

## 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**



## Ordinary Meeting of Council Minutes

**Date:** Wednesday, 22 July, 2020  
**Time:** 9:30 am  
**Location:** Miles Leichhardt Centre  
29 Dawson Street  
Miles QLD 4415

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

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

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**1. DECLARATION OF MEETING OPENING**

The Chairperson declared the Meeting open at 9:30am

**2. OPENING PRAYER AND MINUTE SILENCE**

Cecily Bockhurst from the Anglican Church, delivered the opening prayer. This was followed by the observance of a minute silence.

**3. APOLOGIES**

**4. CONGRATULATIONS**

Councillor K.M. Maguire requested that congratulations be extended to Ben Slatter from Drillham , winner of the inaugural Groovin In The Garage competition for his original song "So Long, July".

UNCONFIRMED

**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, 17 June 2020

**COUNCIL RESOLUTION**

**Moved By** Cr. A. N. Smith  
**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 17 June 2020, copies of which have been circulated to Members, be taken as read and confirmed.

**CARRIED**

UNCONFIRMED

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

**7. PRESENTATION OF PETITIONS BY COUNCILLORS**

**7.1 Petition - Dark Sky Park Bunya Mountains**

Cr. P.M. McVeigh presented a petition to Council in relation to the proposed Bunya Mountains Dark Sky Park.

**COUNCIL RESOLUTION**

**Moved By** Cr. I. J. Rasmussen

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

That the Petition received from Bruce Thompson requesting Council reconsider issuing a Letter of Support for the Bunya Mountains Dark Sky Park and fund the Lighting Management Plan be received.

The **ORIGINAL MOTION** was **PUT** and **LOST (6,3)**

**FORESHADOWED MOTION**

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

That the Petition from Bruce Thompson be received and that a report be brought back to Council.

**FORSHADOWED MOTION MOVED**

**Moved By** Cr. O. G. Moore

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

That the Petition from Bruce Thompson be received and that a report be brought back to Council.

**CARRIED (7 to 2)**

**For (7):** Cr. P. M. McVeigh, Cr. A. N. Smith, Cr. K. A. Bourne, Cr. P. T. Saxelby, Cr. M. J. James, Cr. O. G. Moore, and Cr. C. T. Tillman

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

**8. MAYORAL UPDATE**

**8.1 Executive Services Mayoral Report June 2020**

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

**COUNCIL RESOLUTION**

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

**Seconded By** Cr. O. G. Moore

That this report be received and noted.

**CARRIED**

UNCONFIRMED

## 9. CONFIDENTIAL ITEMS

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

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

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

*(b) industrial matters affecting employees; or*

*(c) the local government's budget; or*

*(d) rating concessions; or*

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

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

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

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

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

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

### **COUNCIL RESOLUTION - CLOSE MEETING**

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

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

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

1. Corporate Services Confidential Report Lease 4 Loam Street Dalby to Waminda Services Ltd;  
and

2. Corporate Services Confidential Report Gas Supply Agreement.

### **COUNCIL RESOLUTION - REOPEN MEETING**

**Moved By** Cr. O. G. Moore

**Seconded By** Cr. I. J. Rasmussen

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

**CARRIED**

**9.1 EXECUTIVE SERVICES**

**9.2 CORPORATE SERVICES**

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

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

*Councillor C.T. Tillman, declares a conflict of interest in this matter (as defined by section 175D of the Local Government Act 2009) as follows:*

*a) Cr Tillman is a member of the Waminda Board.*

*She will be dealing with this declared conflict of interest by leaving the meeting while this matter is discussed and voted on.*

*Cr. C.T. Tillman left the meeting while the matter is discussed at 10:07am.*

*Cr. C.T. Tillman re-joined the meeting at 10:08am.*

*Cr. C.T. Tillman left the meeting while the matter is voted on 10:10am.*

*Cr. C. T. Tillman re-joined the meeting at 10:13am.*

**COUNCIL RESOLUTION**

**Moved By** Cr. M. J. James

**Seconded By** Cr. O. G. Moore

That this Report be received and that Council:

