

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, 16 March 2022

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. A. N. Smith

That this Report be received and that:

1. The Unconfirmed Minutes of the Ordinary Meeting of Council held on 16 March 2022, copies of which have been circulated to Members, be taken as read and confirmed.

CARRIED



Minutes of the Ordinary Meeting of Council

Date: Wednesday, 16 March 2022
Time: 9:30am
Location: WDRC - Miles Customer Service Centre
29 Dawson Street, Miles QLD 4415

Councillors:

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

Officers:

- J. K. Taylor, Chief Executive Officer
- G. K. Cook, General Manager (Infrastructure Services)
- A. Yardley, Acting General Manager (Community and Liveability)
- S. Thompson, General Counsel

- H. Wex, Executive Officer to the Mayor
- A. G. Lyell, Executive Services Administration Officer
- E. Kendall, Communications and Marketing Manager

1. DECLARATION OF MEETING OPENING

The Chairperson declared the Meeting open at 9.30AM.

2. OPENING PRAYER AND MINUTE SILENCE

Glen Perkins from the Presbyterian Church, delivered the opening prayer. This was followed by the observance of a minute silence.

3. APOLOGIES

Nil

4. CONGRATULATIONS

Cr. M. J. James requested that congratulations be extended to Jilly Tyler from Dalby who is one of four Queensland women announced as finalists for the Agri Futures Rural Women's Awards.

Cr. K. A. Maguire requested that congratulations be extended to Jandowae Fishhooks for their win of the Annual Lindsay Williams Shield Football Carnival at Wandoan.

Cr. M. J. James requested congratulations be extended to the Western Downs Regional Council staff for the Words Out West Event.

Cr. P. T. Saxelby requested that congratulations be extended to the 21 people within the Western Downs region representing Queensland in the Australian Polocrosse National's 2022 Competition in Ballarat.

Cr. O. G. Moore requested that congratulations be extended to Brodie Coleman who received the Livestock and Rural Transporters Association of Queensland Inc Young Person In Transport Award 2022.

5. CONFIRMATION OF MINUTES

5.1 Adopt Minutes Ordinary Meeting of Council

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COUNCIL RESOLUTION

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

The Unconfirmed Minutes of the Ordinary Meeting of Council held on 16 February 2022, copies of which have been circulated to Members, be taken as read and confirmed with the following amendments:

1. "Date" of the meeting be included as: 16 February 2022.
2. "Venue" be included: Wandoan Customer Service Centre 6 Henderson Street, Wandoan QLD 4415
3. "Officers: J.K. Taylor, Acting Chief Executive Officer" be amended to read "J.K. Taylor, Chief Executive Officer"
4. Resolution 10.4.1 be amended to read as follows:

That this report be received and that:

1. Council enters into a large-size contractual arrangement for the delivery of the Chinchilla CBD Water Main Replacement under tender MM07-21-22 to Chris Buckley Plumbing (ABN) 19 126 182 018, for the tendered price of \$698,278 (ex GST).;
2. Council resolves to delegate authority to the Chief Executive Officer to negotiate, make, vary and discharge the contractual arrangement with Chris Buckley Plumbing ABN 19 126 182 018.

CARRIED

CARRIED

5.2 Adopt Special Meeting of Council Minutes 2 February 2022

The Purpose of this Report is for Council to adopt the Minutes of the Special Meeting of Council held on Wednesday, 2 February 2022

COUNCIL RESOLUTION

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

That this Report be received and that:

1. The Unconfirmed Minutes of the Special Meeting of Council held on 2 February 2022, 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. DECLARATIONS OF CONFLICTS OF INTEREST

Item 10.3.1 Community and Liveability Confidential Report Health Services Governance Report

Cr. P. T. Saxelby

In accordance with Chapter 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 EPA'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 he would leave the meeting while the matter is considered and voted on.

Cr. C. T. Tillman

In accordance with Chapter 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.

Item 10.5.1 (030.2020.341.001) Community and Liveability Confidential Report Appeal Update Development Application Material Change of Use for a Service Station Lot 202 on SP183221 Johnson Street Chinchilla Watkins Group (Qld) Pty Ltd

Cr. A. N. Smith

In accordance with Chapter 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. His sister Louise Smith, although not a submitter, at the time of the original application had a residence in Riverdell Estate and would have been affected as a result of the decision.

Pursuant to section 150EM of the *Local Government Act 2009*, Cr A.N. Smith will leave the meeting while the matter is discussed and voted on.

Cr. K. A. Bourne

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

1. One of the submitters in response to the application is my husband Stephen Henry Bourne's direct employment supervisor at Queensland Gas Company.

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

**Item 6.1 Community and Liveability Report Community Activation Program Round 2
2021.2022**

Cr. K. A. Maguire

In accordance with Chapter 5B of the *Local Government Act 2009*, Cr. K. A. Maguire informed the meeting of a declarable conflict of interest in respect to this matter due to:

1. She is the President of the Chinchilla Community Centre Committee.

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

**Item 6.4 Community and Liveability Report Regional Arts Development Fund Round Two
2021.2022**

Cr. C. T. Tillman

In accordance with Chapter 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 the president of Gallery107@Dalby.

Having given due consideration to her position she determined that she 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 February 2022

The purpose of this Report is to provide Council with significant meetings, forums and delegations attended by the Mayor during the month of February 2022.

COUNCIL RESOLUTION

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

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. M. J. James

Seconded By Cr. P. T. Saxelby

That Council resolve to close the Meeting in accordance with Sections 275 (1)(3) (b),(g),(e) of the *Local Government Regulation 2012* at 10:10am to discuss the following Confidential Reports:

1. **Item 10.3.1** Community and Liveability Confidential Report Health Services Governance Report
2. **Item 10.5.1** (030.2020.341.001) Community and Liveability Confidential Report Appeal Update Development Application Material Change of Use for a Service Station Lot 202 on SP183221 Johnson Street, Chinchilla Watkins Group (Qld) Pty Ltd

CARRIED

COUNCIL RESOLUTION - REOPEN MEETING

Moved By Cr. C. T. Tillman

Seconded By Cr. O. G. Moore

That Council resolve to reopen the Meeting at 10:29am

CARRIED

11. DEPUTATION

11.1 Robert Smiley

Mr Robert Smiley addressed Council in relation to his Development Application for Material Change of Use for Rooming Accommodation in Maranda Court, Dalby.

COUNCIL RESOLUTION - ADJOURN MEETING

Moved By Cr. C. T. Tillman

Seconded By Cr. K. A. Maguire

That Council resolve to adjourn the Meeting.

The Meeting adjourned at 10:39am

The Meeting resumed at .11:10am

CARRIED

10.1 EXECUTIVE SERVICES

Nil.

10.2 CORPORATE SERVICES

Nil.

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:

- Council's management of Health Care Services, and
- the status of the transition of services to Southern Cross Care.

In accordance with Chapter 6, 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:

a. He and his brother as EPA'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 he would leave the meeting while the matter is considered and voted on.

