

5. CONFIRMATION OF MINUTES

5.1 Adopt Ordinary Meeting of Council Minutes 20 October 2021

The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Wednesday, 20 October 2021

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

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 20 October 2021, copies of which have been circulated to Members, be taken as read and confirmed.

CARRIED



Ordinary Meeting of Council Minutes

Date: Wednesday, 20 October 2021
Time: 9.30am
Location: Dalby Corporate Office
30 Marble Street,
Dalby Qld 4405

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:

- J. K. Taylor, Acting Chief Executive Officer
- S. M. Peut, General Manager (Corporate Services)
- G. K. Cook, General Manager (Infrastructure Services)
- A. Yardley, Acting General Manager (Community and Liveability)
- J. L. Weier, Senior Executive Officer
- A. G. Lyell, Executive Services Administration officer

1. DECLARATION OF MEETING OPENING

The Chairperson declared the Meeting open at 9.30AM.

2. OPENING PRAYER AND MINUTE SILENCE

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

3. APOLOGIES

Nil

4. CONGRATULATIONS

Cr. K.M. Maguire requested that congratulations be extended to Donna Glass for being a finalist in the 2021 Queensland Regional Art Awards in the category of 'The Merv' Landscape Award.

Cr. K.M. Maguire requested that congratulations also be extended to Donna Glass and Helen Dennis as finalists in the Paint the Town 2021 Queensland Regional Arts Awards.

Cr. A.N. Smith requested that congratulations be extended to the Condamine Campdraft Committee for the successful Campdraft held in Condamine which not only brings tourism to the area but also provides a significant economic benefit to the region.

5. CONFIRMATION OF MINUTES

5.1 Adopt Minutes Ordinary Meeting of Council

The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Wednesday, 22 September 2021.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. P. T. Saxelby

That this Report be received and that:

1. The Unconfirmed Minutes of the Ordinary Meeting of Council held on 22 September 2021, copies of which have been circulated to Members, be taken as read and confirmed.

CARRIED

6. BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETINGS

Nil

7. DECLARATION OF CONFLICT OF INTEREST

Corporate Services Confidential Report Land Appeal Court Orders

Cr. A. N. Smith

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

1. He is currently a member of the 2021 Condamine Cods Committee.
2. He and the owner of the property were good friends.

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

Community and Liveability Confidential Report Health Services Governance Report

Cr. C. T. Tillman

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

1. She is on the board of Ningana.

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

Cr. P. T. Saxelby

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

1. He and his brother as Enduring Power of Attorney have applied for a bed for their mother at the Illoura Aged Care Facility in Chinchilla.

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

(030.2021.517.001) Community and Liveability Report Development Application Material Change of Use Food and Drink Outlet Lots 1-3 RP67391 at 24a Arthur Street and 84 and 86 Drayton Street Dalby Town Planning Alliance

GM Cook

In accordance with Chapter 6, Part 2, Division 5B 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. the applicant is a relative.

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

8. PRESENTATION OF PETITIONS BY COUNCILLORS

Nil

9. MAYORAL UPDATE

9.1 Executive Services Mayoral Report September 2021

The purpose of this Report is to provide Council with significant meetings, forums and delegations attended by the Mayor during the month of September 2021.

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. K. A. Bourne

That this Report be received and noted.

CARRIED

UNCONFIRMED

10. 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. P. T. Saxelby

Seconded By Cr. M. J. James

That Council resolve to close the Meeting in accordance with Sections 254 (3) (b,e,g) of the *Local Government Regulation 2012* at 9:48am to discuss the following Confidential Reports:

1. Corporate Services Confidential Report Proposed Sale by Auction 96 Murilla Street Miles (g);
2. Corporate Services Confidential Report Land Appeal Court Orders (e);
3. Community and Liveability Confidential Report Health Services Governance Report (b).

CARRIED

COUNCIL RESOLUTION - REOPEN MEETING

Moved By Cr. M. J. James

Seconded By Cr. O. G. Moore

That Council resolve to reopen the Meeting at 10:30am

CARRIED

11. DEPUTATIONS

11.1 Douglas Browne

Douglas Browne addressed Council in regard to the danger of Grassdale and Springvale Road. He advised that due to the amount of traffic coming out of Grassdale it has become dangerous and road trains are unable to turn safely.

11.2 Celia Karp

Celia Karp addressed Council in regard to the loud traffic and heavy vehicles that travel along Springvale Road late at night. Celia requested that Western Downs Regional Council have a plan with Mort & Co Feedlot to solve these issues.

11.3 Cooper Tate

Cooper Tate requested that Council consider putting a footpath from Branch Creek Road to Cecil Plains Road so he and other families can enjoy walking or riding bikes along there safely. He believes there would be many benefits to the community if this footpath was built and many more kids from the area would walk or ride to school.

COUNCIL RESOLUTION - ADJOURN MEETING

Moved By Cr. P. T. Saxelby

Seconded By Cr. I. J. Rasmussen

That Council resolve to adjourn the Meeting.

CARRIED

The Meeting adjourned at 10:44am.

The Meeting resumed at 11:07am.

10. CONFIDENTIAL ITEMS

COUNCIL RESOLUTION - CLOSE MEETING

Moved By Cr. P. T. Saxelby

Seconded By Cr. K. A. Bourne

That Council resolve to close the Meeting in accordance with Sections 254 (3) (b,e,g) of the *Local Government Regulation 2012* at 11:08am to discuss the following Confidential Reports:

1. Corporate Services Confidential Report Proposed Sale by Auction 96 Murilla Street Miles (g);
2. Corporate Services Confidential Report Land Appeal Court Orders (e);
3. Community and Liveability Confidential Report Health Services Governance Report (b).

CARRIED

COUNCIL RESOLUTION - REOPEN MEETING

Moved By Cr. K. A. Bourne

Seconded By Cr. O. G. Moore

That Council resolve to reopen the Meeting at 11:13am.

CARRIED

10.1 EXECUTIVE SERVICES

Nil.

10.2 CORPORATE SERVICES

10.2.1 Corporate Services Confidential Report Proposed Sale by Auction 96 Murilla Street Miles

The Purpose of this Report is to seek Council's direction regarding the proposed sale of 96 Murilla Street, Miles, being Lot 1 RP197995.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. C. T. Tillman

That this Report be received and that Council:

1. Approve the sale of 96 Murilla Street, Miles by auction (being Lot 1 on Registered Plan 197995);
2. Approve the appointment of an external Real Estate agent to conduct the auction;
3. Authorise the Chief Executive Officer to set the auction reserve price at a price to be determined, based on an "as is, where is" market valuation from a registered valuer; and
4. Authorise the Chief Executive Officer to prepare all documents necessary to offer 96 Murilla Street, Miles (being Lot 1 on Registered Plan 197995) for sale by auction and to affect the sale.

CARRIED

10.2.2 Corporate Services Confidential Report Land Appeal Court Orders

The purpose of this report is to seek Council's direction in relation the enforcing all or part of the Land Appeal Court Orders.

Conflict of Interest - Cr. A.N. Smith

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

1. *He is currently a member of the 2021 Condamine Cods Committee.*
2. *He and the owner of the property were good friends.*

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

Cr. A. N Smith left the meeting during the discussion at 9:55am.

Cr. A. N. Smith re-joined the meeting at 10:29am.

Cr. A. N. Smith left the meeting during the vote at 11:17am.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. K. A. Maguire

That this Report be received and that:

1. Council directs the CEO in relation to the Land Appeal Court Order dated 13 March 2020 on Lot 3 BWR1:
 - a. to waive additional rates assessed in the amount of \$125,000 for the 2019/20 and 2020/21 rating period;
 - b. to seek payment for reimbursed rates in the amount of \$115,275; and
 - c. To seek reimbursement of Council's legal costs, either agreed or assessed.

FORESHADOWED MOTION

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

That this Report be received and that:

1. Council directs the CEO in relation to the Land Appeal Court Order dated 13 March 2020 on Lot 3 BWR1, to waive all aspects of the Order.

