

5. CONFIRMATION OF MINUTES

5.1 Adopt Minutes Ordinary Meeting of Council

The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Wednesday, 28 October 2020

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. P. T. Saxelby

That this Report be received and that:

1. The Unconfirmed Minutes of the Ordinary Meeting of Council held on 28 October 2020, copies of which have been circulated to Members, be taken as read and confirmed.

CARRIED



Ordinary Meeting of Council Minutes

Councillors:

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

Officers:

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

Reverend Rob Rodgers from the Dalby Baptist Church, delivered the opening prayer. This was followed by the observance of a minute silence.

3. APOLOGIES

UNCONFIRMED

4. CONGRATULATIONS

Cr. M. J. James request that congratulations be extended to Margarett Sinnamon for her service on the Wandoan Chamber of Commerce having recently retired as secretary and having been an integral part of the WCCI Leadership and Wandoan Surf Club.

Cr. O. G. Moore requested that congratulations be extended to Spencer Morgan, the president of Condamine Camp draft Committee for running a very successful weekend of camp drafting during these very difficult COVID times.

Cr. K.A. Maguire requested that Congratulations be extended to Seth Gerke for winning the 2020 Excellence Award for Visual Art.at Queensland Art Gallery and Gallery of Modern Art. Seths artwork is a time lapse video and is titled "Domination"

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, 23 September 2020

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. K. A. Bourne

That this Report be received and that:

1.The Unconfirmed Minutes of the Ordinary Meeting of Council held on 23 September 2020, copies of which have been circulated to Members, be taken as read and confirmed.

CARRIED

6. BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETINGS

7. PRESENTATION OF PETITIONS BY COUNCILLORS

8. MAYORAL UPDATE

8.1 Executive Services Mayoral Report September 2020

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

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. A. N. Smith

That this Report be received and noted

CARRIED

UNCONFIRMED

9. CONFIDENTIAL ITEMS

Section 254J of the Local Government Regulation 2012 in relation to Closed meetings provides:

(1) A local government may resolve that all or part of a meeting of the local government be closed to the public.

(2) A committee of a local government may resolve that all or part of a meeting of the committee be closed to the public.

(3) However, a local government or a committee of a local government may make a resolution about a local government meeting under subsection (1) or (2) only if its councillors or members consider it necessary to close the meeting to discuss one or more of the following matters—

- (a) the appointment, discipline or dismissal of the chief executive officer;*
- (b) industrial matters affecting employees;*
- (c) the local government's budget;*
- (d) rating concessions;*
- (e) legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government;*
- (f) matters that may directly affect the health and safety of an individual or a group of individuals;*
- (g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government;*
- (h) negotiations relating to the taking of land by the local government under the Acquisition of Land Act 1967;*
- (i) a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.*

(4) However, a local government or a committee of a local government must not resolve that a part of a local government meeting at which a decision mentioned in section 150ER(2), 150ES(3) or 150EU(2) of the Act will be considered, discussed, voted on or made be closed.

(5) A resolution that a local government meeting be closed must—

- (a) state the matter mentioned in subsection (3) that is to be discussed; and*
- (b) include an overview of what is to be discussed while the meeting is closed.*

(6) A local government or a committee of a local government must not make a resolution (other than a procedural resolution) in a local government meeting, or a part of a local government meeting, that is closed.

COUNCIL RESOLUTION - CLOSE MEETING

Moved By Cr. M. J. James

Seconded By Cr. P. T. Saxelby

That Council resolve to close the Meeting in accordance with Sections 254J (1) (f,g) of the *Local Government Regulation 2012* at 9:46am to discuss the following Confidential Reports:

1. Corporate Services Confidential Report Sale of Lot 5 Drew Street, Dalby.
2. Corporate Services Confidential Report Sale of Lot 9 Drew Street Dalby.
3. Corporate Services Confidential Report Tara Pool Remediation.

CARRIED

COUNCIL RESOLUTION - REOPEN MEETING

Moved By Cr. I. J. Rasmussen

Seconded By Cr. K. A. Maguire

That Council resolve to reopen the Meeting at 10:09am

9.1 EXECUTIVE SERVICES

9.2 CORPORATE SERVICES

9.2.1 Corporate Services Confidential Report Sale of Lot 5 Drew Street, Dalby

The purpose of this Report is to seek Council's direction regarding the proposed sale of Lot 5 Drew Street, Dalby.

In accordance with Chapter 6, Part 2, Division 5A of the Local Government Act 2009, GM Cook informed the meeting of a prescribed conflict of interest in respect to this matter due to:

a. his wife works for Elders Real Estate Dalby

Having given due consideration to his position he determined that he would leave the meeting while the matter is discussed.

GM Cook left the meeting while the matter was discussed at 9:47am

GM Cook re-joined the meeting at 9:52am

GM Cook left the meeting while the matter was voted on at 10:09am

GM Cook re-joined the meeting at 10:11am

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. C. T. Tillman

That this Report be received and that Council:

1. apply the exception contained in the *Local Government Regulation 2012* (Qld), section 236(1)(a)(i), (ii) and (2), and
2. approve the sale of Lot 5 on Crown Plan SP251966 being Lot 5 Drew Street, Dalby, to SGFA Property Pty Ltd for the contract offer price, and
3. if the aforementioned contract at (2) is not able to proceed for any reason and is terminated, then Lot 5 Drew Street is to be offered to the offeror with the next highest offer as listed in this report, and
4. delegate authority to the Chief Executive Officer to sign the contract of sale as listed above and all necessary documents to affect the settlement of Lot 5 Drew Street Dalby.

CARRIED

9.2.2 Corporate Services Confidential Report Sale of Lot 9 Drew Street, Dalby

The purpose of this Report is to seek Council's direction regarding the proposed sale of Lot 9 Drew Street, Dalby.

In accordance with Chapter 6, Part 2, Division 5A of the Local Government Act 2009, GM Cook informed the meeting of a prescribed conflict of interest in respect to this matter due to:

1. *his wife works for Elders Real Estate Dalby*

Having given due consideration to his position he determined that he would leave the meeting while the matter is discussed.

