

Ordinary Meeting of Council

***Held at Western Downs Regional Council's
Chinchilla Customer Service Centre***

On Wednesday, 20 July 2022

Commencing at 9:30pm

**D. Fletcher
ACTING CHIEF EXECUTIVE OFFICER**

20 July 2022

Ordinary Meeting of Council Agenda

Location: Chinchilla Cultural Centre
80-86 Heeney Street
Chinchilla QLD 4413

Pages

1. DECLARATION OF MEETING OPENING
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The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Wednesday, 22 June 2022
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The purpose of this Report is for Council to adopt the Minutes of the Special Meeting of Council ADOPT 2022-23 Budget held on Wednesday, 22 June 2022.
6. BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETINGS
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8. PRESENTATION OF PETITIONS BY COUNCILLORS
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The purpose of this Report is to provide Council with significant meetings, forums and delegations attended by the Mayor during the month of June 2022.

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.

10.1. EXECUTIVE SERVICES

- 10.1.1. Executive Services Confidential Report Sale of 10 and 26 Henry Court Tara
The purpose of this report is to seek Council's direction regarding the proposed sale of 10 and 26 Henry Court, Tara.
- 10.1.2. Executive Services Confidential Report Sale of 5 Henry Court Tara
The purpose of this report is to seek Council's direction regarding the proposed sale of 5 Henry Court, Tara.

10.2. CORPORATE SERVICES

10.3. COMMUNITY AND LIVEABILITY

10.4. INFRASTRUCTURE SERVICES

- 10.4.1. Infrastructure Services Confidential Report Local Buy Quote RFQ02-22-23 Pre-cast Reinforced Concrete Components Procurement
The purpose of this Report is to seek Council's approval to award Vendor panel Quote RFQ02-21-22 for the supply for of pre-cast reinforced concrete components for the Capital Works Program for 2022/23 Financial Year.
- 10.4.2. Infrastructure Services Confidential Report Plant Purchasing For 2022/23
The purpose of this Report is to seek Council's approval to replace the following plant items as per the adopted 2022/23 Capital Plant Budget.
- 10.4.3. Infrastructure Services Confidential Report Water Main Replacement Tender Evaluation No MM02-22-23 Heeney Street Chinchilla (150mm Leichhardt to Hypatia Street)
The purpose of this Report is to provide Council with an assessment of the tenders received for Tender MM02-22-23 Chinchilla - Heeney St, 150mm water main replacement, Leichhardt to Hypatia St.

11. DEPUTATION

12. PLANNING

- 12.1. **(030.2021.993.001) Community and Liveability Report Development Application Material Change of Use for Service Station on Lot 3 on SP294214 at 66 Condamine Street Dalby Pearl Energy Pty Ltd C/- Mecone**
The purpose of this Report is for Council to decide the development application for a Material Change of Use to establish a Service Station on land legally described as Lot 3 on SP294214, situated at 66 Condamine Street, Dalby.

- 12.2. (030.2022.82.001) Community and Liveability Report Development 286
Application Material Change of Use for Warehouse Lot 210 on SP183221
and Lots 10 11 12 on SP305917 at 25955 Warrego Highway and Johnson
Street Chinchilla Johnson C/- Sweb Consulting

The purpose of this Report is for Council to decide the development application for a Material Change of Use for a Warehouse on land legally described as Lot 210 on SP183221 and Lots 10-12 on SP305917 including Easements A, B and C on SP207446, located at 25955 Warrego Highway and Johnson Street, Chinchilla.

- 12.3. (040.2022.205.001) Community and Liveability Report Development 361
Application for Operational Work (Earthworks) at Lot 15 on SP194397 52
Katherine Street Dalby Sturkenboom

The purpose of this Report is for Council to decide the development application for Operational Work (Earthworks) on land described as Lot 15 on SP194397 and situated at 52 Katherine Street, Dalby.

13. EXECUTIVE SERVICES

- 13.1. Executive Services Chief Executive Officer Report June 2022 375

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 June 2022.

- 13.2. Executive Services Report Outstanding Actions June 2022 377

The purpose of this Report is to provide Council with an updated on the status of outstanding Council Meeting Action Items to 22 June 2022

14. CORPORATE SERVICES

- 14.1. Corporate Services Report Variation Dalby Corporate Office Cleaning 381
RFQ05-20-21 Town & Country Cleaning Pty Ltd

This Report requests approval to vary the cleaning contract with Town & Country Cleaning Pty Ltd (ABN 70 169 872 940) for *RFQ05-20-21 Dalby Corporate Office Cleaning*.

- 14.2. Corporate Services Report RFQ68-20-21 Dalby Public Toilet Cleaning 384
Variation Advanced National Services Pty Ltd

This report requests endorsement of a variation to the contract with Advanced National Services Pty Ltd (ABN 20 096 450 190) for RFQ68-20-21 Dalby Public Toilet Cleaning (Dalby Toilets), ending 15 August 2023.

- 14.3. Corporate Services Report Acceptable Request Guidelines - Council Policy 387

The purpose of this Report is to present the proposed amendments to the Acceptable Request Guidelines - Council Policy for consideration and approval.

14.4. Corporate Services Financial Report June 2022 Interim 406

This Report provides Council with the interim Financial Report for the year ending 30 June 2022.

A final report will be provided to the October 2022 Council meeting after the Queensland Audit Office (QAO) has audited and provided their opinion. It will include a report on the business unit outcomes and the finalised capital works program.

14.5. Corporate Services Report Annual Closure Arrangements Christmas New Year 2022/2023 417

The purpose of this Report is to seek Council's approval to the proposed closure arrangements for the Christmas/New Year for 2022/2023 for Council Officers.

14.6. Corporate Services Report Rescind Aged Care Prudential Standards Council Policy 420

The purpose of this report is to seek Council's approval to rescind the Aged Care Prudential Standards - Council Policy.

15. INFRASTRUCTURE SERVICES

15.1. Infrastructure Services Report Variation to Road Management Performance Contract Vegetation Management Works 426

This report requests endorsement of a variation to the Road Maintenance Performance Contract (RMPC) vegetation management works with Cardiff Field Service Pty Ltd (CFS) ABN 12 631 808 314, originally committed under Purchase Order 6153788.

15.2. Infrastructure Services Report Works June 2021/2022 Capital Works Progress Update 429

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 June 2022.

16. COMMUNITY AND LIVEABILITY

16.1. Community and Liveability Report Request Motions Local Government Association Queensland Annual Conference 432

The purpose of this Report is to seek Council's endorsement of attached motions for the Local Government Association Queensland (LGAQ) National Conference held on 17 - 19 October 2022 in Cairns.

16.2. Community and Liveability Report Nomination Special Holidays 2023 450

The purpose of this Report is to seek Council's endorsement of the proposed nominated Show Holidays in 2023 in line with the *Holidays Act 1983*.

17. NOTICES OF MOTION

17.1. CONSIDERATION OF NOTICES OF MOTION/BUSINESS

17.2. RECEPTION OF NOTICES OF MOTION FOR NEXT MEETING

18. URGENT GENERAL BUSINESS

19. MEETING CLOSURE

Title **Adopt Ordinary Meeting of Council Minutes 22 June 2022**

Date 13 July 2022

Responsible Manager D. Fletcher, ACTING CHIEF EXECUTIVE OFFICER

Summary

The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Wednesday, 22 June 2022

Link to Corporate Plan

Nil

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and that:

1. The Unconfirmed Minutes of the Ordinary Meeting of Council held on 22 June 2022, copies of which have been circulated to Members, be taken as read and confirmed.

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) (the Human Rights Act) requires public entities 'to act and make decisions in a way compatible with human rights'.

There are no human rights implications associated with this report.

Attachments

1. Copy of Unconfirmed Minutes of the Ordinary Meeting of Council held on Wednesday, 22 June 2022.

Authored by: A. Lyell, EXECUTIVE SERVICES ADMINISTRATION OFFICER



Minutes of the Ordinary Meeting of Council

Date: Wednesday, 22 June, 2022
Time: 9:30 am
Location: WDRC - Corporate Office - Boardroom
30 Marble Street, Dalby Qld 4405

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

Officers: J. Taylor, Chief Executive Officer
P. Greet, Acting General Manager (Corporate Services)
D. Fletcher, General Manager (Community and Liveability)
G. Cook, General Manager (Infrastructure Services)

1. DECLARATION OF MEETING OPENING

The Chairperson declared the Meeting open at 9.30AM.

2. OPENING PRAYER AND MINUTE SILENCE

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

3. APOLOGIES

Nil.

4. CONGRATULATIONS

Cr. P. M .McVeigh requested that congratulations be extended to Eric Geldard for his service to the community of the Murilla Shire and for recently receiving his OAM.

Cr. C. T. Tillman requested that congratulations be extended to the Warra Hall Committee for holding the Inaugural Annual Dance Affair.

Cr. O. G. Moore requested that congratulations be extended to the Jandowae Timbertown Festival Committee for hosting an outstanding line up of events and activities as part of the recent festival.

Cr. M. J. James requested that congratulations be extended to Tiffany Ham who has been selected in 2022 Queensland School Sport 15 Years Girls Invitational Volleyball Team following the State Championships in Brisbane.

Cr. M. J. James requested that congratulations be extended to Jasper Filewood who has been selected in the Queensland U12 Touch Football Team following the State Championships in Brisbane.

Cr. P. T. Saxelby requested that congratulations be extended to Will Taylor who Played in the intermediate Australian Polocrosse team. The team won the series and he was the Captain of the Australian Team and he won the Champion Male Player of the series.

Cr. P. T. Saxelby requested that congratulations be extended to Kate Ellem who was selected for the Queensland Open School Girls touch football team.

Cr. P. T. Saxelby requested that congratulations be extended to the Chinchilla State High School Big Band for winning the Platinum award from the Fanfare Regional Finals.

Cr. P. T. Saxelby requested that congratulations be extended to the Jandowae Squash Club for having 7 junior representatives make the Darling Downs Squash Team that attended the Queensland Schools State Squash Championship. Lachlan Rennick, Xavier Nelson, Emma & Lucy Cusack, Max Brownhall, Rory McUtchen and Henry Waddell.

5. CONFIRMATION OF MINUTES

5.1 Adopt Ordinary Meeting of Council Minutes 18 May 2022

The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Wednesday, 18 May 2022

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. K. A. Bourne

That this Report be received and that:

1. The Unconfirmed Minutes of the Ordinary Meeting of Council held on 18 May 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 12.4 (035.2021.427.001) Community and Liveability Report Development Application for Reconfiguring a Lot (1 lot into 5 lots) Lot 11 on SP193220 Rodger Street Chinchilla DARARO Investments Pty Ltd C/- PATS Consulting Pty Ltd

Cr. K. A. Maguire

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

a. She lives in close proximity to the proposed development.

Having given due consideration to her position Cr. K. A. Maguire determined that she would leave the meeting while the matter is discussed.

Item 12.5 (035.2021.551.001) Community and Liveability Report Development Application Reconfiguring a Lot (1 Lot into 4 Lots) Lot 4 on SP178928 at 81 Rodger Street Chinchilla South West Building Certification Cook

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. His family having business dealings with the applicants.

Having given due consideration to his position Cr. P. T. Saxelby determined that he would leave the meeting while the matter is discussed and voted on.

Item 16.1 Community and Liveability Report Community Projects Program Round Three 2021.2022

Cr. K. A. Bourne

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

1. She is a in kind consultancy to the Miles & District Historical Society.

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

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

Item 16.2 Community and Liveability Report Destination Events Program Round Three 2020.2021

Cr. C. T. Tillman

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

1. She is a member of the Dalby Welcoming Community committee.

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

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

Item 16.6 Community and Liveability Report Housing and Land Incentive Policy

Cr. I. J. Rasmussen

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

1. Potential Development Investments

Having given due consideration to his position Cr. I. J. Rasmussen determined that he would leave the Meeting while the matter is considered and voted on, and declares that he has not read agenda item 16.6.

GM G. Cook

GM G. Cook informed the meeting of a prescribed conflict of interest in respect to this matter due to:

1. his wife works for Elders Real Estate Dalby and his brother in-law owns land that can potentially be developed for future housing.

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

8. PRESENTATION OF PETITIONS BY COUNCILLORS

Nil.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. P. T. Saxelby

That that the following amendment be made to the Ordinary Meeting of Council Minutes 18 May 2022:

11.1 Jeff Bidstrup. Jeff welcomed Council to *Tara* and commended them on their approachability and streetscaping throughout the regions. Jeff requested that Council inspect the road conditions of the District.

CARRIED

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. P. T. Saxelby

That the motion be withdrawn.

CARRIED

9. MAYORAL UPDATE

9.1 Executive Services Mayoral Report May 2022

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

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. M. J. James

That this Report be received and noted

CARRIED

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. K. A. Maguire

Seconded By Cr. P. T. Saxelby

That Council resolve to close the Meeting in accordance with Sections 254J (3) (e) of the *Local Government Regulation 2012* at 10:07am to discuss the following Confidential Reports:

10.3.1 - Community and Liveability Confidential Report Update DOM Appeal.

COUNCIL RESOLUTION - REOPEN MEETING

Moved By Cr. I. J. Rasmussen

Seconded By Cr. K. A. Bourne

That Council resolve to reopen the Meeting at 10:08am.

10.1 EXECUTIVE SERVICES

Nil.

10.2 CORPORATE SERVICES

Nil.

10.3 COMMUNITY AND LIVEABILITY

10.3.1 Community and Liveability Confidential Report Update DOM Appeal

The purpose of this Report is to update Council in relation to the appeal of a refused subdivision by DOM Distribution, Winton Street West, Dalby, to advise of a new layout that has been proposed and to seek Council's direction on the alternative layout.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. C. T. Tillman

That this report be received and that Council resolves:

1. to accept the proposed configuration in Attachment A to this report, and
2. subject to relevant and reasonable conditions, consent to the Planning and Environment Court Appeal No.934/22 DOM Distribution v Western Downs Regional Council approving the new configuration in Attachment A to this report; and
3. delegate authority to the Chief Executive Officer to conduct all matters relating to this appeal.

CARRIED

10.4 INFRASTRUCTURE SERVICES

Nil.

12. PLANNING

12.1 (030&040.2022.111.001) Community and Liveability Report Development Application Material Change of Use Food and Drink Outlet and Service Station and Operational Work Advertising Device Lot 11 on SP106720 9-13 Warrego Highway Chinchilla Chinchilla Centre Pty Ltd C/- Mecone

The purpose of this Report is for Council to decide the proposed development for Material Change of Use to establish a Food and Drink Outlet and Service Station and Operational Work for an Advertising Device on land described as Lot 11 on SP106720, situated at 9-13 Warrego Highway, Chinchilla.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. P. T. Saxelby

That this report be received and that:

1. The application for Material Change of Use to establish a Food and Drink Outlet and Service Station and Operational Work for an Advertising Device on land described as Lot 11 on SP106720 and situated at 9-13 Warrego Highway, Chinchilla be approved, subject to the following conditions:

MATERIAL CHANGE OF USE

APPROVED PLANS AND DOCUMENTS

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

Ordinary Meeting of Council Minutes 22 June 2022

Drawing/Document No./Revision	Plan/Document Title and Details	Date
2021068-DA-A100, Revision C	Proposed Site Plan, prepared by inTOTUM	24/02/22
2021068-DA-A120, Revision A	Proposed Site Plan GLA Plan, prepared by inTOTUM	21/02/22
2021068-DA-A150, Revision B	Vehicle Path Plan 26m B-Double Trucks, prepared by inTOTUM	24/02/22
2021068-DA-A151, Revision B	Vehicle Path Plan Caravans and Trailers, prepared by inTOTUM	24/02/22
2021068-DA-A200, Revision B	Proposed Building Layout, prepared by inTOTUM	24/02/22
2021068-DA-A210, Revision B	Proposed Canopy Floor Plan, prepared by inTOTUM	24/02/22
2021068-DA-A300, Revision B	Proposed Building Elevations Sheet 1 of 2, prepared by inTOTUM	24/02/22
2021068-DA-A301, Revision B	Proposed Building Elevations Sheet 2 of 2, prepared by inTOTUM	24/02/22
2021068-DA-A310, Revision A	Proposed Canopy Elevations Sheet 1 of 2, prepared by inTOTUM	21/02/22
2021068-DA-A311, Revision A	Proposed Canopy Elevations Sheet 2 of 2, prepared by inTOTUM	21/02/22
2021068-DA-F100, Revision B	Proposed UPSS Site Plan, prepared by inTOTUM	24/02/22
2021068-DA-F150, Revision B	UPSS Vehicle Path Site Plan - 19m AV Tanker, prepared by inTOTUM	24/02/22
2021068-DA-F151, Revision B	UPSS Vehicle Path Site Plan - 19.6m B-Double Tanker, prepared by inTOTUM	24/02/22
211209D02	Noise Assessment, prepared by Simpson Engineering Group	24/02/22
211209D03	Air Quality and Odour Assessment, prepared by Simpson Engineering Group	24/02/22
089-21-22, Revision A	Stormwater Management Plan, prepared by McMurtrie Consulting Engineers Pty Ltd	22/02/2022
Job No. 0892122, Revision A	Traffic Impact Assessment, prepared by McMurtrie Consulting Engineers Pty Ltd	21/02/22

2. Where there is any conflict between the conditions of this development approval and the details shown on the Approved Plans and Documents, the conditions of this development approval must prevail.
3. All recommendations contained within Approved Document No. 211209D02, entitled Noise Assessment, prepared by Simpson Engineering Group and dated 24 February 2022 shall be implemented.
4. The following further Development Permits must be obtained prior to commencement of any work associated with the process:
 - 4.1 Building Works;
 - 4.2 Operational Work; and
 - 4.3 Plumbing Works.

APPROVED DEVELOPMENT

5. The approved development is a Material Change of Use to establish a Food and Drink Outlet and Service Station as shown on the Approved Plans.

COMPLIANCE, TIMING AND COSTS

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

FEES AND CHARGES

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

MAINTENANCE

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

INFRASTRUCTURE CHARGES

9. 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.

LANDSCAPING – GENERAL

10. The developer must submit to Council's Planning and Environment Manager or authorised delegate for endorsement, a detailed Landscaping Plan, for all landscaping associated with the development, prior to commencement of the use. The Plan shall be prepared by a suitably qualified and experienced Landscape Architect, Horticulturalist, or other person experienced in landscape design and construction.
11. The Landscape Plan must detail:
 - 11.1 all proposed landscaping areas as shown on the Approved Site Plan, subject to any amendments required by the conditions of approval;
 - 11.2 the typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on-site;

- 11.3 the number and size of plants; and
- 11.4 the typical planting detail including preparation, backfill, staking and mulching.
- 12. The developer must prepare and landscape the property in accordance with the Approved Landscape Plan, or as otherwise approved in writing by Council's authorised delegate. Any amendments approved by Council's authorised delegate are taken to be a part of the Approved Landscape Plan.
- 13. All approved landscaping treatments for the development are to be maintained on the property at all times.

FENCING

- 14. Fencing material shall be compatible with that used within the locality.
- 15. Boundary fences are not to be erected in a parallel arrangement with existing fences erected along the same boundary. That is, any existing fence shall be completely removed.

VISUAL AND GENERAL AMENITY

- 16. Any graffiti on buildings or structures associated with the development must be immediately removed.
- 17. The buildings and the site must be maintained in a clean and tidy manner at all times.
- 18. All plant and air-conditioning equipment and the like must be visually screened from the Warrego Highway.
- 19. 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

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

ACOUSTIC AMENITY - NOISE LIMITS

- 21. Noise from activities associated with the use of the site must not exceed the Acoustic Quality Objectives listed in the *Environmental Protection (Noise) Policy 2019* when measured at any sensitive place or commercial place.

AIR QUALITY AND AMENITY - AIR RELEASE LIMITS

- 22. Air emissions (odour and dust) from the development shall not cause environmental nuisance or exceed the Air Quality Objectives listed in the *Environmental Protection (Air) Policy 2019* as measured at any sensitive place or commercial place.

REFUSE STORAGE AREAS

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

WASTE MANAGEMENT

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

ENGINEERING WORKS

26. Submit to Council, an Operational Work application for earthworks, stormwater management, car parking, traffic signage and line marking.
27. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant Australian Standards.
28. 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

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

REMOVAL OF EXISTING BUILDINGS

31. Remove all redundant buildings located on the property further to obtaining appropriate approval from Council prior to construction.

CONSTRUCTION AND NUISANCE MANAGEMENT PLAN

32. Submit to Council for endorsement, a Construction and Nuisance Management Plan for approved development work for the site. The Plan is to cover where applicable, the following:

- air quality management;
- noise and vibration management;
- erosion and sediment management;
- vegetation management;
- waste management;
- complaint management;
- community awareness;
- preparation of site work plans;
- workers' car parking arrangements; and

- traffic control during works.

Timing: Prior to commencement of works.

33. Implement the approved Construction Management Plan at all times during construction of the development.
34. Ensure a legible copy of the approved Construction Management Plan is available on-site at all times during construction and earthworks.

STORMWATER MANAGEMENT

35. Provide stormwater management generally in accordance with Approved Document No. 089-21-22, entitled Stormwater Management Plan, prepared by McMurtrie Consulting Engineers Pty Ltd, Revision A, dated 22 February 2022 except as altered by conditions of this approval and subject to detailed design.
36. All contaminated stormwater shall pass through an approved oil/water separator prior to discharge to the sewer network.
37. Install a hydrocarbon sensor to a shut off valve of the stormwater filter outlet.
38. Ensure that the stormwater filter is reinstated after any major spill.
39. Provide overland flow paths that do not alter the characteristics of existing overland flows or create an increase in flood damage on other properties.
40. Ensure that work undertaken as part of the development will not cause any actionable nuisance to adjoining properties.
41. Contaminants must not be released on premises where they could reasonably be expected to move or be washed into a roadside gutter, stormwater drain or waterway.
42. Only rainwater from uncontaminated areas is to drain directly into the stormwater drainage system. The activity must not be conducted in a manner that may or will cause the contamination of surface stormwater runoff.
43. Stormwater must be diverted away from storage and contaminated work areas.
44. Ensure fuel spillage anywhere on the forecourt area is not released or allowed to enter into stormwater infrastructure, roadside gutters or other waters outside of the property.
45. Conduct the activity in a manner that will prevent the contamination of surface stormwater runoff.

WATER SUPPLY

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

SEWERAGE

47. Connect the development to Council's reticulated sewerage system via a single connection. The connection must be designed in accordance with Council's standards and be approved by Council's Utility Services Section.
48. Actual connection to Council's live sewerage infrastructure must be undertaken by or under the supervision of Council.

49. Do not build work within 1.5 metres from the centre of any existing sewer pipework or within the Zone of Influence, whichever is the greater (measured horizontally).
50. Maintain a minimum of a 3 metre wide corridor to be maintained for maintenance/upgrade purposes.
51. Ensure that a clear level area of a minimum of a 2.5 metre radius surrounding any existing sewer manholes on the site, is provided for future maintenance/upgrade purposes.
52. The above minimum clearances to Council's sewer infrastructure do not preclude the need for work to proposed structures to prevent loading to the sewer system.

PARKING AND ACCESS - GENERAL

53. Design and construct all driveway, manoeuvring, and car parking areas with concrete, asphalt, or a two-coat bitumen seal.
54. Provide car parking spaces including a minimum of 1 person with disability (PWD) car parking space, generally in accordance with Approved Drawing No. 2021068-DA-F100, entitled Proposed UPSS Site Plan, Revision B, dated 24 February 2022, prepared by inTOTUM.
55. Provide a PWD car parking space designed and line marked in accordance with AS2890.6, Off-Street Parking for People with Disabilities
56. Provide vehicle bollards or tyre stops to control vehicular access and to protect landscaping or pedestrian areas where appropriate.
57. Line mark or otherwise delineate the car park aisles and driveways within the development with directional arrows on the pavement, to enable all vehicles to enter and leave the site in a forward gear.
58. 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.
59. Ensure loading and unloading operations are conducted wholly within the site.
60. Provide appropriate pavement marking to identify the pedestrian crossing at the exit driveway.

VEHICLE ACCESS

61. 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 (e.g. power pole, telecommunications pit), road infrastructure (e.g. street sign, street tree, etc).

REDUNDANT CROSSOVERS

62. Remove all redundant crossovers and reinstate the kerb and channel, road pavement, services, verge and any footpath to the standard immediately adjacent the frontage of the site.

ELECTRICITY

63. Connect the development to electricity services.

EARTHWORKS - GENERAL

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

EROSION AND SEDIMENT CONTROL - GENERAL

65. 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.
66. 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.

OPERATIONAL WORK

APPROVED PLANS

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

Plan No./Reference	Title and Details	Dated
2021068-DA-S100, Revision A	Signage Site Plan, prepared by inTOTUM	21/02/22
2021068-DA-S400, Revision B	Signage Detail Elevations, prepared by inTOTUM	24/02/22

1. 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

2. The approved development is Operational Work for an Advertising Device as shown on the Approved Plans.

COMPLIANCE, TIMING AND COSTS

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

FEES AND CHARGES

5. 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.

VISUAL AND GENERAL AMENITY

6. The pylon sign, awning signs and business nameplate signs, sign structures and the site must be maintained in a clean and tidy manner at all times.

MAINTENANCE

7. The development shall be maintained in accordance with the Approved Plans, subject to and modified by any conditions of this approval.

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

8. Repair all damage incurred to Council and public utility services infrastructure and assets, because 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.

VEHICLE ACCESS

9. The Advertising Devices must not cause obstruction of, or distraction to, pedestrian or vehicular traffic.

EROSION AND SEDIMENT CONTROL - GENERAL

10. 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.

EARTHWORKS

11. No earthworks are to be carried out at the site, except for earthworks ancillary to the proposed Advertising Devices.

REFERRAL AGENCY RESPONSE

12. The Department of State Development, Infrastructure, Local Government and Planning dated 24 May 2022.

ADVISORY NOTES

NOTE 1 -Relevant Period - Material Change of Use

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

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

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

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

Relevant Period - Operational Work

*"To the extent a development approval is for Operational Work, the approval lapses if the development under the approval does not start within the following period (the **relevant period**) -*

*(a) **2 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 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

An applicant 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

**12.2 (030.2021.576.001) Community and Liveability Report Development
Application for Material Change of Use for a Transport Depot on Lot 56 on
SP200480 at Edward Street Chinchilla - Nodiff Pty Ltd atf Nothdurft Family
Trust C/- PATS Consulting Pty Ltd**

The purpose of this Report is for Council to decide the development application for a Material Change of Use for a Transport Depot on land described as Lot 56 on SP200480, situated at Edward Street, Chinchilla.

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. O. G. Moore

That this report be received and that:

The application for Material Change of Use to establish a Transport Depot on land described as Lot 56 on SP200480 and situated at Edward Street, Chinchilla be approved, subject to the following conditions:

APPROVED PLAN AND DOCUMENT

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

Plan/Document No./Reference	Title and Details	Dated
Job No. 211279, C100, Sheet 1 of 2, Issue P2	Layout Plan, prepared by Brandon & Associates, as amended in red by Council on 20 May 2022	23.08.2021
220200053_R01_V02b	Stage One Report - Flood Impact Assessment and Stormwater Assessment For 56 Edward Street, Chinchilla, prepared by Water Technology Pty Ltd	18/02/2022

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

APPROVED DEVELOPMENT

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

COMPLIANCE, TIMING AND COSTS

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

FEES AND CHARGES

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

MAINTENANCE

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

INFRASTRUCTURE CHARGES

10. All infrastructure charges including those associated with Council's Water, 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.

VISUAL AND GENERAL AMENITY

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

OPERATING HOURS

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

12.1 Operation Hours: 6am to 6pm

OUTDOOR LIGHTING IMPACT MITIGATION

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

NOISE EMISSIONS

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

MECHANICAL PLANT

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

AIR EMISSIONS

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

LANDSCAPING

17. The developer must submit to Council's Planning and Environment Manager or authorised delegate for endorsement, a Landscaping Plan for all landscaping associated with the development. The Plan must be prepared by a suitably qualified and experienced person in landscape design and construction.
18. The Landscaping Plan must detail:
 - 18.1 all landscaping areas shown on the Approved Plan, including a 2 metre wide landscaping strip to be provided along the Edward Street frontage;
 - 18.2 landscaping provided along the frontage of the property to Edward Street must allow visibility into the subject site by:
 - 18.2.1 using trees that have a clean trunk height of at least 1.8 metres (at maturity); and
 - 18.2.2 using shrubs with a maximum height of 0.75 metres, in order to retain sight lines;
 - 18.3 the typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on-site;
 - 18.4 the number and size of plants; and
 - 18.5 the typical planting detail including preparation, backfill, staking and mulching.
19. The developer must prepare and landscape the site in accordance with the Approved Landscape Plan, or as otherwise approved in writing by Council's authorised delegate. Any amendments approved by Council's authorised delegate are taken to be a part of the Approved Landscape Plan.
20. The approved landscaped areas must be maintained and the site must remain in a clean and tidy state at all times.

LANDSCAPING - MISCELLANEOUS

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

FENCING

23. A 1.8 metre high chain wire fence must be constructed to the full perimeter of the subject site and a security gate installed and maintained at the Edward Street frontage.
24. Fencing along the road frontages is to be constructed of transparent materials to ensure visibility is maintained.
25. The applicant shall provide visual screening along the proposed fencing to properties adjoining the side and rear boundaries of the property as illustrated by the Approved Plan.
26. Boundary fences are not to be erected in a parallel arrangement with the existing fences erected along the same boundary. That is, the existing fence is to be completely removed.

REFUSE STORAGE AREAS

27. Refuse bin storage 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.

WASTE MANAGEMENT

28. All waste generated from the construction of the premises must be effectively controlled on-site before disposal. All waste must be disposed of in accordance with the *Environmental Protection Regulation 2019*.
29. 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*.

ENGINEERING WORKS

30. Submit to Council, an Operational Work application for all civil works including earthworks, external roadworks, stormwater quality management, driveway, access crossover and parking, and erosion and sediment control.
31. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant Australian Standards.
32. Be responsible for the full cost of any alterations necessary, to easements and/or other public utility installations in connection with the development.
33. Design and construct road crossings for utility services, where required, under any existing roads to service the development, by thrust boring.

MAINTENANCE

34. Maintain all work that will become Council infrastructure for a period of 24 months (maintenance period) from the date of on-maintenance. Any defective work must be rectified within the maintenance period.
35. Provide Council with a maintenance bond in an acceptable form equal to 5% of the value of Council's infrastructure prior to commencement of the maintenance period.

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

36. 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.
37. 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

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

40. Design and construct stormwater drainage incorporating measures to prevent any solid matter or floatable oils being carried into the existing stormwater system.
41. Prior to lodgement of any Operational Work or Building Application, submit to Council for approval, a Stormwater Quality Management Plan prepared by a suitably qualified RPEQ addressing water quality management including but not limited to the following;
 - 41.1 capturing and treatment of any stormwater runoff from the proposed vehicle wash down bay and vehicle parking areas outlining the “best practice” management measures that will be implemented to prevent hydrocarbons and pollutants leaving the site; and
 - 41.2 locations of proposed water quality treatment devices/structures.

FLOODING - GENERAL

42. The development site is impacted by extreme risk of flooding during a Q100 event. The applicant is to prepare a Risk Management Plan (RMP) and submit it to Council's Planning and Environment Manager or authorised delegate for endorsement. The areas to be addressed are to include, but not be limited to:
 - flood warning triggers;
 - evacuation and safety procedures;
 - emergency services' contact numbers;
 - electrical services protection; and
 - property protection.
43. The Flood Risk Management Plan is to be kept on-site and available to customers, staff and Council at all times.
44. The Risk Management Plan is to be implemented, kept on-site, monitored, reviewed and updated at a minimum of two (2) year intervals, maintained for the period of the use of the development on the site, and is to be available for review at the request of Council's Planning and Environment Manager within 48 hours of such request.
45. All boundary fencing must be constructed from chain link design or similar, to allow the flow of flood water through the site unimpeded.
46. The area associated with the storage of hazardous chemicals and all control panels of critical services must be built at a minimum of 300mm above the defined flood level for the property.

WATER SUPPLY

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

ON-SITE WASTEWATER DISPOSAL

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

TRADE WASTE DISPOSAL (WASH DOWN BAY)

50. Obtain a Plumbing Approval from Council and the relevant inspections are to be undertaken prior to commencement of the use of the Wash Down Bay.
51. Do not release contaminants or contaminated water directly or indirectly from the premises or to the ground or groundwater at the premises, except for:
 - 51.1 uncontaminated overland stormwater flow;
 - 51.2 uncontaminated stormwater to the stormwater system;
 - 51.3 contaminants released to the sewer under and in accordance with a Trade Waste Permit granted by the Local Government under the *Sewerage and Water Supply Act 1949*; or
 - 51.4 other water following treatment through an oil/silt interceptor trap or separator.
52. Releases to water must not cause any visible oil slick or other visible evidence of oil or grease, nor contain visible grease, scum, litter or floating oil.
53. The business must ensure that:
 - 53.1 maintenance and cleaning of equipment (including vehicles and plant) are carried out in Wash Down Bays, or an area where contaminants cannot be released into stormwater drainage, a roadside gutter, a water course or onto unsealed ground;
 - 53.2 any spillage of contaminants is cleaned up immediately by a method other than hosing, sweeping or otherwise releasing the contaminants into stormwater drainage, a roadside gutter or a water course;
 - 53.3 incidental rainfall and overland flow of stormwater do not contact contaminants (for example, areas with contaminants should be roofed or protected by diversion drains); and
 - 53.4 containers or tanks used for the transportation of regulated waste are not to be internally cleaned on the property and must be cleaned at an appropriately licensed facility.
54. Spillage of all chemicals and other liquid contaminants must be contained within an on-site containment system and controlled in a manner that prevents environmental harm.
55. Where regulated waste is removed from the premises, records must be kept of the following:
 - 55.1 the date, quantity and type of waste removed;
 - 55.2 the name of the waste transporter and/or disposal operator who removed the waste; and
 - 55.3 the intended treatment/disposal destination of the waste.

HAZARDOUS CHEMICALS AND FUEL STORAGE

56. Ensure that all hazardous chemicals are stored and handled in accordance with the *Work Health and Safety Act 2011*.
57. Diesel is to be stored and handled in accordance with Australian Standard 1940-2004 The Storage and Handling of Flammable and Combustible Liquids.

PARKING AND ACCESS - GENERAL

58. Provide car and heavy vehicle parking in accordance with Approved Drawing No. C100, entitled Layout Plan, prepared by Brandon & Associates, Revision P2, dated 23 August 2021.
59. 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.
60. Maintain dust suppression treatment to all internal vehicle manoeuvring areas within the proposed hard stand, ensuring no adverse impact on adjoining properties.
61. In the event that Council receives a bona fide complaint in relation to dust emissions produced from the site, Council reserves the right to require the applicant to provide either concrete, asphalt or bitumen seal to heavy vehicle manoeuvring and parking areas.
62. Ensure loading and unloading operations are conducted wholly within the site and vehicles enter and exit the site in a forward direction.

VEHICLE ACCESS

63. Design and construct a commercial crossover between the property boundary and the new bitumen edge of the Edward Street road pavement, having a minimum width of 8 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 B-Double entering the development.
64. The access shall be sealed (concrete or bitumen) a minimum of 20 metres into the property.
65. Ensure that crossover splays are designed to be wholly within the frontage of the proposed development without encroaching to frontages of neighbouring lots.
66. Construct any new crossover in the location shown on the Approved Plan amended as follows:
 - 66.1 the edge of the crossover must be no closer than 1 metre to any existing or proposed infrastructure (e.g. power pole, telecommunications pit), road infrastructure (e.g. street sign, street tree, etc).

REDUNDANT CROSSOVERS

67. Remove all redundant crossovers and reinstate the road pavement, services and verge to Council's standards.

ROADWORKS - FRONTAGE WORKS

68. Design and construct Edward Street along the frontage of Lot 56 on SP200480, to the following standard:
 - widening of the existing pavement to 8 metres, including a two coat bitumen seal;
 - natural grassed table drains and formation of a natural grassed verge;
 - tapers to the existing road pavement;
 - provision of stormwater drainage and easement (if required); and
 - design all work in consultation with Council prior to submission of detailed Engineering Drawings.

ROADWORKS AND PEDESTRIAN SAFETY

- 69. Install signage for all work on or near roadways in accordance with the Manual for Uniform Traffic Control Devices – Part 3, Works on Roads.
- 70. 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.

B-DOUBLE ROUTE

- 71. The section of Edward Street between the Warrego Highway and the site entrance to the property is not currently an approved B-Double Route. Obtain an approval for the route to be used by multi-combination vehicles, from the National Heavy Vehicle Regulator prior to allowing access for multi-combination vehicles via the above road section.

ELECTRICITY AND TELECOMMUNICATIONS

- 72. Connect the development to electricity and telecommunication services.

EARTHWORKS

- 73. Undertake earthworks as modelled in Approved Document No. 22020053_R01_V02b, entitled Stage One Report, Flood Impact Assessment and Stormwater Assessment For 56 Edward Street, Chinchilla, prepared by Water Technology Pty Ltd, dated 18 February 2022.
- 74. Undertake any earthworks in accordance with the provisions of AS3798 Guidelines on Earthworks for Commercial and Residential Developments.

EROSION AND SEDIMENT CONTROL - GENERAL

- 75. 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.
- 76. Remove and clean-up sediment or other pollutants in the event that sediment or other pollutants are tracked/released onto adjoining streets or stormwater systems, at no cost to Council.

ENVIRONMENTAL HEALTH

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

77.1 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;

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

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

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

- 78. 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:

78.1 uncontaminated overland stormwater flow; and

78.2 uncontaminated stormwater to the stormwater system.

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

ADVISORY NOTES

NOTE 1 -Flood Hazard

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

NOTE 2 -Relevant Period

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

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

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

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

NOTE 3 -Aboriginal Cultural Heritage

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

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

NOTE 4 -General Environmental Duty

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

NOTE 5 -General Safety of Public During Construction

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

NOTE 6 -Property Note (Audit of Conditions)

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

NOTE 7 -Duty to Notify of Environmental Harm

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

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

"Chapter 6Dispute Resolution

Part 1Appeal Rights

229Appeals to Tribunal or P&E Court

(1) Schedule 1 states -

(a) matters that may be appealed to -

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

(ii) only a tribunal; or

(iii) only the P&E Court; and

(b) the person -

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

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

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

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

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

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

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

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

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

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

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

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

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

CARRIED

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. C. T. Tillman

That Council change the order of business and move Item 12.3 to the last item under planning.