1. Applies the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 to the proposed lease.
2. Offer Waminda Services Ltd a three-year lease commencing 1 July 2020 over land described as Lots 1 and 3 on RP15812 and Lot 46 on RP15805 being 4 Loam Street, Dalby on the terms and conditions outlined in this report; and
3. Grant permission for Waminda Services Ltd at its discretion to continue with a sub-lease with Helping Hands Outreach Project for Dalby Inc (ABN 42 403 832 857) for a term not exceeding the term of the new lease; and
4. Delegate to the Chief Executive Officer the power to finalise and execute the proposed lease.

**CARRIED**



### 9.2.2 Corporate Services Confidential Report Gas Supply Agreement

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

*GM Taylor declared a perceived conflict of interest in this matter (as defined by section 175D of the Local Government Act 2009) as follows:*

*A) As her son is employed by Clark Tanks.*

*She will be dealing with this declared conflict of interest by leaving the meeting while this matter is discussed and voted on.*

*GM Taylor left the meeting while the matter is discussed and voted on at 10:08am*

*GM Taylor re-joined the meeting at 10:14am*

#### COUNCIL RESOLUTION

**Moved By** Cr. I. J. Rasmussen

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

That this report be received and that Council:

1. Delegate financial authority to the Chief Executive Officer to execute the extension of the existing agreement with Santos for twelve (12) months, and the new agreement for the following three (3) years, plus a two (2) year extension at the buyers option.
2. Delegate to the Chief Executive Officer financial delegation authority to negotiate new Gas Supply Agreements with major customers.

**CARRIED**

### 9.3 COMMUNITY AND LIVEABILITY

### 9.4 INFRASTRUCTURE SERVICES

## 10. PLANNING

### 10.1 (030.2019.552.001) Community and Liveability Report Development Application Material Change of Use for Warehouse (Mulch and Bark Products) at Lot 151 on LY269 157 Sturgess-Baking Board Road Baking Board Brandon & Associates

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

#### COUNCIL RESOLUTION

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

**Seconded By** Cr. O. G. Moore

That this Report be received and that:

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

#### APPROVED PLAN

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

**Plan No:**20103102, Issue P1

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

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

#### APPROVED DEVELOPMENT

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

#### COMPLIANCE, TIMING AND COSTS

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

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

#### FEES AND CHARGES

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

#### MAINTENANCE

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

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

#### **NOISE EMISSIONS**

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

#### **AIR EMISSIONS**

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

11.Implement measures to control dust generated by operations to ensure no environmental nuisance or adverse health effects to workers on the site, neighbouring properties or road frontages during both operating and non-operating hours.

#### **WASTE MANAGEMENT**

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

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

#### **VISUAL AND GENERAL AMENITY**

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

#### **OUTDOOR LIGHTING IMPACT MITIGATION**

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

#### **ENGINEERING WORKS**

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

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

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

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

19.Repair all damage incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for

public health and safety or vehicular safety. Otherwise, repair all damage immediately upon completion of work associated with the development.