GM Cook left the meeting while the matter was discussed at 9:47am

GM Cook re-joined the meeting at 9:52am

GM Cook left the meeting while the matter was voted on at 10:09am

GM Cook re-joined the meeting at 10:11am

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. P. T. Saxelby

That this Report be received and that Council:

1. apply the exception contained in the *Local Government Regulation 2012* (Qld), section 236(1)(a)(i), (ii) and (2), and
2. approve the sale of Lot 9 on Crown Plan SP251966 being Lot 9 Drew Street, Dalby, to Elise Anne Pratt and Michael Roy Davies as Trustees for Hardly Working Superannuation Fund for the contract offer price, and
3. if the aforementioned contract at (2) is not able to proceed for any reason and is terminated, then Lot 9 Drew Street is to be offered to the offeror with the next highest offer as listed in this report, and
4. delegate authority to the Chief Executive Officer to sign the contracts of sale as listed above and all necessary documents to effect the settlement of Lot 9 Drew Street Dalby.

CARRIED

9.2.3 Corporate Services Confidential Report Tara Pool Remediation

The purpose of this Report is to seek Council's direction with respect to urgent remediation works required for the Tara Pool.

COUNCIL RESOLUTION

Moved By Cr. M. J. James

Seconded By Cr. A. N. Smith

That this Report be received and that:

1. Council approve remediation works at a cost of \$50,000 at the Tara Pool as outlined in the report.
2. that the key stakeholders be appropriately informed on the key information of the engineers report in relation to the condition of the Tara pool facilities and the plans for short term remediation works.

FORESHADOWED MOTION

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

That Council approves short term remediation works at a cost of \$50,000 at the Tara pool to keep the facility open until the end of the season.

AMENDMENT NO. 1

Moved By Cr. C. T. Tillman

Seconded By Cr. P. T. Saxelby

That this Report be received and that:

1. Council approve remediation works at a cost of \$50,000 at the Tara Pool to keep the facility open until the end of the 20/21 season.
2. that the key stakeholders be appropriately informed on the key findings of the engineers report in relation to the condition of the Tara pool facilities and the plans for short term remediation works.

The **AMENDMENT NO. 1** was **withdrawn**

AMENDMENT NO. 2

Moved By Cr. C. T. Tillman

That this Report be received and that:

1. Council approve remediation works at a cost of \$50,000 at the Tara Pool to keep the facility open until the end of the 20/21 season.
2. That the key stakeholders be appropriately informed of the engineers report on the condition of the Tara pool facilities and the plans for short term remediation works.

The **AMENDMENT NO. 2** was **lapsed due to want of a seconder**

PROCEDURAL MOTION

Moved By Cr. M. J. James

Seconded By Cr. A. N. Smith

That the debate on the matter be adjourned.

The debate was adjourned at 10:40

The **PROCEDURAL MOTION** was **PUT** and **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,

10. DEPUTATION

10.1 Deputation Shaun Robinsen

Shaun Robinsen addressed Council in regards to his planning application for his home business in Ainsworth Street Chinchilla. Shaun mentioned that he has already reduced his equipment significantly and would need to move out of the area if the application was refused.

COUNCIL RESOLUTION

Moved By Cr. M. J. James

Seconded By Cr. K. A. Maguire

That Council resolve to adjourn the Meeting.

The Meeting adjourned at 10:48am.

The Meeting resumed at 11:10am.

9.2.3 Corporate Services Confidential Report Tara Pool Remediation

Debate resumed on this Agenda item at 11:10am

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

9.3 COMMUNITY AND LIVEABILITY

9.4 INFRASTRUCTURE SERVICES

11. PLANNING

11.1 (030.2020.155.001 Community and Liveability Report Development Application Material Change of Use for Low Impact Industry (Motor Mechanic) at Lot 7 on RP15805 4 Alice Street Dalby Porter Super Fund

The purpose of this Report is to decide the proposed development for a Material Change of Use to establish a Low Impact Industry (Motor Mechanic) on land described as Lot 7 on RP15805 and situated at 4 Alice Street, Dalby.

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 a Material Change of Use to establish a Low Impact Industry (Motor Mechanic) on land described as Lot 7 on RP15805 and situated at 4 Alice Street, Dalby, be approved, subject to the following conditions:

APPROVED AND AMENDED 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:

Drawing No:061011.01

Description:Site Plan, prepared by Alisco Designs, as amended by M & P Porter and Council dated 3 September 2020

Drawing No:061011.02

Description:Floor Plan, prepared by Alisco Designs, as amended in red by Council dated 7 September 2020

Drawing No:061011.04

Description:Elevation Plans, prepared by Alisco Designs, as amended by Council dated 8 September 2020

APPROVED DEVELOPMENT

2. The approved development is a Material Change of Use for a Low Impact Industry as shown on the Approved Plans.

COMPLIANCE, TIMING AND COSTS

3. 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.

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

Timing:Prior to commencement of the use and following development.

APPLICATION DOCUMENTATION

5. It is the developer's responsibility to ensure all entities associated with this Development Permit have a legible copy of the Approved Plans bearing "Council Approval" and the Decision Notice.

OPERATING HOURS

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

6.1 Retail-Monday to Sunday-7:00am to 9:00pm

6.2 Low Impact Industry-Monday to Sunday-7:00am to 6:00pm

6.3 Loading and unloading-Monday to Friday-7:00am to 6:00pm

6.4 Loading and unloading-Saturday-8:00am to 5:00pm

7. No unloading or loading is to occur on Sundays or public holidays.

FEES AND CHARGES

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

MAINTENANCE

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

NOISE EMISSIONS

10. Noise emissions from the development shall not cause environmental harm or nuisance to adjoining properties or "Sensitive Land Uses".

11. In the event that a valid complaint of unreasonable noise emissions as a consequence of the operations of the approved use is received, Council may require submission of an Environmental Noise Level Study and Report that comply with *Australian Standard 1055* and the *Environmental Protection Agency Noise Measurement Manual*, and require works and/or management practices to be carried out to ensure noise emissions comply with the requirements of the *Environmental Protection (Noise) Policy 2008*.

LIGHTING

12. Provide lighting to the building frontage and pedestrian access areas.

13. Direct lighting or lighting does not exceed 8.0 lux at 1.5 metres beyond the boundary of the site.

VISUAL AND GENERAL AMENITY

14. Any graffiti on the building must be immediately removed.

15. The building and site must be maintained in a clean and tidy manner at all times.

16. All plant, air-conditioning equipment and the like must be visually screened from the street.

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

LANDSCAPING - GENERAL

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

19. The Landscaping Plan must detail:

19.1 all landscaping areas shown on the Approved Plans;

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

19.3 the number and size of plants; and

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

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

REFUSE STORAGE AREAS

21. Refuse bin storage areas must be screened from public view. Where bin storage occurs outside any buildings, such storage areas shall be screened with a minimum 1.5 metre high solid screen fence or wall.