CARRIED

**12.4 (035.2021.427.001) Community and Liveability Report Development
Application for Reconfiguring a Lot (1 lot into 5 lots) Lot 11 on SP193220
Rodger Street Chinchilla DARARO Investments Pty Ltd C/- PATS
Consulting Pty Ltd**

The purpose of this report is for Council to decide the proposed development for Reconfiguring a Lot (1 lot into 5 lots) on land described as Lot 11 on SP193220, located at Rodger Street, Chinchilla

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

a. She lives in close proximity to the proposed development.

Having given due consideration to her position Cr. K. A. Mguire determined that she would leave the meeting while the matter is discussed.

Cr. K. A. Maguire left the meeting at 10.21am

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. P. T. Saxelby

That this Report be received and that:

The application for Reconfiguring a Lot (1 lots into 5 lots) on land described as Lot 11 on SP193220 and situated at Rodger Street, Chinchilla be approved, subject to the following conditions:

APPROVED PLAN

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

Plan No: 211250, Issue P1

Description: Proposed Lot Layout Plan entitled "Rural Residential Subdivision", prepared by Brandon & Associates, dated 20-Apr-21

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

APPROVED DEVELOPMENT

3. The approved development is Reconfiguring a Lot (1 lot into 5 lots) as shown on the Approved Plan.

COMPLIANCE, TIMING AND COSTS

4. All conditions of the approval shall be complied with before Council's endorsement of the Plan of Survey (Form 18B), unless otherwise noted within these conditions.
5. All costs associated with compliance with these conditions shall be the responsibility of the developer unless otherwise noted.
6. The Plan of Survey (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

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

MAINTENANCE

8. The development shall be maintained in accordance with the Approved Plan, subject to and modified by any conditions of this approval.

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

9. 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.
10. 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.

LOT NUMBERING

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

LANDSCAPING

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

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

STORMWATER MANAGEMENT

17. Provide overland flow paths that do not adversely alter the characteristics of existing overland flows or create a nuisance on other properties.
18. Ensure that adjoining properties and roadways are protected from ponding as a result of any site works undertaken.

WATER SUPPLY

19. Connect the development to Council's reticulated water supply system.
20. Install a separate water service connection to each lot as per Council's standards.

ON-SITE SEWAGE TREATMENT

21. Future Dwellings must be connected to an on-site effluent disposal system in accordance with AS1547 and the Queensland Plumbing and Waste Water Code.

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

VEHICLE ACCESS

22. Design and construct a gravelled driveway and a crossover having a minimum width of 4 metres and vehicle turnout in accordance with Council's Standard Drawing No. R-004, to all proposed lots.
23. 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 (e.g. power pole, telecommunications pit), road infrastructure (e.g. street sign, street tree, etc).

ROADWORKS AND PEDESTRIAN SAFETY

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

TELECOMMUNICATIONS

27. Design and provide telecommunications to all lots within the development.

ELECTRICITY

28. Design and provide electricity supply to all lots within the development to comply with Ergon Energy's requirements.
29. Submit to Council, written confirmation from an electricity provider that an agreement has been made for the supply of electricity.

STREET LIGHTING

30. Design and install street lighting to the full frontage of the site in accordance with the latest AS/NZS1158 to a P5 equivalent standard. Submit street light design plans showing the proposed public lighting system, to Council for endorsement.
31. 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.

32. Ensure that any new street light poles required on external streets are of a consistent standard (i.e. steel poles) to street light poles within the immediate vicinity of the development. Heritage style poles are not permitted unless specifically approved by Council.

EROSION AND SEDIMENT CONTROL - GENERAL

33. 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.
34. Remove and clean-up sediment or other pollutants in the event that sediment or other pollutants are tracked/released onto adjoining streets or stormwater systems, at no cost to Council.

ENVIRONMENTAL HEALTH

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

35.1 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;

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

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

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

36. 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:

36.1 uncontaminated overland stormwater flow; and

36.2 uncontaminated stormwater to the stormwater system.

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

ADVISORY NOTES

NOTE 1 -Relevant Period

A part of a development approval lapses at the end of the currency period. The standard currency period for Reconfiguring a Lot (4 years after the approval starts to have effect) as stated in Section 85 of the *Planning Act 2016* applies to this approval.

NOTE 2 -Aboriginal Cultural Heritage

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

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

NOTE 6 -Duty to Notify of Environmental Harm

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

CARRIED (6 to 2)

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

Cr. K. A. Maguire re-joined the meeting at 10:31am

11. DEPUTATION

11.1 Les Briggs

Mr Briggs discussed the Development application for Material Change on behalf of his daughter.

Moved By Cr. P. T. Saxelby

Seconded By Cr. A. N. Smith

That Council resolve to adjourn the Meeting.

The Meeting adjourned at 10:35am

The Meeting resumed at 10:51am

**12.5 (035.2021.551.001) Community and Liveability Report Development
Application Reconfiguring a Lot (1 Lot into 4 Lots) Lot 4 on SP178928 at 81
Rodger Street Chinchilla South West Building Certification Cook**

The purpose of this Report is for Council to decide the proposed development for Reconfiguring a Lot (1 lot into 4 lots) on land described as Lot 4 on SP178928, located at 81 Rodger Street, Chinchilla.

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:

a. His family having business dealings with the applicants.

Having given due consideration to his position Cr. P. T. Saxelby determined that he would leave the meeting while the matter is discussed and voted on.

Cr. P. T. Saxelby left the meeting at 10:52am

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. M. J. James

That this Report be received and that:

The application for Reconfiguring a Lot (1 lot into 4 lots) on land described as Lot 4 on SP178928, situated at 81 Rodger Street, Chinchilla be approved, subject to the following conditions:

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: 00118/10, Issue A

Description: STAGE 1 Site Plan, prepared by Martin Building Design, dated 21.06.2010 – as amended by the applicant.

Plan No: 00118/10, Issue A

Description: STAGE 2 Site Plan, prepared by Martin Building Design, dated 21.06.2010 – as amended by the applicant.

Plan No: 00118/10, Issue A

Description: STAGE 3 Site Plan, prepared by Martin Building Design, dated 21.06.2010 – as amended by the applicant.

Document No: 22020049_R01_V01

Description: Overland Flow Path Hydraulic Study for 81 Rodger Street, Chinchilla, prepared by Water Technology Pty Ltd, dated 8 March 2022

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

3.1 Operational Work for all civil works including earthworks, stormwater, roadworks, access and parking, erosion and sediment control, and design vehicle manoeuvring.

APPROVED DEVELOPMENT

4. The approved development is Reconfiguring a Lot (1 lot into 4 lots) as shown on the Approved Plans.
5. The development is to occur sequentially in the following Stages identified on the Approved Plans:

Stage 1 -Proposed Lot 1 and balance Lot (area of proposed Lots 2, 3 and 4)

Stage 2 -Proposed Lot 2 and balance Lot (area of proposed Lots 3 and 4)

Stage 3 -Proposed Lots 3 and 4

6. Conditions within this approval are applicable to all Stages of the development, unless otherwise specified.

COMPLIANCE, TIMING AND COSTS

7. 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.
8. All costs associated with compliance with these conditions shall be the responsibility of the developer unless otherwise noted.
9. 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

10. 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

11. The development shall be maintained in accordance with the Approved Plans, subject to and modified by any conditions of this approval.

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

12. 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.
13. 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.

LOT NUMBERING

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

LANDSCAPING

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

18. Submit to Council, an Operational Work application for all civil works including earthworks, stormwater, roadworks, access and parking, erosion and sediment control, and design vehicle manoeuvring.
19. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant Australian Standards.
20. Be responsible for the full cost of any alterations necessary, to easements and/or other public utility installations in connection with the development.

FLOOD AND STORMWATER MANAGEMENT

21. Provide stormwater management generally in accordance with Approved Document No. 22020049_R01_V01, entitled "*Overland Flow Path Hydraulic Study for 81 Rodger Street, Chinchilla*", prepared by Water Technology Pty Ltd, dated 8 March 2022.
22. Design and construct stormwater drainage to ensure that there is no nuisance or interference to the current use or potential future use of all downstream properties including road reserves and the like for design storms of ARI2, ARI5, ARI10, ARI20 and ARI50.
23. 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.
24. Ensure that adjoining properties and roadways are protected from ponding as a result of any site works undertaken.
25. Future Dwellings on the proposed lots shall be constructed with a raised floor on stumps/piers to enable stormwater to pass underneath the house. Filling and/or slab on ground construction for future Dwellings is not permitted.
26. Ensure that the minimum habitable floor levels of all future buildings are above 300mm from Council's defined flood level current at the time of construction.
27. Locate all future buildings and structures within any building envelopes proposed in Approved Document No. 22020049_R01_V01, entitled "*Overland Flow Path Hydraulic Study for 81 Rodger Street, Chinchilla*", prepared by Water Technology Pty Ltd, dated 8 March 2022.

WATER SUPPLY

28. Connect the development to Council's reticulated water supply system.
29. Install a separate water service connection to each lot as per Council's standards.

ON-SITE WASTEWATER DISPOSAL

30. Future Dwellings must be connected to an on-site wastewater disposal system, in accordance with AS1547 and the Queensland Plumbing and Waste Water Code.

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

REDUNDANT CROSSOVERS

31. Remove all redundant crossovers and reinstate the verge and any footpath to the standard immediately adjacent the frontage of the site.

VEHICLE ACCESS

32. Design and construct a driveway crossover to each lot having a minimum width of 4 metres in accordance with Council's Standard Drawing No. R-005.

RESTRICTED ACCESS

33. No vehicular access is permitted to Oak Street from proposed Lot 1.

TELECOMMUNICATIONS

34. Design and provide telecommunications to all lots within the development in accordance with the *Australian Government Telecommunications in New Developments Policy*.

ELECTRICITY

35. Design and provide electricity supply to all lots within the development to comply with Ergon Energy's requirements.
36. Submit to Council, written confirmation from an electricity provider that an agreement has been made for the supply of electricity.

SERVICES - EXISTING CONNECTIONS

37. Ensure that all services provided to the existing Dwelling House on proposed Lot 1 are wholly located within the lot it serves.

STREET LIGHTING

38. Design and install street lighting to the full frontage of the site in accordance with the latest AS/NZS1158 to a P5 equivalent standard. Submit street light design plans showing the proposed public lighting system, to Council for endorsement.
39. 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.
40. Ensure that any new street light poles required on external streets are of a consistent standard (i.e. steel poles) to street light poles within the immediate vicinity of the development. Heritage style poles are not permitted unless specifically approved by Council.

EARTHWORKS - GENERAL

41. Earthworks per site involving cut or fill greater than 1 metre in height and quantity of material greater than 20m³, requires an Operational Work application and must be carried out in accordance with Approved Document No. 22020049_R01_V01, entitled "Overland Flow Path Hydraulic Study for 81

Rodger Street, Chinchilla", prepared by Water Technology Pty Ltd, dated 8 March 2022. Any earthworks proposed that have not been included in the Approved Water Technology Report may be required to be reassessed.

42. Ensure that each lot is self-draining.

EROSION AND SEDIMENT CONTROL - GENERAL

43. 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.
44. Remove and clean-up sediment or other pollutants in the event that sediment or other pollutants are tracked/released onto adjoining streets or stormwater systems, at no cost to Council.

ENVIRONMENTAL HEALTH

45. Undertake operations and construction work associated with this development to the requirements of Council, including the following:
- 45.1 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;
- 45.2 remove immediately, any material spilled or carried onto existing roads to avoid dust nuisance and ensure traffic safety; and
- 45.3 do not carry out work on Sundays or Public Holidays (unless approved otherwise by Council).

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

46. 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:
- 46.1 uncontaminated overland stormwater flow; and
- 46.2 uncontaminated stormwater to the stormwater system.

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

ADVISORY NOTES

NOTE 1 -Relevant Period

A part of a development approval lapses at the end of the currency period. The standard currency period for Reconfiguring a Lot (**4 years** after the approval starts to have effect) as stated in Section 85 of the *Planning Act 2016* applies to this approval.

NOTE 2 -Aboriginal Cultural Heritage

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

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

NOTE 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.

LOST (3 to 5)

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

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. K. A. Maguire

The application for Reconfiguring a Lot (1 Lot into 4 Lots) on land described as Lot 4 on SP178928 and situated at 81 Rodger Street, Chinchilla 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 Density Residential Zone, where outside a Priority Infrastructure Area.

CARRIED (7 to 1)

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

Cr. P. T. Saxelby re-joined the meeting at 11:18am

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. P. T. Saxelby

A report be presented at the next Council meeting in relation to proposed way forward for updating the planning scheme.

LOST (4 to 5)

For: Cr. P. M. McVeigh, Cr. P. T. Saxelby,

Cr. O. G. Moore, Cr. C. T. Tillman

Against (5): Cr. A. N. Smith, Cr. K. A. Bourne,
Cr. K. A. Maguire, Cr. I. J. Rasmussen and Cr. M. J. James

12.6 (035.2022.186.001) Community and Liveability Report Development Application for Reconfiguring a Lot (1 Lot into 2 lots) Lot 3 on RP110046 at 164 Springfield Drive Dalby - Cummings

The purpose of this Report is for Council to decide the proposed development for Reconfiguring a Lot (1 lot into 2 lots) on land described as Lot 3 on RP110046 and situated at 164 Springfield Drive, Dalby.

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. M. J. James

That this Report be received and that:

The application for Reconfiguring a Lot (1 lot into 2 lots) on land described as Lot 3 on RP110046 and situated at 164 Springfield Drive, Dalby, be approved, subject to the following conditions:

APPROVED PLAN

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

Plan No.	Title and Details	Dated
134552S	Proposed Development of Lot 3 on RP110046, prepared by Ring Surveys	17-06-2014

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

APPROVED DEVELOPMENT

3. The approved development is Reconfiguring a Lot (subdivision of 1 lot into 2 lots) as shown on the Approved Plan.

FEES AND CHARGES

4. 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

5. The development shall be maintained in accordance with the Approved Plan, subject to and modified by any conditions of this approval.

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.

INFRASTRUCTURE CHARGES

9. 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.

LOT NUMBERING

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

LANDSCAPING

12. The applicant is to plant a street tree at the frontage of proposed Lot 1 and a street tree at the frontage of proposed Lot 2 to Springfield Drive. The location of the street trees is not to impact on the existing or proposed access for each lot.

Note: The applicant can register your interest in Council's adopt a Street Tree program which will ensure that the Street Tree selected is planted in suitable location and is a suitable species for the locality.

ENGINEERING WORKS

13. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant Australian Standards.
14. 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

15. 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.
16. 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

17. Design and construct stormwater drainage to ensure that there is no nuisance or interference to the current use or potential future use of all downstream properties including road reserves and the like for design storms of ARI2, ARI5, ARI10, ARI20 and ARI50.
18. 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.
19. Ensure that adjoining properties and roadways are protected from ponding as a result of any site works undertaken.

ON-SITE WASTEWATER DISPOSAL

20. Future Dwellings must be connected to an on-site wastewater disposal system, in accordance with AS1547 and the Queensland Plumbing and Waste Water Code.

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

VEHICLE ACCESS

21. Design and construct a gravel crossover to proposed Lot 2 having a minimum width of 4 metres and vehicle turnout in accordance with Council's Standard Drawing No. R-004.
22. Ensure that the existing gravel crossover to proposed Lot 1 is maintained in accordance with Council's Standard Drawing No. R-004.
23. 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 (e.g., power pole, telecommunications pit) or road infrastructure (e.g. street sign, street tree, etc).

TELECOMMUNICATIONS

24. Design and provide telecommunications to all lots within the development in accordance with the Australian Government "Telecommunications in New Development" policy.

ELECTRICITY

25. Design and provide electricity supply to all lots within the development to comply with Ergon Energy's requirements.
26. Submit to Council, written confirmation from an electricity provider that an agreement has been made for the supply of electricity.

WATER SUPPLY

27. Any future Dwelling on proposed Lot 2 shall be provided with a minimum of a 45,000 litre on-site water supply.

SERVICES - EXISTING CONNECTIONS

28. Ensure that all services provided to the existing Dwelling on proposed Lot 1 are wholly located within the lot they serve.

29. Ensure that all services provided to a future Dwelling on proposed Lot 2 are wholly within the lot they serve.

FLOODING - GENERAL

30. Ensure that the minimum habitable floor level of a future Dwelling on proposed Lot 2 is 300mm above Council's defined flood level current at the time of construction.

EROSION AND SEDIMENT CONTROL - GENERAL

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

ADVISORY NOTES

NOTE 1 -Flood Hazard

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

NOTE 2 -Relevant Period

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

(a)for any part of the development approval relating to 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 3 -Aboriginal Cultural Heritage

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

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

NOTE 4 -General Environmental Duty

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

NOTE 5 -General Safety of Public During Construction

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

NOTE 6 -Property Note (Audit of Conditions)

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

NOTE 7 -Duty to Notify of Environmental Harm

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

CARRIED

GM G. Cook left the meeting at 11:26am

**12.7 (040.2022.112.001) Community and Liveability Report Development
Application for Operational Work at 84 and 86 Drayton Street and 24a
Arthur Street Dalby Hungry Jacks C/- ACOR Consultants (QLD) Pty Ltd**

The purpose of this Report is for Council to decide the proposed development for Operational Work (Earthworks, Stormwater, Drainage and Water Infrastructure) on land described as Lots 1-3 on RP67391 and situated at 84 & 86 Drayton Street and 24a Arthur Street, Dalby

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. C. T. Tillman

That this Report be received and that:

The application for Operational Work (Earthworks, Stormwater, Drainage and Water Infrastructure) on land described as Lots 1-3 on RP67391 and situated at 84 & 86 Drayton Street and 24a Arthur Street, Dalby, be approved, subject to the following conditions:

GENERAL

1. This approval relates to earthworks, stormwater, drainage and water infrastructure as detailed.
2. The approval is subject to construction being undertaken in accordance with the Approved Plans prepared by ACOR Consultants (Qld) Pty Ltd, Project Number BR210032, listed below:

Drawing No: C0.01, Issue D

Description: Cover Sheet, Drawing Index and Locality Plan, dated 23/02/22

Drawing No: C0.02, Issue D

Description: General Notes, dated 23/02/22

Drawing No: C1.01, Issue D

Description: Erosion and Sediment Control Notes and Details, dated 23/02/22

Drawing No: C1.02, Issue D

Description: Erosion and Sediment Control Layout Plan, dated 23/02/22

Drawing No: C2.01

Description: Bulk Earthworks Layout Plan, Issue D, dated 23/02/22

Drawing No: C2.02, Issue D

Description: Bulk Earthworks Sections, dated 23/02/22

Drawing No: C3.01, Issue D

Description: Siteworks and Drainage Layout Plan, dated 23/02/22

Drawing No: C3.02, Issue D

Description: Civil Sections, dated 23/02/22

Drawing No: C3.03, Issue D

Description: Stormwater Detention Tank, dated 23/02/22

Drawing No: C3.05, Issue D

Description: Signs and Linemarking, dated 23/02/22

Drawing No: C5.01, Issue D

Description: Pavement Plan, dated 23/02/22

Drawing No: C6.01, Issue D

Description: Civil Details, dated 23/02/22

Drawing No: C8.01

Description: Water Reticulation Cover Sheet, Drawing Index and Locality Plan, Issue D, dated 23/02/22

Drawing No: C8.10

Description: Water Reticulation Layout Plan, Issue D, dated 23/02/22

Drawing No: C8.11

Description: Water Metering Arrangement and Connection Detail, Issue D, dated 23/02/22

Document No: 21020238_R01_V01

Description: Riverine Hydraulic Impact Assessment, Lots 1, 2 and 3 on RP67391, Warrego Highway and Arthur Street, Dalby, prepared by Water Technology Pty Ltd, dated 02/06/2021

3. Undertake all approved work at no cost to Council and in accordance with the Approved Plans, approval conditions and Western Downs Planning Scheme Policy 1 - Design and Construction Standards.
4. Submit the following to Council, prior to the Pre-start Meeting:
 - 4.1 a set of "Issued for Construction" drawings, amended if required by the conditions of this approval.

5. Pay to Council, applicable inspection fees based on Council's Register of Fees and Charges current at the time of commencement of work. The fee must be calculated based on the estimated project cost.
6. Ensure that supervision of all construction work is carried out by a suitably qualified and experienced Engineer (RPEQ).
7. Adhere to the following hours of construction unless otherwise approved in writing by Council:

Monday to Saturday: 6.30am to 6.30pm Noise permitted

Monday to Sunday: 6.30pm to 6.30am No noise permitted

Sundays and Public Holidays: No noise permitted

8. Do not conduct work or business that causes audible noise from or on the site outside the above hours.
9. Be responsible to carry out Work Health and Safety legislative requirements.
10. Ensure all work sites are maintained in a clean, orderly state at all times.
11. Manage all waste in accordance with the relevant legislation and regulations and dispose of regulated waste at a licensed facility of Western Downs Regional Council by a licensed regulated waste disposal contractor.
12. 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.
13. Repair all damage incurred to Council and public utility services infrastructure and assets, as a result of completed or incomplete work under this approval, 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.
14. Submit to Council, certification from a suitably qualified Engineer (RPEQ) that the work has been undertaken in accordance with the Approved Plans and specifications and to Council's requirements.
15. Submit to Council for approval, a Traffic Management Plan prior to commencement of any work involving closure of Council roads or working on or adjacent to existing roads.
16. Ensure that development work on the subject land does not lead to ponding of stormwater or cause actionable nuisance to adjoining properties, and drains freely to a lawful point of discharge in accordance with the Queensland Urban Drainage Manual.
17. All earthworks are to be designed and constructed generally in accordance with the approved levels within Approved Document No. 21020238_R01_V01 Riverine Hydraulic Impact Assessment, prepared by Water Technology Pty Ltd and dated 02/06/2021, unless otherwise approved in writing by Council.
18. Be responsible for the protection of nearby residents from dust pollution arising from construction or maintenance of the work required by this approval, and comply with any lawful instructions from the Assessment Manager if, in his opinion, a dust nuisance exists.

19. Submit the following to Council for approval in the event it is proposed to import material to or export material from the site, prior to commencement of the work:

19.1 details of the location of any material to be sourced for fill including the volume of fill to be moved from any particular source site;

19.2 details of the final location for any material to be exported from the site from excavations including the volume to be moved to any particular site; and

19.3 the proposed haulage route/s and truck sizes for carting of the material.

Note: Further Development Applications may be required to be submitted to and approved by Council for sites proposed to import material from or export material to, or conditions may be applied to any sites endorsed in accordance with this condition; e.g. submit a Traffic Management Plan to Council for acceptance, or rehabilitation of the site. Any required approvals are to be in place prior to commencement of the work.

20. This approval does not extend to any material proposed to be imported to or exported from the site:

20.1 other than from or to site/s that have a current Development Approval enabling them to export/accept any material; or

20.2 the material is being exported to and accepted at a licensed Council refuse facility.

CONSTRUCTION AND NUISANCE MANAGEMENT PLAN

21. Prior to the Pre-start Meeting, submit to Council for endorsement, a Construction and Nuisance Management Plan for the approved development work for the site. The Plan is to cover, but not be limited to the following:

- air quality management;
- noise and vibration management;
- erosion and sediment management;
- waste management;
- complaint management;
- community awareness; and
- workers' car parking arrangements.

22. Implement the approved Construction and Nuisance Management Plan at all times during construction of the development.

23. Ensure a legible copy of the approved Construction and Nuisance Management Plan is available on-site at all times during construction and earthworks.

INSPECTIONS AND TESTING

24. Submit the Pre-start Meeting Agenda to Council upon confirmation of a date and time for the Meeting.

25. Provide Council with a minimum of two clear working days' notice to undertake compulsory inspections and meetings at the following stages:

25.1 Pre-start Meeting with Council, Contractor, Supervising Engineer and developer;

25.2 Water: in accordance with Council's Minimum Requirements for Water and Sewerage Works; and:

(a) prior to backfilling of each water connection point; and

(b) prior to connection of any work to the reticulated water supply systems;

25.3 at the point of completion of all work before placing on-maintenance; and

25.4 at the point of requesting Council to accept the work off-maintenance.

26. Submit to Council, all inspection and test data in its entirety prepared by the applicant, Engineer, Principal Contractor or by Subcontractors in relation to the Operational Work or as described in the application, prior to commencement of the use. Undertake any further inspection, testing or analysis required, due to failure of work to meet specifications or where the testing previously provided is considered insufficient on behalf of the Principal Contractor by a NATA accredited entity (where applicable).

27. Uncover all work covered, prior to inspection to allow inspection by Council at Council's sole discretion.

28. Allow Council to enter a work site to which this approval relates, and undertake testing or analysis of any part of the construction, and Council is not liable for the rectification of or compensation for any damage caused in the testing or analysis process. Should work be found to be not constructed to specification or of poor quality, rectification work must be undertaken by the Principal Contractor.

29. Undertake any work for the safety or health of the community or protection of infrastructure where Council deems it necessary.

AS CONSTRUCTED INFORMATION

30. Submit to Council within 10 working days of completion of the Operational Work, suitable "As Constructed" drawings in hard copy and AutoCAD format and on GDA Zone 56 co-ordinates. The "As Constructed" drawings or data capture methods as required by Council, must be certified by a Registered Professional Engineer of Queensland (RPEQ) on every Drawing and shall be to an appropriate electronic format and standard as required by Council.

31. Provide "As Constructed" data for the following elements, where applicable:

(a) water supply; and

(b) stormwater drainage.

ADVISORY NOTES

NOTE 1 -Relevant Period

"To the extent a development approval is for Operational Work, the approval lapses if the development under the approval does not start within the following period (the relevant period) -

(a) 2 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 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.

Council is to be indemnified against any claims arising from work carried out by the applicant on Council's property.

NOTE 5 -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 6 -Commencement of Use

(i) Prior to commencement of this use of Stage 1, the applicant is to request a Compliance Inspection be undertaken by Council to confirm 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.

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

An applicant or 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 (030.2022.114.001) Community and Liveability Report Development
Application for Material Change of Use for a Dwelling House on Lot 7 on
SP124713 at 3764 Kingaroy-Jandowae Road Jandowae Briggs C/- Swep
Consulting**

The purpose of this Report is for Council to decide the development application for Material Change of Use for a Dwelling House on land described as Lot 7 on SP124713 and situated at 3764 Kingaroy-Jandowae Road, Jandowae.

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby

Seconded By Cr. O. G. Moore

That this Report be received and that:

The development application for a Material Change of Use to establish a Dwelling House on land described as Lot 7 on SP124713 and situated at 3764 Kingaroy-Jandowae Road, Jandowae, 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.	Title and Details	Dated
2022-009-01, Revision A	Site Plan, prepared by Swep Consulting	28/02/2022
2022-009-03, Revision A	Floor Plan, prepared by Swep Consulting	28/02/2022
2022-009-04, Revision A	Elevations, prepared by Swep Consulting	28/02/2022

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 a Dwelling House as shown on the Approved Plans.

COMPLIANCE, TIMING AND COSTS

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

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

FEES AND CHARGES

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

MAINTENANCE

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

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

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

STORMWATER MANAGEMENT

10. Provide overland flow paths that do not alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.
11. Ensure that adjoining properties and roadways are protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.
12. Discharge all minor storm flows that fall or pass onto the site to the lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM).

INFRASTRUCTURE CHARGES

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

FENCING

14. Provide a 2 metre high solid fence to the site's side and rear boundaries.
15. 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.

LANDSCAPING – GENERAL

16. The developer must submit a Landscaping Plan for all landscaping associated with the development, prior to commencement of the use. The Plan shall be prepared by a suitably qualified and experienced Landscape Architect, Horticulturalist, or other person experienced in landscape design and construction.
17. The Landscape Plan must detail:
 - 17.1 a minimum 3 metre wide landscaped strip to be provided to the site's side and rear boundaries;

- 17.2 the typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on-site;
- 17.3 the number and size of plants to be planted; and
- 17.4 the typical planting detail including preparation, backfill, staking and mulching.
- 18. The developer must prepare and landscape the property in accordance with the Approved Landscape Plan, or as otherwise approved in writing by Council's authorised delegate. Any amendments approved by Council's authorised delegate are taken to be a part of the Approved Landscape Plan.
- 19. All approved landscaping treatments for the development are to be maintained on the property at all times.

WATER SUPPLY

- 20. The development shall be provided with a minimum of a 45,000 litre on-site water supply.

ON-SITE SEWERAGE

- 21. Connect the development to an on-site effluent disposal system, in accordance with Schedule 1, Division 4: Standards for Sewerage Supply, Section 4.2; Standards for On-site Sewerage, AS1547 and the Queensland Plumbing and Waste Water Code.
- 22. Obtain a Development Permit for Plumbing Work for the on-site sewerage treatment system.

ELECTRICITY AND TELECOMMUNICATIONS

- 23. Provide the development with electricity and telecommunication services.

EROSION AND SEDIMENT CONTROL - GENERAL

- 24. 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.
- 25. 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.

ADVISORY NOTES

NOTE 1 - Relevant Period

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

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

NOTE 2 - Aboriginal Cultural Heritage

It is advised that under Section 23 of the Aboriginal Cultural Heritage Act 2003, a person who carries out an activity must take all reasonable and practicable measures to ensure

the activity does not harm Aboriginal cultural heritage (the “cultural heritage duty of care”). Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Aboriginal and Torres Strait Islander and Partnerships' website www.datsip.qld.gov.au.

NOTE 3 - General Environmental Duty

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

NOTE 4 - General Safety of Public During Construction

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

NOTE 5 - Property Note (Audit of Conditions)

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

NOTE 6 - Duty to Notify of Environmental Harm

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

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

"Chapter 6 Dispute Resolution

Part 1 Appeal Rights

229 Appeals to Tribunal or P&E Court

- (1) *Schedule 1 states -*
 - (a) *matters that may be appealed to -*
 - (i) *either a tribunal or the P&E Court; or*
 - (ii) *only a tribunal; or*
 - (iii) *only the P&E Court; and*
 - (b) *the person -*
 - (i) *who may appeal a matter (the **appellant**); and*
 - (ii) *who is a respondent in an appeal of the matter; and*
 - (iii) *who is a co-respondent in an appeal of the matter; and*
 - (iv) *who may elect to be a co-respondent in an appeal of the matter.*
- (2) *An appellant may start an appeal within the appeal period.*

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

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

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

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

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

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

...(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."

FORESHADOWED MOTION

Cr. I. J. Rasmussen moved if the motion on the floor fails, he would move that:

1. The development application for a Material Change of Use to establish a Dwelling House on land described as Lot 7 on SP124713 and situated at 3764 Kingaroy-Jandowae Road, Jandowae, be refused for the following reasons.

(a) The development is inconsistent with the Strategic Plan of the Western Downs Planning Scheme 2017 incorporating Amendment 1, as follows:

(i) The development proposal conflicts with Strategic Outcome (1) of Strategic Intent 3.2.2.4, as the development diminishes the supply of industrial land within the Western Downs. Reverse amenity impacts will arise should the sensitive land use be established, limiting the industrial land use potential.

(ii) The development proposal conflicts with Strategic Outcome (8) of Strategic Intent 3.3.1, as the development is inconsistent with the purpose and intent of the Medium Impact Industry Zone. The development proposal has not demonstrated an overriding community need nor provided valid planning justification as to why the development cannot be reasonably established within an appropriate Zone.

(iii) The development proposal conflicts with Strategic Outcome (3) of Strategic Intent 3.5.4.1, as the residential development will encroach upon land identified for industrial activities. The development could create a settlement pattern of sensitive land uses within the Industrial Estate, sterilising the wider industrial activity potential of the Jandowae Industrial Estate.

(iv) The development proposal conflicts with Strategic Outcome (4) of Strategic Intent 3.5.4.1, as the Dwelling House is considered a non-industrial land use which does not directly support or service an industrial use on the premises.

(b) The development is inconsistent with the Medium Impact Industry Zone Code of the Western Downs Planning Scheme 2017 incorporating Amendment 1, as follows:

(i) A Dwelling House is identified as an inconsistent use within the Medium Impact Industry Zone.

(ii) The development proposal seeks to establish a non-industrial use that does not support industrial activity, failing to fulfil the purpose of the Medium Impact Industry Zone as identified in the Western Downs Planning Scheme 2017 incorporating Amendment 1.

(iii) The development proposal conflicts with Overall Outcome 1 of the Medium Impact Industry Zone Code, as the Zone is intended to accommodate a wide range of industrial uses likely to have some potential for off-site impacts and require separation from sensitive land uses. Establishing the Dwelling House will limit the potential for the indented industrial uses to operate within the wider Industrial Estate with consideration to the reverse amenity impacts of the development.

(iv) The development proposal conflicts with Overall Outcome 2 of the Medium Impact Industry Zone Code, as the non-industrial use is not ancillary to or supportive of an industrial use on the premises.

(v) The development proposal conflicts with Overall Outcome 3 of the Medium Impact Industry Zone Code, as the residential land use is located within proximity to the established industrial use on the adjoining property.

(vi) The development proposal conflicts with Overall Outcome 9 of the Medium Impact Industry Zone Code, as the sensitive land use compromises the viability of the established and future industrial uses within the Jandowae Industrial Estate.

(vii) The development has failed to satisfy Overall Outcome 18 of the Medium Impact Industry Zone Code, as the development has not demonstrated an overriding community need nor valid planning justification as to why the proposed use cannot be reasonably established in a more appropriate Zone. Sufficient residential land supply exists within the Jandowae township which could appropriately accommodate the development.

(viii) The development proposal does not satisfy Performance Outcome 12 of the Medium Impact Industry Zone Code, as the residential use is not ancillary to an industrial use and does not directly support industries or employees within the Zone.

(ix) The development proposal does not satisfy Performance Outcome 13 of the Medium Impact Industry Zone Code, as it is likely that the Dwelling House, being a non-industrial use would be adversely impacted by air and noise emissions generated by lawfully established industrial uses within the Zone.

The **Original Motion** was **PUT** and **Lost (7 to 2)**

FORESHADOWED MOTION MOVED

Moved By Cr. I. J. Rasmussen

Seconded By Cr. M. J. James

That this Report be received and that:

1. The development application for a Material Change of Use to establish a Dwelling House on land described as Lot 7 on SP124713 and situated at 3764 Kingaroy-Jandowae Road, Jandowae, be refused for the following reasons.

(a) The development is inconsistent with the Strategic Plan of the Western Downs Planning Scheme 2017 incorporating Amendment 1, as follows:

(i) The development proposal conflicts with Strategic Outcome (1) of Strategic Intent 3.2.2.4, as the development diminishes the supply of industrial land within the Western Downs. Reverse amenity impacts will arise should the sensitive land use be established, limiting the industrial land use potential.

(ii) The development proposal conflicts with Strategic Outcome (8) of Strategic Intent 3.3.1, as the development is inconsistent with the purpose and intent of the Medium Impact Industry Zone. The development proposal has not demonstrated an overriding community need nor provided valid planning justification as to why the development cannot be reasonably established within an appropriate Zone.

(iii) The development proposal conflicts with Strategic Outcome (3) of Strategic Intent 3.5.4.1, as the residential development will encroach upon land identified for industrial activities. The development could create a settlement pattern of sensitive land uses within the Industrial Estate, sterilising the wider industrial activity potential of the Jandowae Industrial Estate.

(iv) The development proposal conflicts with Strategic Outcome (4) of Strategic Intent 3.5.4.1, as the Dwelling House is considered a non-industrial land use which does not directly support or service an industrial use on the premises.

(b) The development is inconsistent with the Medium Impact Industry Zone Code of the Western Downs Planning Scheme 2017 incorporating Amendment 1, as follows:

(i) A Dwelling House is identified as an inconsistent use within the Medium Impact Industry Zone.

(ii) The development proposal seeks to establish a non-industrial use that does not support industrial activity, failing to fulfil the purpose of the Medium Impact Industry Zone as identified in the Western Downs Planning Scheme 2017 incorporating Amendment 1.

(iii) The development proposal conflicts with Overall Outcome 1 of the Medium Impact Industry Zone Code, as the Zone is intended to accommodate a wide range of industrial uses likely to have some potential for off-site impacts and require separation from sensitive land uses. Establishing the Dwelling House will limit the potential for the intended industrial uses to operate within the wider Industrial Estate with consideration to the reverse amenity impacts of the development.

(iv) The development proposal conflicts with Overall Outcome 2 of the Medium Impact Industry Zone Code, as the non-industrial use is not ancillary to or supportive of an industrial use on the premises.

(v) The development proposal conflicts with Overall Outcome 3 of the Medium Impact Industry Zone Code, as the residential land use is located within proximity to the established industrial use on the adjoining property.

(vi) The development proposal conflicts with Overall Outcome 9 of the Medium Impact Industry Zone Code, as the sensitive land use compromises the viability of the established and future industrial uses within the Jandowae Industrial Estate.

(vii) The development has failed to satisfy Overall Outcome 18 of the Medium Impact Industry Zone Code, as the development has not demonstrated an overriding community need nor valid planning justification as to why the proposed use cannot be reasonably established in a more appropriate Zone. Sufficient residential land supply exists within the Jandowae township which could appropriately accommodate the development.

(viii) The development proposal does not satisfy Performance Outcome 12 of the Medium Impact Industry Zone Code, as the residential use is not ancillary to an industrial use and does not directly support industries or employees within the Zone.

(ix) The development proposal does not satisfy Performance Outcome 13 of the Medium Impact Industry Zone Code, as it is likely that the Dwelling House, being a non-industrial use would be adversely impacted by air and noise emissions generated by lawfully established industrial uses within the Zone.

CARRIED (8 to 1)

13. EXECUTIVE SERVICES

13.1 Executive Services Chief Executive Officer Report May 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 May 2022.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. P. T. Saxelby

That this Report be received and noted

CARRIED

13.2 Executive Services Report Outstanding Actions May 2022

The purpose of this Report is to provide Council with an updated on the status of outstanding Council Meeting Action Items to 18 May 2022

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. M. J. James

That this Report be received and noted.

CARRIED

COUNCIL RESOLUTION - ADJOURN MEETING

Moved By Cr. I. J. Rasmussen

Seconded By Cr. K. A. Maguire

That Council resolve to adjourn the Meeting.