The **ORIGINAL MOTION** was **PUT** and **LOST (3 to 5)**

For: Cr. P. M. McVeigh, Cr. K. A. Maguire and Cr. I. J. Rasmussen

Against: Cr. K. A. Bourne, Cr. P. T. Saxelby, Cr. M. J. James,
Cr. O. G. Moore, Cr. C. T. Tillman

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

FORESHADOWED MOTION MOVED

Moved By Cr. O. G. Moore
Seconded By Cr. P. T. Saxelby

That this Report be received and that:

1. Council directs the CEO in relation to the Land Appeal Court Order dated 13 March 2020 on Lot 3 BWR1, to waive enforcing the orders entirely with no further action to be taken.

FORESHADOWED MOTION

Cr. K. A. Bourne foreshadowed that if the motion on the floor failed she would move:

That this Report be received and that:

1. Council directs the CEO in relation to the Land Appeal Court Order dated 13 March 2020 on Lot 3 BWR1:
 - a. to waive additional rates assessed in the amount of \$125,000 for the 2019/20 and 2020/21 rating period, and payment of reimbursed rates in the amount of \$115,275; and
 - b. To seek reimbursement of Council's legal costs, either agreed or assessed.

The **ORIGINAL MOTION** was **PUT** and **LOST (2 to 6)**

For: Cr. P. T. Saxelby and Cr. O. G. Moore

Against: Cr. P. M. McVeigh, Cr. K. A. Maguire and Cr. I. J. Rasmussen
Cr. K. A. Bourne, Cr. M. J. James, Cr. C. T. Tillman

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

FORESHADOWED MOTION MOVED

Moved By Cr. K. A. Bourne
Seconded By Cr. O. G. Moore

That this Report be received and that:

1. Council directs the CEO in relation to the Land Appeal Court Order dated 13 March 2020 on Lot 3 BWR1:
 - a. to waive additional rates assessed in the amount of \$125,000 for the 2019/20 and 2020/21 rating period, and payment of reimbursed rates in the amount of \$115,275; and
 - b. To seek reimbursement of Council's legal costs, either agreed or assessed.

PROCEDURAL MOTION

Cr. C. T. Tillman moved that the motion be Put.

The **PROCEDURAL MOTION** was **PUT** and **CARRIED (5 to 3)**

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

The **SUBTANTIVE MOTION** was **PUT** and **CARRIED (6 to 2)**

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

Against: Cr. K. A. Maguire and Cr. I. J. Rasmussen

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

Cr. A. N. Smith re-joined the meeting 12:17am.

COUNCIL RESOLUTION - ADJOURN MEETING

Moved By Cr. M. J. James

Seconded By Cr. K. A. Maguire

That Council resolve to adjourn the Meeting.

CARRIED

The Meeting adjourned at 12:17pm.

The Meeting resumed at 1:46pm.

Cr. C.T. Tillman was not in attendance at the recommencement of the meeting.

UNCONFIRMED

10.3 COMMUNITY AND LIVEABILITY

10.3.1 Community and Liveability Confidential Report Health Services Governance Report

The purpose of this Report is to provide Council with an update in relation to key governance areas within the Health Services sites and services.

Conflict of Interest - Cr. C. T. Tillman

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

1. *She is on the board of Ningana.*

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

Conflict of Interest - Cr. P. T. Saxelby

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

1. *He and his brother as Enduring Power of Attorney's have applied for a bed for their mother at the Illoura Aged Care Facility in Chinchilla.*

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

Cr. C. T. Tillman and Cr. P. T. Saxelby left the meeting during the discussion at 11:08am.

Cr. C. T. Tillman and Cr. P. T. Saxelby re-joined the meeting at 11:13am.

Cr. P. T. Saxelby left the meeting during the vote at 1:47Pm.

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. I. J. Rasmussen

That this report be received and noted and:

1. That Council approves capital expenditure of \$129,101.20 as the purchase price for the freeholding of lots with respect to the Carinya facility and the Meandarra Community Care facility; and
2. That Council notes that this purchase price may be waived however the waiver may occur later than 3 November which is the date on which Council must pay the purchase price of the freeholding.

CARRIED

Absent Did Not Vote: Cr. P.T. Saxelby and Cr. C.T. Tillman

Cr. P. T. Saxelby re-joined the meeting at 1:49pm.

10.4 INFRASTRUCTURE SERVICES

Nil.

12. PLANNING

12.1 (030.2021.280.001) Community and Liveability Report Development Application Material Change of Use for Tourist Park at 88 Gaske Lane Aerodrome Road Lloyd Street Chinchilla Rubern Lagoons youcamp.com Grounds

The purpose of this Report is for Council to decide the development application for a Material Change of Use to establish a Tourist Park (24 Caravan Sites plus Bush Camping) on land described as Lots 1-3 on SP245399 and Lot 12 on L34142, located at Lloyd Street, Aerodrome Road and 88 Gaske Lane, Chinchilla.

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby

Seconded By Cr. A. N. Smith

That this report be received and that:

1. The application for a Material Change of Use to establish a Tourist Park (24 Caravan Sites and Bush Camping) on land described as Lots 1-3 on SP245399 and Lot 12 on L34142 and situated at Lloyd Street, Aerodrome Road and 88 Gaske Lane, 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:Plan 01

Description:Overall Site Plan, prepared by DM Callaghan

Plan No:Plan 02

Description:Tourist Park Layout Plan, prepared by DM Callaghan

Plan No:Plan 03

Description:Tourist Park Building Location Plan, prepared by DM Callaghan

Plan No.:Plan 04

Description:Amenities Building, prepared by DM Callaghan

Amendment:Plan title amended in red by Council dated 30/09/2021

Plan No.:Plan 05

Description:Office Building, prepared by DM Callaghan

Amendment:Plan title amended in red by Council dated 30/09/2021

Plan No.:Plan 06

Description:Office Building Elevation, prepared by DM Callaghan

Amendment:Plan title amended in red by Council dated 30/09/2021

Plan No.:Plan 07

Description:Amenities Building Elevation, prepared by DM Callaghan

Amendment: Plan title amended in red by Council dated 30/09/2021

2. Where there is any conflict between the conditions of this development approval and the details shown on the Approved Plans, the conditions of this development approval must prevail.
3. The following further Development Permits must be obtained prior to commencement of any work associated with the process:
 - 3.1. Building Work; and
 - 3.2. Plumbing Works.

APPROVED DEVELOPMENT

4. The approved development is a Material Change Use for a Tourist Park (24 Caravan Sites plus Bush Camping) as shown on the Approved Plans.

COMPLIANCE, TIMING AND COSTS

5. All conditions of the approval shall be complied with, within six (6) months of this approval taking effect and while the use continues, unless otherwise noted within these conditions.
6. All costs associated with compliance with these conditions shall be the responsibility of the developer unless otherwise noted.

FEES AND CHARGES

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

MAINTENANCE

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

INFRASTRUCTURE CHARGES

10. All infrastructure charges including those associated with Council's Water, Sewer, 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 relevant to each stage of the development.

INDOOR AND OUTDOOR LIGHTING FOR SAFETY AND SECURITY

11. Lighting is to be provided throughout the car parking areas and along pedestrian access paths in compliance with *Australian Standard 11583.1 - Road Lighting - Pedestrian Area (Category P) Lighting - Performance and Installation Design Requirements*.
12. Lighting must be provided to the following areas on the site:
 - 12.1. entrances and exits of the approved buildings;
 - 12.2. pathways between the parking areas and the entrances/exits of the buildings;

- 12.3. throughout car parking areas; and
- 12.4. within internal stairwells.

OUTDOOR LIGHTING - IMPACT MITIGATION

- 13. Outdoor lighting of the development shall mitigate adverse lighting and illumination impacts by:
 - 13.1. providing outdoor lighting that is designed, installed and regulated in accordance with the parameters outlined in Australian Standard 1158.1.1 – Control of Obtrusive Effects of Outdoor Lighting; and
 - 13.2. installation of outdoor lighting that:
 - 13.1.1. provides graduated intensity lighting with lower level brightness at the perimeter of the subject land and higher intensities at the centre of the subject land;
 - 13.1.2. is directed onto the subject land and away from neighbouring properties; and
 - 13.1.3. uses shrouding devices to preclude light overspill onto surrounding properties where necessary.

