

5. CONFIRMATION OF MINUTES

5.1 Adopt Minutes Ordinary Meeting of Council

5.1.1 Adopt Ordinary Meeting of Council Minutes 19 February 2020

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

COUNCIL RESOLUTION

Moved By Cr.A.N.Smith

Seconded By Cr.R.C.Brown

That this Report be received and that:

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

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



Ordinary Meeting of Council Minutes

Date: Wednesday, 19 February 2020
Time: 9:30 am
Location: Wandoan Customer Service Centre
6 Henderson Road, Wandoan QLD 4419

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

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.Weier, Senior Executive Officer
A.G.Lyell, Executive Services Administration Officer
L.M.Paine, Executive Assistant

1. DECLARATION OF MEETING OPENING

The Chairperson declared the Meeting open at 9.30AM.

2. OPENING PRAYER AND MINUTE SILENCE

Terry Holland of the Presbyterian Church delivered the opening prayer. This was followed by the observance of a minute silence.

3. APOLOGIES

Nil.

4. CONGRATULATIONS

4.1 Congratulations Dennis and Anderson

Cr. K.A. Maguire requested that congratulations be extended to Helen Dennis, a Chinchilla Artist, for her artwork "Fairy Tree" which was successful in winning a place in the inaugural Outback Way Outdoor Gallery exhibition.

Cr. K.A. Maguire requested that congratulations also be extended to Cheryl Anderson, a singer from Dalby, on winning two awards, the 2RRR Album of the Year and the Independent Country Music Associations Female Artist of the Year, at the Tamworth Country Music Festival for her debut album "This Girl".

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 January 2020.

COUNCIL RESOLUTION

Moved By Cr.A.N.Smith

Seconded By Cr.R.C.Brown

That this Report be received and that:

1.The Unconfirmed Minutes of the Ordinary Meeting of Council held on 22 January 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

Nil

7. PRESENTATION OF PETITIONS BY COUNCILLORS

Nil

8. MAYORAL UPDATE

8.1 Executive Services Mayoral Report January 2020

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

COUNCIL RESOLUTION

Moved By Cr.R.C.Brown

Seconded By Cr.P.T.Saxelby

That this report be received and noted.

CARRIED

9. CONFIDENTIAL ITEMS

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

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

- (a) the appointment, dismissal or discipline of employees; or*
 - (b) industrial matters affecting employees; or*
 - (c) the local government's budget; or*
 - (d) rating concessions; or*
 - (e) contracts proposed to be made by it; or*
 - (f) starting or defending legal proceedings involving the local government; or*
 - (g) any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act; or*
 - (h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.*
- (2) A resolution that a meeting be closed must state the nature of the matters to be considered while the meeting is closed.*
- (3) A local government or committee must not make a resolution (other than a procedural resolution) in a closed meeting.*

COUNCIL RESOLUTION - CLOSE MEETING

Moved By Cr.R.C.Brown
Seconded By Cr.K.A.Maguire

That Council resolve to close the Meeting in accordance with Sections 275 (1) (e,g) of the *Local Government Regulation 2012* at 9:44am to discuss the following Confidential Reports:

1. Corporate Services Confidential Report Contract for Microwave Communications Network Upgrade
2. Community and Liveability Report Compliance Update for Edward Street Chinchilla

CARRIED

COUNCIL RESOLUTION- REOPEN MEETING

Moved By Cr.R.C.Brown
Seconded By Cr.P.T.Saxelby

That Council resolve to reopen the Meeting at 9:50AM.

CARRIED

9.1 EXECUTIVE SERVICES

9.2 CORPORATE SERVICES

9.2.1 Corporate Services Confidential Report Contract for Microwave Communications Network Upgrade

The purpose of this report is to provide Council with an assessment of the quotations received for the replacement of the Microwave Communications Network upgrade (internet) across the region.

COUNCIL RESOLUTION

Moved By Cr.R.C.Brown

Seconded By Cr.C.T.Tillman

That Council receive and notes the Report and awards the Microwave Communications Network Upgrade contract to ATI Australia Pty Ltd for the sum of \$880,352.00.