#### **STORMWATER MANAGEMENT**

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

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

#### **WATER SUPPLY - FIRE FIGHTING SUPPLY**

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

#### **PARKING AND ACCESS - GENERAL**

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

#### **PARKING AND ACCESS - SERVICING**

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

#### **EROSION AND SEDIMENT CONTROL - GENERAL**

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

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

#### **REFERRAL AGENCY RESPONSE**

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

#### **ADVISORY NOTES**

##### **NOTE 1 -Relevant Period**

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

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

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

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

##### **NOTE 2 -Aboriginal Cultural Heritage**

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

**NOTE 3 -General Environmental Duty**

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

**NOTE 4 -General Safety of Public During Construction**

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

**NOTE 5 -Property Note (Audit of Conditions)**

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

**NOTE 6 -Duty to Notify of Environmental Harm**

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

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

***"Chapter 6Dispute Resolution***

***Part 1Appeal Rights***

***229Appeals to Tribunal or P&E Court***

*(1)Schedule 1 states -*

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

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

*(ii)only a tribunal; or*

*(iii)only the P&E Court; and*

*(b)the person -*

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

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

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

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

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

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

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

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

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

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

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

(f)for any other appeal - 20 business days after a Notice of the decision for the matter, including an Enforcement Notice, is given to the person.

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

**CARRIED**

**10.2 (030.2019.569.001) Community and Liveability Report Development Application Material Change of Use for Service Station at Lot 101 on BWR225 33 Old Cameby Road Miles IOR Property Group No. 2 Pty Ltd C/- TFA Project Group**

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

*Cr. C. T. Tillman declared a conflict on this item. Councillor C.T. Tillman, declares a conflict of interest in this matter (as defined by section 175D of the Local Government Act 2009) as follows:*

*a) Cr Tillman's sister and her sister's husband are employees of IOR.*

*She will be dealing with this declared conflict of interest by leaving the meeting while this matter is discussed and voted on.*

*Cr Tillman left the meeting at 10:21am*

*Cr Tillman re-joined the meeting at 10:22am*

**COUNCIL RESOLUTION**

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

**Seconded By** Cr. K. A. Bourne

That this Report be received and that:

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

**APPROVED PLANS**

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

**Plan No:**15078-MLS01, Rev E

**Description:**Proposed Site Layout, prepared by TFA Project Group

**Dated:**19.05.20

**Plan No:**15078-MLS02, Rev C

**Description:**Site Setout Details, prepared by TFA Project Group

**Dated:**19.05.20

**Plan No:**15078-MLS03, Rev C

**Description:**Ablutions - Floor Plan, Roof Plan & Elevations, prepared by TFA Project Group

**Dated:**19.05.20

**Plan No:**15078-MLS04, Rev A

**Description:** Ablutions – Floor Plan, Roof Plan & Elevations, prepared by TFA Project Group

**Dated:** 14.11.19

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

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

3.1 Building Work; and

3.2 Plumbing Works.

#### **APPROVED DEVELOPMENT**

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

#### **COMPLIANCE, TIMING AND COSTS**

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

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

#### **FEES AND CHARGES**

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

#### **MAINTENANCE**

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

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

#### **NOISE EMISSIONS**

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

#### **AIR EMISSIONS**

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

#### **WASTE MANAGEMENT**

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



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

#### **VISUAL AND GENERAL AMENITY**

14.Any graffiti on the buildings must be removed within 3 business days.

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

#### **OUTDOOR LIGHTING IMPACT MITIGATION**

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

#### **HAZARDOUS CHEMICALS AND FUEL STORAGE**

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

18.Diesel is to be stored and handled in accordance with Australian Standard 1940-2017 - The Storage and Handling of Flammable and Combustible Liquids.

#### **LANDSCAPING - MISCELLANEOUS**

19.The land owner must ensure compliance with the requirements of the *Land Protection (Pest and Stock Route Management) Act 2002* and any successive legislation.

20.Apart from declared weeds and pests, trees, shrubs and landscaped areas currently existing on the subject land shall be retained where possible, and action taken to minimise disturbance during construction work.

21.Landscaped areas must be maintained, and the site must remain in a clean and tidy state at all times.

#### **INFRASTRUCTURE CHARGES**

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

#### **FENCING**

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

#### **REFUSE STORAGE AREAS**

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

#### **FLOODING - GENERAL**

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

### **ENGINEERING WORKS**

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

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

### **STORMWATER MANAGEMENT**

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

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

30.Provide measures to prevent floatable oils being carried into the existing stormwater system.