In accordance with Chapter 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:

a. 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 and Cr. C. T. Tillman left the meeting during the discussion at 10:10am

Cr. P. T. Saxelby and Cr. C. T. Tillman re-joined the meeting at 10:13am

Cr. P. T. Saxelby and Cr. C. T. Tillman left the meeting during the vote at 11:10am

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. A. N. Smith

That this report be received and that Council.

1. apply the exceptions contained in the *Local Government Regulation 2012* (Qld), section 236(1)(b)(ii), (2) and (4), and
2. approve the disposal of land and the non-current assets as listed in this report to Southern Cross Care (Qld) Ltd , and

3. delegate authority to the Chief Executive Officer to finalise and sign all necessary documents and ancillary agreements to affect the aforementioned transfers to enable completion on 1 April 2022 of the Business Transfer Agreement dated 8 December 2021.

CARRIED

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

Cr. P. T. Saxelby and Cr. C. T. Tillman re-joined the meeting at 11:14am

10.4 INFRASTRUCTURE SERVICES

Nil.

UNCONFIRMED

10.5 PLANNING

10.5.1 (030.2020.341.001) Community and Liveability Confidential Report Appeal Update Development Application Material Change of Use for a Service Station Lot 202 on SP183221 Johnson Street Chinchilla Watkins Group (Qld) Pty Ltd

The purpose of this Report is for Council to consider the advice from King & Company Solicitors on its prospects of successfully defending its decision before the Planning and Environment Court to refuse Development Application 030.2020.341.001 for a Material Change of Use to establish a Service Station on land described as Lot 202 on SP183221, located at Johnson Street, Chinchilla and to decide on how to proceed with the Appeal.

In accordance with Chapter 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. *His sister Louise Smith, although not a submitter, at the time of the original application had a residence in Riverdell Estate and would have been affected as a result of the decision.*

Pursuant to section 150EM of the Local Government Act 2009, Cr A.N. Smith will leave the meeting while the matter is discussed and voted on.

In accordance with Chapter 5B of the Local Government Act 2009, Cr. K. A. Bourne informed the meeting of a declarable conflict of interest in respect to this matter due to:

1. *One of the submitters in response to the application is my husband Stephen Henry Bourne's direct employment supervisor at Queensland Gas Company.*

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

Cr. A. N. Smith and Cr. K. A. Bourne left the meeting during the discussion at 10:13am

Cr. A. N. Smith and Cr. K. A. Bourne re-joined the meeting at 10:28am

Cr. A. N. Smith and Cr. K. A. Bourne left the meeting during the vote at 11:14am

COUNCIL RESOLUTION

Moved By Cr. C. T. Tillman

Seconded By Cr. K. A. Maguire

That this Report be received and that Council resolve to settle Planning & Environment Court Appeal No. D30 of 2021 Watkins Group (Qld) Pty Ltd v Western Downs Regional Council.

CARRIED (6 to 1)

For: Cr. P. M. McVeigh, Cr. K. A. Maguire, Cr. I. J. Rasmussen, Cr M. J. James, Cr. O. G. Moore and Cr. C. T. Tillman

Against: Cr. P. T. Saxelby

Absent Did Not Vote: Cr. A. N. Smith and Cr. K. A. Bourne

Cr. A. N. Smith and Cr. K. A. Bourne re-joined the meeting 11:16am

12. PLANNING

12.1 (030.2021.950.001) Community and Liveability Report Development Application for Material Change of Use for Rooming Accommodation (4 Bedrooms) on Lot 6 on SP244802 Maranda Court Dalby Smiley C/- Bplanned

The purpose of this Report is for Council to decide the development application seeking approval for a Material Change of Use to establish Rooming Accommodation (4 Bedrooms) on land described as Lot 6 on SP244802 and situated at Maranda Court, Dalby.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. K. A. Maguire

That this Report be received and that:

1. The development application for a Material Change of Use to establish Rooming Accommodation (4 Bedrooms) on land described as Lot 6 on SP244802 and situated at Maranda Court, Dalby, 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: Job No. 00183-21, Sheet 1 of 6, Issue B

Description: Site Plan, prepared by Plans to Inspire, dated 08-07-2021

Amendment: Amended in red by Council on 4 March 2022

Plan No: Job No. 00198-13, Sheet 2 of 6, Issue B

Description: Floor Plan, prepared by Plans to Inspire, dated 20-08-2013

Plan No: Job No. 00198-13, Sheet 3 of 6, Issue B

Description: Elevations of Dwelling, prepared by Plans to Inspire, dated 20-08-2013

Plan No: Job No. 00198-13, Sheet 4 of 6, Issue B

Description: Floor Plan and Elevations of Carport, prepared by Plans to Inspire, dated 20-08-2013

Plan No:L0.01, Revision B

Description: Coversheet and Specifications, prepared by LARC Collective, dated 05.05.14

Plan No:L1.01, Revision B

Description: Landscape Works Plan, prepared by LARC Collective, dated 05.05.14

Plan No:L3.01, Revision B

Description: Landscape Details, prepared by LARC Collective, dated 05.05.14

Plan No:L3.02, Revision B

Description: Plant Image Palette, prepared by LARC Collective, dated 05.05.14

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

APPROVED DEVELOPMENT

3. The approved development is a Material Change of Use for Rooming Accommodation (4 Bedrooms) as shown on the Approved Plans.

TERM OF APPROVAL

4. The approved Rooming Accommodation is to operate in accordance with the following definition:

"Premises used for -

(a)residential accommodation if each resident:

(i)has a right to occupy 1 or more rooms on the premises; and

(ii)does not have a right to occupy the whole of the premises; and

(iii)does not occupy a self-contained unit, as defined under the Residential Tenancies and Rooming Accommodation Act 2008, Schedule 2, or has only limited facilities available for private use; and

(iv)shares other rooms, facilities, furniture or equipment outside of the resident's room with 1 or more other residents, whether or not the rooms, facilities, furniture or equipment are on the same or different premises; or

(b)a Manager's residence, an office or providing food or other services to residents, if the use is ancillary to the use in paragraph (a)."

5. The development shall not operate as a Short-term Accommodation, as outlined in the following definition:

"(a)Premises used for -

(i)providing accommodation of less than 3 consecutive months to tourists or travellers; or

(ii)a Manager's residence, office, or recreation facilities for the exclusive use of guests, if the use is ancillary to the use in subparagraph (i); but

(b)does not include a hotel, nature-based tourism, resort complex or tourist park."

6. The applicant will maintain records, including a summary of compliance with Condition 4, and upon request of Western Downs Regional Council made on reasonable notice and not more than quarterly, to be produced for inspection by Council's Compliance Officers on-site. A copy of the summary is to be provided to Council Officers upon request.

LANDSCAPING

7. Landscaping shall be maintained in accordance with the Approved Landscape Plans prepared by LARC Collective, Issue B and dated 05.05.14.

FENCING

8. A 1.8 metre high solid screen fence shall be provided along the full extent of the boundary shared with Lot 5 on SP199320.

9. 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.