FENCING

22. A 1.8 metre high timber fence shall be provided along the boundary shared with Lots 1 and 10 on RP15805 and Lots 1 and 2 on RP15806 as shown on the Approved Plans.

23. Boundary fences are not to be erected in a parallel arrangement with existing fences erected along the same boundary. That is, the existing fence shall be completely removed.

24. Any new fencing along the road frontages is to be constructed of transparent materials to ensure visibility is maintained.

WASTE MANAGEMENT

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

26. 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*.

27. The business operator must provide Council's Planning and Environment Manager with a copy of a contract, updated annually, between the business operator and an appropriately licensed Trade Waste Disposal business to manage all trade waste on-site, including oils and fluids.

AIR EMISSIONS

28. 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*.

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

29. 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.

30. 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.

31. Repair the kerb and channel for the full frontage of the property where it cannot be demonstrated that it is compliant with Council standards.

32. Vehicles associated with the property, including customers and employees are not permitted to park between the property boundary and Alice Street, within Council's Road Reserve.

STORMWATER MANAGEMENT

33. 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.

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

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

FLOODING - GENERAL

36. Provide habitable areas and areas associated with the storage of hazardous chemicals and all control panels of critical services at a minimum 300mm above the defined flood level.

WATER SUPPLY

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

TRADE WASTE DISPOSAL

38. 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.

39. 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.

40. The business must ensure that:

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

40.2 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;

40.3 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

40.4 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

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

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

SEWERAGE

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

PARKING AND ACCESS - GENERAL

44. Design and construct all car parking and manoeuvring areas with concrete or asphalt seal.

45. Provide a minimum of 6 car parking spaces including a minimum of one (1) person with disability (PWD) car parking space.

46. All vehicle manoeuvring must occur wholly within Lot 4 and the access easement.

47. Design and construct all PWD car parking spaces in accordance with AS2890.6.

48. Provide vehicle bollards or tyre stops to control vehicular access and to protect landscaping or pedestrian areas where appropriate.

49. 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.

50. Install a "Parking at Rear" sign on the property, visible from the street frontage.

PARKING AND ACCESS - SERVICING

51. 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

52. Design and construct a vehicle turnout generally in accordance with Council's Standard Drawing No. R-006.

EROSION AND SEDIMENT CONTROL - GENERAL

53. 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.

54. 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

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

55.1 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;

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

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

ADVISORY NOTES

NOTE 1 -Council Infrastructure

Council's sewer main traverses the location of the proposed access easement. Any future maintenance to the main may result in the temporary disruption to the use of the easement. The property owners of Lots 7 and 8 will be notified prior to any required work taking place.

NOTE 2 -Flood Hazard

The property is identified as being located in a Low Flood Hazard Area on the Flood Hazard Overlay Map in the Western Downs Planning Scheme 2017 incorporating Amendment 1. Where the floor level is not elevated above the defined flood level, the proposed building work may be subject to inundation during a flood event.

NOTE 3 -Relevant Period

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

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

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

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

NOTE 4 -Aboriginal Cultural Heritage

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

NOTE 5 -General Environmental Duty

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

NOTE 6 -General Safety of Public During Construction

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

NOTE 7 -Property Note (Audit of Conditions)

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

NOTE 8 -Duty to Notify of Environmental Harm

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

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

"Chapter 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...

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

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

CARRIED

UNCONFIRMED

11.2 (030.2020.291.001) Community and Liveability Report Development Application Material Change of Use High Impact Industry (Salt and Oily Water Recycling and Composting of Organic Waste) Lot 10 on SP237009 310 Chinchilla-Tara Road Crossroads Western Downs En

The purpose of this Report is for Council to decide the proposed development for a Material Change of Use to establish a High Impact Industry (Salt and Oily Water Recycling and Composting of Organic Waste) on land described as Lot 10 on SP237009 and Easement C on SP269860, and situated at Chinchilla-Tara Road, Crossroads.

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. K. A. Bourne

That this Report be received and that:

1. The application for a Material Change of Use to establish a High Impact Industry (Salt and Oily Water Recycling and Composting of Organic Waste) on land described as Lot 10 on SP237009 and Easement C on SP269860 and situated at 3101 Chinchilla-Tara Road, Crossroads, 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:

Drawing No:C-SK0001, Issue B

Description:Concept Layout Plan, prepared by RMA Engineers, dated 23/06/2020

Drawing No:C-SK0002, Issue B

Description:Overall Site Plan, prepared by RMA Engineers, dated 23/06/2020

Drawing No:C-SK0003, Issue A

Description:Catchment Plan, prepared by RMA Engineers, dated 23/06/2020

Document:Site Based Management Plan, Salt Recycling/Salt Reclamation/Oily Water Treatment/Composting, Revision A, prepared by the applicant and dated 10/06/2020

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 High Impact Industry (Salt and Oily Water Recycling and Composting of Organic Waste) as shown on the Approved Plans and Document.

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.

FEEES 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 and Document, 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*.

10. In the event that Council receives a bona fide noise complaint in relation to noise emissions produced from the site, and the use is not being carried out in accordance with the conditions of this approval, including the management strategies set out in the Site Based Management Plan and/or noise limits set out in the Environmental Authority, Council reserves the right to require the applicant to reassess noise management procedures already in place. In this instance the applicant may be required to undertake a further assessment of noise management through a third party and implement any recommendations in relation to noise attenuation by a date agreed upon by Council.

AIR EMISSIONS

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

12.In the event that Council receives a bona fide odour complaint in relation to odour produced from the site, and the use is not being carried out in accordance with the conditions of this approval, including the management strategies set out in the Site Based Management Plan and/or odour limits set out in the Environmental Authority, Council reserves the right to require the applicant to reassess odour management procedures already in place. In this instance the applicant may be required to undertake a further assessment of odour management through a third party and implement any recommendations in relation to odour attenuation by a date agreed upon by Council.