The Meeting adjourned at 12:06pm

The Meeting resumed at 12:30pm

CARRIED

GM G. Cook re-joined the meeting at 12:30pm

14. CORPORATE SERVICES

14.1 Corporate Services Report Adoption of Water Meters Council Policy and Rates and Utilities Charges Concession for Community Organisations Council Policy

The purpose of this report is to present proposed amendments to the Water Meters Council Policy and Rates and Utilities Charges Concession for Community Organisations Council Policy for Council's consideration and approval.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. K. A. Maguire

That this report be received and that:

1. Council adopt the Water Meters - Council Policy as amended
2. Council adopt the Rates and Utilities Charges Concession for Community Organisations Council Policy as amended

CARRIED

14.2 Corporate Services Financial Report May 2022

The purpose of this Report is to provide Council with the Financial Report for the period ending 31 May 2022.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. A. N. Smith

That this Report be received, and that:

1. Council notes the Financial Report as of 31 May 2022
2. The proposed 2021-22 Capital Projects not delivered attachment 3 be considered for inclusion in the 2023-24 budget deliberations.

FORESHADOWED MOTION

Cr. M. J. James moved that if the motion on the floor failed, she would move:

That this Report be received, and that:

1. Council notes the Financial Report as of 31 May 2022
2. The proposed 2021-22 Capital Projects not delivered be returned to council for further discussion in an information session.

The **ORIGINAL MOTION** was **PUT** and **CARRIED (6 to 3)**

COUNCIL RESOLUTION - ADJOURN MEETING

Moved By Cr. K. A. Maguire

Seconded By Cr. C. T. Tillman

That Council resolve to adjourn the Meeting.

The Meeting adjourned at 12:59pm

The Meeting resumed at 2:12pm

14.3 Corporate Services Report Internal Audit - Council Policy

The purpose of this Report is to present the proposed amendments to the Internal Audit - Council Policy for consideration and approval.

Moved By Cr. I. J. Rasmussen

Seconded By Cr. A. N. Smith

That this Report be received and:-

1. Council adopt the Internal Audit - Council Policy as amended.

CARRIED

15. INFRASTRUCTURE SERVICES

15.1 Infrastructure Services Report Capital Works May 2022 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 May 2022.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. A. N. Smith

That this Report be received and noted.

CARRIED

16. COMMUNITY AND LIVEABILITY

16.1 Community and Liveability Report Community Projects Program Round Three 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 18 May 2022. This is in relation to the assessment and proposed adoption of Round Three of the 2021/2022 Community Projects Program.

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

a. She is a consultant to the Miles & District Historical Society.

Having given due consideration to her position Cr. K. A. Bourne determined that she would leave the meeting while the matter is discussed.

Cr. K. A. Bourne left the meeting at 2:17pm

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

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 18 May 2022.

2. The Recommendations of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 18 May 2022 be adopted as follows:

a. Apologies

That the Community Grants Assessment Reference Group accept the apology for non-attendance from Cr. O. G. Moore.

b. Confirmation of Minutes of Previous Meeting

That the Unconfirmed Minutes of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 16 February 2022, copies of which have been circulated to Members, be taken as read and confirmed.

c. That the applicants for Round Three of the 2021/2022 Community Projects Program be advised as follows:

	Applicant	Project Description	Total Project Cost	Applicant Contribution	Amount Requested	Amount Approved (Excl. G.S.T.)	Justification/ Conditions	Suggestions/ Conflicts of Interest
1	Chinchilla Historical Society	Upgrade of electrical system at the Museum	\$3,917.00	\$100.00	\$3,817.00	\$2,937.75		
						FOR: Cr. K.A. Maguire, Cr. P.T. Saxelby and Cr. C.T. Tillman AGAINST: DID NOT VOTE: Cr. K.A. Bourne and Cr. O.G. Moore,		
2	Miles & District Historical Society	Columboola Hall Air Conditioning	\$8,456.80	\$0.00	\$8,456.80	\$6,342.60		
						FOR: Cr. K.A. Maguire, Cr. P.T. Saxelby and Cr. C.T. Tillman AGAINST: DID NOT VOTE: Cr. K.A. Bourne and Cr. O.G. Moore		
	TOTAL FUNDED					\$9,280.35		

CARRIED

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

Cr. K. A. Bourne re-joined the meeting at 2:19pm

16.2 Community and Liveability Report Destination Events Program Round Three 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 18 May 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.

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

a. She is a member of the Dalby Welcoming Community committee.

Having given due consideration to her position Cr. C. T. Tillman determined that she would leave the meeting while the matter is discussed.

Cr. C. T. Tillman left the meeting at 2:20pm

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. M. J. James

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 18 May 2022.
2. The Recommendations of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 18 May 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 16 February 2022, 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:

	Applicant	Project Description	Total Project Cost	Applicant Contribution	Amount Requested	Amount Approved (Excl. G.S.T.)	Justification/ Conditions	Suggestions/ Conflicts of Interest
1	Dalby Welcoming Community Inc	Our Community Platter - showcasing our Grains and Grazing	\$31,000.00	\$3,000.00	\$17,000.00	\$0.00	Council is supportive of the concept however the application requires further demonstration of sufficient project and marketing research and consultation to deliver the intended objectives. Council would encourage the Dalby Welcoming Community to work collaboratively with the Economic Development and Tourism team to grow this concept in the future.	
						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						\$0.00		

CARRIED

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

Cr. C. T. Tillman re-joined the meeting at 2:21pm

16.3 Community and Liveability Report Local Events Program Round Three 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 18 May 2022 in relation to the Assessment of Round Three of the 2021/2022 Local Events Program and to seek adoption of the recommendations contained in those Unconfirmed Minutes.

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 18 May 2022.

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

Reference Group Meeting held on 18 May 2022 be adopted as follows:

a. Apologies

That the Community Grants Assessment Reference Group accept the apology for non-attendance from Cr. O. G. Moore.

b. Confirmation of Minutes of Previous Meeting

That the Unconfirmed Minutes of the Western Downs Regional Council Community Grants

Assessment Reference Group Meeting held on 16 February 2022 copies of which have been

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

c. That the applicants for Round Three of the 2021/2022 Local Events Program be advised as follows:

	Applicant	Project Description	Total Project Cost	Applicant Contribution	Amount Requested	Amount Approved (Excl. G.S.T.)	Justification/ Conditions	Suggestion s/ Conflicts of Interest
1	Chinchilla Community Commerce and Industry	One Long Table - Multicultural Food Festival	\$81,350.00	\$10,000.00	\$2,500.00 plus In-Kind Assistance	\$2,500.00 plus In-Kind Assistance at no cost to Council		
						FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. P.T. Saxelby and Cr. C.T. Tillman AGAINST: DID NOT VOTE: Cr. O.G. Moore		
2	Meandarra State School P&C Association	Meandarra State School P&C Fundraising Show 2022	\$21,450.00	\$500.00	\$5,000.00	\$5,000.00		
						FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. P.T. Saxelby and Cr. C.T. Tillman AGAINST: DID NOT VOTE: Cr. O.G. Moore		
3	Westmar Sports Association	Westmar Sports Club Campdraft	\$41,000.00	\$22,000.00	\$2,000.00 plus In-Kind Assistance of \$994.24	\$2,000.00 plus In Kind Assistance of \$994.24		
						FOR: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. P.T. Saxelby and Cr. C.T. Tillman AGAINST: DID NOT VOTE: Cr. O.G. Moore		
	TOTAL FUNDED					\$9,500.00 cash plus \$994.24 In Kind Assistance		

CARRIED

16.4 Community and Liveability Report Regional Arts Development Fund Round Three 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 18 May 2022. This is in relation to the assessment and proposed adoption of Round Three of the 2021/2022 Regional Arts Development Fund Program.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. K. A. Maguire

That this Report be received and that:

1. Council note the Unconfirmed Minutes of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 18 May 2022.
2. The Recommendations of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 18 May 2022 be adopted as follows:

a. Apologies

That the Community Grants Assessment Reference Group accept the apology for non-attendance from Cr. O. G. Moore.

b. Confirmation of Minutes of Previous Meeting

That the Unconfirmed Minutes of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 16 February 2022, copies of which have been circulated to Members, be taken as read and confirmed.

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

	Applicant	Project Description	Total Project Cost	Applicant Contribution	Amount Requested	Amount Approved (Excl.GST)	Justification/Conditions
1	Keith Armstrong	Carbon Dating (Western Downs) - a socially and ecologically engaged art project	\$20,894.00	\$6,450.00	\$5,723.00	\$4,648.00	
						FOR: Cr. K.A. Bourne, Cr. K.A. Maguire and Cr. P.T. Saxelby AGAINST: Cr. C. T. Tillman DID NOT VOTE: Cr. O.G. Moore	
			TOTAL FUNDED				\$4,648.00

CARRIED

16.5 Community and Liveability Report for Community Events and Projects

The purpose of this report is to update the Council on the recent successes of the various projects and events delivered by the Communities Department in the Western Downs community.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. M. J. James

That this report be received and noted.

CARRIED

16.6 Community and Liveability Report Housing and Land Incentive Policy

The purpose of this report is to seek the approval of a policy to encourage the development of housing and land within the Western Downs Region.

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

a. Potential Development Investments.

Having given due consideration to his position Cr. I. J. Rasmussen determined that he would leave the Meeting while the matter is considered and voted on, and declares that he has not read agenda item 16.6.

GM G. Cook informed the meeting of a prescribed conflict of interest in respect to this matter due to:

a. his wife works for Elders Real Estate Dalby and his brother in-law owns land that can potentially be developed for future housing

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

Cr. I. J. Rasmussen and GM G. Cook left the meeting at 2:25pm

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. K. A. Bourne

That this report be received and that the attached 'Housing and Land Development Incentives - Council Policy', is approved.

CARRIED

Absent Did Not Vote: Cr. I. J. Rasmussen

Cr. I. J. Rasmussen and GM G. Cook re-joined the meeting at 2:31pm

16.7 Community and Liveability Report Future Location of Lake Broadwater Collection

The purpose of this report is to seek Council's direction on the future location of the Lake Broadwater Collection.

COUNCIL RESOLUTION

Moved By Cr. C. T. Tillman

Seconded By Cr. K. A. Bourne

That the Report be received and

1. Council resolves to transfer ownership and care of the Lake Broadwater Natural History Collection in its entirety to Queensland Museum
2. delegate authority to the CEO to make, vary, amend, negotiate, and execute all documents necessary, to effect the donation of the Lake Broadwater Collection to the Queensland Museum on the terms and conditions as outlined in this report.

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 Meeting concluded at 2:35pm

Title	Adopt Minutes Special Meeting of Council DRAFT 2022-23 Budget 22 June 2022
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Date	14 July 2022
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Responsible Manager	D. Fletcher, ACTING CHIEF EXECUTIVE OFFICER
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Summary

The purpose of this Report is for Council to adopt the Minutes of the Special Meeting of Council ADOPT 2022-23 Budget held on Wednesday, 22 June 2022.

Link to Corporate Plan

Nil

Material Personal Interest/Conflict of Interest

NIL

Officer's Recommendation

That this Report be received and that:

1. The Unconfirmed Minutes of the Special Meeting of Council ADOPT 2022-23 Budget held on Wednesday, 22 June 2022, copies of which have been circulated to Members, be taken as read and confirmed.

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) (the Human Rights Act) requires public entities 'to act and make decisions in a way compatible with human rights'.

There are no human rights implications associated with this report.

Background Information

Nil

Report

Nil

Consultation (Internal/External)

Nil

Legal/Policy Implications (Justification if applicable)

Nil

Budget/Financial Implications

Nil

Conclusion

Nil

Attachments

Copy of Unconfirmed Minutes of the Special Meeting of Council held on Wednesday, 22 June 2022.

Authored by: A. Lyell, Executive Services Administration Officer



**Minutes Special Meeting of Council
Adopt 2022-2023 Budget**

Date: Wednesday, 22 June, 2022
Time: 1:00 pm
Location: WDRC - Corporate Office - Boardroom
30 Marble Street, Dalby Qld 4405

Voting Members: 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. Taylor, Chief Executive Officer
P. Greet, Acting General Manager (Corporate Services)
D. Fletcher, General Manager (Community and Liveability)
G. Cook, General Manager (Infrastructure Services)

1. DECLARATION OF MEETING OPENING

The Chairperson declared the meeting open at 1:02pm.

2. APOLOGIES

Nil.

3. CONFIRMATION OF MINUTES

3.1 Adopt Minutes Special Meeting of Council DRAFT 2022-23 Budget 8 June 2022

The purpose of this Report is for Council to adopt the Minutes of the Special Meeting of Council DRAFT 2022-23 Budget held on Wednesday, 8 June 2022.

COUNCIL RESOLUTION

MOVED by: Cr. I.J. Rasmussen

Seconded by: Cr. A.N. Smith

That this Report be received and that:

1.The Unconfirmed Minutes of the Special Meeting of Council, DRAFT 2022-23, Budget held on Wednesday, 8 June 2022, copies of which have been circulated to Members, be taken as read and confirmed.

CARRIED

GM G. Cook left the meeting at 1:06pm

4. CORPORATE SERVICES

4.1 Corporate Service Report Adoption of 2022-23 Operational Plan

The purpose of this Report is to seek Council's formal adoption of the 2022-23 Operational Plan.

COUNCIL RESOLUTION

MOVED by: Cr. M.J. James

Seconded by: Cr. P.T. Saxelby

That this Report be received, and that Council adopt the 2022-23 Operational Plan, as proposed.

CARRIED

4.2 Corporate Services Report Adoption of 2022-23 Budget - Council Policy and 2022-23 Financial Management Strategy - Council Policy

The purpose of this Report is to provide to Council, for its consideration, the proposed 2022-23 Budget - Council Policy and accompanying 2022-23 Financial Management Strategy - Council Policy.

COUNCIL RESOLUTION

MOVED by: Cr. O.G. Moore

Seconded by: Cr. A.N. Smith

That this Report be received and that:

1. In accordance with Section 104 of the Local Government Act 2009, Council resolves to adopt the 2022-23 Budget - Council Policy and 2022-23 Financial Management Strategy - Council Policy.

CARRIED

4.3 Corporate Services Report Adoption of 2022-23 Revenue Policy - Council Policy

The purpose of this Report is to provide to Council, for its consideration, the 2022-23 Revenue Policy - Council Policy.

COUNCIL RESOLUTION

MOVED by: Cr. K.A. Maguire

Seconded by: Cr. K.A. Bourne

That this Report be received and that:

1. In accordance with Section 169 (2) and Section 193 of the *Local Government Regulation 2012*, the 2022-23 Revenue Policy - Council Policy be adopted.

CARRIED

4.4 Corporate Services Report Adoption of Revenue Statement 2022-23

The purpose of this Report is to provide to Council for its consideration the proposed 2022-23 Revenue Statement.

COUNCIL RESOLUTION

MOVED by: Cr. A.N. Smith

Seconded by: Cr. P.T. Saxelby

That this Report be received and that:

1. In accordance with Section 104 of the *Local Government Act 2009*, Council resolves to adopt the 2022-23 Revenue Statement as proposed.

CARRIED

4.5 Corporate Services Report Adoption of Differential General Rates and Minimum General Rates 2022-23

The purpose of this Report is to provide to Council, for its consideration, the Differential General Rates and Minimum General Rates to apply in the 2022-23 Financial Year.

COUNCIL RESOLUTION

MOVED by: Cr. K.A. Bourne

Seconded by: Cr. C.T. Tillman

That this Report be received and that:

1. Council resolves to make and levy the proposed Differential General Rates and Minimum General Rates for 2022-23. This resolution is made in accordance with Chapter 4 Part 1 of the *Local Government Act 2009* and Section 81 of the *Local Government Regulation 2012*, and pursuant to the 2022-23 Revenue Policy - Council Policy and 2022-23 Revenue Statement.

CARRIED

4.6 Corporate Services Report Adoption of Special Charges for 2022-23

The purpose of this Report is to provide to Council, for its consideration, the Special Rates and Charges for 2022-23.

COUNCIL RESOLUTION

MOVED by: Cr. K.A. Maguire

Seconded by: Cr. A.N. Smith

That this Report be received and that:

1. Council resolves to adopt the proposed 2022-23 Special Charges, pursuant to the provisions of the 2022-23 Revenue Policy - Council Policy and 2022-23 Revenue Statement.

CARRIED

4.7 Corporate Services Report Adoption of 2022-23 Utility Charges

The purpose of this Report is to provide to Council, for its consideration, the proposed 2022-23 Utility Charges.

COUNCIL RESOLUTION

MOVED by: Cr. O.G. Moore

Seconded by: Cr. A.N. Smith

That this Report be received and that:

1. In accordance with Chapter 4 Part 1 Local Government Act 2009, the 2022-23 Revenue Policy - Council Policy and the 2022-23 Revenue Statement, Council resolves to adopt the 2022-23 Utility Charges.

CARRIED

4.8 Corporate Services Report Adoption of Rates and Charges and Special Charges Concessions 2022-23

The purpose of this Report is to provide to Council for its consideration the proposed Rates and Charges and Special Charges Concessions to apply for 2022-23.

COUNCIL RESOLUTION

MOVED by: Cr. P.T. Saxelby

Seconded by: Cr. C.T. Tillman

That this Report be received and that in accordance with the provisions of the Revenue – Council Policy 2022-23 and the Revenue Statement 2022-23, that Council resolves to adopt the granting of:

1. Council Pensioner Rate Concession

- a) A Council Pensioner Rate Concession of 20% (up to a maximum of \$200 per annum) of gross rates and charges (except for Special Rates and Charges, Separate Rates and Charges, Emergency Management Levy Charges, Water Consumption Charges, Charges on the Land and Miscellaneous Fees and Charges) be provided to eligible pensioners in accordance with the State Government Pensioner Rate Subsidy Scheme in 2022-23. This Concession is provided pursuant to Sections 120(1)(a), 121(a) and 122(1)(b); and
- b) A Council Pensioner Rate Concession of 20% (up to a maximum of \$200 per annum) be provided to occupants of independent living units at aged care facilities and retirement villages and who are also pensioners under Section 123(1) of the *Local Government Regulation 2012*. The concession will be provided to eligible pensioners where:

1. part of the rates or charges that the Council considers is attributable to the part of the land where pensioners have a right to exclusive occupancy (Section 123(2) of the *Local Government Regulation 2012*), and

(ii) the landowner agrees to pass the benefit of the rebate on to the pensioners.

2. Mining or Quarrying Special Charges Concession

Pursuant to Sections 120(1)(c), 121(a) and 122(1)(b) of the *Local Government Regulation 2012* (the *Regulation*), Council resolves to grant a concession to a ratepayer who is a member of a stated class of ratepayers, as follows:

Stated class of ratepayers

The concession is granted to a ratepayer levied a special charge for road maintenance and/or road resealing and/or road reconstruction where the activity occurring on the rateable land, where the activity is the reason for the levying of the special charge, is presently dormant. Those activities are either mining or quarrying.

Type of concession

The concession is by way of a rebate of the special charge for 2022-23 only.

Conditions

The concession is granted subject to the following conditions:

- a. The concession is granted only for the levied special charge in respect of the 2022-23 year.
- b. If the activity, that is the reason for the levying of the special charge, recommences during the course of 2022-23, this concession ceases and Council must levy the special charge for an amount calculated by subtracting from the 2022-23 special charge an amount equal to the number of days the mining or quarrying activities were not operating divided by the number of days in the year (365), multiplied by the 2022-23 special charge.

3. Unapparent Plumbing Failure

Pursuant to Sections 120(1)(c), 121(a) and 122(1)(b) of the *Local Government Regulation 2012* (the *Regulation*), Council resolves to grant a concession to a ratepayer who is a member of a stated class of ratepayers, as follows:

Stated class of ratepayers

The concession is available to all categories/classes of ratepayers connected to Council's water supply schemes.

Type of concession

Council will allow relief by way of a concession of the water consumption charge in accordance with Water Meters - Council Policy.

Conditions

The concession is granted subject to a ratepayer:

- Incurring water consumption charges by reason of an "unapparent plumbing failure" (as defined in Water Meters - Council Policy); and

- Satisfying the criteria set down in Water Meters - Council Policy.

Criteria for granting concession

Council grants this concession on the basis that to require the ratepayer to pay full charges for consumption in circumstances where an unapparent plumbing failure has occurred (through no fault of the ratepayer) would result in hardship.

4. Rates and Utilities Charges Concession for Community Organisations

Pursuant to Sections 120(1)(c), 121(a) and 122(1)(b) of the *Local Government Regulation 2012* (the *Regulation*), Council resolves to grant a concession to a ratepayer who is a member of a stated class of ratepayers, as follows:

Stated class of ratepayers

The concession is granted to not-for-profit (or non-profit) community organisations responsible for payment of rates and utility charges as the owner or lessee of the land as defined in Rates and Utilities Charges Concession for Community Organisations - Council Policy.

Type of concession

Council will grant to each eligible organisation the nominated concessions (expressed as percentages against each concession category) for general rates, waste utility charges, sewerage charges, water access charges and water consumption charges.

Conditions

The conditions for granting the concession are outlined in Rates and Utilities Charges Concession for Community Organisations - Council Policy.

Criteria for granting concession

Community organisations will be granted this concession upon receiving approval of the concession as outlined in Rates and Utilities Charges Concession for Community Organisations - Council Policy.

CARRIED

4.9 Corporate Services Report Adoption of Register of Cost Recovery Fees and Commercial Charges for 2022-23

The purpose of this Report is to provide to Council, for its consideration, the proposed Register of Cost Recovery Fees and Commercial Charges for 2022-23.

COUNCIL RESOLUTION

MOVED by: Cr. C.T. Tillman

Seconded by: Cr. K.A. Bourne

That this Report be received and that:

1. Council resolves to adopt the proposed Register of Cost Recovery Fees and Commercial Charges for 2022-23.

CARRIED (8 to 1)

4.10 Corporate Services Report Adoption Procedures Levying Rates and Charges 2022-23

The purpose of this Report is to provide to Council for its consideration the procedures for the Levying of Rates and Charges 2022-23.

COUNCIL RESOLUTION

MOVED by: Cr. I.J. Rasmussen

Seconded by: Cr. A.N. Smith

That this report be received and that:

1. in accordance with Chapter 4 Part 1 of the *Local Government Act 2009*, the provisions of the 2022-23 Revenue - Council Policy and 2022-23 Revenue Statement, that Council resolve to adopt the procedures for Levying of Rates and Charges for 2022-23 on the following basis:

Description of Rates/Charges	Frequency	Basis
Differential General Rates	Half Yearly	50% of total for year
Special Charges	Half Yearly	50% of total for year
Separate Charges	Half Yearly	50% of total for year
Waste & Recycling Collection Charges	Half Yearly	50% of total for year
Environmental Waste Levy Charges	Half Yearly	50% of total for year
Water and Recycled Water Access Charges	Half Yearly	50% of total for year
Water and Recycled Water Volumetric Charges	Half Yearly	Based on Consumption
Water and Recycled Water Volumetric Charges (High Water Consumers as determined by Council)	No more than Bi-Monthly and no less than Half Yearly	Based on Consumption
Sewerage Charges	Half Yearly	50% of total for year
Gas - non-domestic connections	Monthly	Based on Gas Consumption and periodic access charges
Gas - domestic connections	Quarterly	Based on Gas Consumption and periodic access charges

CARRIED

4.11 Corporate Services Report Adoption Discount for Prompt Payment Rates and Charges 2022-23

The purpose of this Report is to provide to Council for its consideration the Discount for Prompt Payment of Rates and Charges for 2022-23.

COUNCIL RESOLUTION

MOVED by: Cr. K.A. Bourne

Seconded by: Cr. K.A. Maguire

That this Report be received and that:

1. Council resolves to adopt, in accordance with Section 130 of the *Local Government Regulation 2012* and the provisions of the 2022-23 Revenue - Council Policy and 2021-22 Revenue Statement:

The proposed discounts as listed in the table below.

Rate/Charge	Discount Rate Applicable
General Rates (including Minimum General Rates)	5%
Water Charges incl. Access and Water Consumption Charges	5%
Recycled Water Charges incl. Access and Water Consumption Charges	5%
Sewerage Charges	5%
Environmental Waste Levy	5%
Waste/Recycling/Cleansing/Garbage/Refuse Collection & Disposal Charges, Rural/Commercial/Industrial Waste Charge	5%

These discounts shall apply when all relevant rates and charges, including any arrears and interest, are paid in full by the due date and time, being close of business of Council offices, or its agents, on the discount date which will be a day no less than 30 days after the date of issue of the Rates/Utility Charge Notice.

CARRIED

4.12 Corporate Services Report Adoption of Interest Charges on Overdue Rates 2022-23

The purpose of this Report is to provide to Council for its consideration the rate of interest to be charged on Overdue Rates and Charges in 2022-23.

COUNCIL RESOLUTION

MOVED by: Cr. P.T. Saxelby

Seconded by: Cr. M.J. James

That this Report be received, and that:

1. Council resolves to adopt the application of interest at the maximum rate of 8.17% per annum be applied from 1 July 2022, on all rates and charges (excluding overdue gas accounts) which remain unpaid 30 days after the due date for payment.

CARRIED

4.13 Corporate Services Report Adoption of National Competition Policy Compliance - Council Policies for 2022-23

The purpose of this Report is to provide to Council, for its consideration:

1. The following Policies:
 - The 2022-23 Code of Competitive Conduct - Council Policy; and
 - The 2022-23 Dividend Payment - Council Policy.
2. The proposed 2022-23 Dividend Payments and 2022-23 Community Services Obligations

COUNCIL RESOLUTION

MOVED by: Cr. I.J. Rasmussen

Seconded by: Cr. C.T. Tillman

That this Report be received and that Council Resolves to:

1. Adopt the proposed 2022-23 Code of Competitive Conduct - Council Policy.
2. Apply a Community Service Obligation Payment to the following businesses during 2022-23:
 - a. Water, and
 - b. Waste Management.
3. Adopt the 2022-23 Dividend Payment - Council Policy, as proposed, and
4. Receive dividend payments from the following businesses during 2022-23:
 - a. Commercial Works,
 - b. Gas,
 - c. Sewerage,
 - d. Quarry,
 - e. Saleyards and
 - f. Washdown Bays.

CARRIED

4.14 Corporate Services Report Adoption of Debt - Council Policy for 2022-23

The purpose of this Report is to provide to Council, for its consideration, the 2022-23 Debt - Council Policy for the budget year and the subsequent nine (9) financial years.

COUNCIL RESOLUTION

MOVED by: Cr. K.A. Maguire

Seconded by: Cr. K.A. Bourne

That this Report be received and that:

1. In accordance with Section 192 of the *Local Government Regulation 2012*, Council resolves to adopt the proposed 2022-23 Debt - Council Policy.

CARRIED

4.15 Corporate Services Report Adoption of Estimated Position 30 June 2022 and Financial Analysis

The purpose of this Report is to provide to Council, for its consideration, the Statement of Estimated Financial Position. The document also provides an analysis of variations between the 2022-23 Budget and the 2021-22 Original Budget and 2021-22 Estimated Position.

COUNCIL RESOLUTION

MOVED by: Cr. I.J. Rasmussen

Seconded by: Cr. K.A. Maguire

That this Report be received and that:

1. The Statement of Estimated Financial Position which includes the Financial Operations and Financial Position of Council for 2021-22 be adopted.

CARRIED

4.16 Corporate Services Report Adoption of the 2022-23 Rates and Charges Collection - Council Policy

The purpose of this Report is to provide to Council, for its consideration, the 2022-23 Rates and Charges Collection - Council Policy.

COUNCIL RESOLUTION

MOVED by: Cr. C.T. Tillman

Seconded by: Cr. A.N. Smith

That this Report be received and that:

1. Council resolves to adopt the 2022-23 Rates and Charges Collection - Council Policy, and
2. Pursuant to Section 257 of the *Local Government Act 2009*, Council resolves to delegate to the Chief Executive Officer all powers detailed in the 2022-23 Rates and Charges Collection - Council Policy, including the power under Section 134 of the *Local Government Regulation 2012*, to recover rates and charges by bringing Court proceedings for a debt.

CARRIED

4.17 Corporate Services Report Adoption of Financial Investment - Council Policy for 2022-23

The purpose of this Report is to provide to Council for its consideration the Financial Investment - Council Policy.

COUNCIL RESOLUTION

MOVED by: Cr. K.A. Bourne

Seconded by: Cr. P.T. Saxelby

That this Report be received and that:

1. Council adopts the proposed 2022-2023 Financial Investment - Council Policy.

CARRIED

4.18 Corporate Services Report Adoption of 2022-23 Budget including the Long-Term Financial Plan

The purpose of this Report is to recommend the adoption of the 2022-23 Budget and the 2022-23 Long-Term Financial Plan, which has been prepared in accordance with the requirements of sections 169 and 171 of the *Local Government Regulation 2012*.

COUNCIL RESOLUTION

MOVED by: Cr. A.N. Smith

Seconded by: Cr. K.A. Bourne

That this Report be received and that:

1. the 2022-23 Budget, prepared in accordance with the requirements of section 169 of the *Local Government Regulation 2012* be adopted,
2. the 2022-23 Long-Term Financial Plan, prepared in accordance with the requirements of Sections 169 and 171 of the *Local Government Regulation 2012* be adopted, and;
3. In accordance with section 169 (6) and (7) of the *Local Government Regulation 2012*, Council notes the budgeted increase in total rates and utility charges compared to the 2021-22 Original Budget is 9.33% due to lower-than-expected property amalgamations and resource sector property sales to rural landholders. This compares with the general rates and charges increase of 3.90%.

CARRIED

GM G. Cook re-joined the meeting at 1:42pm.

5. MAYORAL BUDGET STATEMENT

COUNCIL RESOLUTION

MOVED by: Cr. P.M. McVeigh

Seconded by: Cr. I.J. Rasmussen



Mayoral Budget Statement 22 July 2020

Good morning everyone and welcome to the announcement of our 2020-21 Council Budget.

Preparing for today has been an experience like no other.

The world has faced challenges never seen before and our region is not immune to these challenges.

We are continuing to grapple with the effects of this ongoing health and economic crisis.

It's our duty to do what we can to help our community recover and emerge stronger than before - which is why our budget is focussed on community resilience and recovery.

A few short months ago we announced this Council's record investment – the \$50 million COVID-19 Recovery Package to secure and create jobs here and now, while promoting economic growth into the future.

This budget is underpinned by this massive investment, with a clear focus on providing certainty, stability and opportunity at a time when it's needed most.

Our continued focus on responsible, forward-thinking financial management has allowed us to deliver on this investment.

This includes accelerated infrastructure projects, fast-tracked major projects, business and community groups support programs, and fees and charges relief.

We've managed to offer this comprehensive package whilst remaining debt-free – thanks to our prudent planning for future challenges just like the one before us now.

Since 2015, WDRC has been able to increase its cash reserves, and at the same time stamp out our debt.

This is while continuing to deliver a very high standard of service to the community and offering many new and exciting initiatives too.

Affordability

This is a challenging time for any Local Government, and Council has been focussed on ensuring our region remains an affordable place to live and work.

This budget includes a 2.5% general rates rise, which equates to about \$1.44 per household, per week. Our WDRC residential rates will remain lower than other similar Councils in southern Queensland.

By legislation, Council must set its general rates by applying a rate in the dollar to land valuations determined by the Department of Natural Resources, Mines and Energy.



With that in mind, the maximum general rate increase will be capped at 7.5% or 5% above the average general rates increase of 2.5%.

This responsible budget allows Council to deliver this massive Recovery Package while ensuring the same high standard of services remain and continue with responsible financial management into the future.

We are continuing to match the State Government's Rates Subsidy Scheme, offering qualifying pensioners a 20% rebate on rates and charges excluding water consumption – up to a maximum of \$200 per year.

In response to the unprecedented economic times, we have waived several fees and charges to support families and businesses including dog registrations, most building, plumbing and planning fees, and food licensing fees.

We've also waived infrastructure charges on targeted development approvals to drive economic growth and create new opportunities for jobs and investment both now and into the future.

This budget includes a price freeze on many other Council fees and charges – which means for example, a trip to the pool or hiring a Council-owned facility will cost no more than that of the previous year.

This year we are really excited to introduce a water tank rebate scheme which will boost community resilience and alleviate pressures on water supply by offering generous subsidies to residents installing new rainwater tanks on their properties.

This rebate will vary between \$500 and \$1,000 depending on the size of the tank purchased.

Active, Vibrant Communities

Our region prides itself on its active, vibrant communities and Council is delivering a range of initiatives to strengthen our community ties across our Western Downs.

We're delivering two new grant programs to support our ever-important community groups through this challenging time, adding to our comprehensive Grants and Funding offerings.

\$22.3 million is being invested in our much-loved community facilities and delivering exciting and engaging community programs to build our cultural offerings.

It's critical we create local jobs right here and now.

That's why we're delivering our massive Accelerated Infrastructure Program to speed up a range of projects to improve our community.

This includes upgrading amenities such as halls, showgrounds, and cultural centres and upgrading a range of footpaths within the region.

It's important our communities are well-connected and we're also delivering a \$42.1 million program to undertake region-wide improvements to the Council road network.



Parks and Open Spaces

Our outdoor spaces are extremely important to the liveability of our region, and that's why we've approved a record \$17.1 million parks and open spaces program this financial year.

This massive program has a range of enhancements to the community with some highlights including significant improvements to Thomas Jack Park in Dalby, the Tara Lagoon Parklands, and the Miles CBD streetscape.

We're also delivering a range of enhancements to our smaller suburban parks at Dulacca, Kogan, Meandarra and Warra.

The highly successful Adopt a Street Tree Program is also continuing with \$300,000 committed to this fabulous program.

Since its introduction in 2017, an amazing 4,673 trees have been planted across our Western Downs, making our region cleaner and greener and strengthening community pride.

Economic Growth

I'm proud that we are a forward-thinking Council, committed to ensuring our region continues to prosper now, and into the future.

We're growing our region, making it an even better place for our community and future generations. We want to ensure our Western Downs remains a wonderful place to start a family, a career, and build a great life.

We're promoting the fantastic destinations in our region – and this budget is about investing in our fantastic natural spaces and creating a legacy for generations to come.

Our investment in 11 major projects stretching right across our Western Downs is about generating economic growth and adding to our diverse economy, underpinned by major industries.

Conclusion

In conclusion, I would like to acknowledge the work of both Councillors and staff in preparing this budget for the Western Downs community.

This budget is about uniting our community and providing sustained certainty - and I am confident Council's continued responsible financial management will ensure our region will recover and emerge stronger than ever.

Thank you.

6. MEETING CLOSURE

The Meeting concluded at 1:53pm.

Title **Executive Services Mayoral Report June 2022**

Date 14 July 2022

Responsible Manager J. Taylor, CHIEF EXECUTIVE OFFICER

Summary

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

Link to Corporate Plan

Strategic Priority: Active Vibrant Communities

- We are a region without boundaries, united in community pride.
- Our community members are the loudest advocates for what's great about our region.
- Our social, cultural and sporting events are supported locally and achieve regional participation.
- Our parks, open spaces, and community facilities are well utilised and connect people regionally.
- A recognised culture of volunteerism is active throughout our communities.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and noted

Background Information

Nil

Report

Meetings, delegations and forums attended by the Mayor during the month of June 2022:

1 June 2022	• Thankyou Breakfast with the Governor	Dalby
6 June 2022	• Meeting with Iron Leaf Wind Farm Project	Dalby
7 June 2022	• Health Sustainability Futures Meeting • Meeting with Minister Di Framer	Dalby Dalby
8 June 2022	• Draft Budget Special Meeting of Council • Councillor Information Sessions	Dalby Dalby
9 June 2022	• Meeting with Mayors of Toowoomba Regional Council and Southern Downs Regional Council • TSBE Central Civil Works Program	Millmerran Toowoomba
10 June 2022	• Triple M Radio Interview • Resilient Home Fund - Voluntary Buyback Scheme • TSBE Boardroom briefing • Jandowae Kindergarten Trivia Night	Phone Toowoomba Toowoomba Jandowae
11 June 2022	• Jandowae Timber Town Festival	Jandowae
15 June 2022	• Meeting with Ratepayer	Dalby

	<ul style="list-style-type: none"> • Meeting with Ratepayer 	Dalby
16 June 2022	<ul style="list-style-type: none"> • ALGA Pre Forum Chat 	Teams
19 June 2022	<ul style="list-style-type: none"> • ALGA Conference 	Canberra
20 June 2022	<ul style="list-style-type: none"> • ALGA Conference • LGAQ Special Breakfast • McArthur Client Dinner 	Canberra Canberra Canberra
21 June 2022	<ul style="list-style-type: none"> • ALGA Conference 	Canberra
22 June 2022	<ul style="list-style-type: none"> • Ordinary Meeting of Council • Special Meeting of Council Budget • Meeting with Dalby Herald • Meeting with The Country Caller 	Dalby Dalby Dalby Phone
24 June 2022	<ul style="list-style-type: none"> • LGAQ Policy Executive Meeting 	Brisbane

Consultation (Internal/External)

Nil

Legal/Policy Implications (Justification if applicable)

Nil

Budget/Financial Implications

Nil

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) (the Human Rights Act) requires public entities 'to act and make decisions in a way compatible with human rights'.

There are no human rights implications associated with this report.

Conclusion

The forgoing represents activities undertaken by the Mayor during the month of June 2022.

Attachments

Nil

Authored by: Hailey Wex, Executive Assistant

Title (030.2021.993.001) Community and Liveability Report Development Application Material Change of Use for Service Station on Lot 3 on SP294214 at 66 Condamine Street Dalby Pearl Energy Pty Ltd C/- Mecone

Date 6 July 2022

Responsible Manager T. Summerville, PLANNING AND ENVIRONMENT MANAGER

Summary

The purpose of this Report is for Council to decide the development application for a Material Change of Use to establish a Service Station on land legally described as Lot 3 on SP294214, situated at 66 Condamine Street, Dalby.

Link to Corporate Plan

Strategic Priority: Strong Diverse Economy

- We aggressively attract business and investment opportunities.
- Our region is a recognised leader in agribusiness, energy, and manufacturing.
- Our business and industry actively live and buy local.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and that:

1. The application for a Material Change of Use to establish a Service Station on land described as Lot 3 on SP294214, situated at 66 Condamine Street, Dalby be approved, subject to the following conditions:

APPROVED PLANS AND DOCUMENTS

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

Drawing/Document No./Revision	Plan/Document Title and Details	Dated
21268-DA02, Revision B	Prop. Site Plan, prepared by Verve Building Design	05.05.2022
21268-DA03, Revision A	Prop. Floor Plan, prepared by Verve Building Design	17.12.2021
21268-DA04, Revision A	Building Elevations & Perspectives, prepared by Verve Building Design	17.12.2021
21268-DA05, Revision A	Building Elevations & Perspectives, prepared by Verve Building Design	17.12.2021
045-21-22, Revision A	Stormwater Management Plan, prepared by McMurtrie Consulting Engineers Pty Ltd	14.12.2021
Document No. 21117D02, Revision 21117D07	Noise Assessment, prepared by Simpson Engineering Group	22 April 2022

Drawing/Document No./Revision	Plan/Document Title and Details	Dated
Document No. 21117D03, Revision 21117D03	Air Quality and Odour Assessment, prepared by Simpson Engineering Group	17 December 2021

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

APPROVED DEVELOPMENT

4. The approved development is a Material Change of Use to establish a Service Station as shown on the Approved Plans and Documents.