LANDSCAPING

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

FENCING

- 16. Any fencing that is installed is to be in keeping with the character of the surrounding area.
- 17. 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.

CLOTHES DRYING AREA

- 18. Clothes drying areas associated with the development must be screened from public view with a minimum of a 1.8 metre high solid screen fence.

VISUAL AND GENERAL AMENITY

- 19. Any graffiti on the buildings must be removed.
- 20. The buildings and the site must be maintained in a clean and tidy manner at all times.
- 21. All plant, air-conditioning equipment and the like shall be visually screened from the street.

REFUSE STORAGE AREAS

22. 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.

WASTE MANAGEMENT

23. All waste generated from construction of the premises must be effectively controlled on-site before disposal. All waste must be disposed of in accordance with the *Waste Reduction and Recycling Act 2011*.
24. 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*.

NOISE EMISSIONS

25. Noise emissions from the development shall not cause environmental harm or nuisance to adjoining properties or "Sensitive Receptors" in accordance with the *Environmental Protection (Noise) Policy 2008*.
26. In the event that Council receives a bonafide noise complaint regarding noise emissions produced from the site, Council reserves the right to review the approved operating and loading/unloading hours and to require the applicant to re-assess site management procedures already in place. In this instance, the applicant may be required to undertake an assessment of noise impacts through a third party and implement any recommendations in relation to noise attenuation by a date agreed to by Council.

AIR EMISSIONS

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

ENGINEERING WORKS

28. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant Australian Standards.
29. 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

30. 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.
31. 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

32. Provide overland flow paths that do not adversely alter the characteristics of existing overland flows or create an increase in flood damage on other properties.
33. Ensure that works undertaken as a part of the development would not cause any actionable nuisance to all adjoining properties.
34. Ensure that adjoining properties and roadways are protected from ponding as a result of any site works undertaken.

WATER SUPPLY

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

WASTEWATER DISPOSAL

36. Upgrade the existing on-site wastewater disposal system/s, or replace the existing on-site effluent disposal system/s servicing the development, with on-site wastewater disposal systems that are in accordance with AS1547 and the Queensland Plumbing and Waste Water Code.
37. Apply for a Development Permit for Plumbing Work from Council, for the upgrade or replacement of each on-site sewerage treatment system servicing the development. Any upgrades for the on-site effluent system must be designed by a suitably qualified person.

Note: Any on-site effluent disposal system servicing more than 21 Equivalent Persons (EP) requires an Environmentally Relevant Activity (ERA) 63 which, depending on the treatment and discharge method, will require a separate Material Change of Use approval.

OR

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

Note: Where an extension to the reticulated network is required to service the development, this must be completed at the developer's expense and will be subject to a further Operational Work Permit.

TRADE WASTE DISPOSAL (COMMERCIAL KITCHEN)

39. Connect the commercial kitchen to a suitably designed on-site waste water treatment system or Council's reticulated sewerage system as per the above. Obtain a Plumbing Approval from Council and the relevant inspections are to be undertaken prior to connection to the relevant system.
40. Do not release contaminants or contaminated water directly or indirectly from the premises or to the ground or groundwater at the premises, except for:
 - 40.1. uncontaminated overland stormwater flow;
 - 40.2. uncontaminated stormwater to the stormwater system;
 - 40.3. contaminants released to the sewer under and in accordance with a Trade Waste Permit granted by the Local Government under the *Sewerage and Water Supply Act 1949*; or

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

41. 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.

PARKING AND ACCESS - GENERAL

42. Design and construct all internal driveway and parking areas to provide a gravelled surface finish.

43. Provide a minimum of one (1) car parking space per site, plus a minimum of 5 spaces for staff and/or visitors.

44. Provide appropriate signage to identify the designated parking area.

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

VEHICLE ACCESSES

46. Upgrade existing vehicle accesses in accordance with Council's Standard Drawing No. R-004.

ELECTRICITY

47. Connect the development to an electricity service.

EROSION AND SEDIMENT CONTROL - GENERAL

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

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

ENVIRONMENTAL HEALTH

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

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

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

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

51. 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:

51.1. uncontaminated overland stormwater flow; and

51.2. uncontaminated stormwater to the stormwater system.

ADVISORY NOTES

NOTE 1 -Relevant Periods

Material Change of Use

"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 .

<http://www.datsip.qld.gov.au/>

NOTE 3 -General Environmental Duty

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

NOTE 4 -General Safety of Public During Construction

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

NOTE 5 -Property Note (Audit of Conditions)

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

NOTE 6 -Duty to Notify of Environmental Harm

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

CARRIED
Absent Did Not Vote: Cr. C.T. Tillman

12.2 (030.2021.517.001) Community and Liveability Report Development Application Material Change of Use Food and Drink Outlet Lots 1-3 RP67391 at 24a Arthur Street and 84 and 86 Drayton Street Dalby Town Planning Alliance

The purpose of this Report is for Council to decide the development application for a Material Change of Use to establish a Food and Drink Outlet (Drive Through Restaurant) on land described as Lots 1-3 on RP67391, located at 24a Arthur Street and 84 and 86 Drayton Street, Dalby.

Conflict of Interest - GM Cook

In accordance with Chapter 6, Part 2, Division 5B 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. *the applicant is a relative.*

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

GM Cook left the meeting at 1:57pm.

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. M. J. James

That this report be received and that:

1. The application for a Material Change of Use to establish a Food and Drink Outlet (Drive Through Restaurant) on land described as Lots 1-3 on RP67391 and situated at 24a Arthur Street and 84 and 86 Drayton Street, Dalby, be approved, subject to the following conditions:

APPROVED PLANS AND DOCUMENTS

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

Plan Reference: Project No. 210511, Plan A01, Rev A
Description: Proposed Site Plan, prepared by Town Planning Alliance, dated 09.06.21

Plan Reference: Project No. 210511, Plan A03, Rev A
Description: Proposed Elevations 1, prepared by Town Planning Alliance, dated 09.06.21

Plan Reference: Project No. 210511, Plan A04, Rev A
Description: Proposed Elevations 2, prepared by Town Planning Alliance, dated 09.06.21

Document No: 21020238_R01_V01
Description: Riverine Hydraulic Impact Assessment, Lots 1, 2, and 3 on RP67391, Warrego Highway and Arthur Street, Dalby, prepared by Water Technology Pty Ltd, dated 02/06/21

Document No: 2021245, Revision R01D
Description: Acoustic Report, prepared by Acoustic Works, dated 16/06/21

Document No: 8897, Issue A
Description: Stormwater Management Plan, prepared by MPN Consulting, dated 17/06/2021

2. Where there is any conflict between the conditions of this development approval and the details shown on the Approved Plans and Documents, the conditions of this development approval must prevail.
3. The following further Development Permits must be obtained prior to commencement of any work associated with the process:
 - 3.1 Building Work;
 - 3.2 Plumbing Work; and
 - 3.3 Operational Work.

APPROVED DEVELOPMENT

4. The approved development is Material Change of Use for a Food and Drink Outlet (Drive Through Restaurant) as shown on the Approved Plans.

COMPLIANCE, TIMING AND COSTS

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

INFRASTRUCTURE CHARGES

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

FEES AND CHARGES

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

MAINTENANCE

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

VISUAL AND GENERAL AMENITY

10. Any graffiti on the buildings must be removed immediately.

11. The buildings and the site must be maintained in a clean and tidy manner at all times.
12. All plant and air-conditioning equipment and the like must be visually screened from Drayton Street and Arthur Street.
13. 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.

OPERATING HOURS

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

Friday and Saturday:	24hours
Sunday to Thursday:	6:00am to 11:00pm

WASTE MANAGEMENT

15. All waste generated from construction of the premises must be effectively controlled on-site before disposal. All waste must be disposed of in accordance with the *Waste Reduction and Recycling Act 2011*.
16. 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*.

FENCING

17. Fencing proposed along the frontages of Drayton Street and Arthur Street shall be compatible with that used within the locality.
18. Boundary fences are not to be erected in a parallel arrangement with existing fences erected along the same boundary. That is, any existing fence shall be completely removed.