COMPLIANCE, TIMING AND COSTS

10. 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.
11. All costs associated with compliance with these conditions shall be the responsibility of the developer unless otherwise noted.

FEES AND CHARGES

12. 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

13. 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.

INFRASTRUCTURE CHARGES

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

ENGINEERING WORKS

16. Undertake work in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, Approved Plans and relevant Australian Standards.
17. Be responsible for the full cost of any alterations necessary, to easements and/or other public utility installations in connection with the development.

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

18. Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted during construction of the development.
19. Repair all damage incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damage immediately upon completion of work associated with the development.

STORMWATER MANAGEMENT

20. Provide overland flow paths that do not alter the characteristics of existing overland flows or create an increase in flood damage on other properties.
21. Ensure that adjoining properties and roadways are protected from ponding as a result of any site works undertaken.

WATER SUPPLY

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

PARKING AND ACCESS - GENERAL

23. Provide a minimum of 5 car parking spaces in accordance with Australian Standard 2890.1 - Parking Facilities - Off Street Car Parking.

VEHICLE ACCESS

24. Maintain the existing gravel crossover and access during the life of the use.

ELECTRICITY

25. Connect the development to electricity services.

EARTHWORKS - GENERAL

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

EROSION AND SEDIMENT CONTROL - GENERAL

27. 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.

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 .

<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.

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

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

"Chapter 6Dispute Resolution

Part 1Appeal Rights

229Appeals to Tribunal or P&E Court

(1) *Schedule 1 states -*

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

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

(ii) *only a tribunal; or*

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

(b) *the person -*

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

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

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

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

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

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

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

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

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

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

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

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

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

PROCEDURAL MOTION

Moved By Cr. I. J. Rasmussen

That the Motion be Put.

The **Motion** was **PUT** and **CARRIED**

12.2 (030.2021.953.001) Community and Liveability Report Development Application for Material Change of Use for Extension to Existing Educational Establishment at 68 to 76 Middle Street Chinchilla St Joseph's Catholic Primary School C/- Precinct Urban Planning

The purpose of this Report is for Council to decide the proposed development for a Material Change of Use for an extension to the existing Educational Establishment on land situated at 68-76 Middle Street, Chinchilla.

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby

Seconded By Cr. C. T. Tillman

That this Report be received and that:

1. The application for a Material Change of Use to establish an extension to an existing Educational Establishment on land described as Lot 2 on RP59248, Lots 1 & 2 on RP1638, Lots 605, 606, 607 & 608 on C2431, Lot 3 on RP186254 and Easement A on SP278758, and Lots 1 & 2 on RP1639, situated at 68-76 Middle Street, Chinchilla, be approved, subject to the following conditions:

APPROVED PLANS

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

Plan No: A.110, Issue P3

Description: Site Plan, prepared by Brandon & Associates, dated 29.11.21

Plan No: A.211, Issue P3

Description: GLA - Floor Plan, prepared by Brandon & Associates, dated 29.11.21

Plan No: A.220, Issue P3

Description: GLA - Elevations, prepared by Brandon & Associates, dated 29.11.21

Plan No:A.411, Issue P3

Description: Library - Proposed Floor Layout, prepared by Brandon & Associates, dated 29.11.21

Plan No: A.421, Issue P3

Description: Library - Elevations, prepared by Brandon & Associates, dated 29.11.21

Plan No: C.200, Issue P4

Description: Vehicle Turn Path, prepared by Brandon & Associates, dated 12.01.22

Plan No: A201, Issue P1

Description: Landscaping Plan, prepared by Brandon & Associates, dated 29.11.21

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

APPROVED DEVELOPMENT

4. The approved development is a Material Change of Use for an Extension to an Educational Establishment as shown on the Approved Plans.

COMPLIANCE, TIMING AND COSTS

5. All conditions of the approval shall be complied with prior to commencement of the use and whilst 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 relevant to each stage of the development.

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.

VISUAL AND GENERAL AMENITY

9. Any graffiti on the buildings must be immediately removed.
10. The buildings and the site must be maintained in a clean and tidy manner at all times.
11. All declared weeds and pests must be removed from the subject land and the subject land kept clear of such nuisance varieties at all times during the course of development work and any ensuing defects liability period.

LIGHTING

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

LANDSCAPING

13. The existing trees in proximity to the proposed car parking area on Lot 605 on C2431 are to be retained on the property in accordance with the Approved Plans.

WASTE MANAGEMENT

14. 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 *Environmental Protection (Waste Management) Policy 2000*.
15. All waste generated on-site must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.

REFUSE STORAGE AREAS

16. 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.

NOISE EMISSIONS

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

ENGINEERING WORKS

18. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant Australian Standards.
19. 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

20. 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.
21. 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

22. Remove the existing storage shed located on the property prior to construction as illustrated within the Approved Plans. Removal of redundant buildings may require a Building Approval from a suitably qualified Building Certifier.

STORMWATER MANAGEMENT

23. Discharge stormwater run-off from sealed areas to a lawful point of discharge.
24. 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.
25. Ensure that the works undertaken as a part of the development will not cause any actionable nuisance to all adjoining properties.

WATER SUPPLY

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

SEWERAGE

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

PARKING AND ACCESS - GENERAL

28. Design and construct all driveway and parking areas with concrete, asphalt or a two-coat bitumen seal.
29. Provide a minimum of seven (7) car parking spaces, constructed in accordance with AS2890.0.
30. Provide a person with disability (PWD) car parking space designed and line marked in accordance with AS2890.6 Off-Street Parking for People with Disabilities.
31. Provide vehicle bollards or tyre stops to control vehicular access and to protect landscaping or pedestrian areas where appropriate.
32. 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.

VEHICLE ACCESS

33. Upgrade the existing crossover to Canaga Street to provide a minimum width of 6 metres, generally in accordance with Council's Standard Drawing No. R-006, Revision C. Ensure that crossover splay is designed to accommodate turning movements of a Medium Rigid Vehicle.

ROADWORKS AND PEDESTRIAN SAFETY

34. Install signage for all work on or near roadways in accordance with the Manual for Uniform Traffic Control Devices – Part 3, Works on Roads.
35. 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.
36. Maintain safe pedestrian access along Council's footpaths at all times.

ELECTRICITY

37. Connect the development to electricity services.

EARTHWORKS - GENERAL

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

EROSION AND SEDIMENT CONTROL - GENERAL

39. 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.

40. 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.

AMALGAMATION OF LOTS

41. The subject land including Lot 1 on RP1638, Lot 2 on RP1638 and Lot 607 on C2431 must be amalgamated to form a single allotment. The Registered Survey Plan must be submitted to Council for Council's records prior to commencement of the use.

REFERRAL AGENCY RESPONSE

The application is subject to the following Referral Agency requirements:

- The State Assessment and Referral Agency issued a Concurrence Agency response dated 31 January 2022.

ADVISORY NOTES

NOTE 1 -CURRENCY PERIOD

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

- a) 6 years starting the day the approval takes effect;*
- b) if the approval states a different period from when the approval takes effect—the stated period."*

NOTE 2 -ABORIGINAL CULTURAL HERITAGE

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

<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 work, and to ensure safe traffic control and safe public access in respect of work being constructed on a road.