CARRIED

9.3 COMMUNITY AND LIVEABILITY

9.3.1 Community and Liveability Report Compliance Update for Edward Street Chinchilla

The purpose of this report is to present a compliance strategy for various properties within the Edward Street area in Chinchilla.

COUNCIL RESOLUTION

Moved By Cr.A.N.Smith

Seconded By Cr.I.J.Rasmussen

That the compliance strategy for Edward Street Chinchilla is received and that Council confirms the Edward Street Chinchilla area is a low amenity area, with road, street lighting and stormwater infrastructure at developments to be conditioned generally to the following standard:

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

CARRIED (8 to 1)

For (8): Cr.P.M McVeigh, Cr.D.E. Ashurst, Cr.R.C.Brown, Cr.K.A.Maguire, Cr.G.M.Olm, Cr.I.J.Rasmussen, Cr.A.N.Smith, and Cr.C.T.Tillman
Against (1): Cr.P.T.Saxelby

9.4 INFRASTRUCTURE SERVICES

10. PLANNING

10.1 (030.2019.490.001) Community and Liveability Report Development Application for Material Change of Use for a Transport Depot at Lots 54 and 55 on RP14934 at Edward Street Chinchilla Nothdurft

The purpose of this report is to remove the Community and Liveability Report from the table for the proposed Material Change of Use to establish a Transport Depot on land described as Lots 54 and 55 on RP14934 and situated at Edward Street, Chinchilla.

COUNCIL RESOLUTION

Moved By Cr.P.T.Saxelby

Seconded By Cr.D.E. Ashurst

That this report be "removed off the table".

That this report be received and noted and that:

1. Council consider the separate (030.2019.490.001) Community and Liveability Supplementary Report Development Application for Material Change of Use for a Transport Depot at Lots 54 and 55 on RP14934 at Edward Street Chinchilla Nothdurft.

CARRIED

10.2 (030.2019.490.001) Community and Liveability Supplementary Report Development Application for Material Change of Use for a Transport Depot at Lots 54 and 55 on RP14934 at Edward Street Chinchilla Nothdurft

The purpose of this Supplementary Report is for Council to consider the additional requested information to decide the proposed development for Material Change of Use to establish a Transport Depot on land described as Lots 54 and 55 on RP14934 and situated at Edward Street, Chinchilla.

COUNCIL RESOLUTION

Moved By Cr.A.N.Smith

Seconded By Cr.I.J.Rasmussen

That this Supplementary Report be received and that:

1. The application for a Material Change of Use to establish a Transport Depot on land described as Lots 54 and 55 on RP14934 and situated at Edward 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: 9044-43221, Job No. S61145

Description: Plan of Development, Lots 54 & 55 on RP14934, prepared by Murray & Associates, dated 16/08/2019

Plan No: 9044-43221, Job No. S61145

Description: Plan of Development (aerial image view), Lots 54 & 55 on RP14934, prepared by Murray & Associates, dated 16/08/2019

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.

APPROVED DEVELOPMENT

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

COMPLIANCE, TIMING AND COSTS

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

FEES AND CHARGES

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

MAINTENANCE

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

NOISE EMISSIONS

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

AIR EMISSIONS

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

WASTE MANAGEMENT

11. 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.
12. 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

13. Any graffiti on the buildings must be removed within 3 business days.
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 Plans, 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 earthworks (if required), and 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.

WATER SUPPLY

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

SEWERAGE

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

TRADE WASTE DISPOSAL (WASH DOWN BAY)

30. 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.
31. 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.
32. The business must ensure that:
 - 32.1 maintenance 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;

32.2 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;

32.3 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

32.4 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

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

34. Diesel is to be stored and handled in accordance with Australian Standard 1940-2004 - The Storage and Handling of Flammable and Combustible Liquids.