13.Emissions from the use must be in compliance with those acceptable limits specified within the *Environmental Protection (Air) Policy 2008*. In the event that a bona fide complaint is received regarding any air quality impacts of the development, the developer is to conduct an emission assessment, undertaken at the adjoining properties, and the results provided to Council within 14 days of the Operator being notified of the complaint. Council reserves the right to request an Emissions Impact Assessment be undertaken by the land owner of the subject site at any time.

WASTE MANAGEMENT

14.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*.

15.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

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.

GENERAL ENVIRONMENTAL

18.From commencement of the use, the applicant shall implement the Approved Site Based Management Plan, Salt Recycling/Salt Reclamation/Oily Water Treatment/Composting, Revision A, prepared by the applicant and dated 10/06/2020.

19.Should the Environmental Authority (EA) issued by the Department of Environment and Science (DES) no longer attach to the premises, the conditions of the EA will become Council's conditions until such time as a new EA is granted for the use on the premises.

20.The applicant shall be responsible, at no cost to council, for rehabilitation of the site upon cessation of the use to a pre-development state.

21.The applicant shall be responsible, at no cost to council, for any clean-up resulting from spillage of waste material beyond approved storage and treatment locations.

ACOUSTIC IMPACT MITIGATION – OPERATIONS

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

Operating hours:Monday to Sunday 24 hours

Loading and unloading are to occur between the hours:

Monday to Sunday:6.00am to 6.00pm

ENGINEERING WORKS

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

24.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

25.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.

26.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

27.Design and construct stormwater drainage to ensure that there is no nuisance or interference to the current use or potential future use of all downstream properties including road reserves and the like, for design storms of Q2, Q5, Q10, Q20 and Q50.

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

EROSION AND SEDIMENT CONTROL - GENERAL

31.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.

32.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

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

33.1do not cause nuisance to adjoining residents by the way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours;

33.2remove immediately, any material spilled or carried onto existing roads to avoid dust nuisance and ensure traffic safety; and

33.3do not carry out work on Sundays or Public Holidays (unless approved otherwise by Council).

34.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:

34.1uncontaminated overland stormwater flow; and

34.2uncontaminated stormwater to the stormwater system.

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...

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

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

CARRIED (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. C. T. Tillman

Against (2): Cr. P. T. Saxelby and Cr. O. G. Moore

**11.3 (030.2020.331.001) Community and Liveability Report Development
Application Material Change of Use for a Dwelling House at 42 Myall Street
Dalby Keys**

The purpose of this Report is for Council to decide the proposed development for a Material Change of Use to establish a Dwelling House on land described as Lot 1 on RP72633 and situated at 42 Myall Street, Dalby.

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

- a. the applicant being his immediate neighbour; and*
- b. he has also lodged a submission to this application.*

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

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

- a. The owners of the property next door to the applicant (P & D McVeigh) are my brother's parents-in-law and the parents of my son's God mothers. I have on occasion attended extended family gatherings with the McVeigh family at this address.*

Having given due consideration to her position she determined that she would leave the meeting while the matter is discussed)

Cr. P. M. McVeigh and Cr. M. J. James left the meeting at 11:23am.

Cr. A. N. Smith resumed The Chair at 11:23am

Cr. P. M. McVeigh and Cr. M. J. James re-joined the meeting at 11:24am.

Cr. P. M. McVeigh resumed the chair at 11:24am.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. C. T. Tillman

That this report be received and that:

1. The application for a Material Change of Use to establish a Dwelling House on land described as Lot 1 on RP72633 and situated at 42 Myall Street, Dalby, be approved, subject to the following conditions.

APPROVED AND AMENDED 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: Job No. 0086/19, Sheet 1 of 16, Issue H

Description:Site Plan Satellite Image, prepared by Martin Building Design, dated 14-09-20, as amended in red by Council on 9 October 2020

Plan No:Job No. 0086/19, Sheet 2 of 16, Issue H

Description:Site Plan, prepared by Martin Building Design, dated 14-09-20, as amended in red by Council on 9 October 2020

Plan No:Job No. 0086/19, Sheet 3 of 16, Issue H

Description:Proposed Floor Plan, prepared by Martin Building Design, dated 14-09-20

Plan No:Job No. 0086/19, Sheet 4 of 16, Issue H

Description:Elevations, prepared by Martin Building Design, dated 14-09-20

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

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

3.1Building Works; and

3.2Plumbing Works.

APPROVED DEVELOPMENT

4.The approved development is a Material Change of Use for a Dwelling House as shown on the Approved Plans amended by Council.

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.

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

9.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

10. 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.

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

12. 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).

INFRASTRUCTURE CHARGES

13. Infrastructure charges are payable in conjunction with this Development Permit.

14. 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

15. Fencing shall be designed to not impede or displace the conveyance of flood water across the property.

16. Boundary fences are not to be erected in a parallel arrangement with existing fences erected along the same boundary. That is, the existing fence shall be completely removed.

FLOODING - GENERAL

17. Ensure that the minimum habitable floor level of the Dwelling House is above 300mm of Council's defined flood level which is 342.77 Australian Height Datum (AHD).

WATER SUPPLY

18. Connect the development to Council's reticulated water supply system.

SEWER

19. Connect the development to Council's reticulated sewerage system.

VEHICLE ACCESS

20. Construct a residential crossover between the property boundary and the edge of the Myall Street pavement, having a minimum width generally in accordance with Council's Standard Drawing No. R-004.

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

ELECTRICITY AND TELECOMMUNICATIONS

22. Provide the development with electricity and telecommunication services.

EROSION AND SEDIMENT CONTROL - GENERAL

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

24. Remove and clean-up 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.

A D V I S O R Y N O T E S

NOTE 1 -Flood Hazard

The property is identified as being located in High and Extreme Flood Hazard Areas on the Flood Hazard Overlay Map in the Western Downs Planning Scheme 2017 incorporating Amendment 1. Where the floor level is not elevated above the defined flood level, the proposed building works may be subject to inundation during a flood event.

NOTE 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 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 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.

CARRIED

Absent did not Vote: Cr. P. M. McVeigh and Cr M. J. James

11.4 (030.2020.343.001) Community and Liveability Report Development Application Material Change of Use for a Transport Depot and Warehouse at 19-21 and 23-25 Downes Street Chinchilla McDonald C/- Precinct Urban Planning

The purpose of this Report is for Council to decide the proposed development for a Material Change of Use to establish a Transport Depot and Warehouse on land described as Lots 4 and 5 on RP14933 and situated at 19-21 and 23-25 Downes Street, Chinchilla.