COMPLIANCE, TIMING AND COSTS

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

FEES AND CHARGES

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

MAINTENANCE

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

INFRASTRUCTURE CHARGES

8. 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.

OPERATING HOURS

9. Unless otherwise approved in writing by Council, the approved use must only operate between the following hours:
Monday to Sunday: 24 hours a day, 7 days a week

VISUAL AND GENERAL AMENITY

10. Any graffiti on the buildings must be removed immediately.
11. The buildings and the site must be maintained in a clean and tidy manner at all times.

12. All plant and air-conditioning equipment and the like must be visually screened from Drayton Street and Condamine Street.
13. All declared weeds and pests must be removed from the subject land and the subject land kept clear of such nuisance varieties at all times during the course of development work and any ensuing defects liability period.

ACOUSTIC BARRIERS

14. All recommendations contained within Approved Document No. 21117D02, Revision 21117D07, entitled Noise Assessment, prepared by Simpson Engineering Group and dated 22 April 2022 shall be implemented prior to commencement of the use.
15. For the boundary acoustic barriers, these must be:
 - 15.1 of a nominated height relative to the finished pavement level of the site;
 - 15.2 constructed of an aesthetically pleasing and weather-resistant material such as earth mound, fibrous cement, painted or treated timber, brick or a combination thereof;
 - 15.3 continuous and gap free; and
 - 15.4 constructed of a material with a surface area density in accordance with the Approved Acoustic Report.
16. Acoustic fencing is to be installed by the developer at the developer's cost.
17. Fencing material shall be compatible with that used within the locality.
18. Boundary fences are not to be erected in a parallel arrangement with existing fences erected along the same boundary. That is, any existing fence shall be completely removed.
19. Fences must be maintained in a good state of repair and to ensure that privacy is maintained between the development and adjoining properties.

LANDSCAPING – GENERAL

20. The developer must submit to Council's Planning and Environment Manager or authorised delegate for endorsement, a detailed Landscaping Plan generally in accordance with Plan No. LA-DA-01, Landscape Works - Concept Proposal, prepared by Madden Landscape Architects Pty Ltd, dated December 2021, for all landscaping associated with the development, prior to commencement of the use. The Plan shall be prepared by a suitably qualified and experienced Landscape Architect, Horticulturalist, or other person experienced in landscape design and construction.
21. The Landscape Plan shall address the performance criteria listed below:
 - 21.1 to enhance the appearance of the development internally and externally;
 - 21.2 to screen the development and parked vehicles from public view and neighbouring properties; and
 - 21.3 to provide adequate vehicle sight lines and road safety.
22. The Landscape Plan must detail:
 - 22.1 a landscaping strip with a minimum width of 1 metre adjacent to the side and rear boundaries of the property and adjacent to the frontage of Drayton and Condamine Streets excluding areas used for vehicle access as shown on the Approved Site Plan;
 - 22.2 the new location and species of street trees which will replace the existing street trees to be removed within the road reserve of Drayton Street and Condamine Street as a result of the new crossover to Drayton Street and to Condamine Street;

- 22.3 the typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on-site;
- 22.4 the number and size of plants; and
- 22.5 the typical planting detail including preparation, backfill, staking and mulching.

Note: It is advised that suitable plant species for Dalby that may be considered in preparation of the Landscaping Plan are listed in Planning Scheme Policy 1 of the Western Downs Planning Scheme 2017 incorporating Amendment 1.

- 23. The developer must prepare and landscape the property in accordance with the Approved Landscape Plan prior to commencement of the use. Any amendments approved by Council's authorised delegate are taken to be a part of the Approved Landscape Plan.
- 24. All approved landscaping treatments for the development are to be maintained on the property at all times and must remain in a clean and tidy state at all times.

LANDSCAPING – MISCELLANEOUS

- 25. All declared weeds and pests shall be removed from the subject land, and the subject land kept clear of such nuisance varieties, always during the course of the development work and any ensuing defects liability period.
- 26. 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.

INDOOR AND OUTDOOR LIGHTING FOR SAFETY AND SECURITY

- 27. Outdoor security lighting must ensure safety of users of the development by:
 - 27.1 providing outdoor lighting in accordance with *Australian Standard 1158.3.1 – Road Lighting – Pedestrian Area (Category P) Lighting – Performance and Installation Design Requirements*; and
 - 27.2 the use of vandal-resistant lighting in public or publicly accessible areas.
- 28. Lighting is to be provided adjacent the pedestrian entrance and exit to the building and throughout the car parking areas and along pedestrian access paths.
- 29. Lighting must be provided to the following areas of the site:
 - 29.1 the entrances and exits of the approved buildings;
 - 29.2 the pathways between the parking areas and the entrances/exits of the building/s; and
 - 29.3 throughout car parking areas.

OUTDOOR LIGHTING – IMPACT MITIGATION

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

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

ACOUSTIC AMENITY - NOISE LIMITS

- 32. Noise from activities associated with the use of the site must not exceed the Acoustic Quality Objectives listed in the *Environmental Protection (Noise) Policy 2019* when measured at any sensitive place or commercial place.
- 33. In the event that Council receives a bonafide complaint in relation to noise emissions produced from the site, and the use is not being carried out in accordance with the conditions of this approval, Council reserves the right to require the applicant to undertake a further assessment of noise management through a third party and implement any recommendations by a date agreed with by Council.

AIR QUALITY AND AMENITY - AIR RELEASE LIMITS

- 34. Air emissions from the development shall not cause environmental nuisance or exceed the Air Quality Objectives listed in the *Environmental Protection (Air) Policy 2019* as measured at any sensitive place or commercial place.

REFUSE STORAGE AREAS

- 35. 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.
- 36. The developer must provide a sufficient number of general waste bins with a sufficient capacity throughout the development footprint for the disposal of waste and rubbish associated with the use.
- 37. The size and capacity of the refuse storage areas must be sufficient to accommodate the level of waste likely to be generated from the development having regard to the frequency of refuse collection.

WASTE MANAGEMENT

- 38. All waste generated from construction of the premises must be effectively controlled on-site before disposal. All waste must be disposed of in accordance with the *Waste Reduction and Recycling Act 2011*.
- 39. 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*.

HAZARDOUS CHEMICAL AND FUEL STORAGE

- 40. Ensure that all hazardous chemicals are stored and handled in accordance with the *Work Health and Safety Act 2011*.
- 41. Diesel is to be stored and handled in accordance with *Australian Standard 1940-2004 - The Storage and Handling of Flammable and Combustible Liquids*.

ENGINEERING WORKS

42. Submit to Council, an Operational Work application for earthworks, stormwater management, sewer, car parking and associated traffic signage.
43. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant Australian Standards.
44. Be responsible for the full cost of any alterations necessary, to easements, relocation of signage 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

45. 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.
46. 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

47. Remove all redundant buildings located on the property further to obtaining appropriate approval from Council prior to construction.

CONSTRUCTION AND NUISANCE MANAGEMENT PLAN

48. Submit to Council for endorsement, a Construction and Nuisance Management Plan for the approved development work for the site. The Plan is to cover where applicable, the following:
 - air quality management;
 - noise and vibration management;
 - erosion and sediment management;
 - vegetation management;
 - waste management;
 - complaint management;
 - community awareness;
 - preparation of site work plans;
 - workers' car parking arrangements; and
 - traffic control during works.

Timing: Prior to commencement of works.

49. Implement the approved Construction Management Plan at all times during construction of the development.
50. Ensure a legible copy of the approved Construction Management Plan is available on-site at all times during construction and earthworks.

STORMWATER MANAGEMENT

51. Provide stormwater management generally in accordance with Approved Document No. 045-21-22, Revision A, entitled Stormwater Management Plan, prepared by McMurtrie Consulting Engineers Pty Ltd, dated 14 December 2021 except as altered by conditions of this approval and subject to detailed design.
52. All contaminated stormwater shall pass through an approved oil/water separator prior to discharge to the sewer network.

53. All stormwater infrastructure and relevant management practices must be in compliance with Council's plumbing and drainage requirements.
54. Install a hydrocarbon sensor to a shut-off valve of the stormwater filter outlet.
55. Ensure that the stormwater filter is reinstated after any major spill.
56. Provide overland flow paths that do not alter the characteristics of existing overland flows or create an increase in flood damage on other properties.
57. Ensure that works undertaken as a part of the development will not cause any actionable nuisance to adjoining properties.
58. Contaminants must not be released on premises where they could reasonably be expected to move or be washed into a roadside gutter, stormwater drain or waterway.
59. Only rainwater from uncontaminated areas is to drain directly into the stormwater drainage system. The activity must not be conducted in a manner that may or will cause contamination of surface stormwater run-off.
60. Stormwater must be diverted away from storage and contaminated work areas.
61. Ensure any fuel spillage anywhere on the forecourt area is not released or allowed to enter into stormwater infrastructure, roadside gutters or other water outside of the property.
62. Conduct the activity in a manner that will prevent the contamination of surface stormwater run-off.
63. Discharge stormwater run-off from uncontaminated sealed areas and overflows from any rainwater tanks to the existing underground stormwater systems in Drayton Street and Condamine Street via underground pipes.

WATER SUPPLY

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

SEWER

65. Connect the development to Council's reticulated sewerage system via a single connection. The connection must be designed in accordance with Council's standards and be approved by Council's Utility Services Section.
66. The existing sewer and sewer manhole adjacent to the truck refuelling forecourt shall be removed, and the manhole relocated to the north of the refuelling forecourt. A new sewer extension and end of line manhole shall be constructed to provide a future connection point to service Lot 2 on RP2092.
67. Actual connection to Council's live sewerage infrastructure must be undertaken by or under the supervision of Council.
68. Do not build work within 1.5 metres from the centre of any existing sewer pipework or within the Zone of Influence, whichever is the greater (measured horizontally).
69. Maintain a minimum of a 3-metre-wide corridor over all sewer lines for maintenance/upgrade purposes. Provide a construction joint in any concrete at the edges of the maintenance corridor to facilitate future maintenance.
70. Ensure that a clear level area of a minimum of a 2.5 metre radius surrounding any existing sewer manholes on the site, is provided for future maintenance/upgrade purposes.

71. The above minimum clearances to Council's sewer infrastructure do not preclude the need for work to proposed structures to prevent loading to the sewer system.
72. Obtain a Plumbing Approval from Council, and the relevant inspections are to be undertaken prior to commencement of construction of any proposed stormwater treatment system where treated stormwater is to be connected to Council's sewer reticulation system.

PARKING AND ACCESS - GENERAL

73. Design and construct all driveway, manoeuvring and car parking areas with concrete, asphalt or a two-coat bitumen seal.
74. Provide 12 car parking spaces including a minimum of 1 person with disability (PWD) car parking space generally in accordance with the Approved Plans.
75. Provide a PWD car parking space designed and line marked in accordance with *AS2890.6 Off-Street Parking for People with Disabilities*.
76. Provide vehicle bollards or tyre stops to control vehicular access and to protect landscaping or pedestrian areas where appropriate.
77. Line mark or otherwise delineate the car park aisles and driveways within the development with directional arrows on the pavement, to enable all vehicles to enter and leave the site in a forward gear.
78. 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.
79. Ensure loading and unloading operations are conducted wholly within the site.
80. Provide appropriate pavement marking to identify the pedestrian crossing connecting to the new footpath section in Condamine Street.
81. Provide appropriate traffic signage at entry and exit locations, to provide priority to traffic in Drayton Street and Condamine Street.
82. Install at an appropriate location where the heavy vehicle traffic movements intersect with light vehicles exiting the development, R1-2A "GIVE WAY" signage as specified in the *Manual of Uniform Traffic Control Devices – Part 13: Local Area Traffic Management* and provide line marking.
83. Install at exit locations from the development to Drayton Street and Condamine Street, R1-1A "STOP" signage as specified in the *Manual of Uniform Traffic Control Devices – Part 13: Local Area Traffic Management* and provide line marking.

VEHICLE ACCESS

84. 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 (e.g. power pole, telecommunications pit), road infrastructure (e.g. street sign, street tree, etc).

REDUNDANT CROSSEVERS

85. Remove all redundant crossovers and reinstate the kerb and channel, road pavement, services, grass verge and any footpath to the standard immediately adjacent the frontage of the site.

ELECTRICITY

86. Connect the development to electricity services.

EARTHWORKS - GENERAL

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

EARTHWORKS - RETAINING STRUCTURES AND BATTERS

88. Ensure retaining walls and earthworks batters designs do not adversely affect adjoining properties or services within the vicinity.
89. Ensure batters do not exceed a maximum slope of 25% (1 in 4).
90. Contain any batters wholly within the proposed development site. Fill cannot be placed on adjacent properties without providing Council with written permission from the respective property owner(s).

EROSION AND SEDIMENT CONTROL - GENERAL

91. Undertake erosion and sediment control during construction work in accordance with Council's Standard Drawing No's D-005 (Rev A), D-006 (Rev A) and D-007 (Rev A) as applicable.
92. 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.
93. Remove and clean-up sediment or other pollutants in the event that sediment or other pollutants are tracked/released onto adjoining streets or stormwater systems, at no cost to Council.

REFERRAL AGENCY RESPONSE

The application is subject to the following Referral Agency requirements:

1. The Department of State Development, Infrastructure, Local Government and Planning, Concurrence Agency response dated 25 February 2022.

ADVISORY NOTES

NOTE 1 - Relevant Period

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

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

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

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

NOTE 2 - Aboriginal Cultural Heritage

It is advised that under Section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care").

Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the

Department of Aboriginal and Torres Strait Islander and Partnerships' website
www.datsip.qld.gov.au.

NOTE 3 - General Environmental Duty

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

NOTE 4 - General Safety of Public During Construction

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

NOTE 5 - Property Note (Audit of Conditions)

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

NOTE 6 - Duty to Notify of Environmental Harm

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

NOTE 7 - Referral Agency Response

The Referral Agency response provided by the State Assessment and Referral Agency is attached.

NOTE 8 - Infrastructure Charges

An Infrastructure Charges Notice is attached.

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

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

"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."

Background Information

The relevant background information to this application is as follows:

Application No: 030.2022.993.001	Assessment No: A1157	Keywords Index: AD6.6.2 & LG7.6.1
Assessing Officer:	Dominic Bradley PLANNING OFFICER DEVELOPMENT ASSESSMENT	
PART 1: APPLICATION		
Applicant:	Pearl Energy Pty Ltd C/- Mecone	
Owner:	Pearl Energy Pty Ltd	
Site Address:	66 Condamine Street, Dalby	
Site Area:	3,919m ²	
Real Property Description:	Lot 3 on SP294214	
Proposed Development:	Service Station	
Level of Assessment:	Impact	
Type of Application:	Material Change of Use	
Relevant Planning Scheme:	Western Downs Planning Scheme 2017 incorporating Amendment 1	
Zone:	Major Centre	
Precinct:	N/A	
Overlays:	<div><div><ul style="list-style-type: none">• Airport Environs• Extractive Industry• Natural Resources• Scenic Amenity</div><div><ul style="list-style-type: none">- OLS Conical Limitation- Petroleum Lease (PL185)- Agricultural Land Class A- Scenic Routes Buffer (100m)</div></div>	
Pre-lodgement Meeting:	Yes	Date: 19/10/2021

Application Lodgement Date:	22/12/2021	
Properly Made Application:	Yes	Date: 10/01/2022
Confirmation Notice Issued:	Yes	Date: 12/01/2022
PART 2: REFERRALS		
State Assessment and Referral Agency (SARA) as a Concurrence Agency with Department of Transport and Main Roads as Technical Agency	<ul style="list-style-type: none">• 13/01/2022 - The applicant referred the application to SARA.• 24/01/2022 - SARA issued an Action Notice to the applicant.• 28/01/2022 - SARA issued a Confirmation Notice advising that the application had been properly referred by the applicant.• 24/05/2022 - SARA issued a Referral Agency response subject to conditions.	
PART 3: INFORMATION REQUEST		
Information Request Issued:	Yes	Date: 27/01/2022
Information Response Received:	Yes	Date: 06/05/2022
PART 4: PUBLIC NOTIFICATION		
Date Commenced:	Yes	Date: 11/05/2022
Notice of Compliance Received:	Yes	Date: 01/06/2022
Submissions Received:	13 consisting of 11 Properly Made and 2 Not Properly Made	
Submission Consideration Period Concluded:	16/06/2022	
PART 5: DECISION PERIOD		
Date Commenced:	17/06/2022	
Decision Due Date:	20/07/2022	

Report

1. Background Information

1.1 Site Context and History

The property is legally described as Lot 3 on SP294214 and is located at 66 Condamine Street, Dalby. The site has an area of 3,919m² and is a corner lot with frontage to Drayton Street and Condamine Street.

The property is located within the Major Centre Zone of the Western Downs Planning Scheme 2017 incorporating Amendment 1 (the Planning Scheme). The subject land is impacted by the Agricultural Land Classification Overlay, Scenic Amenity Overlay, and Airport Environs Overlay of the Planning Scheme.

The property is developed for the purpose of the Betros Bros Supermarket which sells fruit, vegetables and small goods. The site is improved by a brick veneer building with an area of 1,153.57m² in which the Betros Bros Supermarket is located.

The property is also improved by bitumen parking and manoeuvring areas for customer and staff parking. The land also features service vehicle parking areas which are used as a loading bay for deliveries.

The property features landscaping along the frontage of the property to Condamine Street and along the north-western boundary of the property shared with a vacant commercial lot (Lot 2 on RP2092) to the north-west.

Prior to the site being developed as Betros Bros Supermarket, the property was historically developed for the purpose of a Service Station and as a Car Dealership. A historic photograph of the property is included within the locality plans (**Attachment 1**) illustrating the old Service Station that existed on the property in the 1970's.

The property is situated in a predominantly commercial area of Dalby, as it is located at the intersection of two State arterial roads, being Condamine Street and Drayton Street. The subject land is surrounded by the following properties and associated land uses:

- Thomas Jack Park to the south-west on the opposite side of Drayton Street.
- Lot 2 on RP2092 (36 Condamine Street) to the north-west which is undeveloped commercial land within the Major Centre Zone.
- Lot 2 on RP176838 (31 Drayton Street) further to the north-west which is developed for the purpose of the Parkview Motel.
- Lot 1 on RP176838 (64 Condamine Street) to the north-east is a commercial building which is currently being used as an Asian Supermarket and for Remedial Massage services. This property and associated building have historically been used for the purpose of a Restaurant.
- Lot 9 on RP96146, Lot 1 on RP2015 and Lot 34 on RP93495 (39 Drayton Street) to the south-east on the opposite side of Condamine Street is the United Petroleum Dalby Service Station.
- Lot 4 on RP203835 (40 Drayton Street) is located to the south on the opposite side of the intersection of Drayton and Condamine Streets and is used for the purpose of a Car Dealership.

The property is currently connected to the reticulated water, sewer, telecommunications and electricity networks. Drayton Street and Condamine Street both feature kerb and channel stormwater infrastructure and concrete pedestrian pathways.

The property has a commercial concrete crossover to Condamine Street and to Drayton Street which service the existing use on the site.

1.2 Proposal

The applicant has submitted a development application seeking a development approval for a Material Change of Use to establish a Service Station on the property.

The developer of the proposed Service Station is Pearl Energy Pty Ltd who has also recently purchased the property from Betros Brothers Pty Ltd. The property is currently leased to Betros Bros Supermarket to continue to operate from the land until Pearl Energy Pty Ltd proceeds with the development of the Service Station.

Pearl Energy is an independent Service Station operator with affiliations with supply partners Mobil Oil, BP Australia and Ampol Australia Ltd. As an independent operator, Pearl Energy Pty Ltd has the ability to establish their fuel prices, introducing competition to the local market.

It is proposed the Service Station will sell fuel and diesel to local and regional travellers. The development will also feature a convenience store for the sale of food and drinks to travellers and customers. The development will not include a commercial kitchen and will only sell pre-packaged food and drinks.

The proposal includes the following buildings and features:

- A Service Station building with a gross floor area (GFA) of 201m². The Service Station building will feature a convenience store/shop area, staff office, food and fuel sales counter area, storeroom, cold room and a person with disability (PWD) toilet.
- 110kl underground tanks for the purpose of fuel and diesel storage.

- An air pressure and water servicing area.
- Four double bowzers with a maximum of eight filling locations for light vehicles and two high flow diesel filling locations for heavy vehicles.
- Covered fuel canopies covering the proposed light and heavy vehicle fuel bowser areas.
- An oily water separator which will capture contaminated stormwater and fuel spillage.
- A total of 22 parking spaces to service the development. Twelve parking spaces including one PWD parking space will be available for staff and customers. Ten short-term parking spaces will also be available adjacent to the proposed refuelling bowzers.
- A service vehicle parking bay for refuse collection and deliveries.
- 544m² landscaping areas adjoining the Condamine and Drayton Streets' frontages and side and rear property boundaries.
- A 1.8m high acoustic fence along the side and rear boundaries of the property.

It is proposed the development will be in operation 24 hours a day, 7 days a week. The applicant has advised that the development will be always manned and will employ a total of 6 full-time staff and 10 casual staffing positions to operate the development. The development will be manned by 2 staff during operation.

The applicant proposes to upgrade the existing crossovers to Drayton Street and Condamine Street to accommodate vehicles entering and exiting the property. The development will provide a pedestrian access to the development from Condamine Street.

The proposed development will be connected to Council's reticulated sewer and water networks. The development will also be connected to telecommunications and electricity. The proposed development will feature an oily water separator to capture pollutants and ensure that contaminated stormwater is not received by Council's stormwater network.

2. Assessment

2.1 Assessment Table

The application for a Material Change of Use for a Service Station is Impact Assessable development within the Major Centre Zone of the Planning Scheme.

The following are the Assessment Benchmarks which apply to this development:

ASSESSMENT MATTERS	
Assessment Benchmarks	<p>The development was assessed against the following Assessment Benchmarks:</p> <ul style="list-style-type: none"> ▪ Western Downs Planning Scheme 2017 incorporating Amendment 1 <ul style="list-style-type: none"> • Strategic Plan • Major Centre Zone Code • Transport, Access and Parking Code • Infrastructure Services Code • Airport Environs Overlay Code • Natural Resources Overlay Code • Scenic Amenity Overlay Code

Reasons for Decision	The development was assessed against all of the Assessment Benchmarks listed above and complies with all of these with the exceptions listed below.	
	Assessment Benchmark	Reasons for the Approval Despite Non-compliance with Benchmark
	Major Centre Zone Code	
	<p>Inconsistent Use in the Major Centre Zone</p> <p>Service Station</p>	<p>A Service Station is identified as an Inconsistent Use within the Major Centre Zone.</p> <p>Despite being an inconsistent use in the Major Centre Zone, the development is considered suitably located on the property for the following reasons:</p> <ul style="list-style-type: none"> – The Planning Scheme groups a Service Station use as a Business Activity. In accordance with the purpose of the Zone, Business Activities are consistent within the Major Centre Zone. – The Planning Scheme also identifies Overall Outcome 12 of the Major Centre Zone Code which provides that <p><i>"non-centre activities may be appropriate where the development demonstrates that the use is compatible and consistent with the character and amenity of the Major Centre Zone"</i>.</p> <p>Accordingly, Overall Outcome 12 of the Major Centre Zone Code suggests that Centre Activities are appropriate within the Major Centre Zone.</p> – The development is in a convenient and accessible location for local, regional and inter-regional customers. – The operating hours and location of the development in the Major Centre Zone are consistent with other existing Service Stations in Dalby. – The property is not directly adjoined by any sensitive land uses. – The applicant has provided an Acoustic Assessment Report as part of the application material which recommends measures to reduce the noise impacts of the development on surrounding land uses. The Noise Assessment Report has been approved and the recommended measures including an acoustic fence will be implemented prior to commencement of the use. – The applicant has prepared an Air Quality and Odour Report in support of the application. The Report concludes that,

		<p><i>"air quality and odour at the proposed development boundary readily meet all air quality and odour goals for realistic meteorological conditions both now and into the future. Thus, the Service Station development may proceed without any adverse air quality impacts onto nearby sensitive uses."</i></p> <ul style="list-style-type: none"> – The proposed development is similar to a proposed Service Station on land within the Major Centre Zone in Chinchilla which was recently approved (030&040.2022.111.001) by Council at its Meeting on 22 June 2022. – The applicant provided a Needs Assessment Report which concludes that, <p><i>"there is a strong economic, planning and community need supporting the proposed Service Station development at the subject site. The scale of these uses, as well as the location of the subject site, will provide an appropriate and necessary response to these local need conditions."</i></p> – The applicant's Needs Analysis Report identifies that there is sufficient land supply (16ha of vacant commercial land) within the Major Centre Zone of Dalby to accommodate future development of consistent uses within the Major Centre Zone. – The applicant has provided an assessment of alternative land parcels in Dalby within Industrial Zoned land in which a Material Change of Use for a Service Station is a consistent use. The applicant has advised that alternative sites identified within the Industrial Zone of Dalby are not suitable due to insufficient traffic flows for a Service Station, are not located in areas that are accessible or convenient or legible for motorists, or of a size or configuration that is suitable for the development.
	<p>AO4.2</p> <p>Buildings equal to or less than two storeys in height have a zero setback from the primary road frontage of the following streets:</p> <ul style="list-style-type: none"> (a) Archibald Street, Dalby; (b) Condamine Street, Dalby; (c) Cunningham Street, Dalby; 	<p>The proposed development will be set back 11.8m from the frontage of Condamine Street.</p> <p>The setback of the Service Station building is required to allow for the manoeuvrability, access and parking of vehicles accessing the development.</p> <p>The proposed setback is consistent with the setback of surrounding commercial buildings from Condamine Street.</p>

	<p>(d) Marble Street, Dalby; (e) New Street, Dalby; (f) Patrick Street, Dalby; (g) Roche Street, Dalby; (h) Stuart Street, Dalby; (i) Heeney Street, Chinchilla; and (j) Bell Street, Chinchilla.</p>	<p>The proposed development is consistent with the local character of the Major Centre Zone and is consistent with Performance Outcome 4 of the Major Centre Zone Code.</p>
	<p>Where:</p> <ul style="list-style-type: none"> • In the area bounded by the following streets: <ul style="list-style-type: none"> ○ Drayton Street, ○ Condamine Street or Roche Street; and ○ Marble Street, Dalby; or • Heeney Street, between Railway Street and Hypatia Street, Chinchilla; or <p>AO7.1</p> <p>The length of wall does not exceed 15 metres in one plane without being offset by a minimum of 1 metre of building articulation which could be achieved by either decks, balconies, verandahs and/or other projections.</p>	<p>The applicant has advised that the side wall of the proposed Service Station facing north-east is 20m long without any articulation.</p> <p>This wall will not face the streetscape of Drayton Street or Condamine Street and will be screened from the adjoining property by proposed landscaping treatments and acoustic fencing.</p> <p>The proposed development is consistent with Acceptable Outcome 7.3 of the Major Centre Zone Code, in that it features windows that face the primary frontage to Drayton Street and Condamine Street.</p> <p>It is considered that the building design provides an activated pedestrian friendly and human scale facade and is consistent with Performance Outcome 7 of the Major Centre Zone.</p>
	<p>AO8.1</p> <p>Development provides awnings for pedestrian shelter on the following roads:</p> <p>(a) Archibald Street, Dalby; (b) Condamine Street, Dalby; (c) Cunningham Street, Dalby; (d) Marble Street, Dalby.</p>	<p>The proposed Service Station will provide a pedestrian awning fronting Drayton Street but will not provide a sheltered awning to Condamine Street.</p> <p>The proposed Service Station building is orientated towards Drayton Street and the awning is located where customers will enter the building to purchase fuel.</p> <p>The orientation of the Service Station building and awning are the same as the existing Service Station on the other side of Drayton Street and Condamine Street intersection.</p> <p>It is considered the design and orientation of the development are consistent with the character of the Major Centre Zone.</p>
Scenic Amenity Overlay Code		

	<p>AO 2.3</p> <p>Buildings and structures are set back a minimum of 100 metres from Scenic Routes and waterway crossings identified on the Scenic amenity overlay maps (OM-011), unless for the following land uses:</p> <ul style="list-style-type: none"> (a) Food and drink outlet; (b) Winery; (c) Tourist attraction; (d) Nature-based tourism; (e) Short-term accommodation. 	<p>The proposed development is located within the 100m scenic buffer route buffer for Drayton and Condamine Streets.</p> <p>Although the site does not have sufficient area or depth to locate the Service Station building outside the 100m minimum scenic route buffer area, the proposed development will be within an existing urban area.</p> <p>The proposed development will be sufficiently set back from Drayton Street and Condamine Street.</p> <p>The development will enhance the amenity of the streetscape through the planting of dense landscaping which will soften the built form of the proposed development.</p> <p>It is considered that the proposed development is sited and designed in a similar manner to other existing Service Stations established in the Major Centre Zone with frontage to Drayton Street.</p>
	<p>AO2.4</p> <p>No vegetation clearing is undertaken within 100 metres of a Scenic Route identified on the Scenic amenity overlay maps (OM-011).</p>	<p>The applicant will clear the existing vegetation along the north-western boundary of the property and along the frontage of Condamine Street.</p> <p>The applicant has proposed landscaping treatments including shade trees along the boundaries and frontages of the property to Drayton Street and Condamine Street.</p> <p>The proposed landscaping treatments will enhance the visual amenity of the property from Condamine and Drayton Streets and are consistent with Performance Outcome 2 of the Scenic Amenity Overlay Code.</p>

2.2 Strategic Plan

The development application for a Material Change of Use for a Service Station is Impact Assessable development and requires assessment against all relevant parts of the Planning Scheme including the Strategic Plan.

The Strategic Plan is represented by five themes being Liveable Communities and Housing, Environment and Heritage, Economic Growth, Infrastructure, and Safety and Resilience.

It is considered that the proposed development is consistent with the Strategic Outcomes and elements within the themes of the Strategic Plan. as follows:

Liveable Communities and Housing

The property is located within the Major Centre Zone and the development of a Service Station is an inconsistent use. However, the development of a Service Station is also identified as a business activity which is identified as suitable within the purpose of the Major Centre Zone within the Major Centre Zone Code.

The proposed development is generally consistent with the design and siting requirements of the Major Centre Zone Code and will provide an attractive commercial frontage to Drayton Street which will be enhanced by the proposed landscaping treatments.

The location of the proposed development will not disrupt the settlement pattern of Dalby and the development location will benefit from two major transport routes, efficiently utilising the existing transport network.

Although there are a number of existing Service Stations and fuel outlets currently servicing Dalby, the Assessing Officer considers that the development would meet a community need for Dalby to ensure that there is sufficient supply of fuel in locations that are convenient, accessible and legible for motorists in and passing through Dalby.

The proposal is the redevelopment of an existing infill site in Dalby that has historically been used for the purpose of a Service Station which is encouraged within Element 3.3.1 of the Strategic Plan.

The proposed development will not require any upgrade to the networks servicing the property or to the State controlled road network as a result of the development.

Environment and Heritage

The proposed development will not result in the clearing of regulated vegetation or impact on areas of cultural significance.

The applicant has proposed landscaping treatments which will be conditioned as part of the development.

The applicant will install an oily separator unit which will capture fuel spillage and contaminated stormwater on the property to ensure that it does not impact on Council's stormwater network or the environment.

The property has been used historically for the purpose of a Service Station which may mean that the property is contaminated. Where the nature and extent of land contamination and associated risks to human health and the environment are unknown, the applicant has a general environmental duty under the *Environmental Protection Act 1994* including actively seeking information to understand the risks and implement measures to prevent or minimise environmental harm. The applicant will need to ensure that such measures are undertaken on the property when earthworks are undertaken as part of the development, to ensure that contaminated soil is contained on-site and if necessary, disposed of at an appropriately licensed facility.

Economic Growth

The applicant has provided a Needs Analysis prepared by Think Economics which advises that based on the expected population growth and average rate for provision of fuel, it is expected that there will be sufficient demand for 2 additional Service Stations in Dalby by 2036.

The proposed development will provide employment opportunities for the community of Dalby.

The proposed use is located in the Major Centre Zone and will respect and reinforce the role of Dalby as a Major Centre in the Western Downs.

The applicant has advised that, as they are independent fuel operators, they have the ability to set fuel prices, which means that the proposed development will provide additional competition to the existing fuel suppliers in Dalby resulting in cheaper fuel prices for customers.

The development will meet an economic need for the supply of fuel in diesel that is required for the operation of businesses in Dalby and for regional travellers and heavy transport.

Infrastructure

The proposed development is appropriately serviced by Council's reticulated sewer and water networks and is also serviced by telecommunications and electricity networks.

The proposed development will not require any significant upgrades to infrastructure servicing the property to facilitate the use on the land.

Stormwater will be managed on the property to drain to the lawful point of discharge and contaminated stormwater quantity will be collected and disposed of at an appropriately licensed facility.

The proposed development will not impact on the safety or efficiency of the Dalby Airport.

Safety and Resilience

The property is located outside the extent of the Flood Hazard mapping for Dalby within the Flood Hazard Overlay mapping of the Planning Scheme.

The property is not located within a Bushfire Hazard Area illustrated within the Bushfire Hazard Overlay mapping.

The proposed Service Station will be required to ensure that the storage and handling of chemicals including those stored on the property, is in accordance with the requirements under the *Workplace Health and Safety Act 2011*.

The applicant has a duty of care under the *Environmental Protection Act 1994* to ensure that the operation of the development does not cause or result in environmental nuisance.

In summary, it is considered that the development is consistent with the strategic outcomes and elements of the themes of the Strategic Plan.

2.3 Major Centre Zone Code

The development application for a Material Change of Use for a Service Station is an inconsistent use within the Major Centre Zone. Inconsistent development may be considered on its merits where the development reflects the purpose and intent of the Major Centre Zone.

The purpose of the Major Centre Zone Code is to provide for a large variety of uses and activities to service a part of the Local Government Area, including, for example, administrative, business, community, cultural, entertainment, professional, residential or retail uses or activities.

Although a Service Station is identified as an inconsistent use within the Major Centre Zone, the Planning Scheme groups a Service Station use as a Business Activity. In accordance with the purpose of the Zone, uses within the group definition of a Business Activity are consistent with the purpose of the Major Centre Zone.

The development of a Service Station is also included in the group definition for the Centre Activity under Schedule 1 of the Planning Scheme. Overall Outcome 12 of the Major Centre Zone Code provides that "*non-centre activities may be appropriate where the development demonstrates that the use is compatible and consistent with the character and amenity of the Major Centre Zone*". Accordingly, the wording of Overall Outcome 12 of the Major Centre Zone Code suggests that Centre Activities are appropriate within the Major Centre Zone.

Overall Outcome 20 of the Major Centre Zone Code is as follows:

"(20) Where development is not consistent with the purpose or intent of the Major Centre Zone, overriding community need will need to be demonstrated as well as valid planning justification provided, as to why the proposed use cannot be reasonably established in a more appropriate Zone."

Council issued an Information Request for the proposed development to justify that there is a demonstrated community need for further Service Stations in Dalby and that the development could not be located elsewhere on land within an Industrial Zone in which the development of a Service Station is a consistent use.

Council's Assessing Officer determined that Dalby currently has 11 existing businesses which provide fuel in Dalby and that a further two development applications have been lodged with Council and are seeking approval for Service Stations on land in Dalby with frontage to Drayton Street.

Council's analysis of the Service Stations in Dalby indicates that five of the existing Service Stations in Dalby operate on a 24/7 basis and are also located on Drayton Street or the Warrego Highway. Three of these Service Stations are located within the Low Impact Industry Zone and two are located on land within the Major Centre Zone.

To address the issue of existing supply of Service Stations and the need for development within Council's Information Request, the applicant provided a Needs Analysis prepared by Think Economics to demonstrate the overriding community need for the development.

The applicant's Needs Analysis Report provides the following justification of the community need for the development:

- *"Considering that the project site is located at the corner of two major connecting transport roads (the Warrego Highway and the Bunya Highway), the population growth forecast and the ongoing and planned infrastructure projects in the region, there is a clear economic, community and planning need for the proposed Service Station at the subject site.*
- *The market gap analysis undertaken, that takes into consideration the type, function, and opportunity for service of existing Service Stations, identifies that there is demand for one Service Station within the trade area in 2021, increasing to two by 2036.*
- *The demand for Service Stations within Dalby is driven by residents as well as strong supplementary demand from heavy vehicles and commercial vehicles that represent much higher fuel volume demand.*
- *There are strong underlying need conditions supporting the proposed Service Station at the subject site, which will fulfil fuel retail needs as well as after-hours convenience retail needs for local residents.*
- *The proposed Service Station will have an independent operator which introduces price competition and benefits the community.*
- *The subject site is very well positioned to provide the Service Station needs of the surrounding community. The location at the intersection of Warrego Highway and Bunya Highway also provides the opportunity to serve passing traffic and heavy vehicles.*
- *Service Stations serve an important lower order convenience retail role and function within the retail hierarchy, reducing the dependence on higher order shopping centres for small scale day-to-day top-up shopping needs (ie bread, milk, etc.).*

Many of the existing Service Stations are relatively small in scale and have limited trading hours, which reduces this convenience function in comparison with the proposed Service Station.

- *The proposed Service Station is consistent with existing commercial activity in the area, including other Service Stations on Drayton Street (Warrego Highway) and within the Major Centre Zone.*
- *There is no alternative Centre Zone within Dalby to facilitate the establishment of a Service Station in a Code Assessment framework. All Centre Zoning within the town is the Major Centre Zone and a significant oversupply of this land (16ha vacant) as a result. The development seeks to utilise 0.39ha of this land. This is not a significant utilisation and does not impact on the supply of Major Centre Zoned land for alternative uses within Dalby."*

The applicant's response to Council's Information Request also provided an alternative site analysis to illustrate that alternative locations located within the Industrial Zones of Dalby would not be suitable. The applicant has advised that the alternative land parcels identified within the Industrial Zoned land of Dalby are not suitable for the following reasons:

- *"The available Industrial Zoned land is not conveniently located and would not drive a competitive outcome in the market for a Service Station use.*
- *A Service Station is a small footprint development outcome that would create fragmentation of industrial land that can be better utilised for alternative employment generating uses that service the growing economy of Dalby.*
- *The industrial land lacks visibility and convenience opportunities for residents and commuters.*
- *Alternative Industrial sites have undesirable traffic counts that would not sustain any retail business reliant on attracting customers, are not legible or accessible to commuters."*

Based on the information provided in the applicant's response to Council's Information Request, it is considered that a Service Station as a Business Activity, is consistent with the purpose of the Major Centre Zone.