31.All contaminated stormwater from the fuel dispensing area must be connected to a Council approved oil separator system prior to discharge.

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

### **WATER SUPPLY**

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

### **WATER SUPPLY - FIRE FIGHTING SUPPLY**

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

### **VEHICULAR ACCESS, PARKING AND MANOEUVRING**

34.Maintain the two existing commercial crossovers between the property boundary and the edge of the Old Cameby Road pavement, having a width of fifteen metres, generally in accordance Council's Standard Drawing R-007 Rev B.

35.Design and construct all driveway, parking and heavy vehicle manoeuvring areas with a two-coat bitumen seal.

36.Entry/exit from the site shall be one-way traffic only.

37.Ensure access to vehicle loading and manoeuvring areas and driveways remain unobstructed and available for their intended purpose during the hours of operation.

### **ON-SITE SEWERAGE**

38.Connect the development to an on-site effluent disposal system in accordance with AS1547 and the Queensland Plumbing and Wastewater Code.

39.Obtain a Development Permit for Plumbing Works for the on-site sewerage treatment system.

## **ELECTRICITY**

40. Connect the development to electricity.

## **EROSION AND SEDIMENT CONTROL - GENERAL**

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

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

## **ENVIRONMENTAL HEALTH**

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

43.1 uncontaminated overland stormwater flow; and

43.2 uncontaminated stormwater to the stormwater system.

## **REFERRAL AGENCY RESPONSE**

The application is subject to the following Referral Agency requirements:

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

## **ADVISORY NOTES**

### **NOTE 1 -Relevant Period**

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

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

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

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

### **NOTE 2 -Aboriginal Cultural Heritage**

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

### **NOTE 3 -General Environmental Duty**

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

**NOTE 4 -General Safety of Public During Construction**

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

**NOTE 5 -Property Note (Audit of Conditions)**

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

**NOTE 6 -Duty to Notify of Environmental Harm**

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

**CARRIED**

UNCONFIRMED

**10.3 (030.2020.97.001) Community and Liveability Report Development Application Material Change of Use for Transport Depot at Lot 10 on RP14934 4-6 Forrest Street Chinchilla MPC Contracting Pty Ltd C/- Ausrocks Pty Ltd**

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

**COUNCIL RESOLUTION**

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

That this Report be received and that:

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

**APPROVED PLANS AND DOCUMENT**

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

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

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

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

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

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

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

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

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

**Plan No:**MCSBP001, Project No. AUQ00243

**Description:**MPC Contracting Storage Building Plan, prepared by Ausrocks, dated 19/03/2020

**Plan No:**MCSP001, Project No. AUQ00243

**Description:**MPC Contracting Shed Plan, prepared by Ausrocks, dated 19/03/2019

**Plan No:**CP001-1, Project No. AUQ00243, Version 1

**Description:**Crossover Plan 1 – Transport Depot 4-6 Forrest St Chinchilla, prepared by Ausrocks, dated 18/03/2020

**Plan No:**CP002-1, Project No. AUQ00243, Version 1

**Description:**Crossover Plan 2 – Transport Depot 4-6 Forrest St Chinchilla, prepared by Ausrocks, dated 18/03/2020

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

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

#### **APPROVED DEVELOPMENT**

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

#### **COMPLIANCE, TIMING AND COSTS**

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

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

#### **OPERATING HOURS**

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

6.1Monday to Friday7:00am to 6:00pm

6.2Saturday7:00am to 12:00pm

6.3Sunday/Public Holidays:No operating hours

#### **FEES AND CHARGES**

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

#### **MAINTENANCE**

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

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

#### **PRIVACY SCREENING**

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

#### **NOISE EMISSIONS**

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

### **AIR EMISSIONS**

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

### **WASTE MANAGEMENT**

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

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

### **VISUAL AND GENERAL AMENITY**

15. Any graffiti on the buildings must be removed within 3 business days.

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

### **OUTDOOR LIGHTING IMPACT MITIGATION**

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

### **LANDSCAPING**

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

19. The Landscaping Plan must detail:

19.1 all landscaping areas shown on the Approved Plans, including a 2 metre wide landscaping strip to be provided along the Forrest Street frontage;