REFUSE STORAGE AREA AND COLLECTION

19. Refuse bin storage areas must be provided on the premises within an enclosed structure so that they are screened from public view with a minimum 1.5 metre high solid fence or wall.
20. The developer must provide a sufficient number of general waste bins with a sufficient capacity throughout the development footprint for the disposal of waste and rubbish associated with the use.
21. The size and capacity of the refuse storage areas must be sufficient to accommodate the level of waste likely to be generated from the development having regard to the frequency of refuse collection.
22. Waste collection must be undertaken in a manner that complies with the following requirements:
 - 22.1 the bins must be located in a manner that allows the refuse vehicle to pick them up automatically without the driver or any other person having to relocate them;

- 22.2 the collection of putrescible waste arising from any activities undertaken on this development must be collected and removed at periods not exceeding seven days;
 - 22.3 the collection of waste must be undertaken so as to minimise, so far as reasonable and practical, excessive noise to neighbouring occupants;
 - 22.4 the collection method must ensure that waste is adequately managed to prevent escape of contamination; and
 - 22.5 waste removal is to be conducted between the hours of 7am and 6pm from Monday to Friday and between 8am and 6pm Saturdays and Sundays.
23. Refuse bin collection areas must be maintained in a manner that complies with the following requirements:
- 23.1 waste containers must be kept in a clean state and in good repair;
 - 23.2 waste containers are to be provided with tight-fitting lid assemblies designed to prevent ingress of pests and water;
 - 23.3 all waste containers supplied must be kept within the boundaries of the premises; and
 - 23.4 unobstructed access must be provided to all waste containers for the removal of waste.

AIR EMISSIONS

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

NOISE EMISSIONS

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

ACOUSTIC BARRIERS

26. Acoustic barriers are to be erected at the nominated heights and located in accordance with the recommendations within the Approved Noise Report.
27. For the boundary acoustic barriers, these must be:
- 27.1 of a nominated height relative to the finished pavement level of the site;
 - 27.2 constructed of an aesthetically pleasing and weather-resistant material such as earth mound, fibrous cement, painted or treated timber, brick or a combination thereof;
 - 27.3 continuous and gap free; and
 - 27.4 constructed of a material with a surface area density in accordance with the Approved Acoustic Report.
28. Acoustic fencing is to be installed by the developer at the developer's cost.
29. Fences must be maintained in a good state of repair and to ensure that privacy is maintained between the development and adjoining properties.

CERTIFICATION OF NOISE

30. Prior to commencement of the use, certification from a suitably qualified Acoustic Consultant is to be provided to Council's Planning and Environment Manager or an authorised delegate stating that:
- 30.1 all acoustic barriers have been erected and that they comply with the conditions of this approval and the approved Acoustic Report; and
 - 30.2 that the drive through speakers and music generated from the property are compliant with the recommendations of the Approved Acoustic Report; and
 - 30.3 that the mechanical plant and equipment are adequately noise attenuated in accordance with the noise limits detailed within the Approved Noise Report.

Note: In the event that further sound proofing is required for mechanical plant and equipment based on the recommendation from the certification of the suitably qualified Acoustic Consultant, these works are to be completed prior to certification of the development and commencement of the use.

INDOOR AND OUTDOOR LIGHTING FOR SAFETY AND SECURITY

31. Outdoor security lighting must ensure safety of users of the development by:
- 31.1 providing outdoor lighting in accordance with *Australian Standard 1158.3.1 – Road Lighting – Pedestrian Area (Category P) Lighting – Performance and Installation Design Requirements*; and
 - 31.2 the use of vandal-resistant lighting in public or publicly accessible areas.
32. Lighting is to be provided from adjacent the pedestrian entry and exit to the building and throughout the car parking areas and along pedestrian access paths.
33. Lighting must be provided to the following areas of the site:
- 33.1 the entries and exits of the approved buildings;
 - 33.2 the pathways between the parking areas and the entrances/exits of the building/s; and
 - 33.3 throughout car parking areas.

OUTDOOR LIGHTING – IMPACT MITIGATION

34. Direct lighting or lighting must not exceed 8.0 lux at 1.5 metres beyond the boundary of the site.
35. Outdoor lighting of the development must mitigate adverse lighting and illumination impacts by:
- 35.1 providing outdoor lighting that is designed, installed and regulated in accordance with the parameters outlined in *Australian Standard 1158.1.1 – Control of Obtrusive Effects of Outdoor Lighting*; and
 - 35.2 installation of outdoor lighting that:

- 35.2.1 provides graduated intensity lighting with lower level brightness at the perimeter of the subject land and higher intensities at the centre of the subject land;
- 35.2.2 is directed onto the subject land and away from neighbouring properties; and
- 35.2.3 uses shrouding devices to preclude light overspill onto surrounding properties where necessary.

LANDSCAPING – GENERAL

- 36. The developer must submit to Council's Planning Manager or authorised delegate for endorsement, a Landscape Plan for all landscaping associated with the development. The plan must be prepared by a suitably qualified and experienced Landscape Architect, Horticulturalist, or other person experienced in landscape design and construction.
 - 37. The Landscape Plan must also detail:
 - 37.1 the typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on-site;
 - 37.2 the number, size of plants and the spacing of planting; and
 - 37.3 the typical planting detail including preparation, backfill, staking and mulching.
- Note:** It is advised that suitable plant species that may be considered in preparing the Landscaping Plan are listed in Planning Scheme Policy 1 of the Western Downs Planning Scheme 2017 incorporating Amendment 1.
- 38. Prior to commencement of the use, the developer must prepare and landscape the site in accordance with the Approved Landscape Plan. Any amendments approved by Council's Planning Manager or authorised delegate are taken to be a part of the Approved Landscape Plan.

ENGINEERING WORKS

- 39. Submit to Council, an Operational Work application for all civil works including earthworks, stormwater, access, and parking.
- 40. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant Australian Standards.
- 41. 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

42. Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted during construction of the development.
43. 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.

REMOVAL OF EXISTING BUILDINGS

44. Remove all existing buildings located on the property prior to construction.
45. All waste material associated with demolition works must only be disposed of at a waste facility approved for the receipt of that waste.

CONSTRUCTION AND NUISANCE MANAGEMENT PLAN

46. Prior to commencement of works, submit to Council for endorsement, a Construction and Nuisance Management Plan for approved development work for the site. The Plan is to cover where applicable, the following:
 - air quality management;
 - noise and vibration management;
 - storm water quality management;
 - erosion and sediment management;
 - waste management;
 - complaint management;
 - community awareness;
 - preparation of site work plans;
 - workers' car parking arrangements; and
 - traffic control during works.
47. Implement the Approved Construction Management Plan at all times during construction of the development.
48. Ensure a legible copy of the Approved Construction Management Plan is available on-site at all times during construction and earthworks.

STORMWATER MANAGEMENT

49. Provide stormwater management generally in accordance with the Approved Stormwater Management Plan, prepared by MPN Consulting Pty Ltd, Reference No. 8897, Issue A, dated 17 June 2021, subject to detailed design and except as altered by conditions of this development approval.
50. Design and construct stormwater drainage to ensure that there is no nuisance or interference to the current use or potential future use of all downstream properties including road reserves and the like, for design storms of ARI 2, ARI 5, ARI 10, ARI 20 and ARI 50.

51. Discharge stormwater run-off from sealed areas and overflow pipes form the development to the existing underground stormwater system in Arthur Street via underground pipe(s).
52. Provide overland flow paths that do not alter the characteristics of existing overland flows or create an increase in flood damage on other properties.
53. Ensure that adjoining properties and roadways are protected from ponding as a result of any site works undertaken.
54. Design and construct stormwater drainage incorporating measures to prevent any solid matter or floatable oils being carried into the existing stormwater system.