Although there are a number of existing Service Stations and fuel outlets currently servicing Dalby, it is considered that the development will meet a community need for Dalby and the Western Downs by ensuring that there is sufficient supply of fuel in locations that are convenient, accessible and legible for motorists in and passing through Dalby.

The siting and design of the development is generally consistent with the built form and the siting requirements of the Major Centre Zone including building height, gross floor area, setbacks, site coverage and building appearance.

The applicant proposes landscaping treatments along the side and rear boundaries and frontages of the property to Condamine and Drayton Streets which is not inclusive of proposed access. It is considered that the width of landscaping and inclusion of shade trees will enhance the amenity of the development from Condamine Street and Drayton Street.

The applicant will be conditioned to provide a detailed landscaping plan prepared by a suitable qualified person (i.e. Landscape Architect) to ensure that the plant species chosen are suitable for the locality of Dalby.

The applicant seeks to operate the development on a 24/7 basis. The applicant has advised that the loading and unloading of fuel will occur between the hours of 6am and 10pm.

The proposed operating hours are consistent with other operating Service Stations on Drayton Street and the Warrego Highway in Dalby. The Major Centre Zone Code does not specify operating hours or loading and unloading hours within the Major Centre Zone where the property is not directly adjoined by land within a Residential Zone.

The proposed development is directly adjoined by land within the Major Centre Zone and is not directly adjoined by any sensitive land uses. However, the development is located in close proximity to Lot 2 on RP176838 (31 Drayton Street) which is developed for the purpose of the Parkview Motel, which could potentially be impacted by the noise emissions from the development.

The applicant has submitted a Noise Impact Assessment Report as part of the application to address the potential impacts of the development. The Noise Impact Assessment Report determines that the site readily complies with all noise objectives for the proposed operating hours, subject to the following recommendations:

- "1. *Provision of a 1.8m high acoustic fence around the property boundary (north-eastern and north-western). The acoustic barrier height is specified relative to the finished elevation of the site boundary or the neighbouring property, whichever is the greater.*
2. *That all paved surfaces be as smooth as possible and free from discontinuities to avoid rattles and tonal vibrations.*
3. *That any water grates on the site be bolted down to avoid rattles.*
4. *That any speed humps also contain advice to limit speeds to less than 10 km/h.*
5. *Signage along the NW and NE boundaries indicating NO Standing For refrigerated transports."*

The Noise Impact Assessment Report concludes that, based on the implementation of the abovementioned measures:

"The site complies with noise level goals throughout the day, evening and night, 7 days per week."

It is recommended that the Noise Assessment be an Approved Document and a condition be included requiring the development to comply with the recommendations of the Report. The Noise Assessment is attached to this Report as **Attachment 2**.

An Air Quality and Odour Assessment Report was also undertaken by Simpson Engineering Group to assess the development impacts with respect to vapour recovery, annual throughput, bulk refuelling, refuel locations and the underground fuel vent.

The Report concludes that:

"It was found that the air quality and odour at the proposed development boundary readily meets all air quality and odour goals for realistic meteorological conditions, both now and into the future. Thus, the Service Station development may proceed without any adverse air quality impacts onto nearby sensitive uses."

The Report recommends no additional requirements to mitigate odour emissions from the development, particularly the Service Station. It is recommended that the Air Quality and Odour Assessment be an Approved Document. The Air Quality and Odour Assessment is attached to this Report as **Attachment 2**.

The proposed development will be conditioned to ensure the development complies with the requirements of the *Environmental Policy (Noise) 2019* and *Environmental Policy (Air) 2019* regarding noise and air emissions impacting on sensitive receptors.

The development will also be conditioned to ensure that lighting for the development is consistent with Council's requirements.

It is considered the proposed development is consistent with the purpose, Overall Outcomes and Performance Outcomes of the Major Centre Zone Code.

2.4 Development Codes

Infrastructure Services Code

The proposed development will be connected to Council's reticulated water and sewer networks. The development will also be connected to reticulated electricity and telecommunication networks as required.

The applicant will be required to relocate the existing sewer main on the property to accommodate the location of the proposed underground fuel tanks servicing the development. The applicant will be required to submit a further development application for Operational Work to seek approval from Council's Consultant Development Engineer to undertake these further works on the property.

The applicant has provided a Stormwater Management Plan prepared by McMurtrie Consulting Engineers Pty Ltd which includes details regarding on-site stormwater management, as it is proposed to capture and discharge uncontaminated stormwater to Condamine and Drayton Streets, and the Plan concludes that stormwater discharge from the proposed development will not result in any actionable nuisance external to the property.

The proposed development is consistent with the Acceptable Outcomes of the Infrastructure Services Code.

Transport Access and Parking Code

The property has frontage to Condamine Street and Drayton Street which are State controlled roads within the jurisdiction of the State Assessment and Referral Agency as Concurrence Agency (SARA) of the application.

SARA has provided a Concurrence Agency response for the application which specifies requirements for the upgraded crossover to Condamine Street and Drayton Street.

Heavy vehicles will enter the development from Drayton Street and exit the property via left turn only into Condamine Street. Light vehicles will gain entry to the development by turning left from Condamine Street or Drayton Street and exit by either turning left into Drayton Street or Condamine Street. The proposed access point to the development will be appropriately signed to ensure that vehicle entry and exit points are legible to heavy and light vehicles and pedestrians.

The proposed development complies with the minimum number of parking spaces required for the development in accordance with Acceptable Outcome 4 of the Transport, Access and Parking Code. The development also provides a sufficient space for the manoeuvring and parking of a service vehicle.

The proposed development is consistent with the Acceptable Outcomes of the Transport, Access and Parking Code, subject to the recommended conditions of approval.

2.5 Overlays

Airport Environs Overlay Code

The property is located within OLS Conical Limitation Area for the Dalby Airport as illustrated by the Airport Environs Overlay mapping of the Planning Scheme.

The building and structures associated with the development will not be of a height that will impact on the operation or safety of the Dalby Airport and the development is consistent with the Acceptable Outcomes of the Airport Environs Overlay Code.

Scenic Amenity Overlay Code

The property has frontage to Condamine Street and Drayton Street which are both identified as Scenic Routes, and the property is within the Scenic Route Buffer Area illustrated by the Scenic Amenity Overlay mapping of the Planning Scheme.

The proposed development complies with the maximum building height requirements under Acceptable Outcome 2.1 of the Scenic Amenity Overlay Code.

As previously mentioned above, the siting of the development is unable to comply with Acceptable Outcome 2.3 of the Scenic Amenity Overlay Code based on the location of the development (intersection of two scenic routes) and the size of the land.

The proposed development will be set back in compliance with the minimum setback requirements for the Major Centre Zone Code. The proposed setback distances are consistent with existing development within the Major Centre Zone, including Service Stations located on Drayton Street and Condamine Street.

The proposed development is consistent with the Performance Outcomes of the Scenic Amenity Overlay Code.

Natural Resources Overlay Code

The property is identified as Class A Agricultural Land within the Agricultural Land Classification Overlay mapping of the Planning Scheme.

The property is not located within the Rural Zone and has historically been used for commercial purposes. The subject land is not in a location or of a suitable size or configuration that is suitable for agricultural purposes.

The application does not require further assessment against the Natural Resources Overlay Code.

3. Other Relevant Matters

3.1 Referral

The application triggered referral to the State Assessment and Referral Agency (SARA) as a Concurrence Agency, with the Department of Transport and Main Roads (DTMR) as Technical Agency.

The property will be accessed via Drayton Street and Condamine Street which are both State controlled roads subject to the jurisdiction of the Department of State Development, Infrastructure, Local Government and Planning as a Concurrence Agency.

On 25 February 2022, the Concurrence Agency response was issued by SARA approving the development, subject to conditions.

The Referral Agency response is attached to this Report for consideration (**Attachment 3**).

3.2 Public Notification

As a Service Station is identified as an inconsistent use in the Major Centre Zone, the development application is Impact Assessable in accordance with the Western Downs Planning Scheme 2017 incorporating Amendment 1.

Public Notification was undertaken in accordance with the requirements of the *Planning Act 2016* and Development Assessment Rules 1.3.

The applicant:

- published a notice in the Dalby Herald on 10 May 2022;
- placed notices on the frontages of the land on 10 May 2022; and
- notified the adjoining land owners on 9 May 2022.

At the conclusion of the Public Notification Period, Council received a total of 13 submissions, including 11 properly made and 2 not properly made submissions.

It is advised that all submitters were notified that their submission was received during the Public Notification Period. All properly made submissions received during the Public Notification Period of the application will have appeal rights once Council has decided the application and once the applicant's Appeal Period has concluded.

The submissions were provided to the applicant and the applicant has provided a response to the submissions received. Council's Assessing Officer has considered the matters raised in all submissions received and the applicant's response to the submissions in the **Table of Submissions (Attachment 5)** attached to this Report.

3.3 Infrastructure Charges

Infrastructure charges are levied on development in accordance with Council's Infrastructure Charges Resolution (No. 7.1) 2017 (the Infrastructure Charges Resolution).

The property is located outside the Priority Infrastructure Area for Dalby and is located within Charge Area A of the Infrastructure Charges Resolution. The property is serviced by Council's water, sewer, parks, stormwater and transport networks.

A Material Change of Use for a Service Station falls within the Commercial (Retail) Development Class of the Infrastructure Charges Resolution.

The charges for the water, sewer, stormwater and transport networks for the Commercial (Retail) Development Class within Charge Area A is \$153.00 per m² of GFA as prescribed under Column 2, Table 3.3.3 of the Infrastructure Charges Resolution.

The proposed development will have a GFA of 201m² which comes to \$30,753 in infrastructure charges for water, sewer, transport and parks networks.

The stormwater network is charged at a rate of \$4.00 per m² of additional impervious area. The proposed development will not increase the impervious area of the development and will actually decrease the existing impervious area on the property, as additional landscaping areas are proposed.

The proposed development has been developed historically and has not received an infrastructure charges credit. The infrastructure charges credit for the existing commercial lot that is serviced by the stormwater, parks, transport, sewer and water networks, is \$40,320.00.

In this instance, the infrastructure charges credit exceeds the infrastructure charges for the development, therefore, the applicant will not be required to pay infrastructure charges for the

proposed development. An Infrastructure Charges Notice (**Attachment 4**) will be attached to the approval reflecting the above.

Consultation (Internal/External)

Internal

Council's Consultant Development Engineer has assessed the development application and has provided conditions where applicable.

Council's Planning and Environment Manager and A/Principal Planner have reviewed this Report and provided comments where necessary.

External

The application triggered referral to the State Assessment and Referral Agency as a Concurrence Agency (Department of Transport and Main Roads as Technical Agency). The Referral Agency response is included as an attachment to this Report.

Legal/Policy Implications (Justification if applicable)

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

"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."

Budget/Financial Implications

Nil

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) (the *Human Rights Act*) requires public entities "to act and make decisions in a way compatible with human rights".

There are no human rights implications associated with this Report.

Conclusion

The proposed development has been assessed against the requirements of the Western Downs Planning Scheme 2017 incorporating Amendment 1. Although a Service Station is identified as an Inconsistent Use within the Major Centre Zone, the Planning Scheme groups a Service Station use as a Business Activity which is consistent with the purpose and intent of the Major Centre Zone.

The proposed development is considered suitably located, and the proposed building height and scale are commensurate with surrounding development within the Major Centre Zone. The development mitigates impact from an odour and acoustic perspective and provides adequate on-site parking for customers. A Service Station use is suited to the land characteristics of the locality and is not in conflict with neighbouring land uses.

The development is recommended for approval, subject to the attached conditions.

Attachments

1. Locality Plans
2. Proposal Plans and Documents
3. Referral Agency Response
4. Infrastructure Charges Notice
5. Table of Submissions

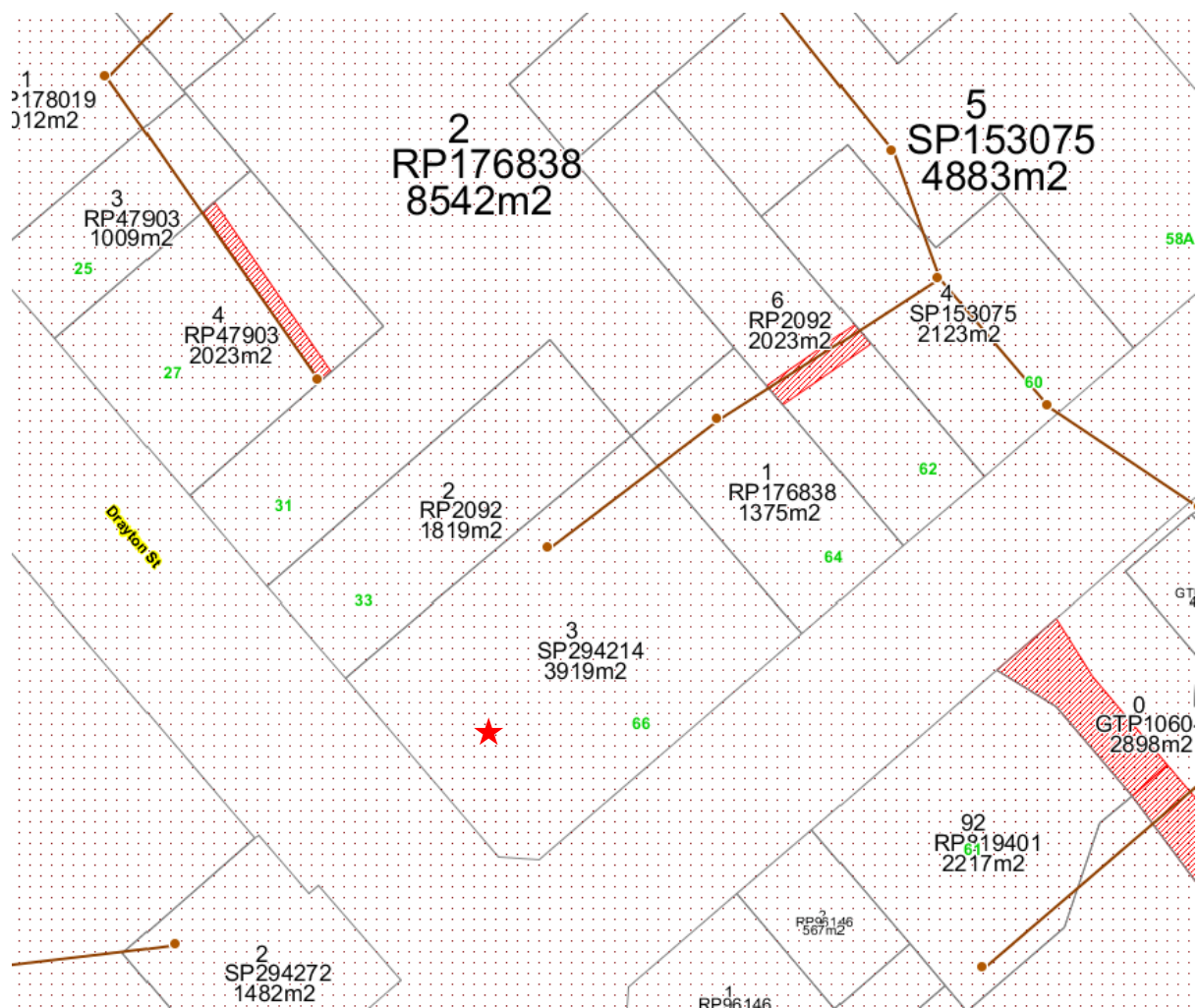
Authored by: D Bradley, PLANNING OFFICER DEVELOPMENT ASSESSMENT

Attachment 1 - Locality Plans

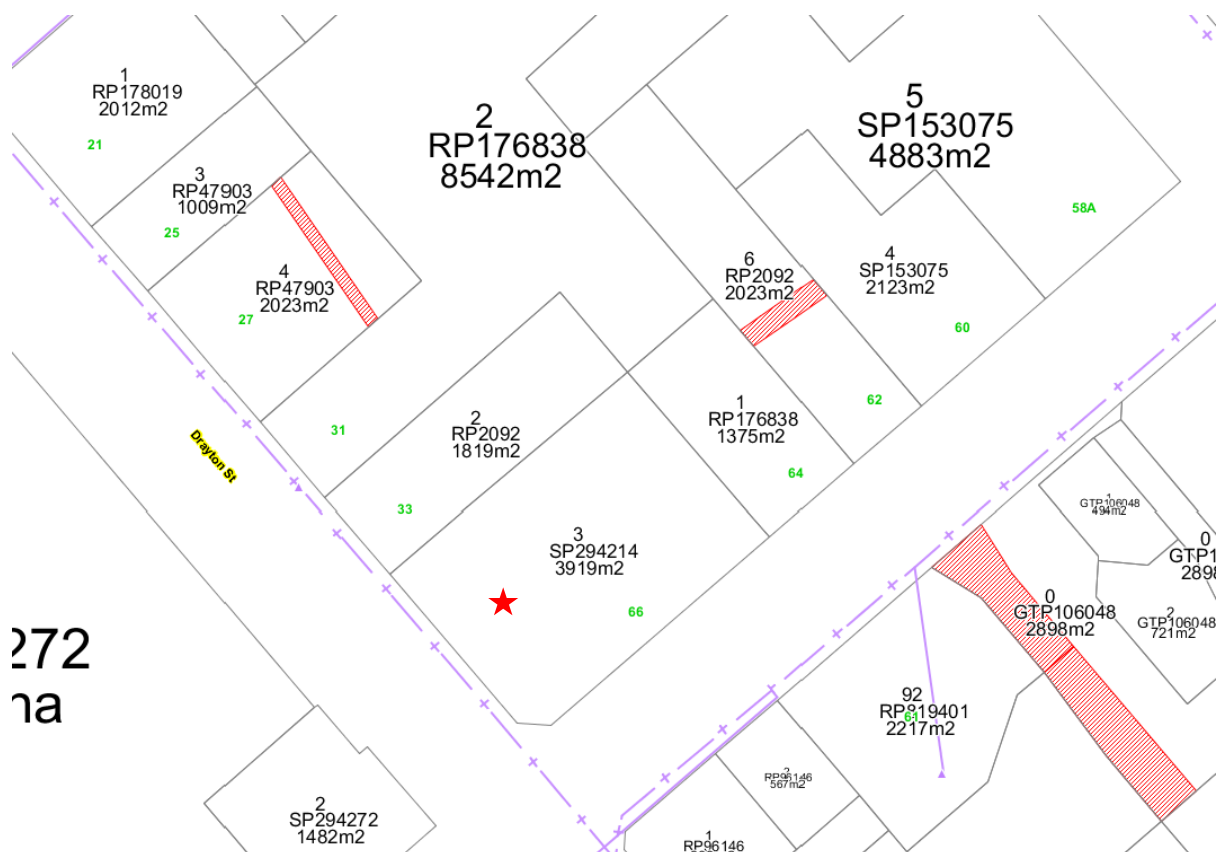
Aerial Map



Sewer Map



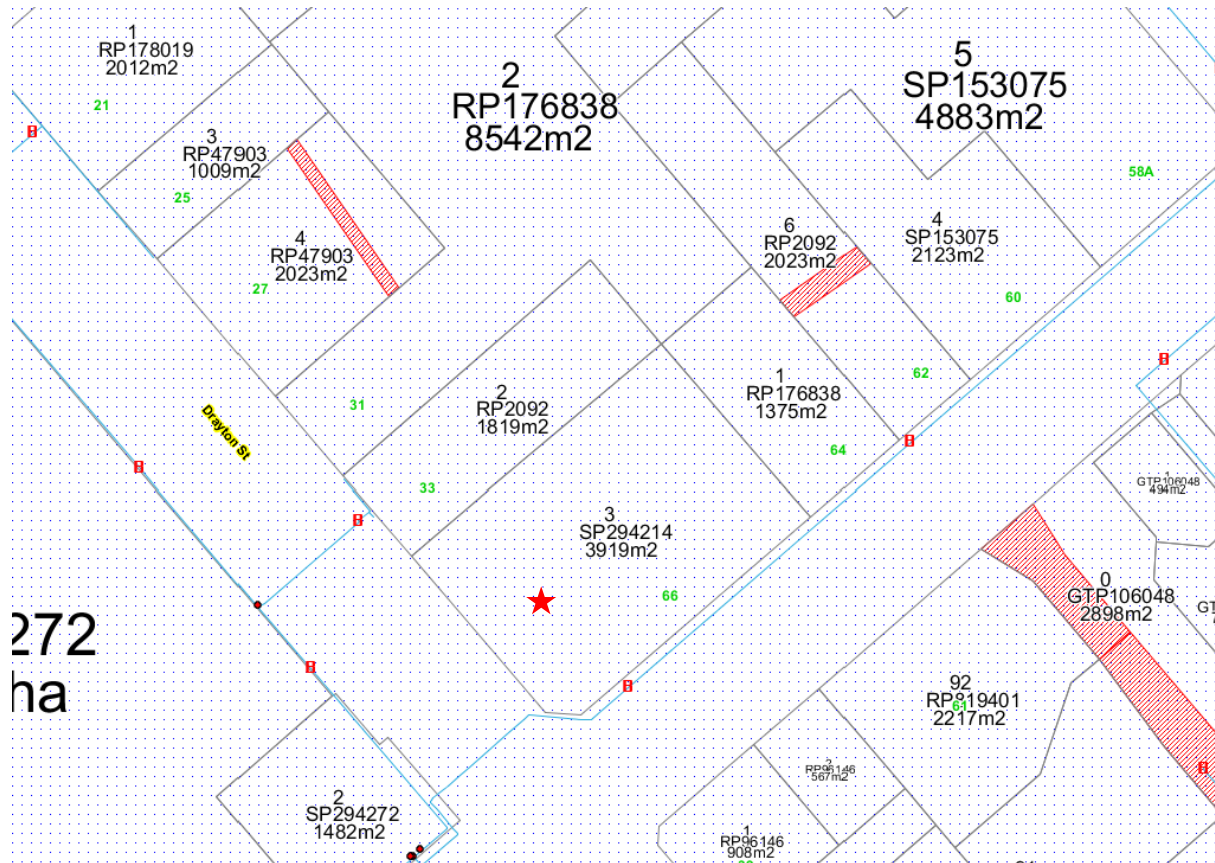
Electricity Network Map



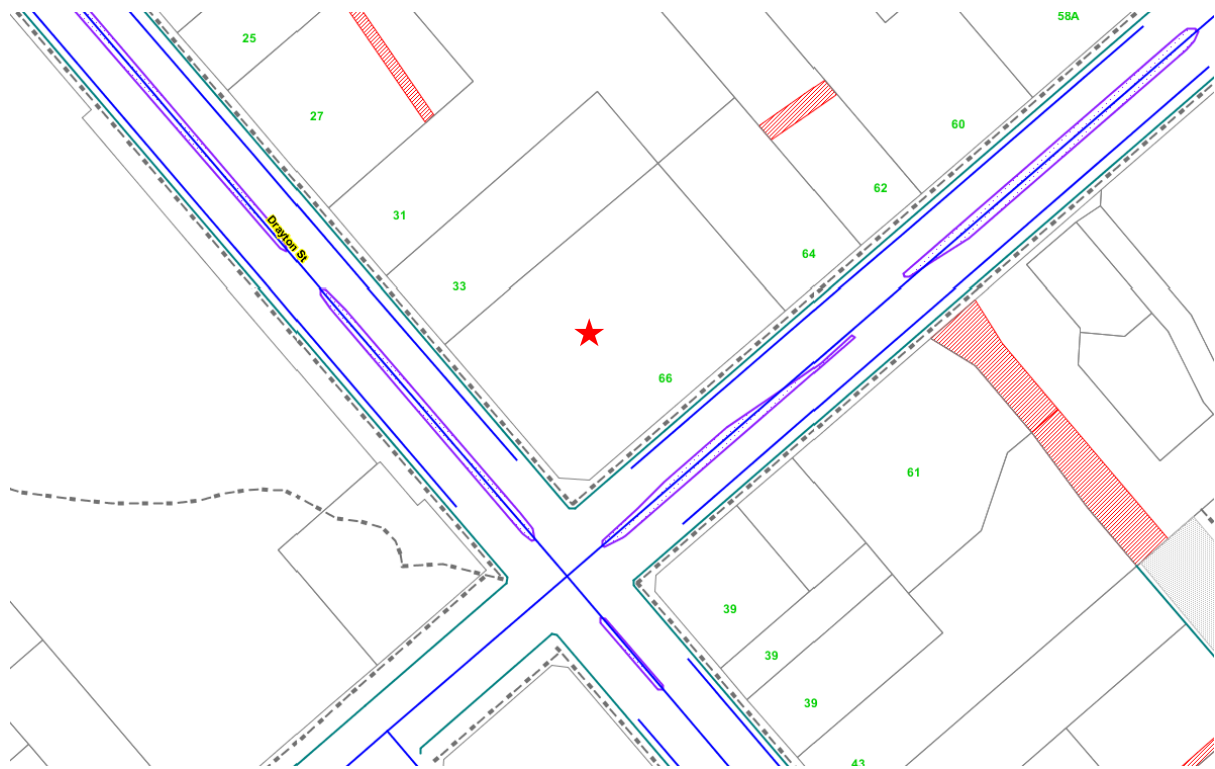
Ergon Network

- High Voltage Cable
- High Voltage Powerline
- Transmission Cable
- Transmission Powerline

Water Network Map

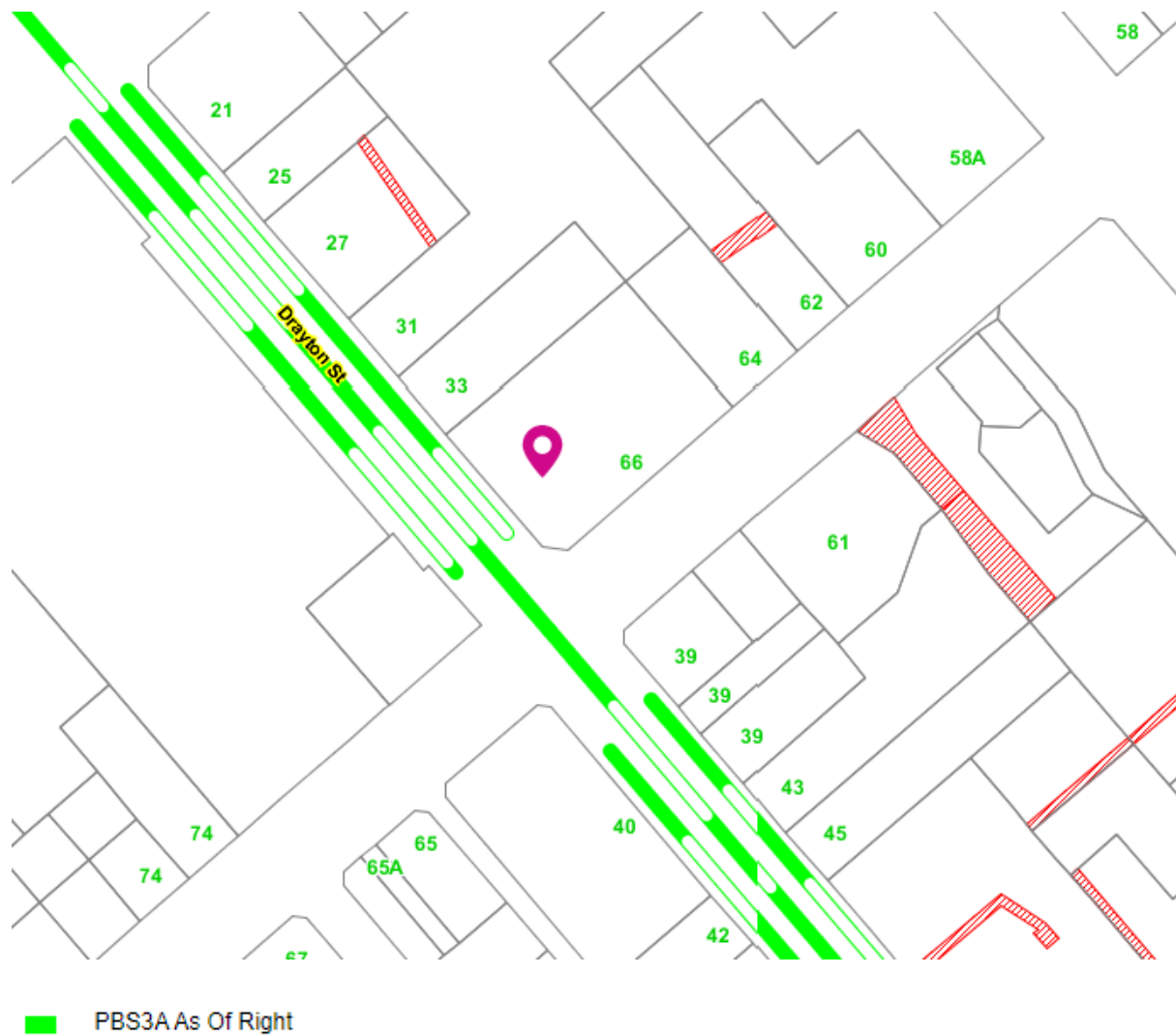


Road Network Map

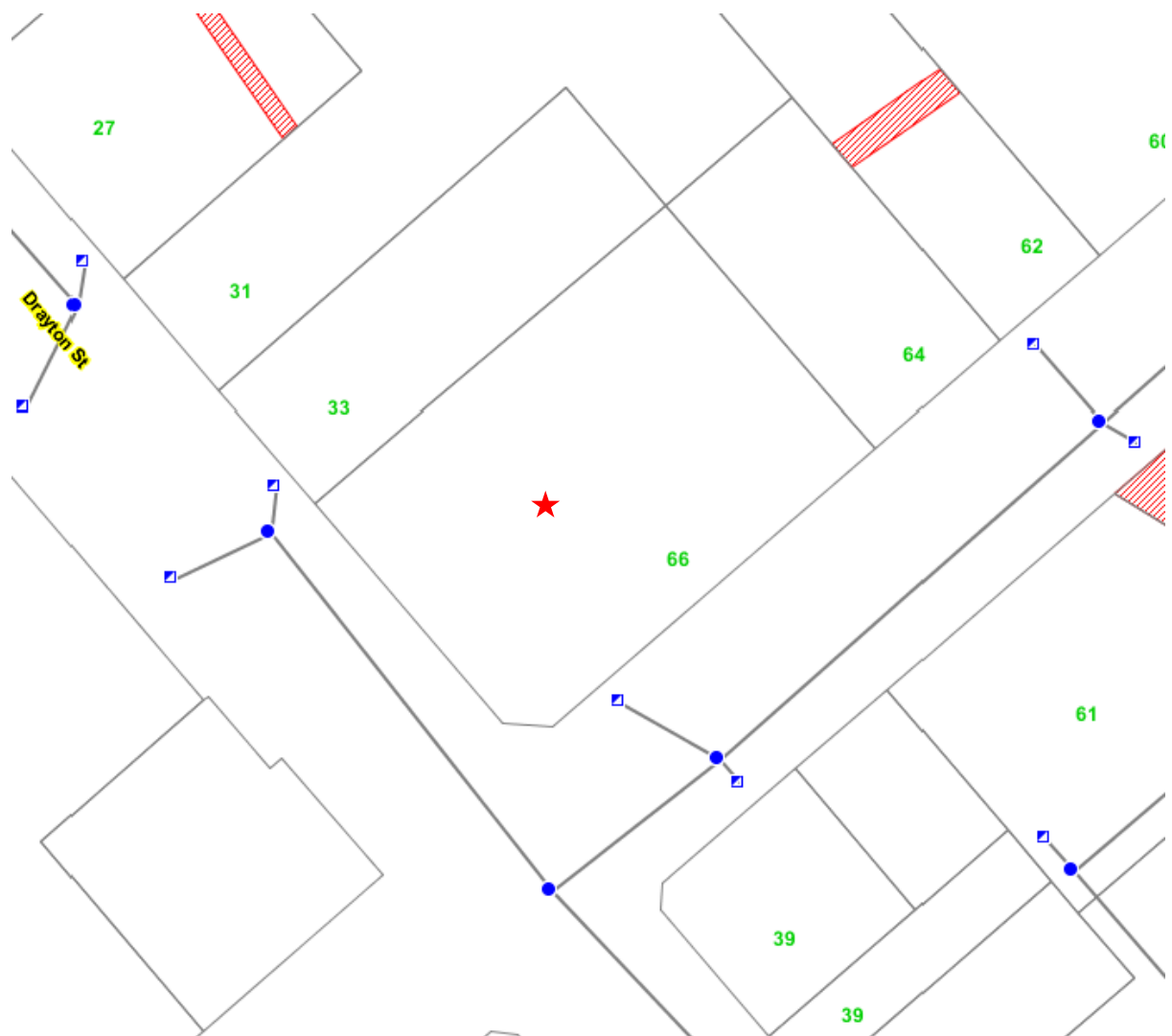


-  Medians
-  Kerbs
- Roads
 -  Formed
 -  Gravel
 -  Sealed
 -  Trafficable
 -  Unformed

Heavy Vehicle Routes



Stormwater Network Map



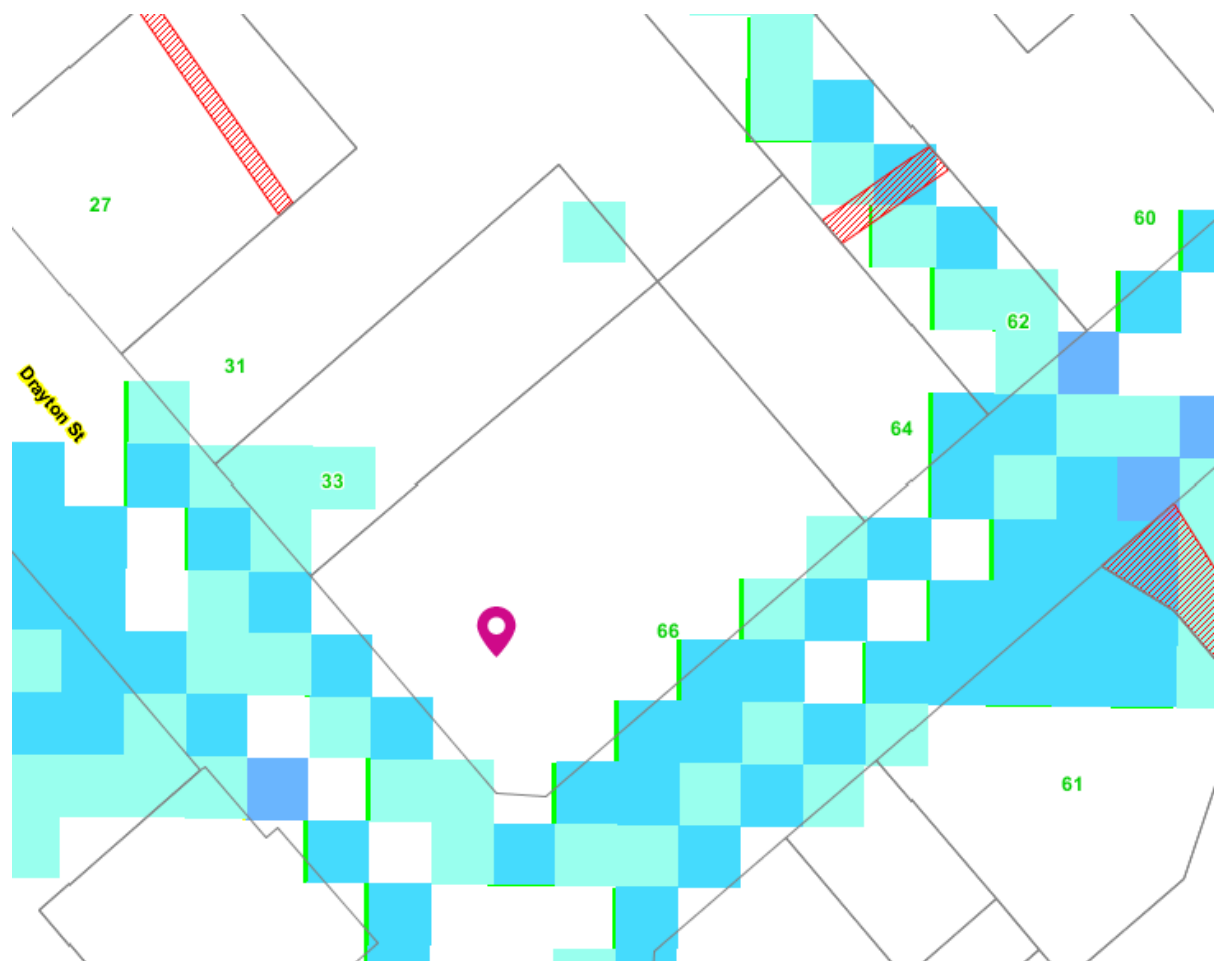
Stormwater Pits

- End Cap
- Grate Inlet
- Gully Manhole
- ▤ Gully Pit
- ▨ HeadWall
- ▲ Junction
- Manhole
- Node