NOTE 5 -PROPERTY NOTE (AUDIT OF CONDITIONS)

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

NOTE 6 -INFRASTRUCTURE CHARGES NOTICE

An Infrastructure Charges Notice is attached.

NOTE 7 -Referral Agency Response

The Concurrence Agency response is attached.

NOTE 8 -NOISE

It is the responsibility of the property owner(s) to take all measures necessary to ensure that the proposed development is developed and maintained in such a way as to mitigate noise impacts to the surrounding lawful residential uses. These measures must be undertaken at the expense of the property owner(s).

NOTE 9 -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 10 -COMMENCEMENT OF USE

- I. Prior to commencement of this use, the applicant is to request a Compliance Inspection be undertaken by Council to confirm that all conditions of this Development Permit are considered compliant.
- II. Upon receipt of confirmation from Council that all conditions of this Development Permit are considered compliant, the applicant is to notify Council within 20 business days, that this approved use has lawfully commenced.

APPEAL RIGHTS

An applicant or any eligible submitter may elect to appeal against Council's decision in accordance with the relevant Section of the *Planning Act 2016*, which states:

"Chapter 6Dispute Resolution

Part 1Appeal Rights

229Appeals to Tribunal or P&E Court

(1)Schedule 1 states -

(a) matters that may be appealed to -

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

(ii) only a tribunal; or

(iii) only the P&E Court; and

(b) the person -

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

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

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

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

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

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

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

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

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

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

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

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

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

CARRIED

12.3 (035.2021.510.001) Community and Liveability Report Development Application Reconfiguring a Lot (2 Lots into 10 Lots) Lot 3 on RP804508 and Lot 6 on SP209012 Winton Street West and 37 Winton Street West Dalby DOM Distribution C/- Precinct

The purpose of this Report is for Council to decide the proposed development for Reconfiguring a Lot (2 lots into 10 lots over 3 Stages) on land described as Lot 3 on RP804508 and Lot 6 on SP209012 situated at Winton Street West and 37 Winton Street West, Dalby.

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. K. A. Bourne

That this report be received and that:

The application for Reconfiguring a Lot (2 Lots into 10 Lots over 3 Stages) on land described as Lot 3 on RP804508 and Lot 6 on SP209012 and situated at Winton Street West and 37 Winton Street West, Dalby be refused, on the following grounds:

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

(i) The development does not comply with Acceptable Outcome 1.1 of the Reconfiguring a Lot Code, as the development results in the creation of allotments that do not comply with the minimum lot size and frontage requirements of Table 9.4.4.2 - Minimum lot size and frontages for the Low Impact Industry Zone.

FORESHADOWED MOTION

Cr. M. J. James foreshadowed that if the motion on the floor failed she would move;

That this report be received and that:

1. The application for Reconfiguring a Lot (2 lots into 10 lots over 3 Stages) on land described as Lot 3 on RP804508 and Lot 6 on SP209012 and situated at Winton Street West and 37 Winton Street West, Dalby by approved, subject to the following conditions:

APPROVED PLANS AND DOCUMENT

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

Plan No: Project No. 16185, Drawing No. C-SK0003, Issue A

Description: Concept Subdivision Layout Plan, prepared by RMA Engineers and dated 21/06/2021.

Plan No: Project No. 16185, Drawing No. C-SK0004, Issue A

Description: Concept Staging Plan, prepared by RMA Engineers and dated 21/06/2021.

Plan No: Project No. 16185, Drawing No. C-SK0006, Issue A

Description: Concept Survey Plan, prepared by RMA Engineers and dated 21/06/2021.

Document: Stormwater Management Plan, Project Number 16185, Revision 0, prepared by RMA Engineers and dated 26 November 2021

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

APPROVED DEVELOPMENT

3. The approved development is Reconfiguring a Lot (2 lots into 10 lots over 3 Stages) as shown on the Approved Plans and Document.
4. The development is to occur sequentially over 3 Stages as shown on the Approved Plans.
5. Conditions within this approval are applicable to each Stage of the development, unless otherwise specified.

COMPLIANCE, TIMING AND COSTS

6. All conditions of the approval shall be complied with before Council's endorsement of the Plan of Survey Form 18B, 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 Plan of Survey Form 18B shall not be executed until a letter of compliance is received demonstrating the development's compliance with all conditions of this approval.

FEES AND CHARGES

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.

INFRASTRUCTURE CHARGES

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

MAINTENANCE

11. 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.

LOT NUMBERING

12. The numbering of all approved lots shall remain as indicated on the Approved Plans (unless otherwise amended/approved by Council).
13. The developer is to make a request to Council for street numbering.

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.

ENGINEERING WORKS

16. Submit to Council, an Operational Work application for all works that will become Council infrastructure, the access crossover for Lot 3, and stormwater drainage, at each Stage as applicable.
17. Complete all works approved and works required by conditions of this development approval and/or any related approvals at no cost to Council, prior to Council's endorsement of the Survey Plan Form 18B unless stated otherwise.
18. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, relevant Australian Standards, Codes of Practice, WSAA, and relevant Design Manuals.
19. Be responsible for any alteration necessary, to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and/or other public utility installations resulting from the development or from road and drainage works required in connection with the development.
20. Submit to Council, certification from a Registered Professional Engineer of Queensland (RPEQ-Civil) that all works authorised by this development approval and any related approval issued by Council have been designed and constructed in accordance with the requirements of the development approval:
 - 20.1 submit a Design Certificate with the application; and
 - 20.2 submit a Construction Supervision Certificate at completion of the approved works and prior to Council's acceptance of the works on-maintenance.

MAINTENANCE

21. Maintain all works that will become Council infrastructure for a period of 24 months (maintenance period) from the date of on-maintenance unless a different on-maintenance period is specified for a particular asset. Any defective works must be rectified within the maintenance period.
22. Provide Council with a maintenance bond in an acceptable form equal to 5% of the value of Council infrastructure prior to commencement of the maintenance period.

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

23. Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.
24. Repair all damage incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards

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

REMOVAL OF EXISTING BUILDINGS

25. Remove redundant buildings and sections of buildings located across new common lot boundaries and reinstate the land.

Advice: This will require a Building Permit.

STORMWATER MANAGEMENT

26. Provide stormwater management generally in accordance with Approved Stormwater Management Plan prepared by RMA Engineers, Revision 0, dated 26 November 2021, subject to detailed design and except as altered by conditions of this development approval.
27. Provide overland flow paths that do not adversely alter the characteristics of existing overland flows on other properties or create a nuisance on other properties.
28. Design and construct the proposed table drains along the eastern boundary of Lots 2 and 4 and culvert crossing under the new access road, prior to Council's endorsement of the Survey Plan Form 18B for Stage 1.
29. Discharge all minor storm flows that fall or pass onto the site to the lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM).
30. Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.