FLOODING - GENERAL

The development site is impacted by extreme risk of flooding during a Q100 event. The applicant is to prepare a Risk Management Plan (RMP) and submit to Council's Planning Manager or authorised delegate for endorsement. The areas to be addressed will include, but not be limited to:

- flood warning triggers;
- evacuation and safety procedures;
- emergency services' contact numbers;
- electrical services protection; and
- property protection.

36. The Flood Risk Management Plan is to be kept on-site and available to customers, staff and Council at all times.

37. The Risk Management Plan is to be implemented, kept on-site, monitored, reviewed and updated at a minimum of two (2) year intervals, maintained for the period of the use of the development on the site, and is to be available for review at the request of Council's Planning Manager within 48 hours of such request.

38. Habitable areas 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.

PARKING AND ACCESS - GENERAL

39. A minimum of five (5) truck/car parking spaces are to be provided.

40. 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.

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

PARKING AND ACCESS - SERVICING

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

EXTERNAL ROADWORKS

43. Design and construct Edward Street from existing access to Lot 58 on RP14934 along the full frontage of Lots 54 and 55, to the following standard:
- widening of the existing pavement to 8 metres, including a two-coat bitumen seal;
 - natural grassed table drains, and formation of a natural grassed verge;
 - tapers to the existing road pavement;
 - provision for stormwater drainage and easements (if required); and
 - design all work in consultation with Council prior to submission of detailed Engineering drawings.

EROSION AND SEDIMENT CONTROL - GENERAL

44. 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.
45. 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.
46. 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

47. Undertake operations and construction work associated with this development to the requirements of Council, including the following:
- 47.1 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;
- 47.2 remove immediately, any material spilled or carried onto existing roads to avoid dust nuisance and ensure traffic safety; and
- 47.3 do not carry out work on Sundays or Public Holidays (unless approved otherwise by Council).

ADVISORY NOTES

NOTE 1 - Relevant Period

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

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

NOTE 2 - Aboriginal Cultural Heritage

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

NOTE 3 - General Environmental Duty

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

NOTE 4 - General Safety of Public During Construction

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

NOTE 5 - Property Note (Audit of Conditions)

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

NOTE 6 - Duty to Notify of Environmental Harm

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

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

"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."

CARRIED

11. DEPUTATION

11.1 Deputation Eunice Turner

Eunice Turner, Community Member

Ms Turner addressed Council to raise her concerns in relation to the proposed location for the Dog Park in Chinchilla. Considering the close proximity to the school and her home for retirement, Ms Turner has suggested Council look at an alternate location.

Ms Turner also spoke briefly in relation to the Waste/Recycling Centre.

11.2 Deputation Pat Devlin

Pat Devlin Addressed Council on the Project - Wandoan World War Soldiers.

Mr Devlin advised that the Wandoan World War soldiers committee would like to propose to Council a memorial site to the Soldiers be installed near the entrance to the park. This would consist of a pathway with plaques representing the 102 Soldiers from the area. The proposed plaques would include the Soldiers name and family name, so it can be tied back into the local area. The committee is seeking permission and requesting labour help form Council.

COUNCIL RESOLUTION

Moved By Cr.K.A.Maguire

Seconded By Cr.C.T.Tillman

That Council resolve to adjourn the Meeting.

The Meeting adjourned at 10.11AM

The Meeting resumed at 10.32AM.

CARRIED

12. PLANNING

12.1 (035.2019.501.001) Community and Liveability Report Development Application for Reconfiguring a Lot (1 lot into 2 lots) Lot 11 on SP177958 70 Oak Street Chinchilla Treasure

The purpose of this report is for Council to decide the proposed development for Reconfiguring a Lot (1 lot into 2 lots) on land described as Lot 11 on SP177958 and situated at 70 Oak Street, Chinchilla.