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby

Seconded By Cr. I. J. Rasmussen

That this Report be received and that:

1.The application for a Material Change of Use to establish a Transport Depot and Warehouse on land described as Lots 4 and 5 on RP14933 and situated at 19-21 and 23-25 Downes 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:Sheet 1 of 1, Issue E

Description:Site Plan, prepared by Martin Building Design, dated 01-09-20

Amendment:Amended in red by Council on 24 September 2020

Plan No:SQF-3568-01, Revision 1

Description:Floor Plan, prepared by Multitrade Building Hire, dated 13/01/20

Plan No:SQF-3568-02, Revision 1

Description:Office Complex - Elevations, prepared by Multitrade Building Hire, dated 13/01/20

Plan No:-

Description:Amenities Block Elevational View and Internal Layout

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 and Warehouse 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:

Monday to Sunday 6:00am to 6:00pm

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

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

NOISE EMISSIONS

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

AIR EMISSIONS

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

WASTE MANAGEMENT

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

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

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.

LANDSCAPING

17. 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.

18. The Landscaping Plan must detail:

18.1 all landscaping areas shown on the Approved Plans, including the two additional 2 metre x 2 metre Tree Planters as shown on the Approved Plans and amended by Council;

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

18.3 the number and size of plants; and

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

19. 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

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

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

22. 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

23. 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.

24. 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

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

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

27. 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

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

SEWERAGE

29. 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 Council's Planning Scheme, AS1547:2012, and the Queensland Plumbing and Waste Water Code.

30. 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

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

32. 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

33. 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.

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

35. 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.

36. 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.

37. 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

38. A minimum of fifteen (15) car, including one (1) parking with disability and six (6) truck parking spaces are to be provided.

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

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

41. In the event that Council receives a bona fide complaint 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

42. 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

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

EXTERNAL ROADWORKS

44. Design and construct Edward Street for the whole frontage of Lot 5, to the following standard:

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

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

44.3 tapers to the existing road pavement;

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

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

44.6 design and construct any intersection works as required by the Department of Transport and Main Roads.

EROSION AND SEDIMENT CONTROL - GENERAL

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;

47.2remove immediately, any material spilled or carried onto existing roads to avoid dust nuisance and ensure traffic safety; and

47.3do not carry out work on Sundays or Public Holidays (unless approved otherwise by Council).

ELECTRICITY AND TELECOMMUNICATIONS

48.Connect the development to electricity and telecommunication services.

A D V I S O R Y N O T E S

NOTE 1 -Flood Hazard

The property is identified as being located in High and Extreme Flood Hazard Areas on the Flood Hazard Overlay Map in the Western Downs Planning Scheme 2017 incorporating Amendment 1. Where the floor level is not elevated above the defined flood level, the proposed building works may be subject to inundation during a flood event.

NOTE 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.

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...

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

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

CARRIED

11.5 (030.2020.405.001) Community and Liveability Report Development Application Material Change of Use Home Based Business (Earthmoving, Excavation and Electrical Business) Lot 26 on SP193563 152 Ainsworth Street Chinchilla Robinsen C/- Out of the Woods Plann

The purpose of this Report is for Council to decide the proposed development for Material Change of Use to establish a Home Based Business (Earthmoving, Excavation and Electrical Business) on land described as Lot 26 on SP193563, and situated at 152 Ainsworth Street, Chinchilla.

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. K. A. Bourne

That this Report be received and that:

1. The application for a Material Change of Use to establish a Home Based Business (Earthmoving, Excavation and Electrical Business) on land described as Lot 26 on SP193563 and situated at 152 Ainsworth Street, Chinchilla be refused, based on the following grounds:

(a) The development application for a Material Change of Use to establish a Home Based Business (Earthmoving, Excavation and Electrical Business) 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 proposed development does not satisfy Overall Outcome 4 of the Rural Residential Zone Code, as the development has the potential to impact on the amenity of the surrounding Rural Residential allotments in terms of dust, noise emissions and visual amenity.

(ii) The proposed development does not satisfy Overall Outcome 5 of the Rural Residential Zone Code, as the development is considered industrial in nature and does not support the day-to-day needs of the immediate residential community.

(iii) The proposed development does not satisfy Overall Outcome 1 of the Home Based Business Code, based on the scale of the use, nature of the use and the potential amenity impacts.

(iv) The proposed development does not comply with Acceptable Outcome 1.3 of the Home Based Business Code, as the equipment associated with the Home Based Business will not be stored within a building or structure, and is visible from the road frontage.

(v) The proposed development does not comply with Performance Outcome 4 of the Home Based Business Code, as the intensity of the proposed use is not compatible with the surrounding rural residential allotments. The possible visual amenity, light, dust and noise impacts have the potential to detract from the amenity of the local area.

(vi) The proposed development does not comply with Acceptable Outcome 6.2 of the Home Based Business Code, as the development incorporates transport greater than a 3 tonne rigid vehicle accessing the site.

(b) Reasonable and relevant conditions could not be applied for the development to comply with the relevant Codes of the Western Downs Planning Scheme 2017 incorporating Amendment 1, as the proposed scale, intensity and nature of the use are

inconsistent with the Outcomes of the Rural Residential Zone Code and Home Based Business Code.

FORESHADOWED MOTION

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

That the report lay on the table until conditions for approval are prepared.

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

UNCONFIRMED

12. EXECUTIVE SERVICES

12.1 Executive Services Chief Executive Officer Report September 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 September 2020.

Cr. C. T. Tillman left the meeting at 11:56am.

Cr. C. T. Tillman re-joined the meeting at 11:56am.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. K. A. Maguire

That this Report be received and noted

CARRIED

12.2 Executive Services Report Outstanding Actions September 2020

The purpose of this Report is to provide Council with an updated on the status of outstanding Council Meeting Action Items to 23 September 2020.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. P. T. Saxelby

That this Report be received and noted.

CARRIED

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. I. J. Rasmussen

That Council resolve to adjourn the Meeting.

The Meeting adjourned at 12:03pm

The Meeting resumed at 12:34pm.