WATER SUPPLY

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

SEWERAGE

56. Connect the development to Council's existing reticulated sewerage system via a single connection.
57. Actual connection to Council's live sewerage infrastructure must be undertaken by or under the supervision of Council.
58. Do not build work within 1.5 metres from the centre of any existing sewer pipework or within the Zone of Influence, whichever is the greater (measured horizontally).
59. Maintain a minimum of a 3 metre wide corridor to be maintained for maintenance/upgrade purposes.
60. Ensure that a clear level area of a minimum of a 2.5 metre radius surrounding any existing sewer manholes on the site, is provided for future maintenance/upgrade purposes.
61. The above minimum clearances to Council's sewer infrastructure do not preclude the need for work to proposed structures to prevent loading to the sewer system.
62. All sewer connections servicing the existing residences shall be disconnected at the jump-up to the sewer and capped. This work shall be carried out under a Plumbing Permit.

REDUNDANT GAS CONNECTIONS

63. Remove all redundant gas infrastructure and reinstate the land.

TRADE WASTE DISPOSAL (COMMERCIAL KITCHEN)

64. Connect the commercial kitchen to Council's sewer reticulation. Obtain a Plumbing Approval from Council and the relevant inspections are to be undertaken prior to connection to the sewer.

65. Do not release contaminants or contaminated water directly or indirectly from the premises or to the ground or groundwater at the premises, except for:
 - 65.1 uncontaminated overland stormwater flow;
 - 65.2 uncontaminated stormwater to the stormwater system;
 - 65.3 contaminants released to the sewer under and in accordance with a Trade Waste Permit granted by the Local Government under the *Sewerage and Water Supply Act 1949*; or
 - 65.4 other water following treatment through an oil/silt interceptor trap or separator.
66. 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.

PARKING AND ACCESS - GENERAL

67. Design all access driveways, circulation driveways, parking aisles and car parking spaces in accordance with Australian Standard 2890.1 - Parking Facilities - Off Street Car Parking.
68. Design and construct all car parking and heavy vehicle manoeuvring areas with concrete or asphalt.
69. Provide a minimum of 20 car parking spaces including a minimum of 1 person with disability (PWD) car parking spaces.
70. Provide vehicle bollards or tyre stops to control vehicular access and to protect landscaping or pedestrian areas where appropriate.
71. Line mark or otherwise delineate the car park aisles and driveways within the development with directional arrows on the pavement, to enable all vehicles to enter and leave the site in a forward gear.
72. Ensure access to car parking spaces, vehicle loading and manoeuvring areas and driveways remain unobstructed and available for their intended purpose during the hours of operation.

PARKING AND ACCESS - SERVICING

73. Provide loading bay facilities for a Medium Rigid Vehicle in the location generally shown on the Approved Plans of development that are designed in accordance with Australian Standard 2890.2 – Off-street Commercial Vehicle Facilities.
74. Design along the route to and from all loading bay facilities and the external road network, all access driveways, circulation driveways, parking aisles and the like with a layout that accommodates the turning movements of a Medium Rigid Vehicle, and ensure that all vehicles are able to enter and exit the site in a forward direction.
75. Ensure loading and unloading operations are conducted wholly within the site and vehicles enter and exit the site in a forward direction.

VEHICLE ACCESS

76. Construct a commercial crossover between the property boundary and the edge of the Arthur Street road pavement generally in the location shown on the Approved Plans of development, having a minimum width of 8.8 metres, generally in accordance with Council's Standard Drawing No. R-006, Revision A. Ensure that crossover splay is designed to accommodate turning movements of a Medium Rigid Vehicle.
77. 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).
78. No access is permitted to or from Drayton Street at any time.

REDUNDANT CROSSOVERS

79. Remove all redundant crossovers and reinstate the kerb and channel, road pavement, services, verge and any footpath to Council's standard along the frontage of the site.

ROADWORKS AND PEDESTRIAN SAFETY

80. Install signage for all work on or near roadways in accordance with the Manual for Uniform Traffic Control Devices – Part 3, Works on Roads.
81. Submit to Council, an application for any footpath, road or lane closures, and ensure all conditions of that approval are complied with during construction of the work.
82. Maintain safe pedestrian access along Council's footpaths at all times.

ELECTRICITY AND TELECOMMUNICATIONS

83. Connect the development to an electricity service.
84. Remove all redundant telecommunication connections and reinstate the land.
85. Remove all redundant electrical connections and reinstate the land.

EARTHWORKS - GENERAL

86. Earthworks shall be carried out under an Operational Work Permit. Earthworks are limited to those modelled in the Approved Riverine Hydraulic Impact Assessment undertaken by Water Technology Pty Ltd, Reference No. 21020238_R01_V01, dated 2 June 2021.
87. Undertake earthworks in accordance with the provisions of AS3798 Guidelines on Earthworks for Commercial and Residential Developments.

ENVIRONMENTAL HEALTH

88. Undertake operations and construction work associated with this development to the requirements of Council, including the following:
- 88.1 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;
 - 88.2 remove immediately, any material spilled or carried onto existing roads to avoid dust nuisance and ensure traffic safety; and
 - 88.3 do not carry out work on Sundays or Public Holidays (unless approved otherwise by Council).
89. 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:
- 89.1 uncontaminated overland stormwater flow; and
 - 89.2 uncontaminated stormwater to the stormwater system.

REFERRAL AGENCY RESPONSE

1. The State Assessment and Referral Agency as Concurrence Agency (Department of Transport and Main Roads as Technical Agency), provided a Concurrence Agency response dated 28 April 2021 which is attached to this approval.

ADVISORY NOTES

NOTE 1 - Flood Hazard

The property is identified as being located in the 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 - Currency Period

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

- *Material Change of Use (6 years after the approval starts to have effect)."*

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 www.datsip.qld.gov.au.

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.

NOTE 8 - Referral Agency Response

The Referral Agency response is attached to the approval.

NOTE 9 - Infrastructure Charges

An Infrastructure Charges Notice is attached to this approval in accordance with the conditions of approval.

CARRIED (7 to 1)

Absent Did Not Vote: Cr. C.T. Tillman

GM Cook re-joined the meeting at 2:09pm.

12.3 (030.2021.571.001) Community and Liveability Report Development Application Material Change of Use for an Undefined Use (Data Services Facility) at Warrego Highway Columboola Genesis Data Pty Ltd

The purpose of this Report is for Council to decide the proposed development for a Material Change of Use to establish an Undefined Use (Data Services Facility) on land described as Lot 68 on BWR179 and Easement D on AP7606, situated at Warrego Highway, Columboola.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. P. T. Saxelby

That this report be received and that:

1. The application for a Material Change of Use to establish an Undefined Use (Data Services Facility) on land described as Lot 68 on BWR179 and Easement D on AP7606 and situated at Warrego Highway, Columboola be approved, subject to the following conditions:

APPROVED PLAN

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

Description: Genesis Data Site Plan and Layout

2. Where there is any conflict between the conditions of this development approval and the details shown on the Approved Plan, the conditions of this development approval must prevail.
3. The Approved Plan is to be amended in accordance with the conditions of this approval and as outlined below:
 - 3.1 provide details on all proposed buildings and structures to be retained on-site for the life of the project; Building Floor Plans and Elevations must also be provided; and
 - 3.2 update the Site Plan to illustrate the location of all proposed buildings and structures on the site.

Note: Infrastructure charges may be levied for the gross floor area of all administration and control buildings including storage sheds and site offices. Once detailed plans are provided, an Infrastructure Charges Notice may be issued.

4. The following further Development Permits must be obtained prior to commencement of any work associated with the approval:
 - 4.1 Building Works; and
 - 4.2 Operational Work.

APPROVED DEVELOPMENT

5. The approved development is a Material Change of Use for an Undefined Use (Data Services Facility) as shown on the Approved Plan.

COMPLIANCE, TIMING AND COSTS

6. All conditions of the approval shall be complied with before the change occurs (prior to commencement of the use) and while the use continues, unless otherwise noted within these conditions.
7. All costs associated with compliance with these conditions shall be the responsibility of the developer unless otherwise noted.
8. The Data Services Facility use cannot commence until the following approved uses within the Development Permits below, have commenced:
 - 030.2018.251.001** dated 25 October 2018 to establish a Renewable Energy Facility (100MW Solar Farm);
 - 030.2021.388.001** dated 6 September 2021 to establish a Major Electricity Infrastructure (Battery Storage Facility);
 - 030.2021.490.001** dated 6 September 2021 to establish a Major Electricity Infrastructure (Battery Storage Facility); and
 - 030.2021.509.001** dated 6 September 2021 to establish a Major Electricity Infrastructure (33kV Substation and 275kV Underground Cable).