FLOODING - GENERAL

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

WATER SUPPLY

32. Connect the development to Council's reticulated water supply system.
33. Remove any redundant water supply connections and reinstate the land.
34. Design the system to provide fire flows required by WSAA Guidelines.
35. Design and construct all works in accordance with Council's requirements as set out in the WSAA Guidelines and relevant development standards used by Council.
36. Install a separate water service connection to each lot as per Council's standards.

WATER – EXTENSION

37. Prior to submission of an Operational Work application, provide an updated Water Services Report to Council's satisfaction, addressing:
 - which Council Codes or requirements have been used in the assessment of the suitability of the proposed water main works;

- how the water main works will meet the requirements in terms of flows/pressure; and
- in the event that Council's requirements cannot be met, what solutions are proposed to meet the requirements.

Comment: *Any agreed upon solutions/upgrades will form part of a future Operational Work application.*

38. Install fire hydrant valves to ensure that all allotments are within a distance of 40 metres of the nearest hydrant.
39. Provide isolation valves, hydrant markers and RPMs in accordance with WSAA Codes and Council's standards.
40. Submit to Council, the written consent from the property owner where such works require entry onto adjoining land prior to Council's approval of Operational Work.

ON-SITE WASTEWATER DISPOSAL

41. Prior to endorsement of the Survey Plan Form 18B for each Stage of the development, the applicant shall ensure that the on-site effluent disposal systems and corresponding treatment areas are located entirely within the proposed Lot it services.

Comment: *This condition has been applied as the lot is outside Council's sewer catchment area. The applicant can make enquiries to be connected to the reticulated sewer network, however, connection is at the sole discretion of Council's Utilities Department. Any upgrades or extension required to Council's network is at the cost of the developer, and will require an Operational Work Permit. If the development is connected to Council's sewer network, this condition is no longer valid.*

42. Future buildings, where applicable, must be connected to an on-site wastewater disposal system, in accordance with AS 1547 and the Queensland Plumbing and Waste Water Code.

Timing: Prior to the issue of a Building Approval for a future building on the proposed lots.

REDUNDANT CROSSOVERS

43. Remove the redundant crossover from Winton Street West to Proposed Lot 1 and reinstate the verge and table drain, road pavement and any services, to Council's standard.

VEHICLE ACCESS

44. Design and construct a concrete crossover having a minimum width of 6 metres in accordance with Council's Standard Drawing No. R-006, to access the existing Dwelling on Proposed Lot 3, a 3/450x1200 RCBC.
45. Ensure that new crossover to Proposed Lot 3 will not impact vehicle swept paths of design vehicles exiting from Proposed Lot 10.

Timing: Prior to Council's endorsement of the Survey Plan Form 18B for Stage 1.

46. Access to Proposed Lot 10 is to be from Winton Street West.

47. Access to Proposed Lot 1 is to be from New Road 1.
48. 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).

PARKING

49. Provide required vehicle parking spaces and loading and unloading bays for existing uses on Proposed Lots 9 and 10.

Timing: Prior to Council's endorsement of the Survey Plan Form 18B for Stage 3.

ROADWORKS - NEW ROAD

50. Design and construct the new road/s identified as Road 1 on the proposed plans of development, as an Industrial Access Street, generally in accordance with Table 1.12.3 of Council's Planning Scheme Policy 1, relevant Austroads' Standards and Council's Planning Scheme and more specifically, include the following:

50.1 a minimum road reserve width of 22 metres;

50.2 concrete barrier kerb and channel;

50.3 asphalt concrete sealed carriageway with a minimum width of 12 metres; and

50.4 provision for stormwater drainage, line marking, signage and street lighting associated with the required road.

Timing: Prior to Council's endorsement of the Survey Plan Form 18B for Stage 1.

51. Construct a temporary gravelled surfaced turn-around to accommodate the turning movements of a 26 metre B-Double, where temporary dead ends are provided at Stage boundaries.

Timing: Prior to Council's endorsement of the Survey Plan Form 18B for Stages 1 and 2.

52. The cul-de-sac is to end with a minimum 20 metre radius to the bulb end and a minimum 30 metre radius approach curve, all measured to the invert of kerb and channel and designed in accordance with the requirements of the applicable Planning Scheme and Council's adopted standards.

Timing: Prior to Council's endorsement of the Survey Plan Form 18B for Stage 1.

ROADWORKS – INTERSECTION OF NEW ROAD AND WINTON STREET WEST

53. Design and construct the intersection of the new road and Winton Street West to an Industrial Access Street standard generally in accordance with Table 1.12.3 of Council's Planning Scheme Policy 1, relevant Austroads' Standards and Council's Planning Scheme and more specifically, include the following:

53.1 splay widening at the intersection to provide Basic Right Turn/Basic Left Turn (BAL) Treatment to accommodate the turning movements of a 26 metre B-Double;

53.2 concrete barrier kerb and channel;

53.3 a culvert crossover for 3/450x1200 RCBC with head wall and guide posts;

53.4 re-shape the table drain on Winton Street West along the site frontage as applicable, to ensure free draining;

53.5 provision for stormwater drainage, line marking, tapers to existing/new road pavements, signage, street lighting associated with the required road works and road reserve transitions between existing and proposed roads; and

53.6 submit to Council for approval, with any application for Operational Work, an AutoTurn plot that demonstrates that a 26 metre B-Double could safely manoeuvre through the intersection of the new road and Winton Street West. Clearly indicate road/street centre lines on drawings.

Timing: Prior to Council's endorsement of the Survey Plan Form 18B for Stage 1.

ROADWORKS - SIGNAGE

54. Install at an appropriate location at the intersection of the new road and Winton Street West, R1-2 "**Give Way**" signage as specified in the Manual of Uniform Traffic Control Devices – Part 13: Local Area Traffic Management, and provide line marking.

Timing: Prior to Council's endorsement of the Survey Plan Form 18B for Stage 1.

STREET SIGNS AND LINE MARKING

55. Obtain written approval from Council for any works involving the removal or relocation of existing Council traffic signs, prior to commencement of works.

56. Install and/or relocate any street signs and/or line marking in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).

57. Provide all new signage with Class 1 retro-reflective material in accordance with Australian Standard 1743 - Road Signs - Specification.

ROADWORKS AND PEDESTRIAN SAFETY

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

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

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

TELECOMMUNICATIONS

61. Design and provide underground telecommunications to all lots within the development.

62. Remove all redundant telecommunication connections and reinstate the land.

ELECTRICITY

63. Design and provide 3 phase for industrial electricity supply to all lots within the development to comply with Ergon Energy's requirements.

64. Submit to Council, written confirmation from an electricity provider that an agreement has been made for the supply of electricity and where staged, written confirmation is required for each Stage of the development.

65. Remove all redundant electrical connections and reinstate the land.

66. Submit electrical plans for Council's review prior to Council's endorsement of the Survey Plan Form 18B. Be responsible to check and ensure that electrical drawings do not conflict with the civil engineering design.

SERVICES - EXISTING CONNECTIONS

67. Ensure that all services provided to all existing buildings on proposed new lots are wholly located within the lot it serves.