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

19.3 the number and size of plants; and

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

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

### **ENGINEERING WORKS**

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

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

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

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

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

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

**STORMWATER MANAGEMENT**

26. The Stormwater Management Plan prepared by Ausrocks, Version V1.4 dated June 2020 and submitted as part of the response to Council's Information Request is NOT APPROVED. Submit to Council, a revised, final and detailed Stormwater Management Plan for approval. This Stormwater Management Plan must include, but not be limited to the following:

26.1 demonstration that there is no material increase in pre or post-development flows;

26.2 nuisance or interference to the current use or potential future use of all downstream properties including road reserves and the like, for design storms of Q2, Q5, Q10, Q20 and Q50;

26.3 details of stormwater drainage, detention requirements, and mitigation measures;

26.4 the lawful point of discharge;

26.5 measures to prevent any solid matter or floatable oils being carried into the existing stormwater system;

26.6 impacts to overland flow paths and mitigation measures; and

26.7 digital data files of stormwater modelling.

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

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

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

**WATER SUPPLY**

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

**SEWERAGE**

31. The existing on-site effluent disposal system servicing the development must be upgraded or replaced where it cannot be demonstrated that it operates in accordance with Schedule 1, Division 4: Standards for Sewerage Supply, Section 4.2; Standards for On-site Sewerage, AS1547 and the Queensland Plumbing and Waste Water Code.



32. Apply for a Development Permit for Plumbing Work from Council, for any upgrade or replacement of the on-site sewerage treatment system servicing the development. Any upgrades for the on-site effluent system must be designed by a suitably qualified person.

#### **HAZARDOUS CHEMICAL AND FUEL STORAGE**

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

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

#### **FLOODING - GENERAL**

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

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

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

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

38. Habitable areas, mezzanine levels and areas associated with the storage of hazardous chemicals and all control panels of critical services shall be built at a minimum 300mm above the defined flood level.

39. The storage of dangerous goods or hazardous materials is not to be undertaken within the demountable storage building.

40. All boundary fencing must be constructed from chain link design or similar, to allow the flow of flood water through the site unimpeded.

#### **PARKING AND ACCESS - GENERAL**

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

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

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

44. In the event that bona fide complaints are received by Council in relation to dust emissions produced from the site, Council reserves the right to require the applicant to provide either concrete, asphalt, or bitumen seal to heavy vehicle manoeuvring areas.

**PARKING AND ACCESS - SERVICING**

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

**VEHICLE ACCESS - TURNOUT**

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

**EXTERNAL ROADWORKS**

47. Design and construct Forrest Street from the intersection of Edward Street to the western boundary of Lot 10, to the following standard:

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

47.2 grassed table drains, and formation of a grassed verge;

47.3 tapers to the existing road pavement;

47.4 provision for stormwater drainage and easements (if required), line marking and road reserve transitions between existing and proposed roads; and

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

**EROSION AND SEDIMENT CONTROL - GENERAL**

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

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

**ENVIRONMENTAL HEALTH**

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

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

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

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

**ELECTRICITY AND TELECOMMUNICATIONS**

51. Connect the development to electricity and telecommunication services.

**ADVISORY NOTES**

**NOTE 1 -Flood Hazard**

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

**NOTE 2 -Relevant Period**

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

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

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

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

**NOTE 3 -Aboriginal Cultural Heritage**

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

**NOTE 4 -General Environmental Duty**

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

**NOTE 5 -General Safety of Public During Construction**

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

**NOTE 6 -Property Note (Audit of Conditions)**

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

**NOTE 7 -Duty to Notify of Environmental Harm**

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

**APPEAL RIGHTS**

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

**"Chapter 6 Dispute Resolution**

**Part 1 Appeal Rights**

**229 Appeals to Tribunal or P&E Court**

(1) Schedule 1 states -

(a) matters that may be appealed to -

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

(ii) only a tribunal; or

(iii) only the P&E Court; and

(b) the person -

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

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

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

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

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

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

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

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

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

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

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

(f) for any other appeal - 20 business days after a Notice of the decision for the matter, including an Enforcement Notice, is given to the person.