COUNCIL RESOLUTION

Moved By Cr.A.N.Smith

Seconded By Cr.P.T.Saxelby

That this report be received and that:

1. The application for Reconfiguring a Lot (1 lot into 2 lots) on land described as Lot 11 on SP177958 and situated at 70 Oak Street Chinchilla, 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: 61242-2 S

Description: Proposed Subdivision of Lot 11 on SP177958, prepared by Murray & Associates, dated 9.12.2019

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 for Reconfiguring a Lot (subdivision of 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 the change occurs (prior to endorsement of the Plan of Survey) 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.
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 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 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.

SERVICES - EXISTING CONNECTIONS

14. Ensure that all services provided to the existing houses on proposed Lot 13 and Lot 14 are wholly located within the lot(s) it serves.

ACCESS

15. Ensure all existing vehicular property accesses are maintained for proposed Lot 13 and Lot 14 in accordance with Council's Planning Scheme and the latest revision of Council's Standard Drawing R-004.

ON-SITE WASTEWATER DISPOSAL

16. The on-site wastewater disposal arrangement, including size and location of septic trenches/disposal areas, for the existing dwelling on proposed Lot 13, shall be confirmed and information provided to Council by a Hydraulic Designer or suitably qualified expert.
17. If required, the septic system servicing the residence on proposed Lot 13 shall be either:
 - (a) upgraded to meet the requirements of Australian Standard 1547:2012 On-site Domestic Wastewater Management, and the Queensland Plumbing and Wastewater Code; or
 - (b) a new septic tank shall be installed that complies with Australian Standard 1547:2012 On-site Domestic Wastewater Management, and the Queensland Plumbing and Wastewater Code.

Note: The applicant shall obtain a plumbing approval for an upgrade to the existing effluent disposal system or alternatively, installation of a new effluent disposal system and removal of the old septic system.

18. If the on-site wastewater disposal area for the septic system servicing Lot 13 conflicts with the proposed lot boundary between Lots 13 and 14, the applicant shall submit to Council, an amended proposal plan for Council's endorsement that ensures that the on-site wastewater disposal area for the effluent disposal system is wholly located within Lot 13.
19. The applicant shall ensure that the domestic bore illustrated on the Approved Plan has been capped and decommissioned in accordance with the Minimum Construction Requirements for Water Bores in Australia 3rd edition 2012.

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.

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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.

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

"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."

CARRIED (6 to 3)

For (6): Cr.P.M McVeigh, Cr.D.E. Ashurst, Cr.K.A.Maguire, Cr.I.J.Rasmussen, Cr.P.T.Saxelby, and
Cr.A.N.Smith

Against (3): Cr.R.C.Brown, Cr.G.M.Olm, and Cr.C.T.Tillman

12.2 (050.2019.571.001) Community and Liveability Report Extension Application to Existing Material Change of Use Approval for Non-resident Workforce Accommodation on Lots 10 and 11 on SP236997 McNulty Street Miles Nguyen and Ngo

The purpose of this Report is for Council to decide the Extension Application (Request to Extend the Currency Period) of an existing Material Change of Use approval to establish a Non-resident Workforce Accommodation (Additional 102 Non-resident Accommodation Units) on land described as Lots 10 and 11 on SP236997 and situated at McNulty Street, Miles.

COUNCIL RESOLUTION

Moved By Cr.R.C.Brown

Seconded By Cr.C.T.Tillman

That this report be received and that:

1.The Extension Application (Request to Extend the Currency Period) of Existing Material Change of Use Approval to establish a Non-resident Workforce Accommodation (Additional 102 Non-resident Accommodation Units) on land described as Lots 10 and 11 on SP236997 and Easement A on SP263818 and Easement B on SP267212 and situated at McNulty Street, Miles be refused.

FORESHADOWED MOTION:

Cr A.N. Smith foreshadowed that if the Motion on the floor failed, he would move:-

That this report be received and that:

1.The Extension Application (Request to Extend the Currency Period) of Existing Material Change of Use Approval to establish a Non-resident Workforce Accommodation (Additional 102 Non-resident Accommodation Units) on land described as Lots 10 and 11 on SP236997 and Easement A on SP263818 and Easement B on SP267212 and situated at McNulty Street, Miles be approved for 2 years, to 24 December 2021.