STREET LIGHTING

68. Design and install street lighting to the full frontage of the site/intersections and all streets within the development in accordance with AS/NZS1158 and the road classifications contained within this approval. Submit to Council, street light design plans showing the proposed public lighting system for Council's endorsement.
69. Enter into an agreement with an electricity supplier to provide a public lighting system in accordance with the lighting design plans as required by the previous condition. Submit to Council, written confirmation from an electricity provider that an agreement has been made to provide a public lighting system.
70. Ensure that any new street light poles required on external streets are of a consistent standard (ie steel poles) to street light poles within the immediate vicinity of the development. Heritage style poles are not permitted unless specifically approved by Council.
71. Install street lighting in all road reserves on the same side of the road that accommodates any footpath or shared path.

EARTHWORKS - GENERAL

72. Do not undertake any earthworks without a further approval from Council except for the works ancillary to building works.
73. Undertake any earthworks in accordance with the provisions of AS3798 Guidelines on Earthworks for Commercial and Residential Developments.
74. Do not place fill on adjacent properties without providing Council with written permission from the respective property owner(s).
75. Ensure that each lot is self-draining.

EROSION AND SEDIMENT CONTROL - GENERAL

76. Undertake erosion and sediment control during construction works in accordance with Council's Standard Drawing No's D-005 (Rev A), D-006 (Rev A) and D-007 (Rev A) as applicable.
77. 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.
78. Remove and clean-up the sediment or other pollutants in the event that sediment or other pollutants are tracked or released onto adjoining streets or stormwater systems, at no cost to Council.

ENVIRONMENTAL HEALTH

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

79.1 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;

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

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

Timing: During construction and on-maintenance period and the establishment period of landscaping or areas disturbed during construction.

80. 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:

80.1 uncontaminated overland stormwater flow; and

80.2 uncontaminated stormwater to the stormwater system.

Timing: Prior to commencement of any works on-site, during works on-site and maintained for the period of the use of the development site.

EASEMENTS

81. Provide a stormwater drainage easement burdening Proposed Lots 2 and 4, over the proposed swale that will convey flows from the new lots to the existing detention basin, having a minimum width as determined in any approval for Operational Work, to the benefit of all lots served by the proposed swale.

82. Provide a stormwater drainage easement burdening Proposed Lot 10, over the proposed detention basin, and all associated drainage infrastructure required to achieve the outcomes in the Approved Stormwater Management Plan prepared by RMA Engineers, Revision 0, dated 26 November 2021. The easement document shall require that the owner of Lot 10 is responsible for maintaining the detention basin and associated infrastructure to ensure that the objectives in the RMA Report are achieved.

83. The restrictions imposed (non-permanent fixtures) on the properties within the drainage easements, will include but not be limited to:

- a building (habitable or not), regardless of size;
- a bridge or culvert;
- a tower, mast, pillar, or post;
- a wall or fence (other than a dividing fence);
- a shipping container or similar object;
- a sculpture or statue;
- a viaduct, railway line, roadway or path;
- a swimming pool or tank; or
- anything else that may be reasonably characterised as a structure when placed upon land (whether by affixation or by resting upon its own weight).

PERMANENT SURVEY MARKS

84. Install a minimum of 1 permanent survey mark (PSM) and connect to Australian Height Datum. Ensure that the PSM is located and installed in accordance with the *Survey and Mapping Infrastructure Act 2003*.

Timing: Prior to Council's endorsement of the Plan of Survey Form 18B for Stage 1.

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 18 January 2022 which is attached to this approval.

ADVISORY NOTES

NOTE 1 -Currency Period

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

Reconfiguring a Lot

(a) for any part of the development approval relating to reconfiguring a lot —if a plan for the reconfiguration, that under the Land Title Act, is required to be given to a local government for approval is not given to the local government within —

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

(ii) if no period is stated— 4 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.

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

"Chapter 6 Dispute Resolution

Part 1 Appeal Rights

229 Appeals to Tribunal or P&E Court

(1) Schedule 1 states -

(a) matters that may be appealed to -

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

(ii) only a tribunal; or

(iii) only the P&E Court; and

(b) the person -

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

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

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

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

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

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

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

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

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

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

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

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

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

The **ORIGINAL MOTION** was **PUT** and **CARRIED (7 to 2)**
For: Cr. P. M. McVeigh, Cr. A. N. Smith, Cr. K. A. Bourne,
Cr. K. A. Maguire, Cr. I. J. Rasmussen, Cr. O. G. Moore, Cr. C.T. Tillman
Against: Cr. P. T. Saxelby and Cr. M. J. James

UNCONFIRMED

13. EXECUTIVE SERVICES

13.1 Executive Services Chief Executive Officer Report February 2022

The purpose of this Report is to provide Council with:

Significant meetings, forums and delegations attended by the Chief Executive Officer during the month of February 2022.

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. C. T. Tillman

That this Report be received and noted.

CARRIED

13.2 Executive Services Report Outstanding Actions February 2022

The purpose of this Report is to provide Council with an updated on the status of outstanding Council Meeting Action Items to 16 February 2022

COUNCIL RESOLUTION

Moved By Cr. M. J. James

Seconded By Cr. K. A. Bourne

That this Report be received and noted.

CARRIED

14. CORPORATE SERVICES

14.1 Corporate Services Report Call for Motions Australian Local Government Association General Assembly

The purpose of this report is to seek Council endorsement of motions proposed to be submitted to the Australian Local Government Association for consideration at the 2022 National General Assembly

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. P. T. Saxelby

That this Report be received and that Council endorse the following motions for the ALGA National General Assembly:

1. This National General Assembly calls on the Australian Government to increase and maintain the national grant entitlement for Financial Assistance Grants to at least 1.0% of Commonwealth taxation revenue.
2. This National General Assembly calls on the Australian Government to deliver a long-term reliable water source for regional communities to enable economic development opportunities, including hydrogen and agriculture.
3. This National General Assembly calls on the Australian Government to allocate more funding to road infrastructure to sustainably manage state and federal transport infrastructure and the backlog of work.
4. This National General Assembly calls on the Australian Government to increase funding for Connectivity in regional areas and revisit co-contribution as part of assessment criteria.
5. This National General Assembly calls on the Australian Government to collaborate with State and Local Government Areas to develop a strategy to build regional Allied Health Precincts. These precincts would provide currently unavailable specialist services and provide outreach services to smaller rural communities, whilst assisting in the development of a local workforce. Further, this strategy should include an action plan with aligned funding.
6. This National General Assembly calls on the Australian Government to invest in an extension of Inland Rail to the Gladstone Port via an inland route.
7. This National General Assembly calls on the Australian Government to create incentives to attract and train qualified childcare staff.

CARRIED

14.2 Corporate Services Report Bell Showgrounds Amenities Block

The purpose of this report is to seek Council's approval to reallocate \$40,000 from the 2021-22 Facilities Capital Program to assist the Bell Recreation Reserve Committee with the construction of a new amenities block at the Bell Showgrounds.