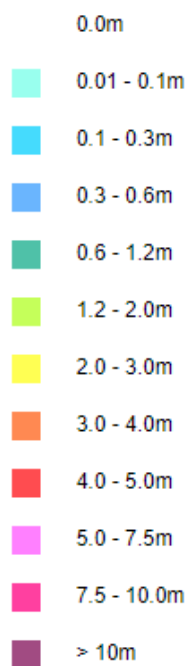
Stormwater Pipes

- Box Culvert
- Pipe

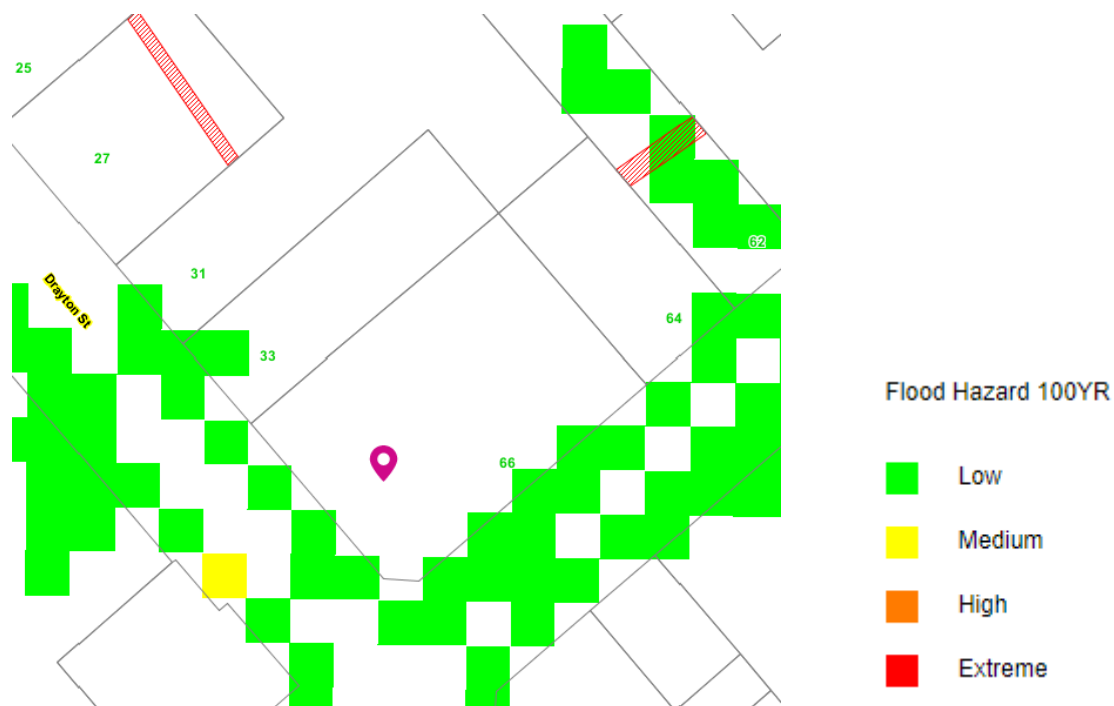
Flood Depth Information



Flood Depth 100YR



Flood Hazard Overlay map



Lot on Plan	3SP294214
Tenure	FH
Area (m2)	3919
Parcel Number	86423
Assessment Number	1157
Address	66 Condamine Street DALBY
Ground RL (Min)	343.55
Ground RL (Max)	344.28
Flood RL (Min)	0
Flood RL (Max)	0
Flood Depth (Min)	0
Flood Depth (Max)	0
Floor Level (Min)	0
Floor Level (Max)	0
Flood Hazard (Min)	Low
Flood Hazard (Max)	Low

Zone Map

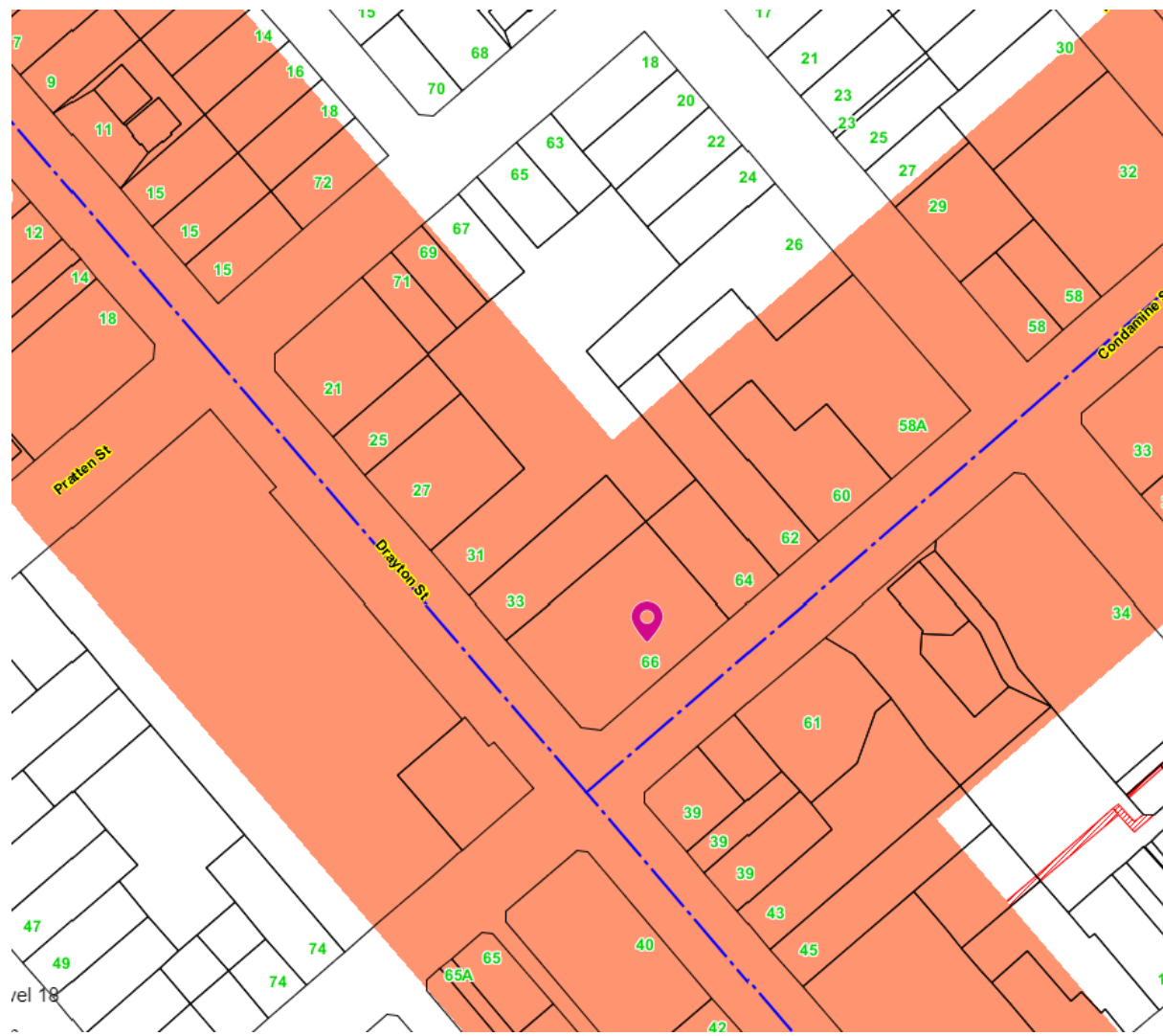






Planning Zones



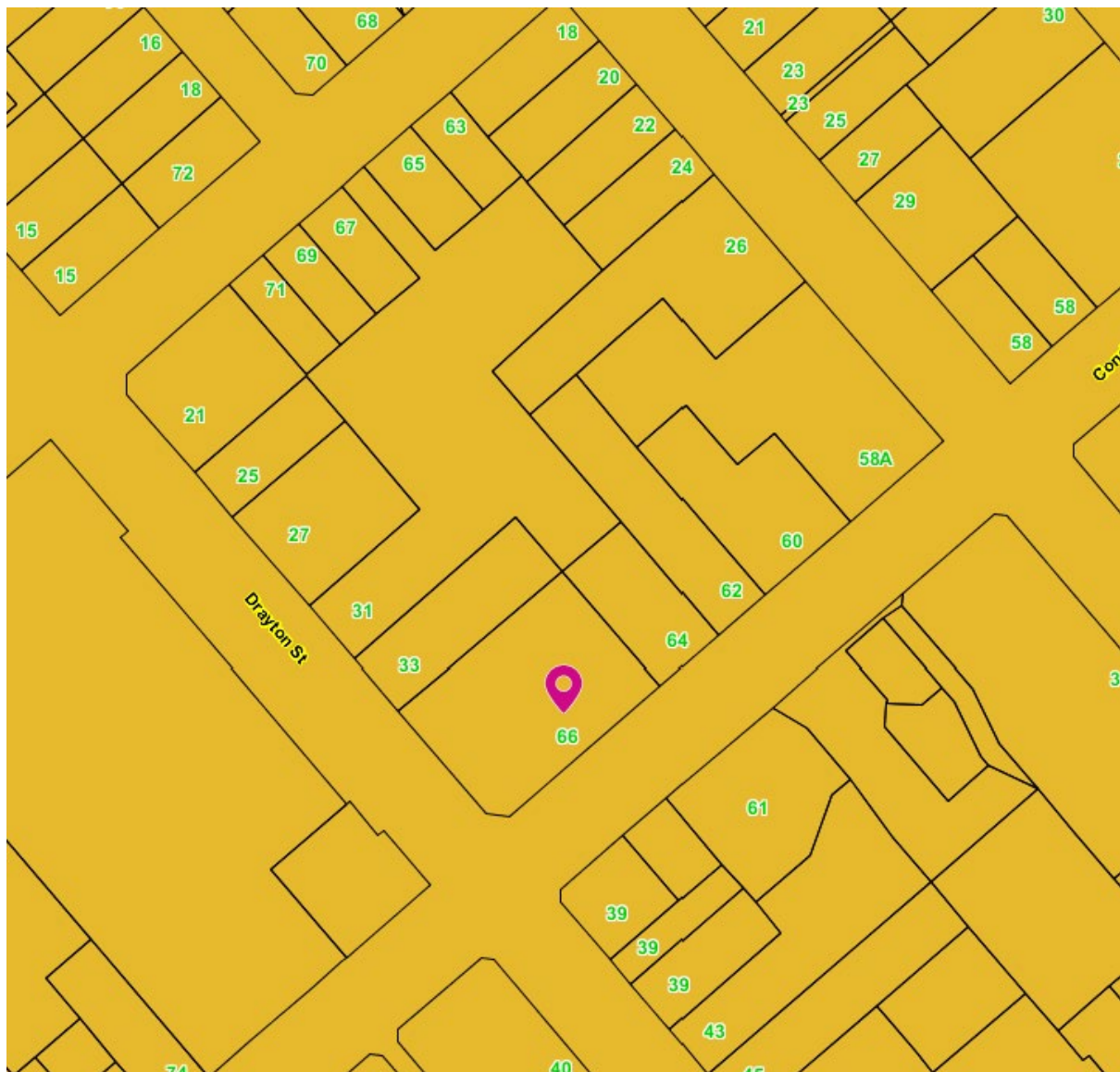
- Community Facilities Zone
- Local Centre Zone
- District Centre Zone
- Major Centre Zone
- Low Density Residential Zone
- Medium Density Residential Zone
- Low Impact Industry Zone
- Medium Impact Industry Zone
- High Impact Industry Zone
- Recreation and Open Space Zone
- Rural Residential Zone / Rural Residential 20000 ...
- Rural Residential Zone / Rural Residential 4000 P...
- Rural Residential Zone / Rural Residential 8000 P...
- Rural Zone
- Rural Zone / Rural 10 Precinct
- Rural Zone / Rural 100 Precinct
- Township Zone
- Township Zone / Mowbullar - Bunya Mountains T...

Scenic Amenity Overlay Code





-  Urban Gateways
-  Scenic Routes
-  Scenic Routes Buffer (100m)
-  High Landscape Value Areas

Agricultural Land Classification Overlay Map

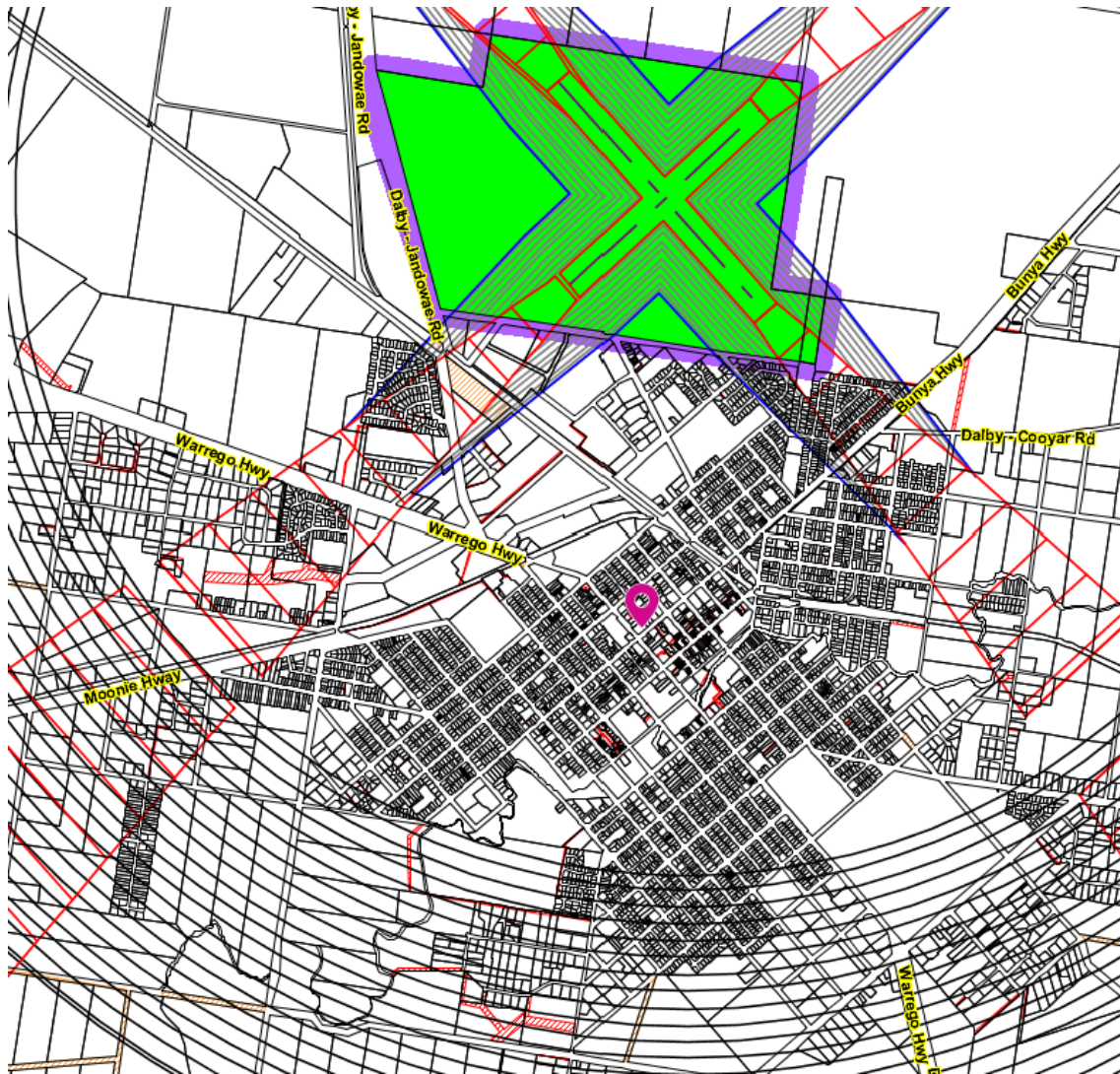


Agricultural Land Classification



-  Agricultural Land Classification (ALC) - Class A
-  Agricultural Land Classification (ALC) - Class B

Airport Environs Overlay Map



— OLS Approach Limitation

— OLS Horizontal Limitation

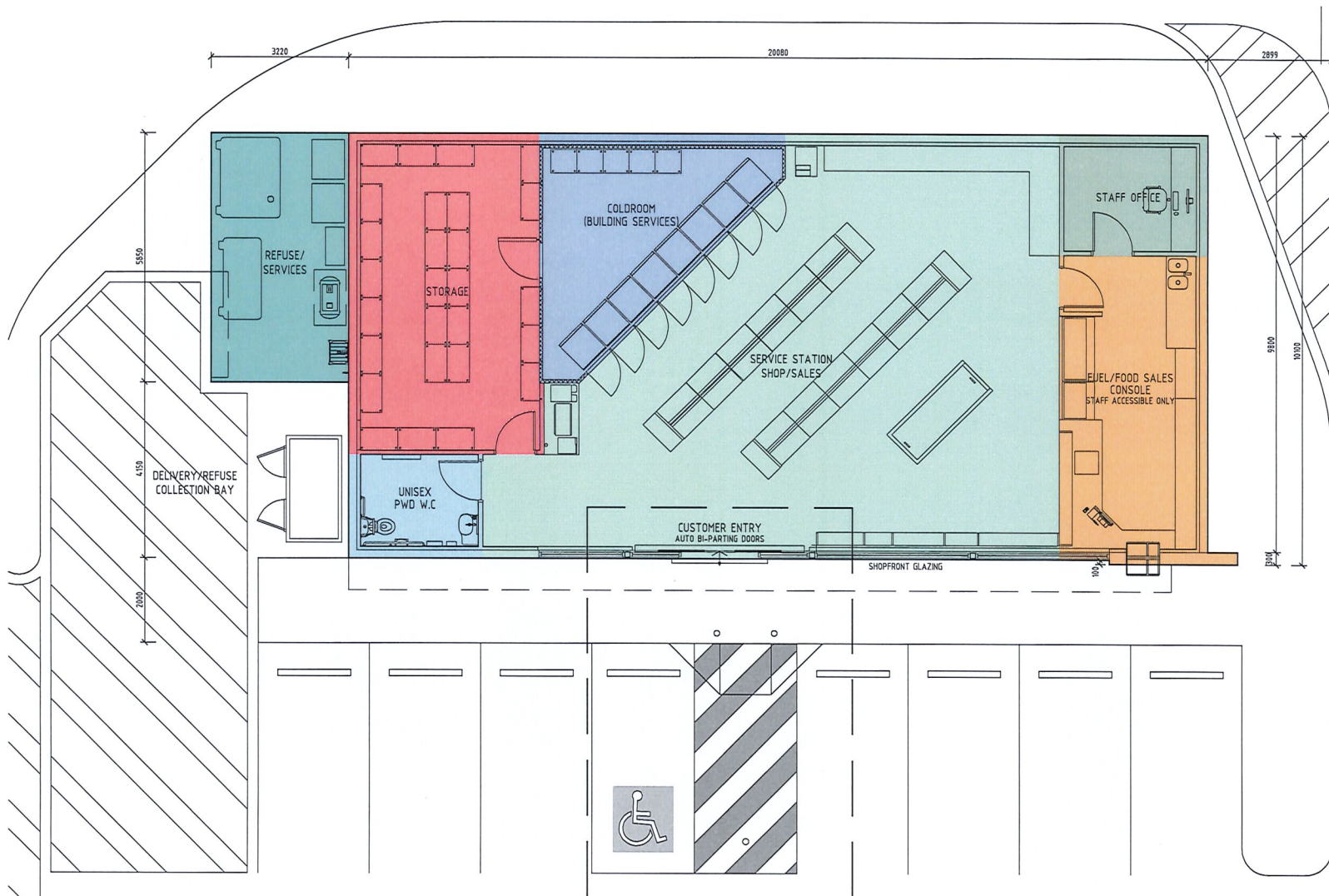
— OLS Transition Limitation

— OLS Conical Limitation

— OLS Runway Centreline

■ Landing Areas

■ Airport Environs Buffer



PROPERTY DESCRIPTION
LOT 3 on SP294214
LOCALITY: DALBY



COUNCIL: WESTERN DOWNS REGIONAL

BUILDING AREAS - GFA

• SHOP/SALES	- 102m ²
• FUEL CONSOLE	- 25m ²
• STAFF/OFFICE	- 10m ²
• STORAGE/BACK OF HOUSE	- 34m ²
• DRINKS COLDROOM	- 22m ²
• PUBLIC AMENITIES	- 8m ²
TOTAL GFA	- 201m²

BUILDING SERVICES

• REFUSE / SERVICES	- 19m ²
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- travel centre / service stations
- project concept to completion

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THE FIVE SCALE RATES OF JUDGING

Revision and approvals				Project Description		Drawing Title	
Rev	Date	By	Description	Appr			
P1	26-11-2021	SM	DRAFT DA ISSUE	TD	PROP. SERVICE STATION DEVELOPMENT	BUILDING ELEVATIONS & PERSPECTIVES	
P2	29-11-2021	SM	DRAFT DA ISSUE	TD			
A	17-12-2021	TD	DA ISSUE		33 DRAYTON ST, DALBY QLD 4405		
				Scale	As Indicated	Date	NOV 2021
				Drawn	SM	Approved by	
						Job Number - Drawing Number	Revision
						21268	DA04 A

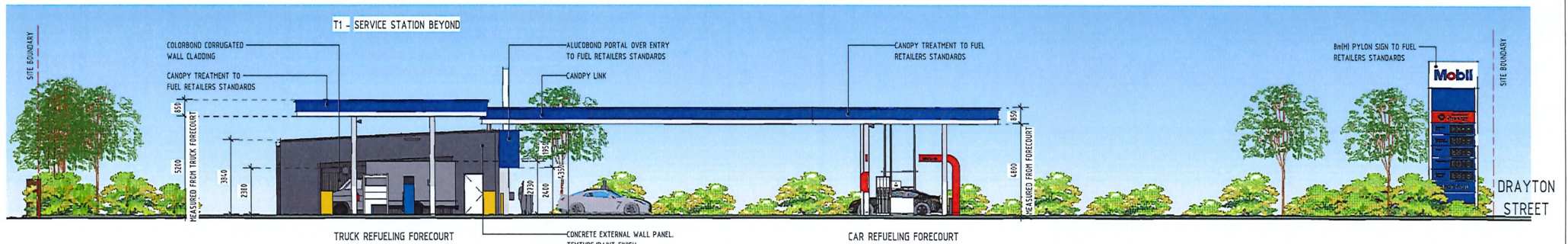
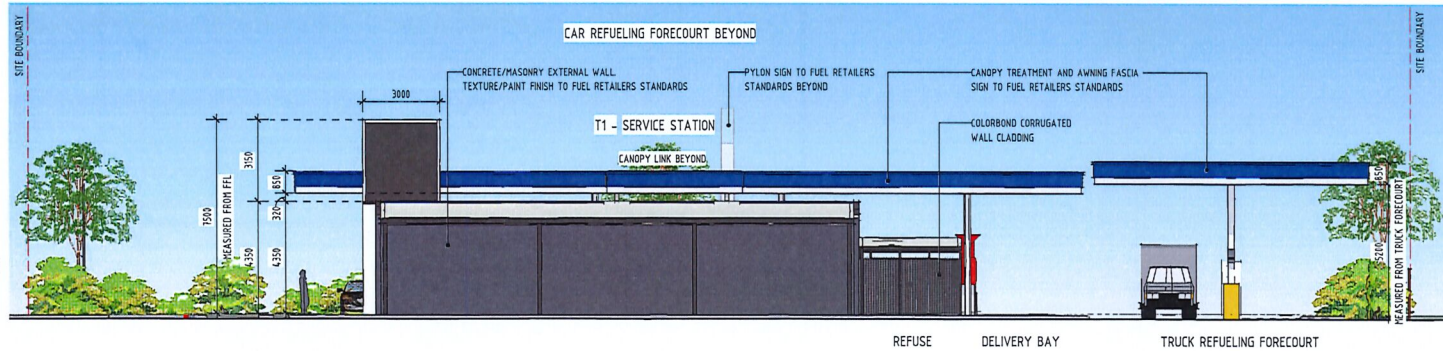
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CONDAMINE STREET



REPORT TYPE

STORMWATER MANAGEMENT PLAN

PROJECT

Proposed Service Station
Lot 3 on SP294214, Dalby, Queensland

CLIENT

Pearl Energy



Contact Information

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ABN 25 634 181 294

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North Rockhampton, QLD 4701

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Document Information


Prepared For: Pearl Energy

Document Name: Stormwater Management Plan

Job Reference: 045-21-22

Revision: A

Document History

Revision	Date	Description of Revision	Prepared By	Approved By		
				Name	Signature	RPEQ No
A	14.12.2021	Issued for approval	M. Mathev	C. Hewitt		5141

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Appendix A - Catchment Hydrology



1. INTRODUCTION AND APPROACH

1.1. PROJECT OVERVIEW

McMurtrie Consulting Engineers (MCE) have been commissioned by Pearl Energy to undertake a site-based Stormwater Management Plan (SMP) for a proposed service station located on Lot 3 on SP294214, Dalby, Queensland. The aim of this SMP is to demonstrate that the proposed development will comply with Western Downs Planning Policy 2017, Queensland Urban Drainage Manual (QUDM 2016), Australian Rainfall and Runoff 2019 (ARR'19) and State Planning Policy (SPP 2017).

1.2. METHODOLOGY

The assessment methodology adopted for this SMP is summarised below.

- Broadly identify the contributing catchments to the project
- Identify Lawful Point of Discharge (LPOD) for the site stormwater runoff
- Identify the critical storm events for this project
- Estimate peak discharge runoff for pre-development and post-development scenarios.
- Identify potential mitigation and management strategies to ensure no worsening to downstream catchments and infrastructure.
- Assess the stormwater quality treatment requirements for the project.

1.3. DATA SOURCES

The background data used to undertake this assessment were collected from the following sources:

- Design Rainfall Data System (2016) – Bureau of Meteorology
- Elvis – Elevation and Depth – Foundation Spatial Data
- Western Downs Regional Council Infrastructure Plan Maps
- Preliminary site layout from Verve Building Design Co.

2. SITE CHARACTERISTICS

2.1. SITE LOCATION

The proposed site is located on Lot 3 on SP294214. Site details have been summarised within Table 1 and a QLD Globe extract is presented as Figure 1.

Table 1: Site Description

Developer	Property and Location	
	Lot and Property Description	Address
Pearl Energy	Lot 3 SP294214	35 Drayton Street, Dalby, Queensland



Figure 1: Site Location - Existing

The proposed site abuts Condamine Street on the Eastern side and Drayton Street on the Southern side. It shares a common boundary with the adjacent lots on Northern and Western sides.

2.2. EXISTING

The site is currently used as a fruit and vegetable store and has a land area of approximately 3,919m². Buildings and sealed carpark occupy the majority of the site with very little landscape. The existing site is relatively flat, and elevations range from approximately 343.9m AHD 344.2m AHD.



Runoff from the existing site discharges on to Drayton Street and Condamine Street via access points and kerb breaks which will be the Lawful point of Discharge (LPOD) for the site. It appears that the top half of the site catchment (Catchment 2) discharges on to Condamine Street and bottom half of the catchment (Catchment 1) runoff from the site discharges to the low spot in the South-Western corner of the lot on to Drayton Street.

The site is not impacted by any external catchments and post development discharge will be assessed to ensure that there will be no adverse impacts on downstream properties and infrastructure.

2.1. DEVELOPED

The proposed service station consist of building, fuel forecourt areas, carparks and landscaped areas. It is assumed the that the proposed development generally be at existing ground levels with minor grading directing the runoff to LPOD points.

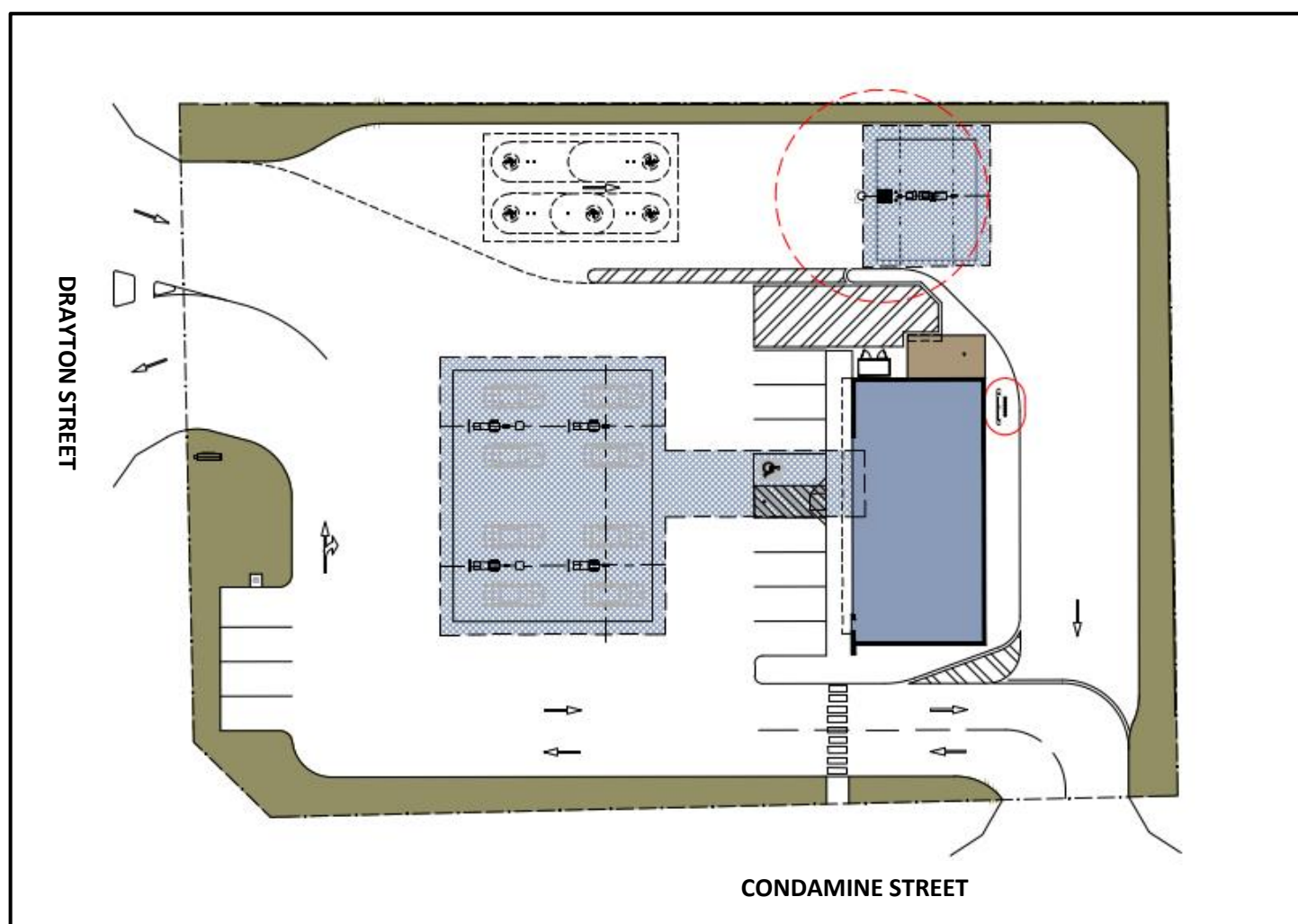


Figure 2: Proposed Layout

3. HYDROLOGY ASSESSMENT

The hydrologic assessment flows were derived using the Rational Method and considered the following scenarios:

- Existing: The site in its current condition, as shown in Figure 1.
- Developed: Proposed development, as shown in Figure 2.



3.1. EXISTING

Runoff from the existing site will be discharging on to Drayton Street and Condamine Street via access points which will be the Lawful point of Discharge (LPOD) for the site.

Table 2: Rational Method Parameters – Existing

Parameter	
Area (ha)	0.3919
Fraction Impervious (%)	0.95
Run-off Coefficient C_{10}	0.88
Time of concentration (min)	8

3.2. DEVELOPED

Table 3 details the Rational Method Parameters used for the developed scenario.

Table 3: Rational Method Parameters – Developed

Parameter	
Area (ha)	0.3919
Fraction Impervious (%)	0.85
Run-off Coefficient C_{10}	0.84
Time of concentration (min)	9

3.3. RESULTS

The predicted peak discharge from the site for the existing and developed scenarios are detailed in Table 4. The table indicates that the total post development discharge is less than the total pre development for a range of storm events including 1% AEP. This due to increased landscaped area in the post development stage.

Table 4: Peak Discharge

AEP (%)	Existing Discharge (m ³ /s)	Developed Discharge (m ³ /s)	Difference (m ³ /s)
63	0.066	0.061	-0.005
39	0.089	0.081	-0.008
10	0.152	0.139	-0.013
2	0.234	0.217	-0.017
1	-0.260	0.249	-0.011



4. QUALITY ASSESSMENT

4.1. OPERATIONAL PHASE

In accordance with the State Planning Policy (SPP) (DILGP, July 2017), the site is situated within the Western Queensland climatic region. SPP water quality objectives apply to population centres greater than 25,000 persons. Dalby has a population (12,719 persons, ABS 2016) less than 25,000 persons and therefore, site specific operational phase water quality treatment is not required for this development.

Runoff generated from the undercover refuelling area and fill points will be directed into an oil separator. It is proposed that the treated water from the oil separator will be discharged into the Council's sewer network.

4.2. CONSTRUCTION PHASE

4.2.1 KEY POLLUTANTS

During the construction phase a number of key pollutants have been identified for this development. Below table illustrates the key pollutants that have been identified.

Table 5: Key Pollutants – Construction Phase

Pollutant	Sources
Litter	Paper, construction packaging, food packaging, cement bags, material off cuts.
Sediment	Exposed soils and stockpiles during earthworks and building works.
Hydrocarbons	Fuel and oil spills, leaks from construction equipment and temporary car park areas.

4.2.2 EROSION AND SEDIMENT CONTROLS

Erosion and Sediment Control (ESC) devices employed on the site shall be designed and constructed in accordance with Council's guidelines.

PRE-CONSTRUCTION

- Stabilised site access/exit locations.
- Sediment fences to be located along the contour lines downstream of disturbed areas.
- Diversion drains to divert clean runoff around the construction site.
- Educate site personnel to the requirements of the Sediment and Erosion Control Plan.

CONSTRUCTION

- Maintain construction access/exit, sediment fencing, catch drains and all other existing controls as required.
- Progressively surface and revegetate finished areas as appropriate.
- During construction, all areas of exposed soils allowing dust generation are to be suitably treated. Treatments will include mulching the soil and watering.
- Road access is to be regularly cleaned to prevent the transmission of soil on vehicle wheels and eliminate any build-up of typical road dirt and tyre dusts from delivery vehicles.
- Adequate waste disposal facilities are to be provided and maintained on the site to cater for all waste materials such as litter hydrocarbons, toxic materials, acids or alkaline substances.



5. CONCLUSION AND QUALIFICATIONS

This SMP has been prepared by MCE for the proposed development of the service station located on Lot 3 on SP294214, Dalby, Queensland. Stormwater discharge from the proposed development will not result in any actionable nuisance external to the site. The above analysis indicates the post development discharge is less than pre development. The proposed site is Western Queensland climatic region with population less than 25,000 person and as such SPP water quality objectives do not apply.

The analysis and overall approach was specifically catered for the particular project requirements and may not be applicable beyond this scope. For this reason, any other third parties are not authorised to utilise this report without further input and advice from MCE.

Whilst this report accurately assesses the catchment hydrology performance using industry standard theoretical techniques and engineering practices, actual future observed catchment flows may vary from those predicted herein.

It is acknowledged that there may be some minor discrepancies between the architectural layouts provided in this report. Whilst not ideal, the minor layout discrepancies should form no material impact to the proposed development from an engineering assessment perspective. Conservative engineering principals have been applied to the afforded stormwater intent and servicing. As such, any concern should be suitable for conditioning as part of the detailed design process (i.e. finalised in Operational Works stage).



Appendix A –

Catchment Hydrology – Rational Method

Stormwater Design Rational Method



Project No: **045-21-22**
Project Description: **Dalby Service Station**
Design Details: **63% AEP, Pre-Development**

Coefficient of Discharge Section

Description	Symbol	Unit	Value	Reference	Comments
Fractions Impervious	f_i		0.950		Building Roof + Carpark
1 hour ARI 10 rainfall intensity	${}^{1hr}i_{10}$	mm/hr	53.8	2016 IFD	
Frequency Factor	F_y		0.80	QUDM 2016, Table 4.5.2	63% AEP
10yr Coefficient of Discharge	C_{10}		0.88	QUDM 2016, Table 4.5.3	
'y' yr Coefficient of Discharge	C_y		0.70	QUDM 2016, Equ 4.3 $= F_y \times C_{10}$	

Adopted Coefficient of Discharge is: C_y **0.70** *Where a coefficient of discharge calculated from Equation 4.3 for an urban catchment exceeds 1.00, it should be arbitrarily set to 1.0 in accordance with 'the recommendations of Australian Rainfall and Runoff (2016)'.*

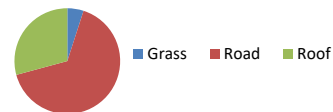
Time of Concentration Sheet Flow

Description	Symbol	Unit	Value	Reference	Comments
Flow path Length	L	m	70		

Breakdown of Horton's Surface Areas

	n	m^2	%	
Grass	0.035	195	5%	0.002
Road	0.016	2579	66%	0.011
Roof	0.012	1145	29%	0.004
Total		3919		0.016

Pre Development



Horton's surface roughness factor	n		0.016	
Slope of surface	S	%	0.5	

Refer above for breakdown of areas

Overland sheet flow travel time	t	min	7.98	QUDM 2016, Equ 4.5 $= (107 n L^{0.333}) / S^{0.2}$
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Friend's Equation (QUDM 2016, 4.5)

Adopted Time of Concentration min **8.00**

Peak Flow Rate Calculation

Description	Symbol	Unit	Value	Reference	Comments
'y' yr Coefficient of Discharge	C_y		0.70	As above	
Catchment Area	A	ha	0.3919		
Average rainfall intensity for a design duration of 't' hours (calculated above) and an ARI of 'y' years	tI_y	mm/hr	86.3	2016 IFD	
Peak Flow Rate for an ARI of 'y' years	Q_y	m³/sec	0.066		

Stormwater Design Rational Method



Project No: **045-21-22**
Project Description: **Dalby Service Station**
Design Details: **63% AEP, Post-Development**

Coefficient of Discharge Section

Description	Symbol	Unit	Value	Reference	Comments
Fractions Impervious	f_i		0.850		Building Roof + Carpark
1 hour ARI 10 rainfall intensity	${}^{1hr}i_{10}$	mm/hr	53.8	2016 IFD	
Frequency Factor	F_y		0.80	QUDM 2016, Table 4.5.2	63% AEP
10yr Coefficient of Discharge	C_{10}		0.84	QUDM 2016, Table 4.5.3	
'y' yr Coefficient of Discharge	C_y		0.67	QUDM 2016, Equ 4.3 $= F_y \times C_{10}$	

Adopted Coefficient of Discharge is: C_y **0.67** *Where a coefficient of discharge calculated from Equation 4.3 for an urban catchment exceeds 1.00, it should be arbitrarily set to 1.0 in accordance with 'the recommendations of Australian Rainfall and Runoff (2016)'.*

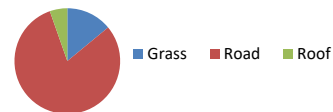
Time of Concentration Sheet Flow

Description	Symbol	Unit	Value	Reference	Comments
Flow path Length	L	m	70		

Breakdown of Horton's Surface Areas

	n	m^2	%	
Grass	0.035	550	14%	0.005
Road	0.016	3159	81%	0.013
Roof	0.012	210	5%	0.001
Total		3919		0.018

Pre Development



Horton's surface roughness factor	n		0.018	
Slope of surface	S	%	0.5	

Refer above for breakdown of areas

Overland sheet flow travel time	t	min	9.33	QUDM 2016, Equ 4.5 $= (107 n L^{0.333}) / S^{0.2}$	<i>Friend's Equation (QUDM 2016, 4.5)</i>
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Adopted Time of Concentration min **9.00**

Peak Flow Rate Calculation

Description	Symbol	Unit	Value	Reference	Comments
'y' yr Coefficient of Discharge	C_y		0.67	As above	
Catchment Area	A	ha	0.3919		
Average rainfall intensity for a design duration of 't' hours (calculated above) and an ARI of 'y' years	tI_y	mm/hr	82.8	2016 IFD	
Peak Flow Rate for an ARI of 'y' years	Q_y	m³/sec	0.061		

Stormwater Design Rational Method



Project No: **045-21-22**
Project Description: **Dalby Service Station**
Design Details: **39% AEP, Pre-Development**

Coefficient of Discharge Section

Description	Symbol	Unit	Value	Reference	Comments
Fractions Impervious	f_i		0.950		Building Roof + Carpark
1 hour ARI 10 rainfall intensity	${}^{1hr}i_{10}$	mm/hr	53.8	2016 IFD	
Frequency Factor	F_y		0.85	QUDM 2016, Table 4.5.2	39% AEP
10yr Coefficient of Discharge	C_{10}		0.88	QUDM 2016, Table 4.5.3	
'y' yr Coefficient of Discharge	C_y		0.75	QUDM 2016, Equ 4.3 $= F_y \times C_{10}$	

Adopted Coefficient of Discharge is: C_y **0.75** *Where a coefficient of discharge calculated from Equation 4.3 for an urban catchment exceeds 1.00, it should be arbitrarily set to 1.0 in accordance with 'the recommendations of Australian Rainfall and Runoff (2016)'.*

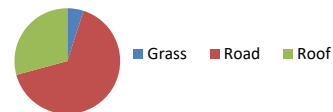
Time of Concentration Sheet Flow

Description	Symbol	Unit	Value	Reference	Comments
Flow path Length	L	m	70		

Breakdown of Horton's Surface Areas

	n	m^2	%	
Grass	0.035	195	5%	0.002
Road	0.016	2579	66%	0.011
Roof	0.012	1145	29%	0.004
Total		3919		0.016

Pre Development



Horton's surface roughness factor	n		0.016	
Slope of surface	S	%	0.5	

Refer above for breakdown of areas

Overland sheet flow travel time	t	min	7.98	QUDM 2016, Equ 4.5 $= (107 n L^{0.333}) / S^{0.2}$
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Friend's Equation (QUDM 2016, 4.5)

Adopted Time of Concentration	min	8.00
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Peak Flow Rate Calculation

Description	Symbol	Unit	Value	Reference	Comments
'y' yr Coefficient of Discharge	C_y		0.75	As above	
Catchment Area	A	ha	0.3919		
Average rainfall intensity for a design duration of 't' hours (calculated above) and an ARI of 'y' years	tI_y	mm/hr	109	2016 IFD	
Peak Flow Rate for an ARI of 'y' years	Q_y	m³/sec	0.089		

Stormwater Design Rational Method



Project No: **045-21-22**
Project Description: **Dalby Service Station**
Design Details: **39% AEP, Post-Development**

Coefficient of Discharge Section

Description	Symbol	Unit	Value	Reference	Comments
Fractions Impervious	f_i		0.850		Building Roof + Carpark
1 hour ARI 10 rainfall intensity	${}^{1hr}i_{10}$	mm/hr	53.8	2016 IFD	
Frequency Factor	F_y		0.85	QUDM 2016, Table 4.5.2	39% AEP
10yr Coefficient of Discharge	C_{10}		0.84	QUDM 2016, Table 4.5.3	
'y' yr Coefficient of Discharge	C_y		0.71	QUDM 2016, Equ 4.3 $= F_y \times C_{10}$	
Adopted Coefficient of Discharge is:	C_y		0.71	Where a coefficient of discharge calculated from Equation 4.3 for an urban catchment exceeds 1.00, it should be arbitrarily set to 1.0 in accordance with 'the recommendations of Australian Rainfall and Runoff (2016).	

