrastructure located on Council footpath network.

CARRIED

14.2 Infrastructure Services Quarterly Report April-June 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. I. J. Rasmussen

That this Report be received and noted.

CARRIED

15. COMMUNITY AND LIVEABILITY

15.1 Community and Liveability Report Bunya Mountains Dark Sky Park Petition

This report addresses matters raised in a petition presented to Council at the July 2020 Ordinary Meeting regarding the establishment of a Dark Sky Park at the Bunya Mountains.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. K. A. Bourne

That this report be received, and that:

Council not support the creation of a Dark Sky Park at the Bunya Mountains.

FORESHADOWED MOTION

Cr. C. T. Tillman foreshadowed that if the Motion on the floor failed, she would move:

That the report be received and noted.

The **ORIGINAL MOTION** was **PUT** and **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

15.2 Community and Liveability Report Kogan Waste and Recycling Centre Operating Hours

This report seeks Council's consideration of the introduction of opening hours for the Kogan Waste and Recycling Centre.

COUNCIL RESOLUTION

Moved By Cr. C. T. Tillman

Seconded By Cr. K. A. Maguire

That this report be received, and that:

Council introduce operating hours for the Kogan Waste and Recycling Centre of 8.00am to 4.00pm, 7 days per week, and That a review is undertaken of the opening hours of other waste facilities.

CARRIED (8 to 1)

For (8): Cr. P. M. McVeigh, Cr. A. N. Smith, Cr. K. A. Bourne, Cr. K. A. Maguire, Cr. I. J. Rasmussen, Cr. M. J. James, Cr. O. G. Moore, and Cr. C. T. Tillman

Against (1): Cr. P. T. Saxelby

15.3 Community and Liveability "Groovin from the Garage - The Originals" Competition

This report is to update Council on the digitally adapted "Groovin from the Garage - The Originals" online music competition which provided an opportunity for performance and engagement in a COVID safe environment.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. O. G. Moore

That this report be received and noted.

CARRIED

15.4 Community and Liveability Report Nomination Special Holidays 2021

The purpose of this Report is to seek Council's endorsement of the proposed nominated Show Holidays in 2021 in line with the *Holidays Act 1983*.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. I. J. Rasmussen

That this Report be received and that:

In accordance with the *Holidays Act 1983*, Council submit the following dates to be appointed as 2021 gazetted Show Holidays:-

Chinchilla	21 May 2021
Dalby	23 April 2021
Miles	18 May 2021
Tara	9 August 2021
Wandoan	9 April 2021

CARRIED

15.5 Community and Liveability Quarterly Report April to June 2020

The purpose of this Report is to provide Council with an update in relation to the Community and Liveability Division for the fourth quarter of the 2019 / 2020 Financial Year.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. K. A. Bourne

That this Report be received and noted.

CARRIED

16. NOTICES OF MOTION

16.1 CONSIDERATION OF NOTICES OF MOTION/BUSINESS

16.1.1 Notice of Motion Cr. I. J. Rasmussen

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. K. A. Bourne

That a report be brought to the September meeting of Council regarding the full economic cost of operations of our cinemas across our region for the 2019-20 fiscal year.

CARRIED

16.2 RECEPTION OF NOTICES OF MOTION FOR NEXT MEETING

Nil.

17. URGENT GENERAL BUSINESS

17.1 TARA MEMORIAL POOL COMMUNITY ENGAGEMENT PROJECT

COUNCIL RESOLUTION

Moved By Cr. M. J. James

Seconded By Cr. C. T. Tillman

That, as part of its community engagement, engineering and financial feasibility scoping of the Tara replacement pool project Council investigate various options, including, but not limited to:

1. Replacing the pool with a 50m pool with lane numbers and widths the same or greater than current pool size,
2. Repairing the existing 50m pool.
3. Replacing the pool with a 25m pool suitable for club and school district carnivals and recreational uses.

AMENDMENT NO. 1

Moved By Cr. I. J. Rasmussen

Seconded By Cr. K. A. Maguire

That the Tara pool replacement project be suspended and be removed from the Covid stimulus package and that as part of any future community engagement, engineering and financial feasibility scoping of the Tara pool replacement project Council investigate various options, including, but not limited to:

1. Replacing the pool with a 50m pool with lane numbers and widths the same or greater than current pool size,
2. Repairing the existing 50m pool.
3. Replacing the pool with a 25m pool suitable for club and school district carnivals and recreational uses.

POINT OF ORDER

Cr. M. J. James made a point of order that the Amendment made by Cr. I. J. Rasmussen was not technically an amendment.

The Chair Ruled that he would allow the Amendment.

PROCEDURAL MOTION

Moved By Cr. I. J. Rasmussen

Cr. I. J. Rasmussen moved a Motion of dissent against the Chair

That the Chair has made a mistake in his ruling allowing the Amendment.

CARRIED (8 to 1)

Cr. A. N. Smith abstained from voting

FORESHADOWED MOTION

Cr. P. M. McVeigh foreshadowed that if the motion on the floor failed, he would move;

That, as part of its community engagement, engineering and financial feasibility scoping of the Tara replacement pool project Council investigate various options, including, but not limited to:

1. Repairing the existing 50m pool.
2. Replacing the pool with a 25m pool suitable for club and school district carnivals and recreational uses.

The **ORIGINAL MOTION** was **PUT** and **CARRIED (8 to 1)**

18. MEETING CLOSURE

The Meeting concluded at 1:11pm

I hereby certify that the foregoing is a true record of the Minutes of the Proceedings of the Ordinary Meeting of Council held this 19 August 2020.

Submitted to the Ordinary Meeting of Council held this Wednesday, 23 September 2020.

Signed:

Cr. P.M. McVeigh

MAYOR OF WESTERN DOWNS REGIONAL COUNCIL