COUNCIL RESOLUTION

Moved By Cr. C. T. Tillman

Seconded By Cr. M. J. James

That this report be received and that;

1. Council approves the construction of an amenities block at the Bell Showgrounds in accordance with the request of the Bell Recreation Reserve Committee for an estimate price of \$162,500.00; and
2. the project be funded over the 2021-22 and 2022-23 financial years from Bell Showgrounds accrued capital reserve funds of \$108,384, the \$20,000 capital reserve allocation for the 2022-23 financial year, with Council to supplement the balance of the project cost from savings identified in the adopted 2021-22 Facilities Capital Program.

CARRIED

14.3 Corporate Services Report Disposal of Surplus Council Owned Land

The purpose of this report is to seek Council's approval for the disposal by auction of the listed properties.

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby

Seconded By Cr. K. A. Bourne

That this report be received and that Council;

1. Approve in accordance with s.224(7) of the Local Government Regulation 2012, the disposal of the following parcels of land:

| Location | Street Address | Lot on Plan |
|------------|-----------------------------|--------------------|
| Tara | 4 Marfleet Street | Lot 12 on SP183239 |
| | 6 Marfleet Street | Lot 16 on SP209328 |
| | 8 Marfleet Street | Lot 10 on SP183239 |
| | 10 Marfleet Street | Lot 9 on SP183239 |
| | 9 Marfleet Street | Lot 6 on SP183239 |
| | 7 Marfleet Street | Lot 15 on SP209328 |
| | 5 Marfleet Street | Lot 14 on SP209328 |
| | 3 Marfleet Street | Lot 3 on SP183239 |
| | 1 Marfleet Street | Lot 2 on SP183239 |
| | 5 Henry Court | Lot 24 on SP209293 |
| | 6 Henry Court | Lot 11 on SP209293 |
| | 10 Henry Court | Lot 9 on SP209293 |
| | 26 Henry Court | Lot 1 on SP209293 |
| Chinchilla | 13 King Street | Lot 24 on SP188009 |
| | 26 Nowland Street | Lot 74 on RP869016 |
| | 28 Campbell Street | Lot 1 on SP199342 |
| | 139 Zeller Street | Lot 2 on SP199342 |
| Wandoan | Corner North & West Streets | Lot 4 on SP130877 |

2. approve the public listing of any unsold properties for sale, and
3. delegate authority to the Chief Executive Officer to finalise and sign all necessary documents to effect the aforementioned disposal by auction.

CARRIED

14.4 Corporate Services Financial Report February 2022

The purpose of this Report is to provide Council with the Financial Report for the period ending 28 February 2022.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire
Seconded By Cr. K. A. Bourne

That this Report be received, and that:

1. Council notes the Financial Report as of 28 February 2022.

CARRIED

14.5 Corporate Services Report Early Career Program 2022

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

COUNCIL RESOLUTION

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

That this Report be received and noted.

CARRIED

15. INFRASTRUCTURE SERVICES

15.1 Infrastructure Services Works February 2021/2022 Capital Works Progress Update

The purpose of this Report is for the Works Department to provide an update to Council regarding the 2021/2022 Capital Works Program for the month of February 2022.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. P. T. Saxelby

That this Report be received and noted.

CARRIED

15.2 Infrastructure Services Report Transport Asset Maintenance Management Review and Update

The purpose of this Report is to provide Council with a summary of changes made to Council's Transport Asset Maintenance Management Plan following review of the plan 2 years after implementation.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. O. G. Moore

That the Report be received and that Council;

1. Finalise the current trial of Transport Asset Maintenance Management Plan (TAMMP)
2. Implement the updated Transport Asset Maintenance Management Plan Version 1.7 as tabled

CARRIED

COUNCIL RESOLUTION - ADJOURN MEETING

Moved By Cr. C. T. Tillman

Seconded By Cr. P. T. Saxelby

That Council resolve to adjourn the Meeting.

The Meeting adjourned at 12:26pm

The Meeting resumed at 12:49pm

16. COMMUNITY AND LIVEABILITY

16.1 Community and Liveability Report Community Activation Program Round 2 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 16 February 2022 in relation to the Assessment of Round Two of the 2021/2022 Community Activation Program; and to seek adoption of the recommendations contained in those Unconfirmed Minutes.

In accordance with Chapter 5B of the Local Government Act 2009, Cr. K. A. Maguire informed the meeting of a declarable conflict of interest in respect to this matter due to:

a. She is the president of the Chinchilla Community Centre Committee.

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

Cr. K. A. Maguire left the meeting at 12:50pm

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby

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 16 February 2022.
2. The Recommendations of the Western Downs Regional Council Community Grants Assessment

Reference Group Meeting held on 16 February 2022 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 February 2020 copies of which have been circulated to Members, be taken as read and confirmed; and

b. That the applicants for Round Two of the 2021/2022 Community Activation Program be advised as follows:

Ordinary Meeting of Council Minutes 16 March 2022

| | Applicant | Project Description | Total Project Cost | Applicant Contribution | Amount Requested | Amount Approved (Excl. G.S.T.) | Justification/ Conditions | Suggestions/ Conflicts of Interest |
|---------------------|--------------------------|---------------------|--------------------|------------------------|------------------|--|---------------------------|------------------------------------|
| 1 | Murilla Community Centre | Local News Matters | \$86,997.00 | \$20,350.00 | \$10,000.00 | \$10,000.00 | | |
| | | | | | | FOR: Cr. K.A. Bourne, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman AGAINST: DID NOT VOTE: Cr. K.A. Maguire | | |
| TOTAL FUNDED | | | | | | \$10,000.00 | | |

CARRIED

Absent Did Not Vote: Cr. K. A. Maguire

Cr. K. A. Maguire re-joined the meeting at 12:55pm

UNCONFIRMED

16.2 Community and Liveability Report Community Projects Program Round Two 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 16 February 2022. This is in relation to the assessment and proposed adoption of Round Two of the 2021/2022 Community Projects Program.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

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 16 February 2022.
2. The Recommendations of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 16 February 2022 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 6 October 2021, copies of which have been circulated to Members, be taken as read and confirmed.

- b. That the applicants for Round Two of the 2021/2022 Community Projects Program be advised as follows:

Ordinary Meeting of Council Minutes 16 March 2022

| | Applicant | Project Description | Total Project Cost | Applicant Contribution | Amount Requested | Amount Approved (Excl. G.S.T.) | Justification/ Conditions | Suggestions/ Conflicts of Interest |
|---------------------|----------------------------------|---------------------------|--------------------|------------------------|------------------|--------------------------------|---|------------------------------------|
| 1 | Sports Condomine Association Inc | Replace Kitchen Floor | \$8,325.00 | \$4,000.00 | \$4,325.00 | \$4,325.00 | | |
| | | | | | | | 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 | Chinchilla Polocrosse Club Inc | Purchaser Ride On Mower | \$13,299.00 | \$5,000.00 | \$8,299.00 | \$6650.00 | | |
| | | | | | | | 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 | Wandoan Arts Council | Soldier Sculpture Project | \$25,113.30 | \$13,777.60 | \$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: | |
| TOTAL FUNDED | | | | | | \$20,975.00 | | |

CARRIED

16.3 Community and Liveability Report Local Events Program Round Two 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 16 February 2022 in relation to the Assessment of Round Two 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 16 February 2022.