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

**CARRIED**

**10.4 (035.2020.163.001) Community and Liveability Report Development Application Reconfiguring a Lot (Subdivision of 1 Lot into 2 Lots) on Lot 3 on RP96248 40 Fletcher's Road Jimbour East Watson and Brabrook**

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

**COUNCIL RESOLUTION**

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

**Seconded By** Cr. O. G. Moore

That this Report be received and that:

1. The application for Reconfiguring a Lot (1 lot into 2 lots) on land described as Lot 3 on RP96248 and situated at 40 Fletcher's Road, Jimbour East, be refused, on the following grounds:

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

(i) The development does not comply with Strategic Outcome 3.5.1 and Element 3.5.3 of the Strategic Plan, as the development will further fragment an already undersized rural land parcel within the Rural Zone and create a lot configuration that will permanently diminish potential agricultural productivity of the property.

(ii) The development conflicts with Overall Outcome 2 of the Rural Zone Code, as it will result in further fragmentation and alienation of land within the Rural Zone.

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

(iv) The development does not comply with Overall Outcome 2(b) of the Reconfiguring a Lot Code, as the development results in rural lots of a size that are not viable for rural activities.

(v) The development is inconsistent with Acceptable Outcomes 1.1 and 1.3 of the Reconfiguring a Lot Code, as the development will result in lots that are significantly smaller than the minimum lot size for the Rural Zone. The alternative solution is not considered to comply with Performance Outcome 1, as the proposal is inconsistent with the character and amenity of the Rural Zone.

(vi) The proposed development does not satisfy Performance Outcome 14 of the Reconfiguring a Lot Code, as the applicant has not justified that the development meets a demonstrated planning need for further fragmentation of an already undersized rural lot within the Rural Zone.

(vii) The development could not be conditioned to comply with the relevant Codes of the Western Downs Planning Scheme 2017 incorporating Amendment 1, as the proposed design and lot layout of the development are inconsistent with the Overall and Performance Outcomes of the relevant Codes.

### **FORESHADOWED MOTION**

Cr. C.T. Tillman foreshadowed that if the Motion on the floor failed, she 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 3 on RP96248 and situated at 40 Fletcher's Road, Jimbour East 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:** Proposal Plan

**Description:** Prepared by Watson and Brabrook

**Amendment:** *Plan title amended in red by Council on 20/7/2020*

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 on 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 any future Dwelling, 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 any future Dwelling, 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, each lot 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.

#### **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 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](http://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.

**NOTE 7 - Appeal Rights**

*Planning Regulation 2016*

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

*"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*
- (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.*
- (4) *Each respondent and co-respondent for an appeal may be heard in the appeal.*
- (5) *If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.*
- (6) *To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—*
  - (a) *the adopted charge itself; or*
  - (b) *for a decision about an offset or refund—*
    - (i) *the establishment cost of trunk infrastructure identified in a LGIP; or*
    - (ii) *the cost of infrastructure decided using the method included in the local government's charges resolution."*

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

**11. DEPUTATION**

**11.1 Deputation Anthea Green**

Anthea Green, President of the Warra Progress and Heritage Society Inc, addressed Council on making Warra a tourist friendly town. She advised the history of the town and that they would like to work with council on the upgrading and maintenance of the facilities.

**11.2 Deputation Catherine Loader**

Catherine Loader addressed Council in relation to the new infrastructure that is being placed by Caliguel Lagoon. Mrs Loader is concerned that more traffic around the lagoon will have a negative impact on our eco-system.