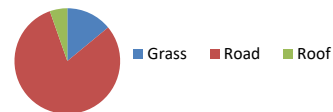
Time of Concentration Sheet Flow

Description	Symbol	Unit	Value	Reference	Comments
Flow path Length	L	m	70		

Breakdown of Horton's Surface Areas

	n	m^2	%	
Grass	0.035	550	14%	0.005
Road	0.016	3159	81%	0.013
Roof	0.012	210	5%	0.001
Total		3919		0.018

Pre Development



Horton's surface roughness factor	n		0.018		Refer above for breakdown of areas
Slope of surface	S	%	0.5		
Overland sheet flow travel time	t	min	9.33	QUDM 2016, Equ 4.5 $= (107 n L^{0.333}) / S^{0.2}$	<i>Friend's Equation (QUDM 2016, 4.5)</i>
Adopted Time of Concentration		min	9.00		

Peak Flow Rate Calculation

Description	Symbol	Unit	Value	Reference	Comments
'y' yr Coefficient of Discharge	C_y		0.71	As above	
Catchment Area	A	ha	0.3919		
Average rainfall intensity for a design duration of 't' hours (calculated above) and an ARI of 'y' years	tI_y	mm/hr	104	2016 IFD	
Peak Flow Rate for an ARI of 'y' years	Q_y	m³/sec	0.081		

Stormwater Design Rational Method



Project No: **045-21-22**
Project Description: **Dalby Service Station**
Design Details: **10% AEP, Pre-Development**

Coefficient of Discharge Section

Description	Symbol	Unit	Value	Reference	Comments
Fractions Impervious	f_i		0.950		Building Roof + Carpark
1 hour ARI 10 rainfall intensity	${}^{1hr}i_{10}$	mm/hr	53.8	2016 IFD	
Frequency Factor	F_y		1.00	QUDM 2016, Table 4.5.2	10% AEP
10yr Coefficient of Discharge	C_{10}		0.88	QUDM 2016, Table 4.5.3	
'y' yr Coefficient of Discharge	C_y		0.88	QUDM 2016, Equ 4.3 $= F_y \times C_{10}$	

Adopted Coefficient of Discharge is: C_y **0.88** *Where a coefficient of discharge calculated from Equation 4.3 for an urban catchment exceeds 1.00, it should be arbitrarily set to 1.0 in accordance with 'the recommendations of Australian Rainfall and Runoff (2016)'.*

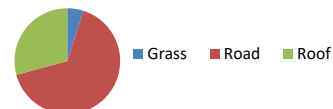
Time of Concentration Sheet Flow

Description	Symbol	Unit	Value	Reference	Comments
Flow path Length	L	m	70		

Breakdown of Horton's Surface Areas

	n	m^2	%	
Grass	0.035	195	5%	0.002
Road	0.016	2579	66%	0.011
Roof	0.012	1145	29%	0.004
Total		3919		0.016

Pre Development



Horton's surface roughness factor	n		0.016	
Slope of surface	S	%	0.5	

Refer above for breakdown of areas

Overland sheet flow travel time	t	min	7.98	QUDM 2016, Equ 4.5 $= (107 n L^{0.333}) / S^{0.2}$
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Friend's Equation (QUDM 2016, 4.5)

Adopted Time of Concentration	min	8.00
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Peak Flow Rate Calculation

Description	Symbol	Unit	Value	Reference	Comments
'y' yr Coefficient of Discharge	C_y		0.88	As above	
Catchment Area	A	ha	0.3919		
Average rainfall intensity for a design duration of 't' hours (calculated above) and an ARI of 'y' years	tI_y	mm/hr	159	2016 IFD	
Peak Flow Rate for an ARI of 'y' years	Q_y	m³/sec	0.152		

Stormwater Design Rational Method



Project No: **045-21-22**
Project Description: **Dalby Service Station**
Design Details: **10% AEP, Post-Development**

Coefficient of Discharge Section

Description	Symbol	Unit	Value	Reference	Comments
Fractions Impervious	f_i		0.850		Building Roof + Carpark
1 hour ARI 10 rainfall intensity	${}^{1hr}i_{10}$	mm/hr	53.8	2016 IFD	
Frequency Factor	F_y		1.00	QUDM 2016, Table 4.5.2	10% AEP
10yr Coefficient of Discharge	C_{10}		0.84	QUDM 2016, Table 4.5.3	
'y' yr Coefficient of Discharge	C_y		0.84	QUDM 2016, Equ 4.3 $= F_y \times C_{10}$	

Adopted Coefficient of Discharge is: C_y **0.84** *Where a coefficient of discharge calculated from Equation 4.3 for an urban catchment exceeds 1.00, it should be arbitrarily set to 1.0 in accordance with 'the recommendations of Australian Rainfall and Runoff (2016)'.*

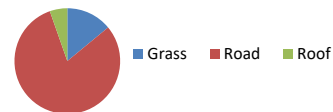
Time of Concentration Sheet Flow

Description	Symbol	Unit	Value	Reference	Comments
Flow path Length	L	m	70		

Breakdown of Horton's Surface Areas

	n	m^2	%	
Grass	0.035	550	14%	0.005
Road	0.016	3159	81%	0.013
Roof	0.012	210	5%	0.001
Total		3919		0.018

Pre Development



Horton's surface roughness factor	n		0.018	
Slope of surface	S	%	0.5	

Refer above for breakdown of areas

Overland sheet flow travel time	t	min	9.33	QUDM 2016, Equ 4.5 $= (107 n L^{0.333}) / S^{0.2}$	Friend's Equation (QUDM 2016, 4.5)
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Adopted Time of Concentration min **9.00**

Peak Flow Rate Calculation

Description	Symbol	Unit	Value	Reference	Comments
'y' yr Coefficient of Discharge	C_y		0.84	As above	
Catchment Area	A	ha	0.3919		
Average rainfall intensity for a design duration of 't' hours (calculated above) and an ARI of 'y' years	tI_y	mm/hr	152	2016 IFD	
Peak Flow Rate for an ARI of 'y' years	Q_y	m³/sec	0.139		

Stormwater Design Rational Method



Project No: **045-21-22**
Project Description: **Dalby Service Station**
Design Details: **2% AEP, Pre-Development**

Coefficient of Discharge Section

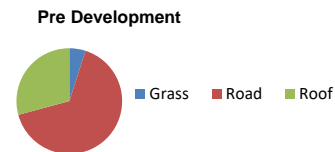
Description	Symbol	Unit	Value	Reference	Comments
Fractions Impervious	f_i		0.950		Building Roof + Carpark
1 hour ARI 10 rainfall intensity	${}^{1hr}i_{10}$	mm/hr	53.8	2016 IFD	
Frequency Factor	F_y		1.15	QUDM 2016, Table 4.5.2	2% AEP
10yr Coefficient of Discharge	C_{10}		0.88	QUDM 2016, Table 4.5.3	
'y' yr Coefficient of Discharge	C_y		1.01	QUDM 2016, Equ 4.3 $= F_y \times C_{10}$	
Adopted Coefficient of Discharge is:	C_y		1.00	Where a coefficient of discharge calculated from Equation 4.3 for an urban catchment exceeds 1.00, it should be arbitrarily set to 1.0 in accordance with 'the recommendations of Australian Rainfall and Runoff (2016).	

Time of Concentration Sheet Flow

Description	Symbol	Unit	Value	Reference	Comments
Flow path Length	L	m	70		

Breakdown of Horton's Surface Areas

	n	m^2	%	
Grass	0.035	195	5%	0.002
Road	0.016	2579	66%	0.011
Roof	0.012	1145	29%	0.004
Total		3919		0.016



Horton's surface roughness factor	n		0.016		Refer above for breakdown of areas
Slope of surface	S	%	0.5		
Overland sheet flow travel time	t	min	7.98	QUDM 2016, Equ 4.5 $= (107 n L^{0.333}) / S^{0.2}$	<i>Friend's Equation (QUDM 2016, 4.5)</i>
Adopted Time of Concentration		min	8.00		

Peak Flow Rate Calculation

Description	Symbol	Unit	Value	Reference	Comments
'y' yr Coefficient of Discharge	C_y		1.00	As above	
Catchment Area	A	ha	0.3919		
Average rainfall intensity for a design duration of 't' hours (calculated above) and an ARI of 'y' years	tI_y	mm/hr	215	2016 IFD	
Peak Flow Rate for an ARI of 'y' years	Q_y	m^3/sec	0.234		

Stormwater Design Rational Method



Project No: **045-21-22**
Project Description: **Dalby Service Station**
Design Details: **2% AEP, Post-Development**

Coefficient of Discharge Section

Description	Symbol	Unit	Value	Reference	Comments
Fractions Impervious	f_i		0.850		Building Roof + Carpark
1 hour ARI 10 rainfall intensity	${}^{1hr}i_{10}$	mm/hr	53.8	2016 IFD	
Frequency Factor	F_y		1.15	QUDM 2016, Table 4.5.2	2% AEP
10yr Coefficient of Discharge	C_{10}		0.84	QUDM 2016, Table 4.5.3	
'y' yr Coefficient of Discharge	C_y		0.97	QUDM 2016, Equ 4.3 $= F_y \times C_{10}$	

Adopted Coefficient of Discharge is: C_y **0.97** *Where a coefficient of discharge calculated from Equation 4.3 for an urban catchment exceeds 1.00, it should be arbitrarily set to 1.0 in accordance with 'the recommendations of Australian Rainfall and Runoff (2016)'.*

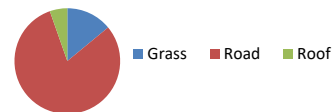
Time of Concentration Sheet Flow

Description	Symbol	Unit	Value	Reference	Comments
Flow path Length	L	m	70		

Breakdown of Horton's Surface Areas

	n	m^2	%	
Grass	0.035	550	14%	0.005
Road	0.016	3159	81%	0.013
Roof	0.012	210	5%	0.001
Total		3919		0.018

Pre Development



Horton's surface roughness factor	n		0.018	
Slope of surface	S	%	0.5	

Refer above for breakdown of areas

Overland sheet flow travel time	t	min	9.33	QUDM 2016, Equ 4.5 $= (107 n L^{0.333}) / S^{0.2}$
---------------------------------	-----	-----	------	---

Friend's Equation (QUDM 2016, 4.5)

Adopted Time of Concentration min **9.00**

Peak Flow Rate Calculation

Description	Symbol	Unit	Value	Reference	Comments
'y' yr Coefficient of Discharge	C_y		0.97	As above	
Catchment Area	A	ha	0.3919		
Average rainfall intensity for a design duration of 't' hours (calculated above) and an ARI of 'y' years	tI_y	mm/hr	206	2016 IFD	
Peak Flow Rate for an ARI of 'y' years	Q_y	m³/sec	0.217		

Stormwater Design Rational Method



Project No: **045-21-22**
Project Description: **Dalby Service Station**
Design Details: **1% AEP, Pre-Development**

Coefficient of Discharge Section

Description	Symbol	Unit	Value	Reference	Comments
Fractions Impervious	f_i		0.950		Building Roof + Carpark
1 hour ARI 10 rainfall intensity	${}^{1hr}i_{10}$	mm/hr	53.8	2016 IFD	
Frequency Factor	F_y		1.20	QUDM 2016, Table 4.5.2	1% AEP
10yr Coefficient of Discharge	C_{10}		0.88	QUDM 2016, Table 4.5.3	
'y' yr Coefficient of Discharge	C_y		1.06	QUDM 2016, Equ 4.3 $= F_y \times C_{10}$	

Adopted Coefficient of Discharge is: C_y **1.00** *Where a coefficient of discharge calculated from Equation 4.3 for an urban catchment exceeds 1.00, it should be arbitrarily set to 1.0 in accordance with 'the recommendations of Australian Rainfall and Runoff (2016)'.*

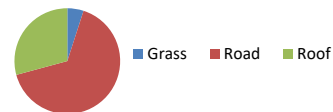
Time of Concentration Sheet Flow

Description	Symbol	Unit	Value	Reference	Comments
Flow path Length	L	m	70		

Breakdown of Horton's Surface Areas

	n	m^2	%	
Grass	0.035	195	5%	0.002
Road	0.016	2579	66%	0.011
Roof	0.012	1145	29%	0.004
Total		3919		0.016

Pre Development



Horton's surface roughness factor	n		0.016	
Slope of surface	S	%	0.5	

Refer above for breakdown of areas

Overland sheet flow travel time	t	min	7.98	QUDM 2016, Equ 4.5 $= (107 n L^{0.333}) / S^{0.2}$
---------------------------------	-----	-----	------	---

Friend's Equation (QUDM 2016, 4.5)

Adopted Time of Concentration min **8.00**

Peak Flow Rate Calculation

Description	Symbol	Unit	Value	Reference	Comments
'y' yr Coefficient of Discharge	C_y		1.00	As above	
Catchment Area	A	ha	0.3919		
Average rainfall intensity for a design duration of 't' hours (calculated above) and an ARI of 'y' years	tI_y	mm/hr	239	2016 IFD	
Peak Flow Rate for an ARI of 'y' years	Q_y	m³/sec	0.260		

Stormwater Design Rational Method



Project No: **045-21-22**
Project Description: **Dalby Service Station**
Design Details: **1% AEP, Post-Development**

Coefficient of Discharge Section

Description	Symbol	Unit	Value	Reference	Comments
Fractions Impervious	f_i		0.850		Building Roof + Carpark
1 hour ARI 10 rainfall intensity	${}^{1hr}i_{10}$	mm/hr	53.8	2016 IFD	
Frequency Factor	F_y		1.20	QUDM 2016, Table 4.5.2	1% AEP
10yr Coefficient of Discharge	C_{10}		0.84	QUDM 2016, Table 4.5.3	
'y' yr Coefficient of Discharge	C_y		1.01	QUDM 2016, Equ 4.3 $= F_y \times C_{10}$	
Adopted Coefficient of Discharge is:	C_y		1.00	Where a coefficient of discharge calculated from Equation 4.3 for an urban catchment exceeds 1.00, it should be arbitrarily set to 1.0 in accordance with 'the recommendations of Australian Rainfall and Runoff (2016).	

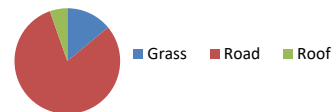
Time of Concentration Sheet Flow

Description	Symbol	Unit	Value	Reference	Comments
Flow path Length	L	m	70		

Breakdown of Horton's Surface Areas

	n	m^2	%	
Grass	0.035	550	14%	0.005
Road	0.016	3159	81%	0.013
Roof	0.012	210	5%	0.001
Total		3919		0.018

Pre Development



Horton's surface roughness factor	n		0.018		Refer above for breakdown of areas
Slope of surface	S	%	0.5		
Overland sheet flow travel time	t	min	9.33	QUDM 2016, Equ 4.5 $= (107 n L^{0.333}) / S^{0.2}$	Friend's Equation (QUDM 2016, 4.5)
Adopted Time of Concentration		min	9.00		

Peak Flow Rate Calculation

Description	Symbol	Unit	Value	Reference	Comments
'y' yr Coefficient of Discharge	C_y		1.00	As above	
Catchment Area	A	ha	0.3919		
Average rainfall intensity for a design duration of 't' hours (calculated above) and an ARI of 'y' years	tI_y	mm/hr	229	2016 IFD	
Peak Flow Rate for an ARI of 'y' years	Q_y	m³/sec	0.249		



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SEG Pty Ltd

Authorised and signed

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1 Introduction

Pearl Energy Pty Ltd (PE) is undertaking an application for a service station located at 33 Drayton Street, Dalby known as the service station. SEG Consulting Engineers has been retained by PE to assess noise impacts associated with the proposed use.

This report provides:

- Measurements of existing noise levels
- Environmental values to be protected
- Proposed noise goals
- 3D Noise modelling of the service station
- Noise mitigation recommendations

The report addresses normal operations as well as the noise aspects of bulk fuel delivery and waste removal.

Simpson Engineering Group is a consulting engineering group specialising in noise, vibration, lighting and air quality assessments. The principal of SEG is a consulting mechanical engineer with over 35 years consulting experience in Queensland.

1.1 Layout Site Description

The proposed layout at the corner of Drayton Street and Condamine Street is shown in Figure 1. The layout comprises a service station and four groups of bowzers for refuelling of cars and 1 bowser for truck refuelling utilising high flow pumps. There are four car parks in the southern corner and a further group of carparks adjacent to the service station building. The air/water point is situated near the southern boundary. There is a vacant allotment immediately adjacent to the site to the north-west. There is a commercial use to the NE and is currently used as a restaurant. There are motels beyond the two adjoining allotment to the north-east and north-west. On the opposite side of Condamine Street are various commercial uses including a service station, fast food and a shopping precinct. Thomas Jack Memorial Park is situated on the opposite side of Drayton Street.



Figure 1: Proposed Revised Layout (Architectural Drawing: Verve)

1.2 Council Information Request 27 January 2022

The Council made the following comments in relation to the noise report issued 16 Dec 2021.

“The assessing officer note that you have provided a Noise Impact Assessment in support of the application to demonstrate that potential noise emissions of the development are able to be managed to ensure that the amenity of surrounding sensitive land uses is not adversely impacted by the development.

The closest sensitive land use is the existing Motel located on Lot 2 on RP176838, 31 Drayton Street, Dalby. The existing Hotel is currently separated approximately 20 metres from the property boundary of the development by a vacant lot within the Major Centre Zone.

The Acoustic Report recommended that an acoustic fence with a maximum height of 1.8 metres is to be provided to meet the noise criteria of the Western Downs Planning Scheme 2017 incorporating Amendment 1.

It is noted that the heavy vehicle movements associated with the proposed development will occur along the north-eastern and north-western boundaries of the property. The Assessing Officer notes that the Traffic Management Report provides that the maximum design vehicle that will access the property is a B-Double vehicle which reaches a height of 4.3 metres.

It is noted that the Acoustic Report does not consider the scenario of a truck with refrigerated trailer/s seeking to refuel at the development. It is also noted that the noise generated from engines within refrigerated trailers can be located at the top of the refrigerated trailer which would result in noise impacts that would not be buffered by the recommended acoustic fence.

It is requested that the Acoustic Report be amended, or information provided, as to how a fence of this height will buffer surrounding sensitive land uses from the noise impacts of heavy vehicular movements, including heavy vehicles with refrigerated trailers which are elevated higher than the proposed acoustic boundary fence.”

Response

The noise report issued 16 Dec 2021 included modelling of noise from trucks refuelling and travelling around the north-western and north-eastern perimeter of the site. The noise source height for the trucks was 4.0m, well above the height of the boundary fence. The acoustic boundary fence being much lower than the truck noise source will not attenuate these noises sources. However, in practice the fence will mitigate truck engine noise and tyre noise. Although the Council have indicated a preference for a 4.3m elevation the difference in elevation between 4.0m and 4.3m will not make any practical difference to the modelled noise levels.

Refrigerated transport was not modelled. This report has included a modelling case from refrigerated Pantech truck similar to Figure 2 assuming the unit (or units) remains on site for the period to refuel 200l of diesel and pay the cashier. These types of units include a small low powered internal combustion engine. Typical noise levels from refrigerated delivery trucks are 66 dB(A) at 10 m as a continuous noise source.

An additional noise case has been modelled and comprise the two trucks entering the site and refuelling over 10 minutes each and both comprise refrigerated trucks, see Table 5 and Table 6. Only the night case is considered in this instance since this is the most sensitive case. Thus, the noise model case incorporates 20minutes of refrigerated truck operation within the modelling hour period.

The results of modelling of refrigerated trucks demonstrated a noisier modelling case than previously assessed at the motel. However, this new modelling case noise levels still complies with the noise level goals and is quieter than the current operations.



Figure 2: Typical Refrigerated Delivery Truck

2 Existing Noise Environment

SEG undertook measurements of existing noise over a 7-day period. The results are presented in Table 1 and graphically in Figure 3. It is understood road traffic noise is the dominant noise source at the noise monitoring location, refer to Figure 1 for logger location. The RBN is the Rating Background Noise level, and it represents the median of the daily background noise levels. The daily background noise levels are described as the lowest 10th percentile of the $L_{A90(15\text{-minute})}$ measurements for the respective time period.

The noise monitoring took place immediately after an extended period of very heavy rain. The monitoring period was hot and humid and generally without rain except for a thunderstorm on Saturday afternoon and evening. The site to the north-west and adjacent to the noise logger was retaining surface water. There were numerous frogs and insects in the vicinity. In addition, the existing use on the subject site has extensive refrigeration and airconditioning units. Furthermore, the nearby motels cause noise at the monitoring location due to air conditioning units mounted on the motel unit facades. Consequently there are numerous almost continuous noise sources throughout the day and night at the noise monitoring location.

Table 1: Summary of Noise Measurements On the Subject Site [dBA] – Source SEG

Date	L_{A01} dB(A)			L_{A10} dB(A)			L_{Aeq} dB(A)			L_{A90} dB(A)		
	Day	Evening	Night	Day	Evening	Night	Day	Evening	Night	Day	Evening	Night
9/12/2021	66.8	64.2	61.4	60.0	58.2	55.9	56.4	58.1	57.6	54.4	55.2	54.2
10/12/2021	65.8	64.2	56.9	59.3	58.6	55.3	57.9	57.7	57.3	54.5	54.2	53.4
11/12/2021	62.7	62.4	57.6	56.8	53.3	51.6	53.0	54.8	53.0	49.4	48.6	47.6
12/12/2021	61.6	61.6	52.6	54.7	53.9	48.8	52.3	53.3	52.4	48.9	48.1	43.7
13/12/2021	64.9	64.3	51.9	58.6	56.4	48.7	54.5	55.7	54.2	49.9	47.9	46.2
14/12/2021	64.7	63.0	58.5	58.0	56.8	49.4	56.4	55.4	54.9	49.8	49.6	45.5
15/12/2021	54.7	52.0	55.4	54.4	51.8	51.9	52.7	52.7	51.1	49.8	49.0	45.8
16/12/2021	64.1		48.5	59.3		48.6	57.1	56.6		51.3		46.4
Median/RBN	64	63	56	58	56	51	55	56	54	50	49	46

Notes: The L_{A90} is the lowest 10th percentile of the $L_{A90(15\text{-minute})}$ measurements for the respective time period.

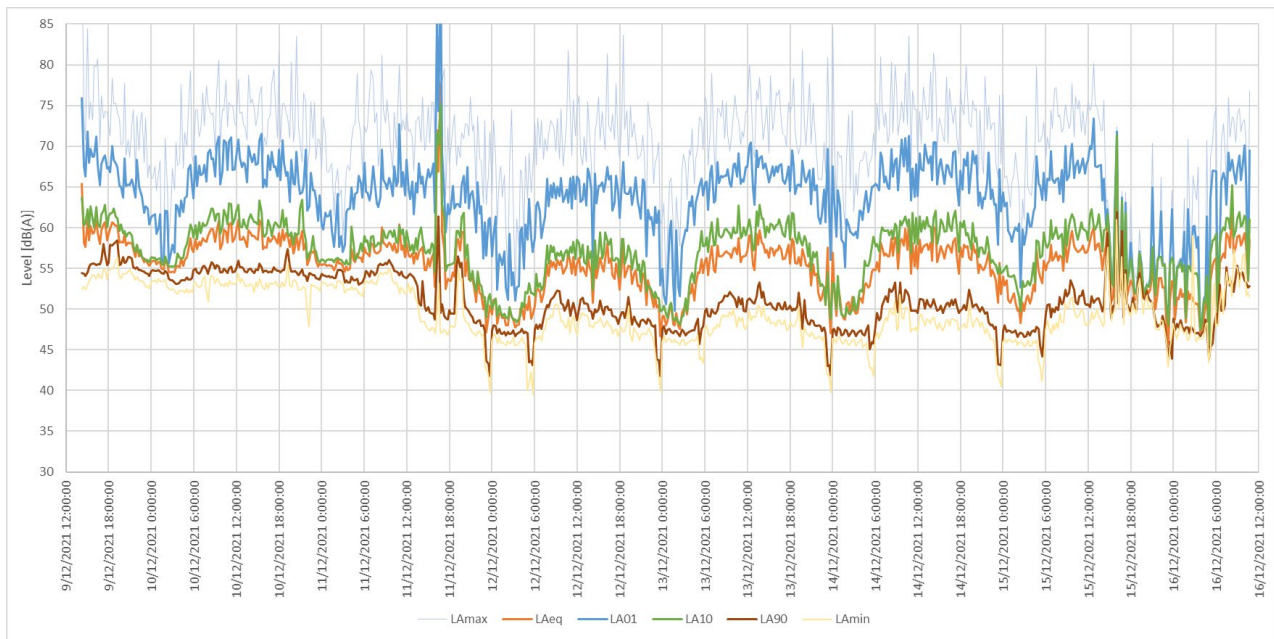


Figure 3: Chart of Noise Levels over the Monitoring Period

A photograph of the deployed logger is contained in Photograph 1 and Photograph 2. The view is to the north-east over the adjoining allotment showing the motel units. It is noted the rear of the motel units face towards the proposed service station and there are multiple air conditioners outside units along their boundary.



Photograph 1: Noise Logger Deployed (Source: WoopWoop.Online)



Photograph 2: Noise Logger Deployed (Source: WoopWoop.Online)

3 Noise Criteria

The measurements of ambient noise are considered representative of the noise levels in the vicinity of the site. These measurements help form an opinion regarding the environmental values to be preserved. It is recognised that motels and hotels are commercial uses and provide short term accommodation. However, for conservatism this report has adopted the motel units should be assessed in the same way as residences, units or town houses whilst acknowledging that the motels are air conditioned and rarely have open windows at night.

3.1 Western Downs Regional Council Noise Policy

The assessment of noise is typically assessed by considering both amenity and emissions. The Council requires information addressing any applicable assessment benchmarks. Additionally, the Council has highlighted specific matters in Planning Scheme Policy 5 – Development Application Requirements, refer to Table 2.

Table 2: Emissions and Amenity (Table SC6.6.6 Additional information required by development and overlay code)

Code	Information required
Amenity	<p>Sufficient detail should be provided to enable “Council” to accurately determine the likely impact of the proposal on the amenity of the locality. The following details should be provided:</p> <ul style="list-style-type: none">a) hours of operation;b) delivery times of goods;c) heights of “Buildings” and “Structures”;d) setbacks and boundary clearances of all “Buildings” and “Structures”; ande) external lighting arrangements.
Emissions	<p>Sufficient detail should be provided to enable “Council” to accurately determine the extent and nature of likely impacts arising from emissions. The following information should be provided:</p> <ul style="list-style-type: none">a) the nature of any anticipated emissions (including odour, noise, dust, run-off and the like);b) measures proposed for the control of emissions;c) the location and methods of containment and control of waste disposal and waste storage areas;d) types, quantities, storage methods, and protection measures relating to storage and use of chemicals; ande) emergency equipment and procedures to be utilised.

3.2 Environmental Protection Act 1994

The objective of the EP Act is to protect Queensland's environment while allowing for development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends.

The EP Act states a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. This is termed the 'general environmental duty'.

Environmental harm is defined as any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.

3.2.1 Mechanical Plant Noise

The Environmental Protection Act 1994 specifies criteria for pumps and air conditioning plant as follows:

440T Pumps

1. This section applies to premises at or for which there is a pump.
2. An occupier of the premises must not use, or permit the use of, the pump on any day
 - (a) before 7a.m, if it makes an audible noise; or
 - (b) from 7a.m. to 7p.m, if it makes a noise of more than 5dB(A) above the background level; or
 - (c) from 7p.m. to 10p.m, if it makes a noise of more than 3dB(A) above the background level; or
 - (d) after 10p.m, if it makes an audible noise.
3. Subsection (2)(a), (c) and (d) do not apply to a noise made at an educational institution, that is not more than 5dB(A) above the background level.
4. In this section Pump
 - (a) means an electrical, mechanical or pneumatic pump; and Examples liquid pump, air pump, heat pump
 - (b) includes a swimming pool pump and a spa blower.

440U Air-conditioning equipment

1. This section applies to premises at or for which there is air-conditioning equipment.
2. An occupier of the premises must not use, or permit the use of, the equipment on any day
 - (a) before 7a.m, if it makes a noise of more than 3dB(A) above the background level; or
 - (b) from 7a.m. to 10p.m, if it makes a noise of more than 5dB(A) above the background level; or
 - (c) after 10p.m, if it makes a noise of more than 3dB(A) above the background level.

440V Refrigeration equipment

1. This section applies to a person who is
 - (a) an occupier of premises at or for which there is plant or equipment for refrigeration (refrigeration equipment); or

- (b) an owner of refrigeration equipment that is on or in a vehicle, other than a vehicle used or to be used on a railway.
- 2. The person must not use, or permit the use of, the refrigeration equipment on any day
 - (a) before 7a.m, if it makes a noise of more than 3dB(A) above the background level; or
 - (b) from 7a.m. to 10p.m, if it makes a noise of more than 5dB(A) above the background level; or
 - (c) after 10p.m, if it makes a noise of more than 3dB(A) above the background level.
- 3. In this section vehicle includes a trailer.

3.3 Environmental Protection (Noise) Policy 2019

The noise level goals for operations are informed from the Environmental Protection (Noise) Policy 2019 which seeks to achieve the object of the EP Act by:

- Identifying environmental values to be enhanced or protected
- Stating acoustic quality objectives for enhancing or protecting the environmental values
- Providing a framework for making consistent, equitable and informed decisions about the acoustic environment.

The EP Noise Policy identifies specific Acoustic Quality Objectives for sensitive receptors. Sensitive land uses/receptors identified in the policy include:

- a dwelling (detached or attached) including house, townhouse, unit, reformatory institution, caravan park or retirement village
- a library, child care centre, kindergarten, school, school playground, college, university, museum, art gallery or other educational institution, hospital, respite care facility, nursing home, aged care facility, surgery or other medical centre
- a community building including a place of public worship
- a court of law
- a hotel, motel or other premises which provides accommodation for the public
- a commercial (office) or retail facility
- a protected area, or an area identified under a conservation plan as a critical habitat or an area of major interest under the Nature Conservation Act 1992
- an outdoor recreational area (such as public park or gardens open to the public, whether or not on payment of a fee, for passive recreation other than for sport or organised entertainment) or a private open space.

The environmental values to be enhanced or protected under the EPP(Noise) are:

- (a) the qualities of the acoustic environment that are conducive to protecting the health and biodiversity of ecosystems; and
- (b) the qualities of the acoustic environment that are conducive to human health and wellbeing, including by ensuring a suitable acoustic environment for individuals to do any of the following-
 - a. sleep;
 - b. study or learn;

- c. be involved in recreation, including relaxation and conversation; and
- (c) the qualities of the acoustic environment that are conducive to protecting the amenity of the community.

There are two main considerations namely:

1. Acoustic quality objective (noise levels that are conducive to human health and well-being, ensuring a suitable acoustic environment for individuals to sleep, study or learn, be involved in recreation, including relaxation and conversation; and preserve the qualities of the acoustic environment that are conducive to protecting the amenity of the community); and
2. Management Intent

3.3.1 Acoustic Quality Objectives

The 'Acoustic Quality Objectives' seek to protect the amenity of an acoustic environment. The indoor night-time goals effectively address sleep disturbance and sleep awakenings, while during the day it protects conversation. It should be noted that these are not strictly design limits for individual sources but objectives that are considered to provide acceptable health and wellbeing for the community

The acoustic quality objectives are expressed as indoor noise level goals for dwellings at Night (10pm to 7am) and outdoor noise level goals during the Day (7 am to 6 pm) and Evening (6 pm to 10 pm). These objectives are all contained in Table 3.

The indoor noise quality objective for dwellings is converted to an outdoor noise level by conservatively assuming that the windows of the dwellings are wide open. The equivalent external noise levels (for the dwelling indoor noise level goals in Table 3) measured at least 4 m from the dwelling would be 5 dB higher (to allow for the reduction of noise through the building envelope).

Table 3: Acoustic Quality Objectives for Residences During the Day (7 am to 6 pm), Evening (6 pm to 10 pm) and Night (10 pm to 7 am).

Location	Time of Day	Acoustic Quality Objectives (Measured at the receptors) dB(A)			Environmental Value
		L _{Aeq} , adj, 1 hr	L _{A10} , adj, 1 hr	L _{A1} , adj, 1 hr	
Residence outdoors	Daytime & evening	50	55	65	Health and wellbeing
Residence indoors	Daytime & evening	35	40	45	Health and wellbeing
Residence indoors	Night-time	30	35	40	Health wellbeing in relation to the ability to sleep

Source: EPP (Noise) 2019

3.3.2 Management Intent

It is intended that noise from an activity that affects or may affect an environmental value to be enhanced or protected under the EPP(Noise) be appropriately managed.

To the extent it is reasonable to do so, noise must be dealt with in a way that ensures-

- a) the noise does not have any adverse effect, or potential adverse effect, on an environmental value under this policy; and
- b) background creep in an area or place is prevented or minimised.

In the situation where existing noise levels exceed the Acoustic Quality objectives, to the extent it is reasonable to do so, noise at that sensitive place must be dealt with in a way that progressively improves the acoustic environment of the area or place.

Background creep, for noise in an area or place, is described as a gradual increase in the total amount of background noise in the area or place.

The EPP(Noise) does not provide any guidance nor limits regarding how to address background creep.

However, the guiding principles are:

- i. Background creep in an area is to be prevented or minimised
- ii. Any control requirements are to be reasonable

Background creep can be prevented by ensuring the noise from activity is always below the background noise level. However, this may be excessively onerous for many situations. The EPP(Noise) does not include any guidance regarding how to assess “reasonable” noise control. A work practice or abatement measure is feasible if it is capable of being put into practice or of being engineered and is practical to build given project constraints such as safety and maintenance

requirements. Selecting reasonable measures from those that are feasible involves making a judgement to determine whether the overall noise-reduction benefits outweigh the overall adverse social, economic and environmental effects, including the cost of the noise abatement measure. To make such a judgement, consideration may be given to aspects such as noise level impacts, noise mitigation benefits, cost effectiveness and community views.

3.4 Sleep Disturbance WHO Guidelines

Research has shown that the ability to get to sleep and, when asleep, the probability of experiencing a change of sleep state or ultimately of awakening are related to both the ambient and maximum instantaneous noise levels at the ear of the sleeper and the number of events during the night-time period (WHO 1999).

In planning for short-term or transient noise events, for good sleep over eight hours, the indoor sound pressure level measured as a maximum instantaneous value should not exceed approximately 45dBA maxLpA more than 10-15 times per night. According to Guideline Ecoaccess Planning for Noise Control (EPA 2004), the corresponding external noise level, assuming partially closed windows, is 52dBA maxLpA (L_{Amax}), measured in the free field. However, the nearby motel units windows facing the proposed service station are comparatively small. Additionally, the motel units are airconditioned hence the appropriate external noise level goal is 60dBA maxLpA (L_{Amax}), measured in the free field for 10 to 15 events per night.