13. CORPORATE SERVICES

13.1 Corporate Services Report 2019/2020 Annual Report

The purpose of this Report is to present the draft Western Downs Regional Council 2019/20 Annual Report (1 July 2019 to 30 June 2020) to Council.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. M. J. James

That this Report be received and that:

1. Council adopt the Western Downs Regional Council 2019/20 Annual Report pursuant to section 182 of the *Local Government Regulation 2012*.

CARRIED

13.2 Corporate Services Financial Report September 2020

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

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. K. A. Maguire

That this Report be received, and that:

1. Council notes the September 2020 Financial Report, and
2. Resolves to approve \$2.881 million in capital expenditure and \$1.582 million in capital revenue being added to Council's 2020-21 capital works program.

CARRIED

13.3 Corporate Services Financial Report 2019-20 Review of Actual Against Budget

The purpose of this Report is to present Council with the final position for the 2019-20 financial year.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. K. A. Bourne

That this Report be received and noted.

CARRIED

13.4 Corporate Services Report of Audit Committee Meeting 6 October 2020

To provide Council with the report of the Western Downs Regional Council Audit Committee Meeting held 6 October 2020.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. K. A. Maguire

That this Report be received and that:

1. Council note the unconfirmed minutes of the Western Downs Regional Council Audit Committee Meeting held 6 October 2020.

CARRIED

13.5 Corporate Services Report Recommended Rescinding of the Intangible Assets - Council Policy

The purpose of this report is to seek Council's direction regarding rescission of the Intangible Assets - Council Policy.

COUNCIL RESOLUTION

Moved By Cr. M. J. James

Seconded By Cr. I. J. Rasmussen

That this Report be received and that:

1. Council resolves to rescind the Intangible Assets - Council Policy.

CARRIED

14. INFRASTRUCTURE SERVICES

14.1 Infrastructure Services Report 2020_21 Capital Works Program October 2020 Update

The purpose of this Report is to provide an update to Council of the 2020/2021 Capital Works Program October update from the Work's Department.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. K. A. Bourne

That this Report be received and noted.

CARRIED

14.2 Infrastructure Services Charley's Creek Bridge, Burncluith Road Naming Consideration

The purpose of this report is to seek Council's direction regarding formally naming the bridge over Charley's Creek on Burncluith Road.

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby

Seconded By Cr. A. N. Smith

That this report be received and that:

1. The bridge over Charley's Creek on Burncluith Road is to be considered for formal naming.

CARRIED (8 to 1)

14.3 Infrastructure Services Report Charley's Creek Bridge, Burnt Bridge Road Naming Consideration

The purpose of this report is to seek Council's direction regarding formally naming the major culvert structure over Charley's Creek on Burnt Bridge Road.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. K. A. Bourne

That this report be received and that:

1. the major culvert structure over Charley's Creek on Burnt Bridge Road is to be considered for formal naming.

CARRIED (8 to 1)

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

Against (1): Cr. I. J. Rasmussen

14.4 Infrastructure Services Regional Road and Transport Group Funding

The purpose of this report is to update Council regarding the Regional Road and Transport Group (RRTG) Transport Infrastructure Development Scheme (TIDS) funded capital projects completed in 2019/20 and programmed for 2020/21.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. I. J. Rasmussen

That this Report be received and noted.

CARRIED

14.5 Infrastructure Services Report Department of Transport and Main Roads Provided Warra Canaga Creek Road Upgrade Petition

The purpose of this Report is to update Council on the petition received requesting the upgrade of Warra Canaga Creek Road.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. P. T. Saxelby

That the Report be received and noted.

CARRIED

15. COMMUNITY AND LIVEABILITY

15.1 Community and Liveability Report Community Projects Program Round 1 2020.2021

The purpose of this Report is to provide Council with the Unconfirmed Minutes of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 7 October 2020 in relation to the Assessment of Round One (1) of the 2020/2021 Community Projects Program and to seek adoption of the recommendations contained in those Unconfirmed Minutes.

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

a. She was previously a former Executive member of the Miles & District Historical Society whom have lodged an application.

She also informed of an declarable conflict of interest in respect to this matter due to:

b. Her sister-in-law, Jane Nixon Lodged the application for the Drillham Hall Committee.

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

Cr. K. A. Bourne left the meeting at 1:05pm.

Cr. K. A. Bourne re-joined the meeting at 1:08pm.

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby

Seconded By Cr. K. A. Maguire

That this Report be received and that:

1. Council note the Unconfirmed Minutes of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 7 October 2020.
2. The Recommendations of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 7 October 2020 be adopted as follows:

a. Apologies

That the Western Downs Regional Council Community Grants Assessment Reference Group accept the apologies for non-attendance from Cr. O.G. Moore.

b. Confirmation of Minutes of Previous Meeting

That the Unconfirmed Minutes of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 3 June 2020 copies of which have been circulated to Members, be taken as read and confirmed;

c. That the applicants for Round One (1) of the 2020/2021 Community Projects Program be advised as follows:

	Applicant	Project Description	Total Project Cost	Applicant Contribution	Amount Requested	Amount Approved (Excl. G.S.T.)	Justification/ Conditions	Suggestions/ Conflicts of Interest
1	Chinchilla Bowls Club Inc	Upgrade front and rear of bar area and carpet areas	\$37,105.00	\$27,105.00	\$10,000.00	\$7,500.00		
						FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. P.T. Saxelby, Cr. C.T. Tillman AGAINST: DID NOT VOTE: Cr. O.G. Moore		
2	Jandowae and District Progress and Heritage Association Inc	To repaint the railings on the old school and purchase a new ride on mower	\$4,800.00	\$0.00	\$4,800.00	\$3,200.00	Towards the cost of the mower	
						FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. P.T. Saxelby, Cr. C.T. Tillman AGAINST: DID NOT VOTE: Cr. O.G. Moore		
3	Dalby District Show Society	Cementing the area between the Knox and Parsons Pavilions	\$7,370.00	\$0.00	\$7,370.00	\$0.00	Due to oversubscription of the funding program	
						FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. P.T. Saxelby, Cr. C.T. Tillman AGAINST: DID NOT VOTE: Cr. O.G. Moore,		
4	Eva's Place Pregnancy and Early Parenting Support Inc	Security System for new premises	\$4,347.41	\$0.00	\$4,347.41	\$0.00	Due to oversubscription of the funding program	
						FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. P.T. Saxelby and Cr. C.T. Tillman AGAINST: DID NOT VOTE: Cr. O.G. Moore		
5	Jandowae Lighthouse Troop (auspiced by Jandowae RSL Sub Branch)	Installation of a metal structure to stabilise a Light Horse Commemorative Sculpture and Plaque	\$5,437.00	\$520.00	\$3,717.00	\$3,717.00		
						FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. P.T. Saxelby and Cr. C.T. Tillman AGAINST: DID NOT VOTE: Cr. O.G. Moore		
6	Wandoan Housing association Inc	Install gazebo for use by residents at Juandah Gardens	\$7,700.00	\$2,701.00	\$4,999.00	\$4,999.00		
						FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. P.T. Saxelby, Cr. C.T. Tillman AGAINST: DID NOT VOTE: Cr. O.G. Moore		
7	Pelican Hall Association Inc	Pelican Hall upgrade for maintenance and safety	\$9,405.00	\$975.00	\$8,430.00	\$8,430.00		
						FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. P.T. Saxelby, Cr. C.T. Tillman AGAINST: DID NOT VOTE: Cr. O.G. Moore		
8	Dalby and District Pony and Hack Club	Erect a grandstand	\$12,500.00	\$2,500.00	\$10,000.00	\$6,250.00	Funding for 50% of project cost. Conditional on the grandstand being mobile	
						FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. P.T. Saxelby, Cr. C.T. Tillman AGAINST:		

	Applicant	Project Description	Total Project Cost	Applicant Contribution	Amount Requested	Amount Approved (Excl. G.S.T.)	Justification/ Conditions	Suggestions/ Conflicts of Interest
9	Drillham Hall and Recreation Committee Inc	Outdoor Bar Refurbishment	\$9,300.00	\$0.00	\$9,300.00	\$7,700.00	Covering costs of supply and fitting of screens, windows and bench	Cr Bourne declared a Conflict of Interest due to a family member writing the application and left the room and did not vote
						DID NOT VOTE: Cr. O.G. Moore FOR: Cr. K.A. Maguire, Cr. P.T. Saxelby, Cr. C.T. Tillman AGAINST: DID NOT VOTE: Cr. O.G. Moore, Cr. K.A. Bourne		
10	Miles and District Historical Society Inc	Red Rose Café Catering Area Development	\$10,000.00	\$2,500.00	\$7,500.00	\$7,500.00		Cr Bourne declared a Perceived Conflict of Interest due to her previous membership of Miles & District Historical Society and left the room and did not vote
						FOR: Cr. K.A. Maguire, Cr. P.T. Saxelby, Cr. C.T. Tillman AGAINST: DID NOT VOTE: Cr. O.G. Moore, Cr. K.A. Bourne		
11	Chinchilla Race Club Inc	Race Club Kitchen Plumbing and Drainage Project	\$34,066.85	\$24,066.85	\$10,000.00	\$10,000.00		
						FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. P.T. Saxelby, Cr. C.T. Tillman AGAINST: DID NOT VOTE: Cr. O.G. Moore		
12	Football Dalby Inc	Storage Shed for mower, goals and bins	\$13,000.00	\$3,000.00	\$10,000.00	\$6,500.00	Funding for 50% of project cost	
						FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. P.T. Saxelby, Cr. C.T. Tillman AGAINST: DID NOT VOTE: Cr. O.G. Moore		
TOTAL FUNDED						\$65,796.00		

CARRIED

Absent Did not Vote: Cr. K. A. Bourne

15.2 Community and Liveability Report Local Events Program Round 1 2020.2021

The purpose of this Report is to provide Council with the Unconfirmed Minutes of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 7 October 2020 in relation to the Assessment of Round One of the 2020/2021 Local Events Program and to seek adoption of the recommendations contained in those Unconfirmed Minutes.

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

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

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

Cr. P. T. Saxelby left the meeting at 1:09pm.

Cr. P. T. Saxelby re-joined the meeting at 1:10pm.

COUNCIL RESOLUTION

Moved By Cr. C. T. Tillman

Seconded By Cr. K. A. Bourne

That this Report be received and that:

1. Council note the Unconfirmed Minutes of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 7 October 2020.
2. The Recommendations of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 7 October 2020 be adopted as follows:

a. Apologies

That the Western Downs Regional Council Community Grants Assessment Reference Group accept the apologies for non-attendance from Cr. O.G. Moore.

b. Confirmation of Minutes of Previous Meeting

That the Unconfirmed Minutes of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 3 June 2020 copies of which have been circulated to Members, be taken as read and confirmed; and

c. That the applicants for Round One of the 2020/2021 Local Events Program be advised as follows:

	Applicant	Project Description	Total Project Cost	Applicant Contribution	Amount Requested	Amount Approved (Excl. G.S.T.)	Justification/ Conditions	Suggestions/ Conflicts of Interest
1	Bell Art Group Inc	Bell Art Exhibition	\$10,485.00	\$350.00	\$1,700.00 cash plus In Kind \$440.00	\$1,700.00 cash plus \$440.00 In Kind Assistance		
						FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. P.T. Saxelby and Cr. C.T. Tillman AGAINST: DID NOT VOTE: Cr. O.G. Moore		
2	Pioneer Park Museum	Pioneer Park Museum Annual Field Day	\$5,960.00	\$3,960.00	\$2,000.00 cash plus In Kind \$360.00	\$2,000.00 cash plus \$360.00 In Kind Assistance		Cr Saxelby declared a Conflict of Interest due to his brother's involvement in this event and the Pioneer Park Committee and left the room and did not vote.
						FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. P.T. Saxelby and Cr. C.T. Tillman AGAINST: DID NOT VOTE: Cr. O.G. Moore, Cr. P.T. Saxelby		
3	Lions Club of Chinchilla Inc	Lions Club of Chinchilla Christmas Light Show	\$39,820.00	\$10,000.00	\$5,000.00	\$5,000.00		
						FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. P.T. Saxelby and Cr. C.T. Tillman AGAINST: DID NOT VOTE: Cr. O.G. Moore		
TOTAL FUNDED						\$8,700.00 cash plus \$800.00 In Kind Assistance		

CARRIED

Absent did not Vote: Cr. P. T. Saxelby

15.3 Community and Liveability Report Regional Arts Development Fund Program Round 1 2020.2021

The purpose of this Report is to provide Council with the Unconfirmed Minutes of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 7 October 2020 in relation to the Assessment of Round One (1) of the 2020/2021 Regional Arts Development Fund Program and to seek adoption of the recommendations contained in those Unconfirmed Minutes.