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

For (5): Cr.D.E. Ashurst, Cr.R.C.Brown, Cr.G.M.Olm, Cr.P.T.Saxelby, and Cr.C.T.Tillman
Against (4): Cr.P.M McVeigh, Cr.K.A.Maguire, Cr.I.J.Rasmussen, and Cr.A.N.Smith

13. EXECUTIVE SERVICES

13.1 Executive Services Chief Executive Officer Report January 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 January 2020.

COUNCIL RESOLUTION

Moved By Cr.K.A.Maguire

Seconded By Cr.C.T.Tillman

That this Report be received and noted

CARRIED

13.2 Executive Services Report Outstanding Actions January 2020

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

COUNCIL RESOLUTION

Moved By Cr.P.T.Saxelby

Seconded By Cr.I.J.Rasmussen

That this Report be received and noted.

CARRIED

14. CORPORATE SERVICES

14.1 Corporate Services Report 2019 2020 Q2 Enterprise Risk Management and Operational Plan Review

The purpose of this Report is to provide Council:

1. The status of the strategic risks which Council manages under its Enterprise Risk Management Framework; and
2. Progress toward achieving 2019/20 Operational Plan outcomes for the second quarter.

COUNCIL RESOLUTION

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

That this Report be received and noted.

CARRIED

14.2 Corporate Services Financial Report January 2020

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

COUNCIL RESOLUTION

Moved By Cr.I.J.Rasmussen
Seconded By Cr.R.C.Brown

That Council receives and notes the January 2020 Financial Report.

CARRIED

14.3 Corporate Services Report Annual Review of Council to Chief Executive Officer Delegations

Council is required to conduct an annual review of delegations granted by Council to the Chief Executive Officer (CEO) pursuant to section 257(5) of the *Local Government Act 2009*.

COUNCIL RESOLUTION

Moved By Cr.I.J.Rasmussen

Seconded By Cr.G.M.Olm

That this Report be received and that Council: -

1. note that an annual review of all delegations from Council to the Chief Executive Officer has been conducted in accordance with section 257(5) of the *Local Government Act 2009*; and
2. pursuant to section 257(1) of the Local Government Act 2009:-
 - a. revoke the delegations as detailed in the attached 'Annual Review Delegations Register Council to Chief Executive Officer (November 2019)'; and
 - b. delegate the new and amended powers as detailed in the attached 'Annual Review Delegations Register Council to Chief Executive Officer (November 2019)' to the Chief Executive Officer.

CARRIED

14.4 Corporate Services Quarterly Report October to December 2019

The purpose of this Report is to provide Council with an update in relation to the Corporate Services Departments of Customer Support and Governance, Facilities, Human Resources and Information Technology during the first quarter of the 2019-2020 financial year from October to December 2019.

COUNCIL RESOLUTION

Moved By Cr.K.A.Maguire

Seconded By Cr.D.E. Ashurst

That this report be received and noted.

CARRIED

14.5 Corporate Services Report Early Career Program

The purpose of this Report is to provide Council with an update on the Early Career Program.

COUNCIL RESOLUTION

Moved By Cr.R.C.Brown

Seconded By Cr.K.A.Maguire

That this report be received and noted.

CARRIED

15. INFRASTRUCTURE SERVICES

16. COMMUNITY AND LIVEABILITY

16.1 Community and Liveability Report to Make Animal Management (Amendment) Subordinate Local Law (No. 1) 2019

This report is to seek a Council resolution to make *Animal Management (Amendment) Subordinate Local Law (No. 1) 2019* which amends *Subordinate Local Law No. 2 (Animal Management) 2011*, finalising the process to amend the Local Laws to allow the establishment of a dog off leash area in Chinchilla.