2. The Recommendations of the Western Downs Regional Council Community Grants Assessment

Reference Group Meeting held on 16 February 2022 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 6 October 2021 copies of which have been

circulated to Members, be taken as read and confirmed; and

b. Subject to a governance check by the CEO, that the applicants for Round Two of the 2021/2022 Local Events Program be advised as follows:

Ordinary Meeting of Council Minutes 16 March 2022

| | Applicant | Project Description | Total Project Cost | Applicant Contribution | Amount Requested | Amount Approved (Excl. G.S.T.) | Justification/ Conditions | Suggestions/ Conflicts of Interest |
|---------------------|--|---|--------------------|------------------------|--|--|---|------------------------------------|
| 1 | Tara Race Club | 2022 Annual Tara Cup | \$16 900.00 | \$14 900.00 | \$2 770.00 (\$2 000.00 Cash plus \$770.00 In Kind Assistance) | \$2 770.00 (\$2 000.00 Cash plus \$770.00 In Kind Assistance) | | |
| | | | | | | | 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 | Jandowae Race Club | 2022 Jandowae Races | \$13 000.00 | \$2 000.00 | \$3 260.00 (\$2 000.00 cash plus \$1 260.00 In Kind Assistance) | \$3 260.00 (\$2 000.00 cash plus \$1 260.00 In Kind Assistance) | | |
| | | | | | | | 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 | Reining Australia Inc | Australian Reining Breeders Classic "ARBC" Show | \$251,871.50 | \$44,000.00 | \$8,918.00 | \$7,466.00 | | |
| | | | | | | | FOR: Cr. C.T. Tillman, Cr. K.A. Bourne, Cr. P.T. Saxelby | |
| | | | | | | | AGAINST: Cr. K.A. Maguire, Cr. O.G. Moore | |
| | | | | | | | DID NOT VOTE: Nil | |
| 4 | Dalby and District Rugby Football Club Inc | GDL battle in the Bush Rugby Gala | \$34,000.00 | \$15,000.00 | \$3,000.00 | \$2000.00 | | |
| | | | | | | | 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 | | | | | | \$13,466.00 cash plus \$2030.00 In Kind Assistance | | |

CARRIED

16.4 Community and Liveability Report Regional Arts Development Fund Round Two 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 16 February 2022. This is in relation to the assessment and proposed adoption of Round Two of the 2021/2022 Regional Arts Development Fund Program.

In accordance with Chapter 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:

a. She is the president of Gallery107@Dalby.

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

Cr. C. T. Tillman left the meeting at 1:12pm

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. A. N. Smith

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 16 February 2022.
2. The Recommendations of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 16 February 2022 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 7 October 2020, copies of which have been circulated to Members, be taken as read and confirmed.

b. That the applicants for Round Two of the 2021/2022 Regional Arts Development Fund Program be advised as follows:

Ordinary Meeting of Council Minutes 16 March 2022

| | Applicant | Project Description | Total Project Cost | Applicant Contribution | Amount Requested | Amount Approved (Excl. G.S.T.) | Justification/ Conditions | Suggestions/ Conflicts of Interest |
|---------------------|----------------------------------|-----------------------------|--------------------|------------------------|------------------|--|--|------------------------------------|
| 1 | Hannaford Club Incorporated | Brushes in the Bush | \$4,773.00 | \$100.00 | \$3,102.00 | \$2,863.00 | | |
| | | | | | | FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. O.G. Moore and Cr. P.T. Saxelby AGAINST: DID NOT VOTE: Cr. C.T. Tillman | | |
| 2 | This Story Australia Ltd | Heroes of the Western Downs | \$12,961.75 | \$2,641.75 | \$10,000.00 | \$0.00 | Declined due to a lack of community collaboration and engagement with key stakeholders . There is no clear benefit to the local community. There was a lack of information or detail in the project plan including who the subjects of the videos would be. | |
| | | | | | | FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. O.G. Moore and Cr. P.T. Saxelby AGAINST: DID NOT VOTE: Cr. C.T. Tillman | | |
| 3 | Gallery 107 @ Dalby Incorporated | From Easel to Exhibition | \$11,103.50 | \$3,227.00 | \$4,348.50 | \$4,348.50 | | |
| | | | | | | FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. O.G. Moore and Cr. P.T. Saxelby AGAINST: DID NOT VOTE: Cr. C.T. Tillman | | |
| TOTAL FUNDED | | | | | | \$7,211.50 | | |

CARRIED
Absent Did Not Vote: Cr. C. Tillman

Cr. C. T. Tillman re-joined the meeting at 1:15pm

16.5 Community and Liveability Report Destination Events Program 2020.2021

The purpose of this Report is to provide Council with the Unconfirmed Minutes of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 16 February 2022 in relation to the Assessment of the 2021/2022 Destination 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. A. N. Smith

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 16 February 2022.
2. The Recommendations of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 16 February 2022 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 the 2021/2022 Destination Events Program be advised as follows:

Ordinary Meeting of Council Minutes 16 March 2022

| | Applicant | Project Description | Total Project Cost | Applicant Contribution | Amount Requested | Amount Approved (Excl. G.S.T.) | Justification/ Conditions | Suggestions/ Conflicts of Interest |
|---------------------|-----------------------|---|--------------------|------------------------|------------------|---|--|------------------------------------|
| 1 | Reining Australia Inc | Australian Reining Breeders Classic "ABRC" Show | \$258,371.50 | \$20,000.00 | \$15,956.50 | \$0.00 | Decision referred to Local Events Program. The Community Grants Assessment Reference Group suggest that the ARBC work to develop a sustainable financial model that would better reflect the event's success and impact. | |
| | | | | | | 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 | | | | | | \$0.00 | | |

CARRIED

16.6 Community and Liveability Report Planning Application Fee Review

The purpose of this report is to discuss Council's adopted Fees and Charges for multiple use Development Applications.

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. C. T. Tillman

That this report be received and that the Council amend the 21/22 Adopted Fees and Charges, line 370, to read as follows:

Combined Applications involving more than 1 type of development - i.e. Material Change of Use and a Reconfiguring of a Lot in one application - and for applications with multiple uses: Fees for a combined development application are to be the sum of those fees that would have been required in the event of a separate development application being lodged for each type (e.g. Material Change of Use, Reconfiguring a Lot, Building Work etc.).

The Chief Executive Officer is to determine a Price on Application fee for a Development Application where multiple uses are proposed in a single application (e.g. MCU application involving two or more use types).

CARRIED

16.7 Community and Liveability Good News Report Safe Phones Project

The purpose of this Report is to share a good news report to Council on the Safe Phones project. Western Downs Regional Council has facilitated the donation of its old refurbished mobile phones to assist in getting domestic violence victims the help they need.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. M. J. James

That this Report be received.

CARRIED

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 Chairperson declared the Meeting closed at 1:20pm

UNCONFIRMED