**11.3 Deputation Miranda Ronnfeldt**

Miranda Ronnfeldt addressed Council in relation to the upgrades that are in place to be done at Caliguel Lagoon. She requested that the road train access to their property not be blocked as it the only exit point for stock when it floods. Ms Ronnfeldt suggested that the Lagoon needs to be policed more often and Council should reconsider their plans for the Lagoon.

**11.4 Deputation Roger Geldard**

Roger Geldard addressed Council in relation to his previous Deputation given in Tara on the 20 May. Mr Geldard thanked Council for maintaining the Rural rating of his property and is willing to work with Council to permanently resolve the issue.

**COUNCIL RESOLUTION**

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

**Seconded By** Cr. O. G. Moore

That Council resolve to adjourn the Meeting.

**CARRIED**

*The Meeting adjourned at 11:05am*

*The Meeting resumed at 11:22am*

## 12. EXECUTIVE SERVICES

### 12.1 Executive Services Chief Executive Officer Report June 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 June 2020.

#### **COUNCIL RESOLUTION**

**Moved By** Cr. O. G. Moore

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

That this Report be received and noted

**CARRIED**

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

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

#### **COUNCIL RESOLUTION**

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

**Seconded By** Cr. O. G. Moore

That this Report be received and that:

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

**CARRIED**

**12.3 Executive Services Report Outstanding Actions June 2020**

The purpose of this Report is to provide Council with an updated on the status of outstanding Council Meeting Action Items to 17 June 2020.

**COUNCIL RESOLUTION**

**Moved By** Cr. I. J. Rasmussen

**Seconded By** Cr. M. J. James

That this Report be received and noted.

**CARRIED**

**13. CORPORATE SERVICES**

**13.1 Corporate Services Financial Report June 2020**

The purpose of this Report is to provide Council with the Financial Report for the period ending 30 June 2020. A final report will be provided to the September Council meeting once all accruals, prepayments and provisioning has been finalised for 2019-20. This will also include a report on business unit outcomes.

**COUNCIL RESOLUTION**

**Moved By** Cr. I. J. Rasmussen

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

That Council receives and notes the June 2020 Financial Report and resolves to approve \$1.144 million in capital expenditure and \$0.130 million in capital revenue being added to Council's capital works program.

**CARRIED**

**13.2 Corporate Services Report Adoption Human Rights - Council Policy**

This report seeks Council's adoption of the Human Rights - Council Policy.

**COUNCIL RESOLUTION**

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

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

It is recommended that Council adopt the Human Rights - Council Policy as proposed.

**CARRIED**

**13.3 Corporate Services Report Annual Close Down Period Christmas New Year 2020/2021**

The purpose of this Report is to seek Council's approval of the proposed closure arrangements for the Christmas/New Year for 2020/2021 for Council Officers.

**COUNCIL RESOLUTION**

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

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

This report be received and that the proposed closure arrangements for the annual close down period for 2020/2021 Christmas/New Year period be adopted as follows:

1. All Council Customer Service Centres including Libraries close from 5:00pm Wednesday, 23 December 2020 and reopen Monday, 4 January 2021 at 8:00am.
2. All field (Works Department) based staff will cease work at 3:00 pm on Friday, 18 December 2020 for a period of three (3) weeks returning on Monday, 11 January 2021.
3. Aged Care, Utilities and Parks and Open Space staff will continue to operate during this close down period. Any leave during this period will be approved by the relevant Supervisor/Coordinator.
4. On call arrangements for emergency works will be established.

**CARRIED**

**13.4 Corporate Services Report Proposed Lease Public Safety Business Agency Rural Fire Station Glenmorgan**

The purpose of the Report is to consider a request received from the Public Safety Business Agency (PSBA) for a lease over a parcel of three adjoining Council owned freehold properties in Glenmorgan to develop a rural fire station.