COUNCIL RESOLUTION

Moved By Cr.I.J.Rasmussen

Seconded By Cr.A.N.Smith

That this Report be received and that Council:

1. note the sixteen (16) public submissions received and endorse the proposed responses;
2. in accordance with Council's Local Law Making Process - Council Policy, pursuant to section 29 of the *Local Government Act 2009*, make the *Animal Management (Amendment) Subordinate Local Law (No. 1) 2019* as advertised (per Attachment 1);
3. in accordance with Council's Local Law Making Process - Council Policy, pursuant to section 32 of the *Local Government Act 2009*, adopt the consolidated version of *Subordinate Local Law No.2 (Animal Management) 2011* (per Attachment 2); and
4. in accordance with Council's Local Law Making Process - Council Policy, pursuant to section 29B of the *Local Government Act 2009*, make the required public notifications.

FORESHADOWED MOTION

Cr. R.C. Brown foreshadowed that if the Motion on the floor failed, he would move:-

That this Report be received and that Council:

1. note the sixteen (16) public submissions received and endorse the proposed responses;
2. in accordance with Council's Local Law Making Process - Council Policy, pursuant to section 29 of the Local Government Act 2009, make the Animal Management (Amendment) Subordinate Local Law (No. 1) 2019 as advertised (per Attachment 1);
3. in accordance with Council's Local Law Making Process - Council Policy, pursuant to section 32 of the Local Government Act 2009, adopt the consolidated version of Subordinate Local Law No.2 (Animal Management) 2011 (per Attachment 2);
4. in accordance with Council's Local Law Making Process - Council Policy, pursuant to section 29B of the *Local Government Act 2009*, make the required public notifications; and
5. That the location of the dog off leash park be at Colamba Street and North Street, Chinchilla.

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

For (5): Cr.P.M McVeigh, Cr.D.E. Ashurst, Cr.K.A.Maguire, Cr.I.J.Rasmussen, and Cr.A.N.Smith
Against (4): Cr.R.C.Brown, Cr.G.M.Olm, Cr.P.T.Saxelby, and Cr.C.T.Tillman

16.2 Community and Liveability Report Request for Funding - Fire Tower Interpretation Centre Project

The purpose of this Report is to seek Council's direction regarding a request from the Chinchilla Historical Society Inc for funding support towards their Fire Tower Interpretation Centre project.

COUNCIL RESOLUTION

Moved By Cr.D.E. Ashurst

Seconded By Cr.C.T.Tillman

That this report be received and that Council approve the allocation of \$50,000 funding to The Chinchilla Historical Society towards the Fire Tower Interpretive Centre project. This funding to be contingent on the Chinchilla Historical Society receiving funding for the full amount of \$184,424 as set out in the report, inclusive of Council's contribution.

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 council considers a budget allocation in the 2020/21 budget for a contribution of \$50,000 to the Chinchilla Museum Committee Fire Tower Project. It be recommended that council's contribution be absolute and contingent upon the committee obtaining full funding, inclusive of council's contribution, for the project as presented in the council report dated 20 February 2020.

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

For (5): Cr.D.E. Ashurst, Cr.K.A.Maguire, Cr.G.M.Olm, Cr.P.T.Saxelby, and Cr.C.T.Tillman
Against (4): Cr.P.M McVeigh, Cr.R.C.Brown, Cr.I.J.Rasmussen, and Cr.A.N.Smith

16.3 Community and Liveability Quarterly Report October to December 2019

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

COUNCIL RESOLUTION

Moved By Cr.R.C.Brown

Seconded By Cr.K.A.Maguire

That this Report be received and noted.

CARRIED

17. NOTICES OF MOTION

17.1 CONSIDERATION OF NOTICES OF MOTION/BUSINESS

17.2 RECEPTION OF NOTICES OF MOTION FOR NEXT MEETING

18. URGENT GENERAL BUSINESS

Nil.

19. MEETING CLOSURE

The Meeting concluded at 11.55AM.

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 February 2020.

Submitted to the Ordinary Meeting of Council held this Wednesday, 11 March 2020.

Signed:

Cr. P.M. McVeigh

MAYOR OF WESTERN DOWNS REGIONAL COUNCIL