FEES AND CHARGES

9. 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

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

SETBACKS

12. All buildings, structures and Data Services Facility infrastructure must have a minimum setback of 30 metres from any side or rear boundary of the subject site, or a greater setback where an Emergency Response Plan provided in Condition 22 (specifically, 22.9 - Bushfire risk assessment, and tasks necessary to reduce the bushfire hazard risk on site) makes a recommendation for a setback in excess of 30 metres.

ACOUSTIC AMENITY - NOISE LIMITS

13. Noise from activity associated with the use of the site must not exceed the Acoustic Quality Objectives listed in the *Environmental Protection (Noise) Policy 2019* when measured at any sensitive place or commercial place.
14. In the event that Council receives a bona fide 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, Council reserves the right to require the applicant to re-assess site management procedures already in place. In this instance, the applicant may be required to undertake a further assessment of noise impacts through a third party, and implement any recommendations by a date agreed to by Council.

ACOUSTIC AMENITY - MECHANICAL PLANT

15. All regulated devices as defined by the *Environmental Protection Act 1994* must be installed, operated and maintained to comply with the noise limits as specified within the *Environmental Protection Act 1994*.

AIR QUALITY AND AMENITY - AIR RELEASE LIMITS

16. Odours or airborne contaminants which are noxious or offensive to public amenity or safety, likely to cause environmental harm or environmental nuisance or exceed the Air Quality Objectives listed in the *Environmental Protection Policy (Air) 2019* as measured at any sensitive place or commercial place, must not be released into the atmosphere.

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.
18. All lighting must be of a type that gives no upward component of light when mounted horizontally (ie full cut-off luminaire).

VISUAL AND GENERAL AMENITY

19. Any graffiti on the buildings or structures must be immediately removed.
20. The buildings and the site must be maintained in a clean and tidy manner at all times.
21. The external finishes of the battery containers, inverters, control room and office building shall comprise neutral, low reflective colours consistent with the surrounding environment.

EMERGENCY RESPONSE PLAN

22. Submit to Council for endorsement, an Emergency Response Plan prepared by a suitably qualified person. The Plan must be specific to the site and include strategies for hazard management of a Data Services Facility. The Plan should include, but not be limited to the following matters:
 - 22.1 Handling, Use and Hazard Precautions
 - 22.2 Fire Fighting
 - 22.3 Emergency Evacuation and Shut Down Procedures
 - 22.4 First Aid
 - 22.5 Storage Precautions
 - 22.6 Damaged Products
 - 22.7 Disposal
 - 22.8 Maintenance
 - 22.9 Bushfire risk assessment, and tasks or separation distances between buildings and vegetation that is necessary to reduce the bushfire hazard risk on site.

WASTE MANAGEMENT

23. All waste generated from construction of the development must be effectively controlled on-site before disposal. All waste must be disposed of in accordance with the *Environmental Protection (Waste Management) Regulation 2000*.
24. 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*.

OPERATING HOURS - DURING CONSTRUCTION

25. Construction work shall occur only between the hours of 6:00am and 6:00pm Monday to Saturday.
26. Work on Sundays and Public Holidays shall be limited to safety inspections, testing, checks and environmental work involving a maximum of 10 workers on-site (unless approved otherwise by Council).

LANDSCAPING - MISCELLANEOUS

27. The land owner must ensure compliance with the requirements of the *Land Protection (Pest and Stock Route Management) Act 2002* and any subsequent legislation.
28. Apart from declared weeds and pests, trees, shrubs and landscaped areas currently existing on the subject land must be retained where possible and action taken to minimise disturbance during construction work.

FIRE FIGHTING REQUIREMENTS

29. Fire fighting equipment and materials for electrical and electronic equipment fires must be installed at appropriate locations.
30. On-site bushfire equipment must include a minimum of a 5,000 litre water supply. If fire fighting supply is to be provided in a tank, the supply outlet is to be fitted with a 50mm male camlock fitting for rural fire fighting connections.

ENGINEERING WORKS

31. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant Australian Standards.
32. 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

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

34. 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

35. Provide Stormwater Management in accordance with the objectives specified in Council's Planning Scheme in Table 6.2.9.2 – Construction Phase – Stormwater Management Design Objectives.
36. Provide overland flow paths that do not alter the characteristics of existing overland flows or create an increase in flood damage on other properties.
37. Ensure that discharge of post-development stormwater will not cause any actionable nuisance to all adjoining properties.

WATER SUPPLY

38. Provide a potable water supply for the use of staff and visitors.

ON-SITE WASTEWATER DISPOSAL

39. Connect the staff amenities to an on-site wastewater disposal system, in accordance with AS1547 and the Queensland Plumbing and Waste Water Code.
40. Obtain a Development Permit for Plumbing Work for the on-site sewerage treatment system.

PARKING AND ACCESS - GENERAL

41. Access to the site shall be from Kerwick's Road via the existing access point for the approved Solar Farm (Council Reference 030.2018.251.001 dated 25 October 2018).
42. Provide adequate on-site parking for all vehicles including a minimum of one (1) space for persons with disability (PWD).
43. Provide signage that indicates the locations of parking and flow of traffic through the site.
44. Ensure loading and unloading operations are conducted wholly within the site.

APPROVED TRANSPORT ROUTE

45. The approved transport route to the site is from the Warrego Highway, north along Kerwick's Road to the existing access point.
46. Prior to commencement of construction, the applicant shall carry out a Pavement Condition Survey of Kerwick's Road, from the Warrego Highway to the site entrance. The Condition Survey shall be carried out by an RPEQ Engineer. If, during construction, the road is damaged as a result of development, the applicant shall carry out any necessary maintenance and repair at the applicant's expense.

ELECTRICITY

47. Connect the development to electricity services.

EARTHWORKS - GENERAL

48. Undertake any earthworks in accordance with the provisions of AS3798 Guidelines on Earthworks for Commercial and Residential Developments.

EROSION AND SEDIMENT CONTROL - GENERAL

49. 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.

ENVIRONMENTAL HEALTH

50. Undertake operations and construction work associated with this development to the requirements of Council, including the following:
 - 50.1 do not cause nuisance to adjoining residents by the way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours;
 - 50.2 remove immediately, any material spilled or carried onto existing roads to avoid dust nuisance and ensure traffic safety; and
 - 50.3 do not carry out work on Sundays or Public Holidays (unless approved otherwise by Council).

WORKS-ON-COMPLETION INSPECTION

51. Upon completion of the work and prior to commencement of the use, submit to Council, a written request stating that all approved work has been completed and ready for Council inspection.
52. Prior to commencement of the use, undertake any rectification work as directed by Council's Officer further to the works-on-completion inspection.

REFERRAL AGENCY RESPONSES

1. The Department of State Development, Infrastructure, Local Government and Planning dated 22 July 2021.
2. Powerlink dated 23 July 2021.

ADVISORY NOTES

NOTE 1 - Relevant Period

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

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

NOTE 2 - Aboriginal Cultural Heritage

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

NOTE 3 - General Environmental Duty

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

NOTE 4 - General Safety of Public During Construction

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

NOTE 5 - Property Note (Audit of Conditions)

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

NOTE 6 - Duty to Notify of Environmental Harm

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

APPEAL RIGHTS

"Chapter 6 Dispute Resolution

Part 1 Appeal Rights

229 Appeals to Tribunal or P&E Court

(1) Schedule 1 states -

(a) matters that may be appealed to -

- (i) either a tribunal or the P&E Court; or
- (ii) only a tribunal; or
- (iii) only the P&E Court; and

(b) the person -

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

- (ii) *who is a respondent in an appeal of the matter; and*
 - (iii) *who is a co-respondent in an appeal of the matter; and*
 - (iv) *who may elect to be a co-respondent in an appeal of the matter.*
- (2) *An appellant may start an appeal within the appeal period.*
- (3) *The **appeal period** is -*
- (a) *for an appeal by a building advisory agency - 10 business days after a Decision Notice for the decision is given to the Agency; or*
 - (b) *for an appeal against a deemed refusal - at any time after the deemed refusal happens; or*
 - (c) *for an appeal against a decision of the Minister, under Chapter 7, Part 4, to register premises or to renew the registration of premises - 20 business days after a Notice is published under Section 269(3)(a) or (4); or*
 - (d) *for an appeal against an Infrastructure Charges Notice - 20 business days after the Infrastructure Charges Notice is given to the person; or*
 - (e) *for an appeal about a deemed approval of a development application for which a Decision Notice has not been given - 30 business days after the applicant gives the Deemed Approval Notice to the Assessment Manager; or...*
 - ...(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

Absent Did Not Vote: Cr. C.T. Tillman

13. EXECUTIVE SERVICES

13.1 Executive Services Chief Executive Officer Report September 2021

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 2021.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen
Seconded By Cr. K. A. Maguire

That this Report be received and noted.