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

a. She is the president of Gallery107@Dalby where the Regional Artist Exhibition and workshop is being held.

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

Cr. C. T. Tillman left the meeting at 1:11pm.

Cr. C. T. Tillman re-joined the meeting at 1:12pm.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. K. A. Maguire

That this Report be received and that:

1. Council note the Unconfirmed Minutes of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 7 October 2020.

2. The Recommendations of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 7 October 2020 be adopted as follows:

a. Apologies

That the Western Downs Regional Council Community Grants Assessment Reference Group accept the apologies for non-attendance from Cr. O.G. Moore.

b. Confirmation of Minutes of Previous Meeting

That the Unconfirmed Minutes of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 19 February 2020 copies of which have been circulated to Members, be taken as read and confirmed; and

c. That the applicants for Round One (1) of the 2020/2021 Regional Arts Development Fund

Program be advised as follows:

	Applicant	Project Description	Total Project Cost	Applicant Contribution	Amount Requested	Amount Approved (Excl. G.S.T.)	Justification/ Conditions	Suggestions/ Conflicts of Interest
1	Wandoan RSL Sub-Branch	Wandoan Soldier Settlers Storytelling	\$21,095.00	\$0.00	\$9,195.00	\$9,195.00	Conditional upon the receipt of the remainder of \$6500.00 being received from other sources	
						FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. P.T. Saxelby and Cr. C.T. Tillman AGAINST: DID NOT VOTE: Cr. O.G. Moore		
2	Western Downs Regional Artists' (auspiced by Gallery 107@ Dalby)	Creative Arts Practice 2 Day Masterclass	\$4,407.40	\$0.00	\$2,864.81	\$2,557.40		Cr Tillman declared a Conflict of Interest in her capacity as President of Gallery 107 @ Dalby and left the room and did not vote
						FOR: Cr. K.A. Bourne, Cr. K.A. Maguire and Cr. P.T. Saxelby AGAINST: DID NOT VOTE: Cr. O.G. Moore, Cr. C.T. Tillman		
TOTAL FUNDED						\$11,752.40		

CARRIED

Absent did not Vote: Cr. C. T. Tillman

UNCONFIDENTIAL

15.4 Community and Liveability Report 2019 / 2020 Annual Report on Partnership between Western Downs Regional Council and Toowoomba Surat Basin Enterprise

To provide Council with the annual report outlining outcomes on the 2019 / 2020 partnership between the Western Downs Regional Council and the Toowoomba Surat Basin Enterprise.

COUNCIL RESOLUTION

Moved By Cr. C. T. Tillman

Seconded By Cr. K. A. Maguire

That this report be received and noted.

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

a. Her and her husband run a business, Western Downs Transport which has been receiving support through the TSBE Business navigator western downs website advisory services

Having considered her position she does not believe a reasonable person could have a perception of bias because report requires no decision other than to receive the report. She chose to remain in the meeting however will respect the decision of council as to whether they can remain and participated in the decision.

PROCEDURAL MOTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. K. A. Maguire

Cr. I. J. Rasmussen moved that it is in the public interest that Cr. M. J. James participates on agenda item 15.4 due to the fact that the report requires no decision other than to receive the report.

The **PROCEDURAL MOTION** was **PUT** and **CARRIED**
For (7): Cr. P. M. McVeigh, 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

Cr. A. N. Smith and Cr. M. J. James abstained from voting

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

a. He and his wife own and operate the Condamine Hotel which has been receiving support through the Business navigator western Downs Website advisory services and have also received a small COVID-19 grant recently.

Having considered his position he does not believe a reasonable person could have a perception of bias because report requires no decision other than to receive the report. He chose to remain in the meeting however will respect the decision of council as to whether they can remain and participated in the decision.

PROCEDURAL MOTION

Moved By Cr. I. J. Rasmussen

Cr. I. J. Rasmussen moved that it is in the public interest that Cr. A. N. Smith participates on agenda item 15.4 due to the fact that the report requires no decision other than to receive the report.

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

The **PROCEDURAL MOTION** was **PUT** and **CARRIED**
For (7): Cr. P. M. McVeigh, 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
Cr. A. N. Smith and Cr. M. J. James abstained from voting

COUNCIL RESOLUTION

Moved By Cr. C. T. Tillman

Seconded By Cr. K. A. Maguire

That this report be received and noted.

CARRIED (7 to 2)

Cr. A. N. Smith and Cr. M. J. James abstained from voting

15.5 Community and Liveability Report Southern Queensland Country Tourism (SQCT) Board Structure

The purpose of this report is to provide Council with an update on proposed changes to Southern Queensland Country Tourism (SQCT's) Board structure.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. M. J. James

That this report be received and that:

1. The Mayor, Cr Paul McVeigh, represent the Western Downs Regional Council at the Southern Queensland Country Tourism (SQCT) Annual General Meeting on 30 November, 2020 and be authorised to vote on the appointment of Directors to the Board.
2. That Council nominate Councillor Kylie Bourne to be considered as the Local Government Representative on the Southern Queensland Country Tourism (SQCT) Board.

CARRIED

16. NOTICES OF MOTION

16.1 CONSIDERATION OF NOTICES OF MOTION/BUSINESS

16.2 RECEPTION OF NOTICES OF MOTION FOR NEXT MEETING

17. URGENT GENERAL BUSINESS

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. P. T. Saxelby

That Council conduct a review of the Council meeting policy to accommodate changes to state legislation

AMENDMENT NO.1

Moved By Cr. M. J. James

Seconded By Cr. A. N. Smith

That Council conduct a review of the Council meeting policy and ensure it accommodates recent changes to state legislation.

PROCEDURAL MOTION

Moved By Cr. I. J. Rasmussen

That the motion be put.

The **AMENDMENT NO. 1** was **PUT** and **CARRIED**

The **AMENDMENT NO. 1** became the **SUBSTANTIVE MOTION** and was **PUT** and **CARRIED**

18. MEETING CLOSURE

The Meeting concluded at 1:40pm.