**COUNCIL RESOLUTION**

**Moved By** Cr. O. G. Moore

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

That this Report be received and that Council:

1. Apply the exception contained in Section 236(1)(b)(i) of the *Local Government Regulation 2012* to the proposed lease;
2. Offer the PSBA a 20 year lease to develop a rural fire station over the land described as Lots 318, 319 and 320 on Crown Plan G8081 at the rate of \$1.00/year (plus GST); and
3. Delegate authority to the CEO to negotiate and sign all documents necessary to finalise the lease.

**CARRIED(8,1)**

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

**Against (1):** Cr. M. J. James

**13.5 Corporate Services Report Permanent Road Closure Application Part Littleton's Lane Along Southern Boundary Lot 59 A342908 Bell**

To determine an application for the permanent road closure of part of Littleton's Lane, an unformed part of a road that runs along the southern boundary of Lot 59 Crown Plan A342908, Bell.

**COUNCIL RESOLUTION**

**Moved By** Cr. O. G. Moore

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

That this Report be received, and that Council:

1. Advise the applicant and DNRME that Council objects to the permanent closure of the identified part of Littleton's Lane that runs along the southern boundary of Lot 59 on Crown Plan A342908, Bell.

**CARRIED**

## 14. INFRASTRUCTURE SERVICES

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

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

#### COUNCIL RESOLUTION

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

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

That this Report be received and noted.

**CARRIED**

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

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

#### COUNCIL RESOLUTION

**Moved By** Cr. K. A. Bourne

**Seconded By** Cr. O. G. Moore

That this report be received and that Council:

1. offer in principle support to the One Basin CRC and provide \$50,000 per annum for up to ten (10) years subject to the One Basin CRC proposal being jointly funded by the Federal Government.
2. authorised the Chief Executive Officer to enter into agreements with the One Basin CRC and to authorise in-kind support as required.

**CARRIED**



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

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

**COUNCIL RESOLUTION**

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

That this Report be received and that:

1. Council in accordance with section 134 of the Local Government Act 2009 approves four (4) systematic Approved Inspection Programs to monitor compliance and investigate breaches of the Water Supply (Safety and Reliability) Act 2008 and Water Restrictions - Council Policy;
2. The systematic Approved Inspection Programs will apply to all properties connected to a Western Downs Regional Council reticulated water supply; and
3. The programs commence on 1 July 2020, 1 October 2020, 1 January 2021 and 1 April 2021 and each program will be not more than three (3) months in duration.

**CARRIED**

**15. COMMUNITY AND LIVEABILITY**

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

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

**COUNCIL RESOLUTION**

**Moved By** Cr. A. N. Smith  
**Seconded By** Cr. C. T. Tillman

That this report be received and noted.

**CARRIED**

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

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

**COUNCIL RESOLUTION**

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

That the report be received and that:

Council endorse the following two motions for presentation to the 2020 Local Government Association of Queensland Annual Conference, as listed and attached to this report:

1. Telecommunication - support roaming services between service mobile telecommunication providers
2. Waste Levy calculation arrangements for small landfill sites

**CARRIED**

**16. NOTICES OF MOTION**

**16.1 CONSIDERATION OF NOTICES OF MOTION/BUSINESS**

**16.2 RECEPTION OF NOTICES OF MOTION FOR NEXT MEETING**

Cr Rasmussen advise his intent to move the following motion:

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.

**17. URGENT GENERAL BUSINESS**

**18. MEETING CLOSURE**

The Meeting concluded at 12:13pm

I hereby certify that the foregoing is a true record of the Minutes of the Proceedings of the Ordinary Meeting of Council held this 22 July 2020

Submitted to the Ordinary Meeting of Council held this Wednesday, 19 August 2020.

Signed:

Cr. P.M. McVeigh

MAYOR OF WESTERN DOWNS REGIONAL COUNCIL