CARRIED
Absent Did Not Vote: Cr. C.T. Tillman

13.2 Executive Services Report Council Meeting Dates January 2022 to December 2022

The purpose of this Report is to provide for Council consideration and subsequent adoption proposed dates and times for the holding of Council Meetings in 2022.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne
Seconded By Cr. O. G. Moore

That this Report be received and that, in accordance with Section 175 of the *Local Government Act 2009* and Section 277 (1) of the *Local Government Regulation 2012*, Council adopts the following dates for the holding of Council Meetings in 2022:

Ordinary Meetings of Council

Date (2022)	Location	Commencement Time
Wednesday, 19 January	Chinchilla Customer Service Centre	9.30 a.m.
Wednesday, 16 February	Wandoan Customer Service Centre	9.30 a.m.
Wednesday, 16 March	Miles Customer Service Centre	9.30 a.m.
Wednesday, 13 April	Warra Memorial Hall	9.30 a.m.
Wednesday, 18 May	Tara Customer Service Centre	9.30 a.m.
Wednesday, 22 June	Dalby Corporate Office	9.30 a.m.
Wednesday, 20 July	Chinchilla Customer Service Centre	9.30 a.m.
Wednesday, 17 August	Wandoan Customer Service Centre	9.30 a.m.
Wednesday, 21 September	Miles Customer Service Centre	9.30 a.m.
Wednesday, 26 October	Jandowae Customer Service Centre	9.30 a.m.
Wednesday, 16 November	Tara Customer Service Centre	9.30 a.m.
Wednesday, 7 December	Dalby Corporate Office	9.30 a.m.

CARRIED
Absent Did Not Vote: Cr. C.T. Tillman

13.3 Executive Services Report Outstanding Actions September 2021

The purpose of this Report is to provide Council with an updated on the status of outstanding Council Meeting Action Items to 22 September 2021.

COUNCIL RESOLUTION

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

That this Report be received and noted.

CARRIED
Absent Did Not Vote: Cr. C.T. Tillman

14. CORPORATE SERVICES

14.1 Corporate Services Report Permanent Road Closure Application Part Browne's Road, Springvale

To determine an application for the permanent road closure of part of Browne's Road that is an unformed road that runs adjacent to the western boundary of Lot 956 on DER3479 and the eastern boundary of Lot 57 on DY591, Springvale.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen
Seconded By Cr. A. N. Smith

That this Report be received and that:

1. Council advise the Department of Resources and the applicant that it objects to the permanent closure of the identified part of Browne's Road, that is adjacent to western boundary of Lot 956 on DER3479 and the eastern boundary of Lot 57 on DY591, Springvale.

CARRIED (7 to 1)
Absent Did Not Vote: Cr. C.T. Tillman

14.2 Corporate Services Report Permanent Road Closure Application Part Cody's Road, Kaimkillenbun

To determine an application for the permanent road closure of part of Cody's Road that is an unformed road that runs adjacent to the south eastern boundary of Lot 1 on RP105354 and the north western boundary of Lot 3 on RP105354 & Lot 113 on A341708, Kaimkillenbun.

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith
Seconded By Cr. O. G. Moore

That this Report be received and that:

1. Council advise the Department of Resources and the applicant that it objects to the permanent closure of the identified part of Cody's Road, that is adjacent to the south eastern boundary of Lot 1 on RP105354 and the north western boundary of Lot 3 on RP105354 and Lot 113 on A341708, Kaimkillenbun.

CARRIED
Absent Did Not Vote: Cr. C.T. Tillman

14.3 Corporate Services Report Access Easement Lot 7 RP106718

The purpose of this Report is to consider a request to grant an access easement across WDRC land located on Bunya Mountains Road, at the Bunya Mountains.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. K. A. Bourne

That this Report be received and that Council:

1. Approve an access Easement as per the attached Proposed Easement Location and the terms and conditions of the attached Form 20 Schedule for access over Lot 7 RP106718 in favour of the owner of Lot 1 RP108360;
2. Delegate authority to the CEO to sign all documents necessary to finalise the Easement, including the Form 9, the Form 20 Schedule, and the Survey Plan depicting the Easement.

CARRIED

Absent Did Not Vote: Cr. C.T. Tillman

14.4 Corporate Services Report Acquisition of QR land at Royd St Wandoan

The purpose of this report is to seek Council's direction to purchase land owned by Queensland Rail Ltd at Royd St Wandoan (being Lot 263 on SP161830).

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby

Seconded By Cr. M. J. James

That this report be received and that:

1. Council purchase Lot 263 on SP161830 from Queensland Rail Limited for the price of \$6,000 (ex GST) plus Transfer Duty of \$24.00, and
2. Delegate authority to the CEO to sign all documents necessary to effect the purchase.

CARRIED

Absent Did Not Vote: Cr. C.T. Tillman

14.5 Corporate Services Report Contract for supply of retail electricity for large sites

The purpose of this Report is to delegate to the Chief Executive Officer the authority to make, amend or discharge a contract for the supply of retail electricity for its contestable large metered sites.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. A. N. Smith

That this Report be received and that:

1. Council resolves to enter into a large-size contractual arrangement for the supply of retail electricity at its contestable large metered sites with the vendor identified as most economically attractive under the closed tender conducted via Local Buy contract BUS 275 Retail Electricity For Large Sites, Small Sites & Unmetered Street Lights.
2. Council resolves to delegate authority to the Chief Executive Officer to negotiate, make, vary and discharge the contract associated with the closed tender.

CARRIED

Absent Did Not Vote: Cr. C.T. Tillman

14.6 Corporate Services Report Surrender Chinchilla Aerodrome Lease Rural Fire Brigade

The purpose of this report is to seek Council's direction regarding the request from the Rural Fire Brigade to surrender Lease "O" on Survey Plan 261624, on lot 185 CP LY920, at the Chinchilla Aerodrome.

Cr. C.T. Tillman rejoined the meeting at 2.32pm.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. K. A. Maguire

That this Report be received and that Council:

1. Accept the Rural Fire Brigade's request to surrender Lease "O" on Survey Plan 261624, located within lot 185 CP LY920 at the Chinchilla Aerodrome.
2. Authorise the Chief Executive Officer to sign the surrender document and all necessary documents to effect the surrender of Lease "O".

CARRIED

14.7 Corporate Services Financial Report 2020-21 Review of Actual Against Budget

The purpose of this Report is to present Council with the final position for the 2020-21 financial year and seek approval to carry-over capital expenditure and capital revenue for projects that were either not commenced or not completed in 2020-21 and form part of the 2021-22 capital works program.

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. K. A. Maguire

That this Report be received and that:

1. Council notes the Financial Report 2020-21 Review of Actual Against Budget, and
2. Council resolves to approve the proposed adjustments to the 2021-22 capital works program, to carry-over \$22.471 million of capital expenditure and \$12.663 million of capital revenue to the 2021-22 Capital Works Program for either projects that were not commenced or not completed as detailed in Attachment 2.

CARRIED

14.8 Corporate Services Report Audit Committee Meeting 5 October 2021

The purpose of this Report is to provide Council with the report of the Western Downs Regional Council Audit Committee Meeting held on 5 October 2021.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

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 Audit Committee Meeting held on 5 October 2021.

CARRIED

14.9 Corporate Services Financial Report September 2021

The purpose of this Report is to provide Council with the Financial Report for the period ending 30 September 2021.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. I. J. Rasmussen

That this Report be received and that:

1. Council notes the September 2021 Financial Report.

CARRIED

14.10 Corporate Services Report 2020/21 Annual Report

The purpose of this Report is to present the draft Western Downs Regional Council 2020/21 Annual Report (1 July 2020 to 30 June 2021) to Council.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. M. J. James

That this Report be received, and that:

1. Council adopt the Western Downs Regional Council 2020/21 Annual Report pursuant to section 182 of the *Local Government Regulation 2012*.

CARRIED

14.11 Corporate Services Report 10,000 Steps Success

The purpose of this Report is to provide Council with a summary of the 10,000 steps challenge held across the organisation.

COUNCIL RESOLUTION

Moved By Cr. M. J. James

Seconded By Cr. C. T. Tillman

That this Report be received and noted.

CARRIED

15. INFRASTRUCTURE SERVICES

15.1 Infrastructure Services Report Permanent Closure Of Healys Crossing Road and Combens Road Bridges

The purpose of this report is to seek Council's approval to dispose of two timber bridge assets on Healys Crossing Road and Combens Road.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. C. T. Tillman

That this Report be received and Council:

1. Remove the timber bridge at chainage 7.46km on Healy's Crossing Road from Council's Asset Register; and
2. Remove the timber bridge at chainage 3.20km on Combens Road from Council's Asset Register

CARRIED

15.2 Infrastructure Services Report 2021/22 DTMR Roads Maintenance Performance Contract (RMPC) Risk Management and LGAQ Advocacy

The purpose of this report is to advise Council of the current condition of the state controlled road network, to enable Council to make an informed decision to execute the 2021/22 RMPC contract.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. P. T. Saxelby

That this Report be received and that Council:

1. Enter into the 2021/22 RMPC as provided from the Department of Transport and Main Roads;
2. Write to the Queensland Minister for State Development, Infrastructure, Local Government and Planning, and the Queensland Minister for Transport and Main Roads expressing concerns over the lack of funding to cover the significant number of unfunded defects that exist of the state-controlled network;
3. Request that DTMR work with LGAQ to amend the RMPC to ensure that the current conditional indemnities do not unfairly favour DTMR in circumstances where the widespread poor condition of DTMR Road Network prevents the RMPC Network Steward from fulfilling its roles within the limited resources of the RMPC.

CARRIED

15.3 Infrastructure Services Report Capital Works September 2021/2022 Progress Update

The purpose of this Report is for the Works Department to provide an update to Council regarding the 2021/22 Capital Works Program for the month of September 2021.

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby

Seconded By Cr. A. N. Smith

That this Report be received and noted.

CARRIED

16. COMMUNITY AND LIVEABILITY

16.1 Community and Liveability Report Dalby Stock Horse Sale Grant

The purpose of this report is to seek a decision from Council regarding a request for sponsorship / grant for the for the Annual Stock Horse Sale (Darling Downs) to be held at the Dalby Showgrounds.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

That the Australian Stock Horse Society Darling Downs Branch be advised to apply for funding through the community grants scheme.

The **MOTION LAPSED** due to want of a **SECONDER**

COUNCIL RESOLUTION

Moved By Cr. C. T. Tillman

Seconded By Cr. K. A. Maguire

That this report be received, and Council advise whether they approve the request for financial support of \$5,000.00 in cash and \$4,000.00 in kind, per year over a three (3) year period to the Australian Stock Horse Society Darling Downs Branch for the Dalby Stock Horse Sales.

CARRIED (8 to 1)

16.2 Community and Liveability Report Waste Levy Arrangements and Facility Improvements

The purpose of this report is to update Council on actions taken to minimise the impact of some recent changes to the State waste levy arrangements, and the initiatives that have implemented to minimise operational impacts on Council and the community.

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. I. J. Rasmussen

That this report be noted.

CARRIED

16.3 Community and Liveability Report Community Projects Program Round One 2021.2022

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 6 October 2021. This is in relation to the assessment and proposed adoption of Round One (1) of the 2021/2022 Community Projects Program.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. C. T. Tillman

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 6 October 2021.
2. The Recommendations of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 6 October 2021 be adopted as follows:

a. 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 May 2021, copies of which have been circulated to Members, be taken as read and confirmed.

b. That the applicants for Round One (1) of the 2021/2022 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	Jandowae Kindergarten Association	Community Connect & Group Learning Hub				\$3,000.00	Conditional upon no reduction to the scope of the project.	
							FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman AGAINST: DID NOT VOTE:	
2	Inglestone Sports Club & Community Centre	Installation of a playground at Inglestone Sports Club and Community Centre	\$10,182.00	\$0.00	\$10,000.00	\$10,000.00	Conditional upon provision on an itemised quote.	Acknowledge that the value of the playground equipment is approx. \$11,000 - \$12,000.
							FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman AGAINST: DID NOT VOTE:	
3	Dalby & District Swimming Club Inc	Electronic Scoreboard	\$24,051.50	\$14,051.50	\$10,000.00	\$10,000.00		
							FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman AGAINST: DID NOT VOTE:	
4	Queensland Police Citizens Youth Welfare Association (QPCYWA)	PCYC Dalby Youth Support Room	\$6,368.95	\$0.00	\$6,368.95	\$3,189.00	Conditional upon group contributing 50% towards the project with no reduction to the scope of the project.	
							FOR: Cr. K.A. Bourne, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman AGAINST: Cr. K.A. Maguire DID NOT VOTE:	
TOTAL FUNDED						\$26,189.00		

CARRIED (8 to 1)

16.4 Community and Liveability Report Local Events Program Round One 2021.2022

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 6 October 2021 in relation to the Assessment of Round One of the 2021/2022 Local Events Program and to seek adoption of the recommendations contained in those Unconfirmed Minutes.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. P. T. Saxelby

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 6 October 2021.
2. The Recommendations of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 6 October 2021 be adopted as follows:

a. 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 May 2021 copies of which have been circulated to Members, be taken as read and confirmed; and

b. That the applicants for Round One of the 2021/2022 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	Chinchilla Community Commerce and Industry Inc	Chinchilla Town Christmas Party	\$13,000.00	\$3,000.00	\$3,000.00		
					FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman AGAINST: DID NOT VOTE:		
2	Tara Pastoral Agricultural and Horticultural Show Society	Annual Tara Show 2022	\$31,500.00	\$10,000.00	\$5,000.00		
					FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman AGAINST: DID NOT VOTE:		
3	Dalby & District Show Society	Dalby & District Agricultural Show	\$45,000.00	\$5,000.00	\$5,000.00		
					FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman AGAINST: DID NOT VOTE:		
4	Wandoan Show Society	2022 Wandoan Show WAGS Marquee/ Grand Champion Beat of the Show	\$7,050.00	\$500.00	\$4,850.00		
					FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman AGAINST: DID NOT VOTE:		
5	Bell Show Society	2022 Bell Show	\$100,000.00	\$89,000.00	\$5,000.00		
					FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman AGAINST: DID NOT VOTE:		
6	Tara Futures Group	Tara Community Christmas Celebrations	\$9,216.00	\$1,250.00	\$5,000.00		
					FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman AGAINST: DID NOT VOTE:		
TOTAL FUNDED					\$27 850.00 cash plus \$0.00 In Kind Assistance		

CARRIED

16.5 Community and Liveability Report 2020 / 2021 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 2020 / 2021 partnership between the Western Downs Regional Council and Toowoomba Surat Basin Enterprise.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. C. T. Tillman

That this report be received and noted.

CARRIED

UNCONFIRMED

17. NOTICES OF MOTION

17.1 CONSIDERATION OF NOTICES OF MOTION/BUSINESS

Nil.

17.2 RECEPTION OF NOTICES OF MOTION FOR NEXT MEETING

Nil.

18. URGENT GENERAL BUSINESS

Nil.

19. MEETING CLOSURE

The Meeting concluded at 3:20pm.

UNCONFIRMED