For larger number of events per night, the noise level goal is reduced by $10 \cdot \log(\text{Number of events}/10)$. Hence if there are 100 events per night (over an 8 hour period) the external noise level goal would be 50 dB(A) free field and if there are 50 events per night (over an 8-hour period) the external noise level goal would be 53 dB(A) free field.

3.5 Summary of Adopted Noise Goals

3.5.1 Overall Noise Emissions

From the noise level measurements, it is evident that the existing noise levels exceeds the EPA Acoustic Quality objectives for residences by a wide margin.

The guidance of the EPP(Noise) for the current situation where existing noise levels exceed the Acoustic Quality objectives, to the extent it is reasonable to do so, noise at that sensitive place must be dealt with in a way that progressively improves the acoustic environment of the area or place.

In this instance it is proposed that the noise levels from the site be mitigated so that the noise levels from the future development are no greater than that currently experienced and if possible, to make reductions in the future noise levels, ideally below the Acoustical Quality Objectives. This would provide an improvement in noise exposure for all nearby sensitive receptors.

The usual intrusive noise limits comprise:

- Day 50 dB(A)+3 dB(A) = $L_{Aeq(1 \text{ hour})}$ of 53 dB(A), limited to 50 dB(A) in accordance with Acoustic Quality Objectives
- Evening 49 dB(A) + 3 dB(A) = $L_{Aeq(1 \text{ hour})}$ of 52 dB(A)), limited to 50 dB(A) in accordance with Acoustic Quality Objectives
- Night 46 dB(A) + 3 dB(A) = $L_{Aeq(1 \text{ hour})}$ of 49 dB(A)

3.5.2 Sleep Disturbance

It is assumed there are 50 maximum noise level events at night associated with door slams and car starts. Consequently, the L_{Amax} goal at night is 53 dB(A) outside all existing nearby noise sensitive receptors.

3.5.3 Mechanical Plant

The noise level goals for air conditioners, mechanical plant and pumps blowers etc are contained in Table 4. The noise level goal for pumps at night is no audible noise. Typically noises with tonal or impulsive characteristics are audible at noise levels well below the background noise level, while broad-band noise (i.e. white noise) may not be audible even above background noise level. The design target at night is 5 dB(A) below background noise level and without any tonal or impulsive characteristics. The main pump noise source at a service station is the tyre inflation pump. This pump is usually be situated inside a building, not externally. The fuel bowsers are also pumps however the noise is usually only audible a few metres from the unit during use.

Table 4: Applicable Noise Level Goals $L_{Aeq}(1\text{hour})$ from Environmental Protection Act

Noise Source	Sound Pressure Level $L_{Aeq}(1\text{hour})$ dB(A) during Time Periods		
	Before 7am and After 10pm ^{Note (a)}	From 7am to 7pm	From 7pm to 10pm
Measured Rating Background Noise Level (RBL)	46	50	49
Pumps (i.e. tyre inflation pump)	No audible noise, i.e. 41	RBL + 5 = 55	RBL + 3 = 47
Air conditioning (including exhaust fans)	RBL + 3 = 49	RBL + 5 = 55	RBL + 5 = 49
Refrigeration	RBL + 3 = 49	RBL + 5 = 55	RBL + 5 = 49

Note:

(a) Design goal for mechanical plant etc. use since 24hour operation is intended

4 Predicted Noise Levels

4.1 Noise Sources

The noise sources associated with a service station are associated with car and truck use, pedestrians, air conditioning and mechanical plant. Some noise sources such as door closes and car starts are short duration noises whereas driving over the site, air conditioning are longer duration noises. Short duration noises are assessed via short duration noise level goals while long-duration noises are assessed using noise level goals having a longer duration.

The various noise occurring on the site are contained in Table 5. Each noise source is expressed in terms of both the $L_{Aeq(60 \text{ minute})}$ and the L_{Amax} . For instance, a car start makes an L_{Amax} noise level of approximately 65 dB(A) at 10m. The contribution to the $L_{Aeq(60 \text{ minute})}$ is determined by the duration of the noise and after accounting for the short time it takes to start an ICE vehicle the $L_{Aeq(60 \text{ minute})}$ becomes 32 dB(A).

Table 5: Source Noise Levels at 10m in dB(A)

Noise Source	Source Noise Levels at 10m in dB(A)	
	L _{Aeq} (60 minute)	L _{Amax}
Car idling (for 15 minutes)	51	57
Truck idling (for 15 minutes) (Including delivery trucks)	57	63
Refrigerated transport (Pantech) Idling for 10 minutes	58	66
Car bypass (20 km/hr) 10 seconds	32	58
Truck bypass (10 km/hr) 10 seconds	38	64
Petrol pump pumping (for 15 minutes)	44	50
Air hiss during tyre fill (for 1 minute)	44	62
Car start	32	65
Truck start	35	68
Car and Truck door slam	n.a.	65
Tyre inflator beep (10 seconds)	45	71
Waste collection truck (dumping max)	n.a.	75
Bulk refuelling truck	n.a.	68
Air conditioning (Assuming sound power level of 70 dB(A)). (Operating for 15 minutes)	36	42

Table 6 describes typical use of the service station. This data is used to develop a noise use profile. For instance, each access by a vehicle involves 1 car start, four door slams, 30 seconds of engine idling and travel over the subject site, refer to Appendix A: Noise Model of Service Station.

Bulk refuelling is carried out by gravity feed from the delivery trucks. This is a low noise generating activity since all truck engines are off during the bulk refuelling and the main noise is associated with the truck manoeuvring and parking. These noises have been included in the noise model.

Table 6: Peak Hourly Activities - Day Evening and Night for Noise Modelling Purposes

Activity	Day	Evening	Night	
Vehicles accessing pumps	40	20	16	
Vehicles using carparks	20	10	10	
Truck accessing pumps	2	2	2	2 Refrig Trucks ^{Note 1}
Tyre pressure checks	3	2	1	
Cars idling	4	3	2	
Truck idling (i.e. delivery truck)	2	2	1	
Waste collection truck	1	1	1	

Note 1: An additional night case has been included where the two trucks entering the site at night comprise pantech refrigerated transports. It should be noted this assumes that there will be refrigeration units in operation for 20 minutes over the hourly modelling period. Case added following Council request.

The noise model includes a 1.8m high property boundary noise barrier. The height is specified relative to the neighbouring property boundary or the site boundary whichever is the greater. The calculated noise levels are presented at an elevation of 1.8m above local ground levels and representative of the typical ground floor of nearby buildings.

The calculated maximum noise levels are contained in Figure 4, Figure 5 and Figure 6 being the typical maximum noise levels at various times of day. This model shows the maximum noise levels at night are likely to be below 50 dB(A) at all sensitive receptors and readily comply with the sleep disturbance goals at the motel for more than 100 maximum noise level events at night. Since there adequate separation distance to the nearby motels, waste removal can take place at any time. However, if waste collection was excluded from the night period the L_{Amax} would be approximately 46 dB(A) at the nearby motel units.

With the exception of the refrigerated transport modelling case, the calculated $L_{Aeq(1 \text{ hour})}$ noise levels are calculated to be below 36 dB(A) at all noise sensitive receptors at night, refer to Figure 9 and below 37 dB(A) during the day and evening see Figure 7 and Figure 8. These noise levels readily comply with the EPP(noise) goals to avoid loss of amenity and avoid noise nuisance during the day, evening and night.

The operation of refrigerated trucks (reefers) is likely to lead to an $L_{Aeq(1 \text{ hour})}$ noise level of 47 dB(A) at the existing motel, refer to Figure 10. This is slightly below the desired noise level goal at night of 49 dB(A). It is desirable that refrigerated trucks refuel quick and depart the site. Hence it is recommended that signage be installed along the NE and NW boundaries of the site stating "No Standing for Refrigerated Transports".

The air conditioning and mechanical plant has not been selected at this stage. It is anticipated that the air compressor will be located within the service building. The exhaust fans, air conditioning and refrigeration plant will be selected to comply with the nominated noise level goals for operation at the night. Given the large separation distances involved it is expected compliance with the noise level goals to be readily achievable.

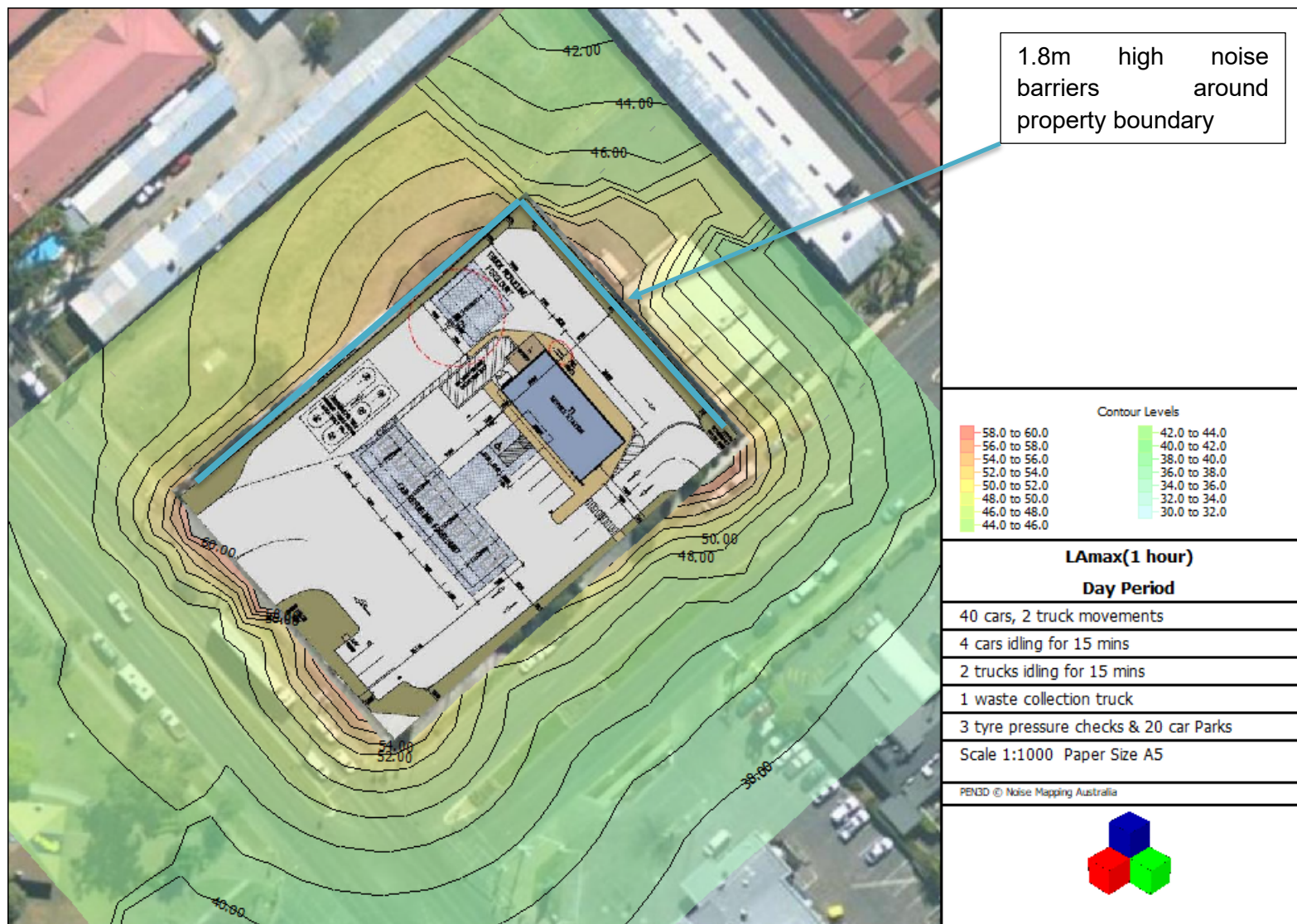


Figure 4: L_{Amax}(1 hour) Day from All Sources - Car Starts and Door Slams Including Delivery Trucks and Waste Removal (with 1.8m Property Boundary Barriers)

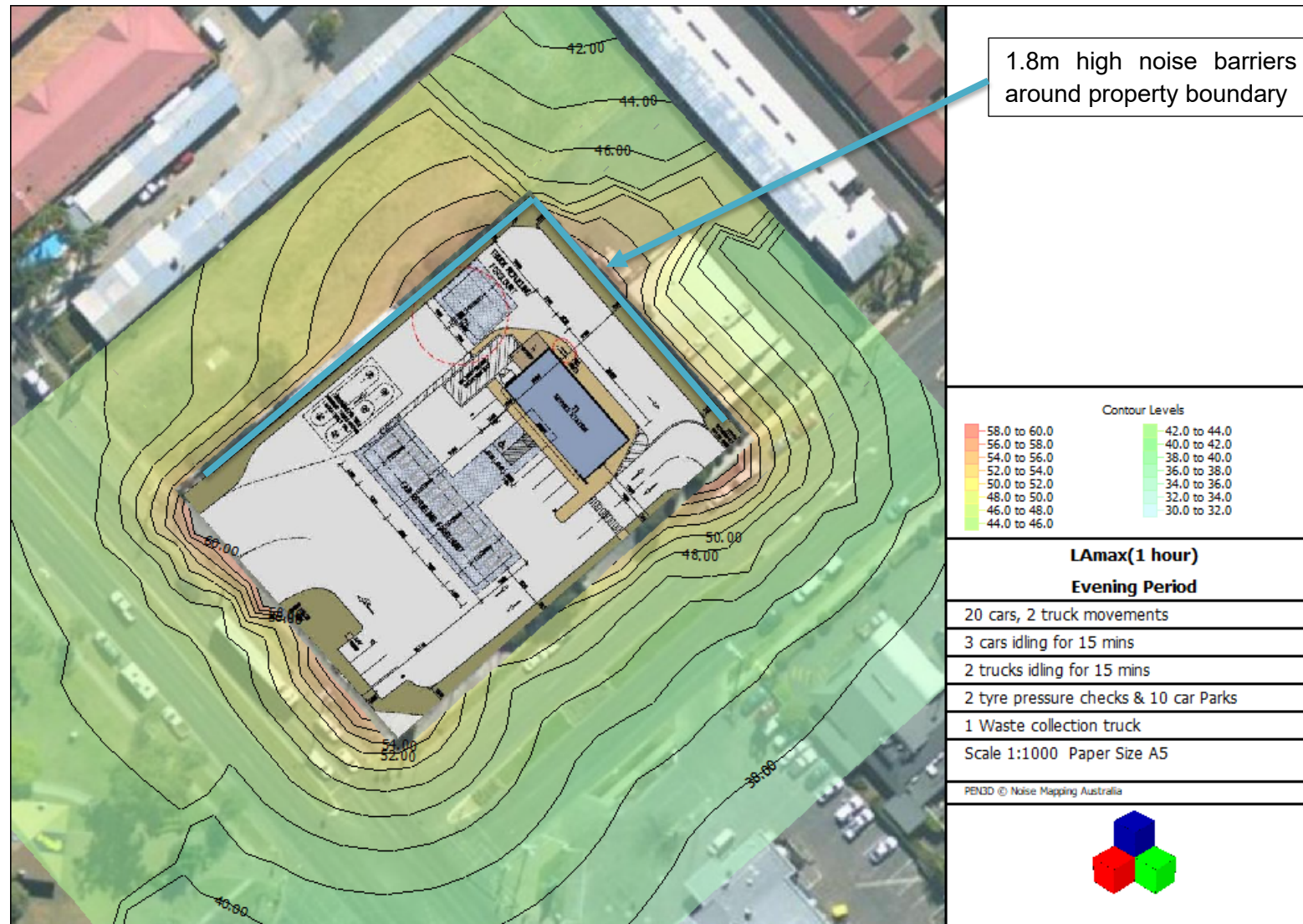


Figure 5: L_{Amax}(1 hour) Evening from All Sources - Car Starts and Door Slams Including Delivery Trucks and Waste Removal) (with 1.8m Property Boundary Barriers)

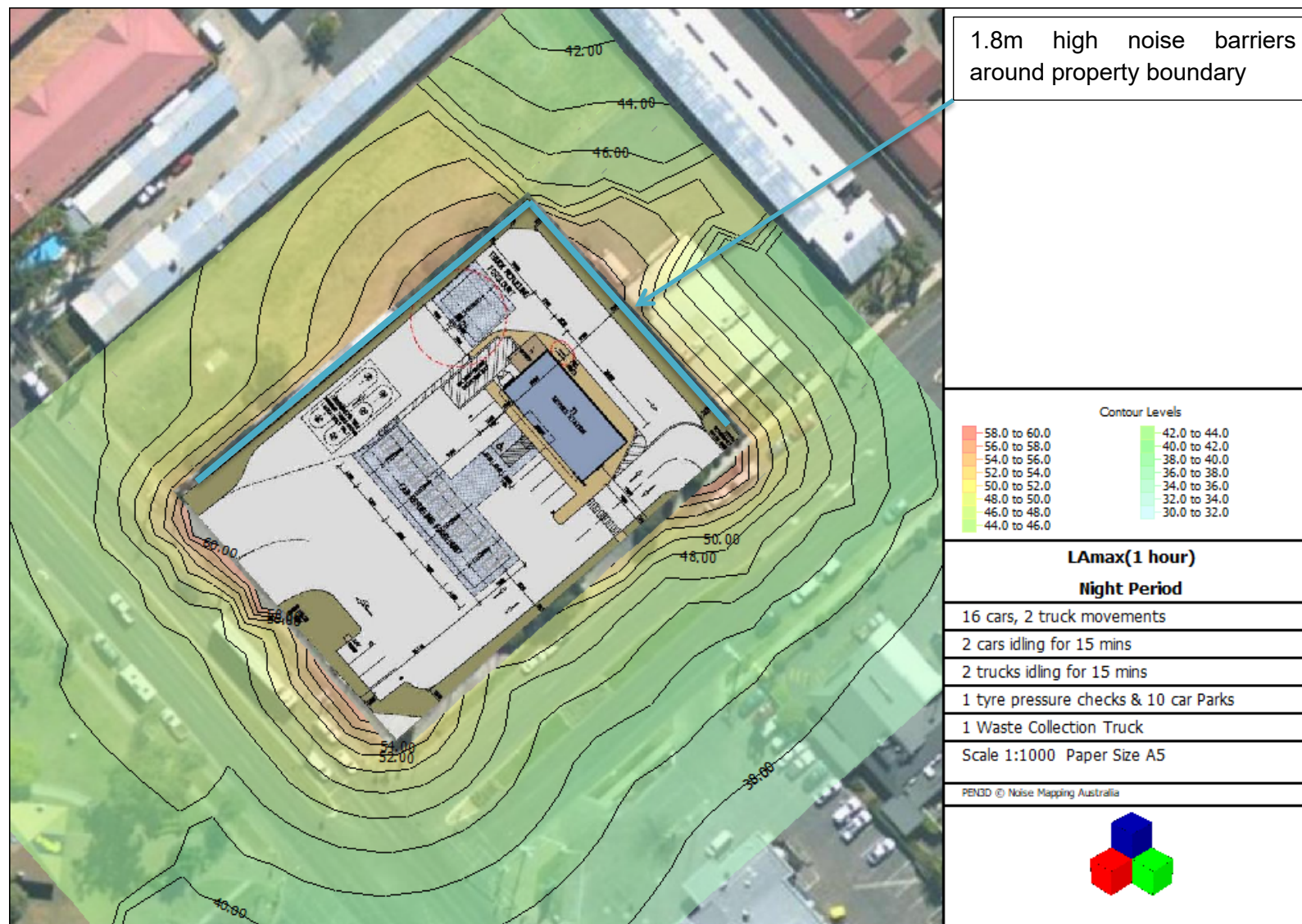


Figure 6: L_{Amax}(1 hour) Evening from Service Station Excluding Delivery Trucks & Waste Removal (with 1.8m Property Boundary Barriers)

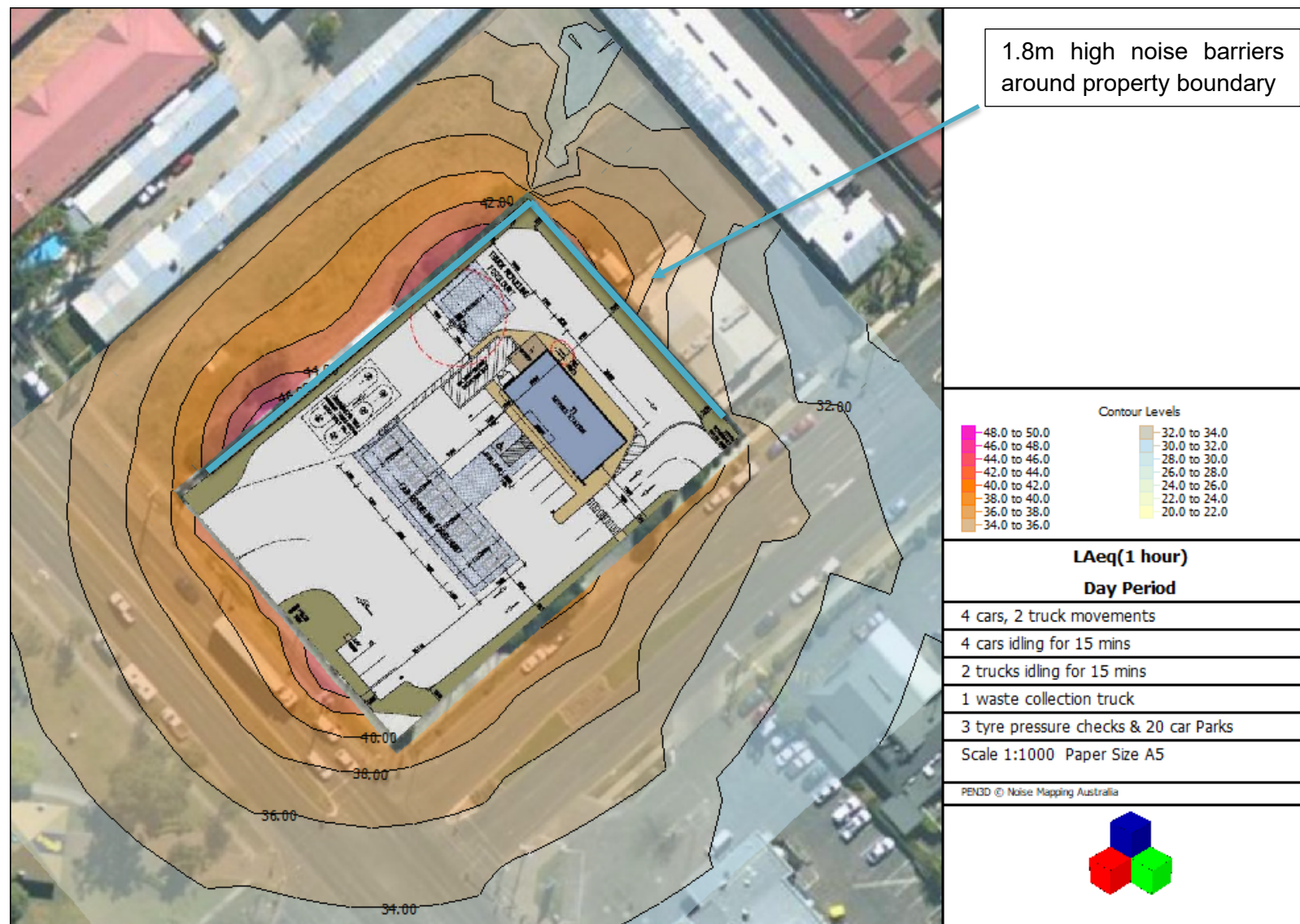


Figure 7: LAeq(1 hour) Daytime from Service Station Including Delivery Trucks and Waste Removal (with 1.8m Property Boundary Barriers)

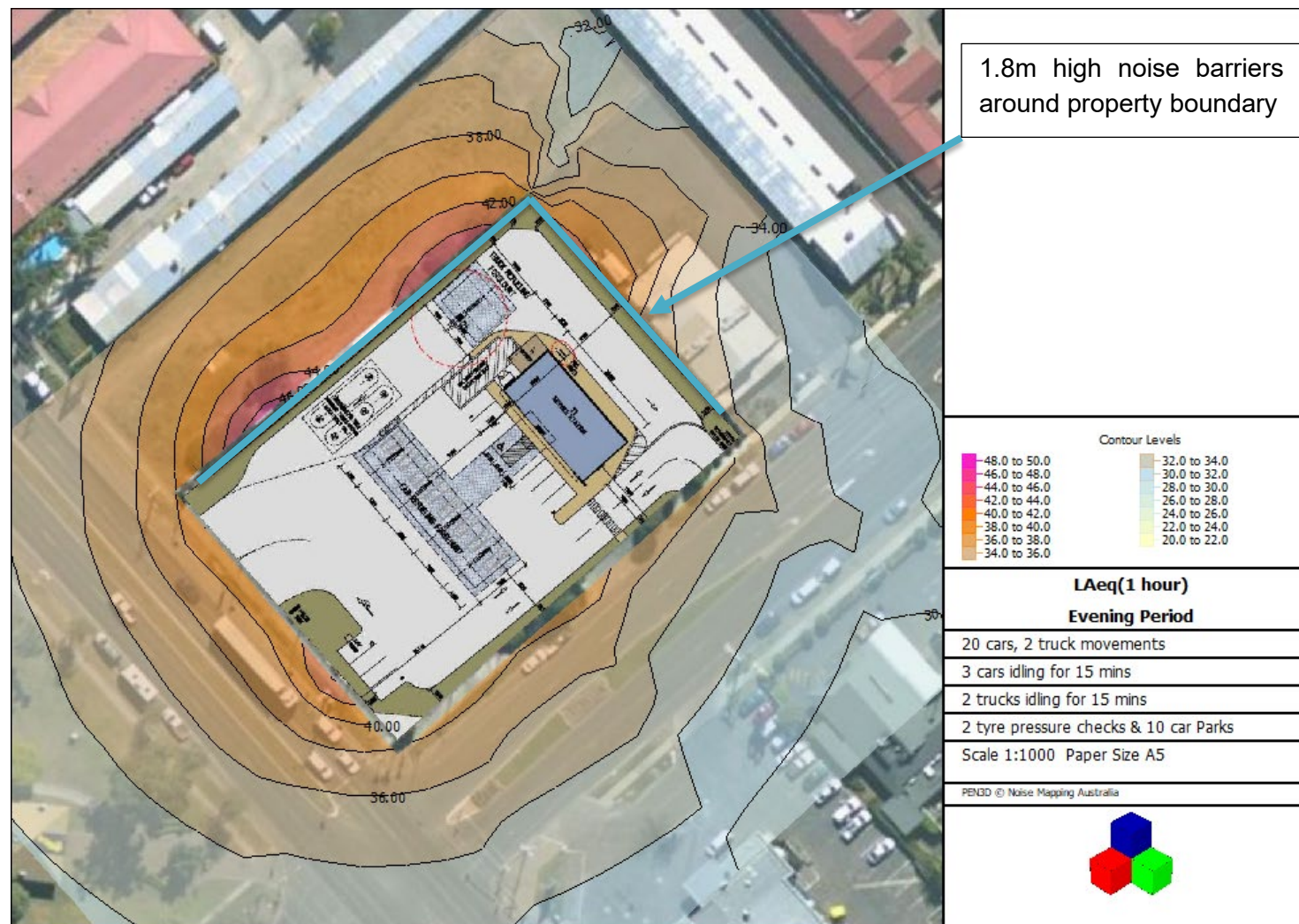


Figure 8: $L_{Aeq}(1 \text{ hour})$ Evening from Service Station Excluding Delivery Trucks Waste Removal (with 1.8m Property Boundary Barriers)

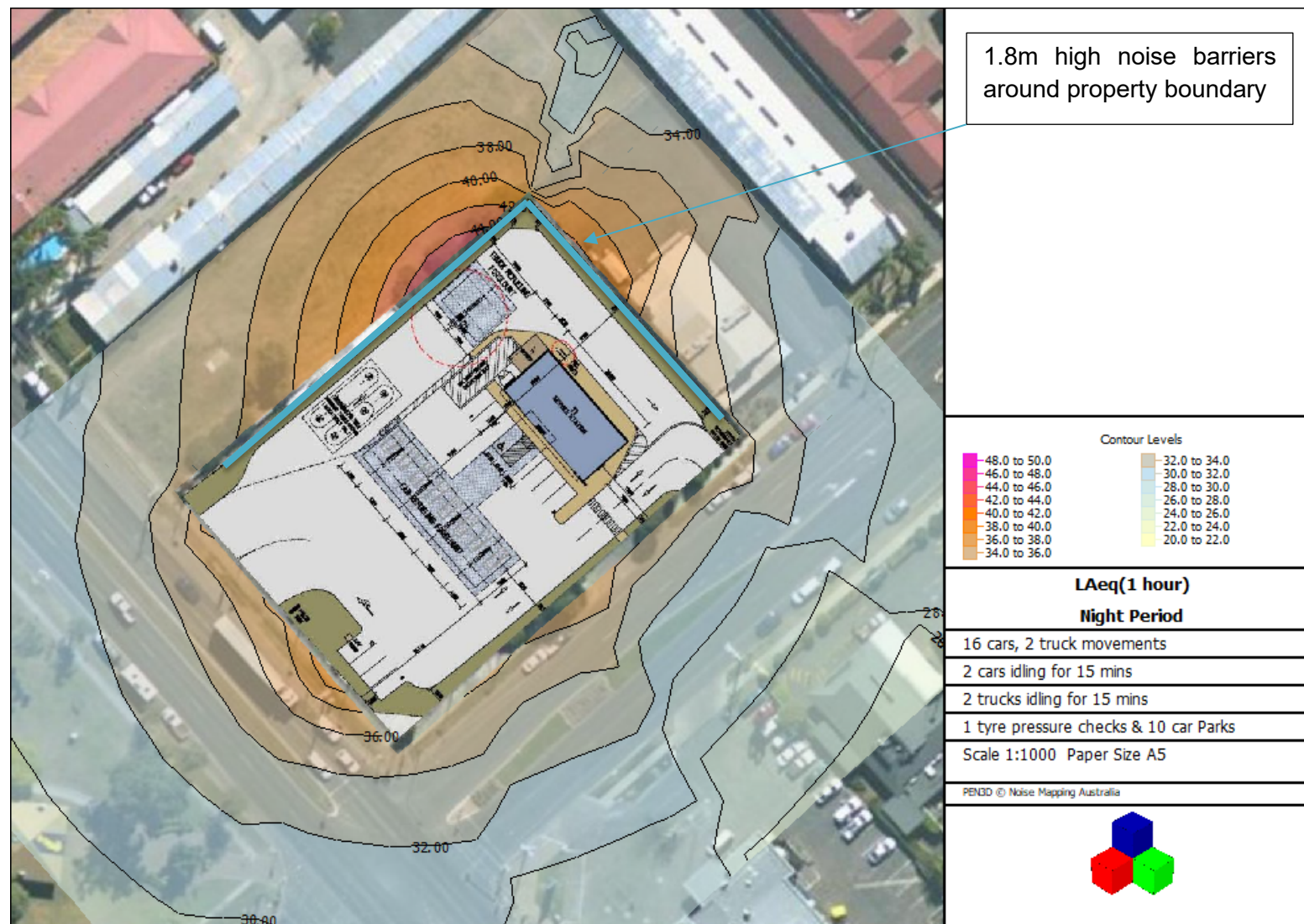


Figure 9: $L_{Aeq}(1 \text{ hour})$ Night from Service Station Excluding Delivery Trucks Waste Removal (with 1.8m Property Boundary Barriers)

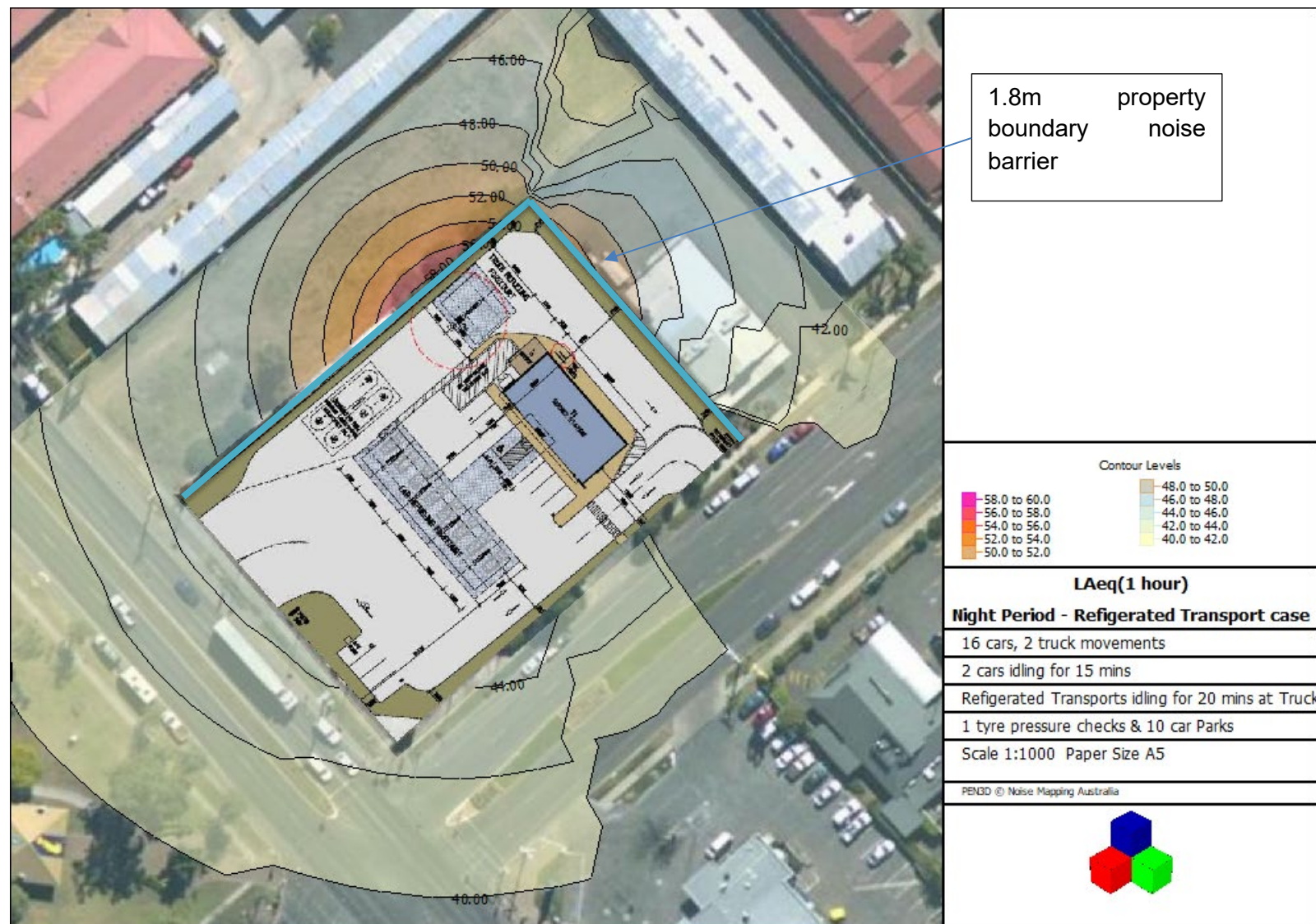


Figure 10: L_{Aeq}(1 hour) Night from Service Station Including 20 minutes of Refrigerated Transport Pantech Operation Close to NW Boundary (with 1.8m Property Boundary Barriers)

5 Conclusions and Recommendations

The proposed service station was investigated to determine noise impacts. The subject site currently has a large building housing a busy convenience store and fruit and vegetable retailer.

The existing noise levels were measured on site and the measured noise levels demonstrate the site and surroundings are largely affected by insects, refrigeration, air conditioning road traffic noise. The noise levels are consistent during the day and evening, but less so at night. These measurements have been accepted as being representative of the site and surroundings.

The proponent has provided plans and details of the proposed service station development. The future noise levels from the use of the site have been assessed to the noise level goals contained in the, the Environmental Protection Act, EPP(Noise) and WHO standards to protect sleep as required by Council.

It was determined that subject to the following recommendations the site readily complies with all noise objectives for the proposed operating hours.

1. Provision of a 1.8m high acoustic fence on around the property boundary (North-eastern and north-western). The acoustic barrier height is specified relative to the finished elevation of the site boundary or the neighbouring property, whichever is the greater.
2. That all paved surfaces be as smooth as possible and free from discontinuities to avoid rattles and tonal vibrations.
3. That any water grates on the site be bolted down to avoid rattles.
4. That any speed humps also contain advice to limit speeds to less than 10 km/h.
5. Signage along the NW and NE boundaries indicating NO Standing For refrigerated transports

Bulk refuelling is carried out by gravity feed from the delivery trucks. This is a low noise generating activity since all truck engines are off during the bulk refuelling. The hours of operation of bulk unloading may occur at any time.

The air conditioning and mechanical plant has not been selected at this stage. It is anticipated that the air compressor will be located within a solid structure. The exhaust fans, air conditioning and refrigeration plant will be selected to comply with the nominated noise level goals, refer to the night goals from Table 4.

The site complies with noise level goals throughout the day, evening and night, 7 days per week.

Appendix A: Noise Model of Service Station

The service station is relatively complex to model via hand calculations due to the complex motion of potential noise sources over the subject site and the interaction of the acoustic fences with the various noise sources. As a consequence, PEN3D environmental noise model was used to model the operation of the service station. SEG (incorporating Noise Mapping Australia) are the developers of PEN3D and it is a commercially available noise modelling package. A free viewer/editor of PEN3D noise models is available upon request.

The noise model was developed utilising the available online mapping. The development building and all surrounding buildings were accurately located relative to each other by aerial mapping from the Queensland Property Boundary Database and associated web mapping services.

To facilitate modelling using PEN3D a frequency spectrum representative of the relevant sources was adopted. PEN3D was configured for neutral meteorology. Typically, meteorological effects over short distances are minor. In the case of where there is a barrier effect, four potential noise paths are considered:

1. source, top of barrier, receiver;
2. source, reflection from ground (source side), top of barrier, receiver;
3. source, top of barrier, reflection from ground (receiver side), receiver; and,
4. source, reflection from ground (source side), top of barrier, reflection from ground (receiver side), receiver.

The reported attenuations associated with the barrier is determined by logarithmic combination of attenuations and is a conservative approach to the attenuation provided by noise barriers. Many hand calculations and spreadsheet methods optimistically consider only noise path 1.

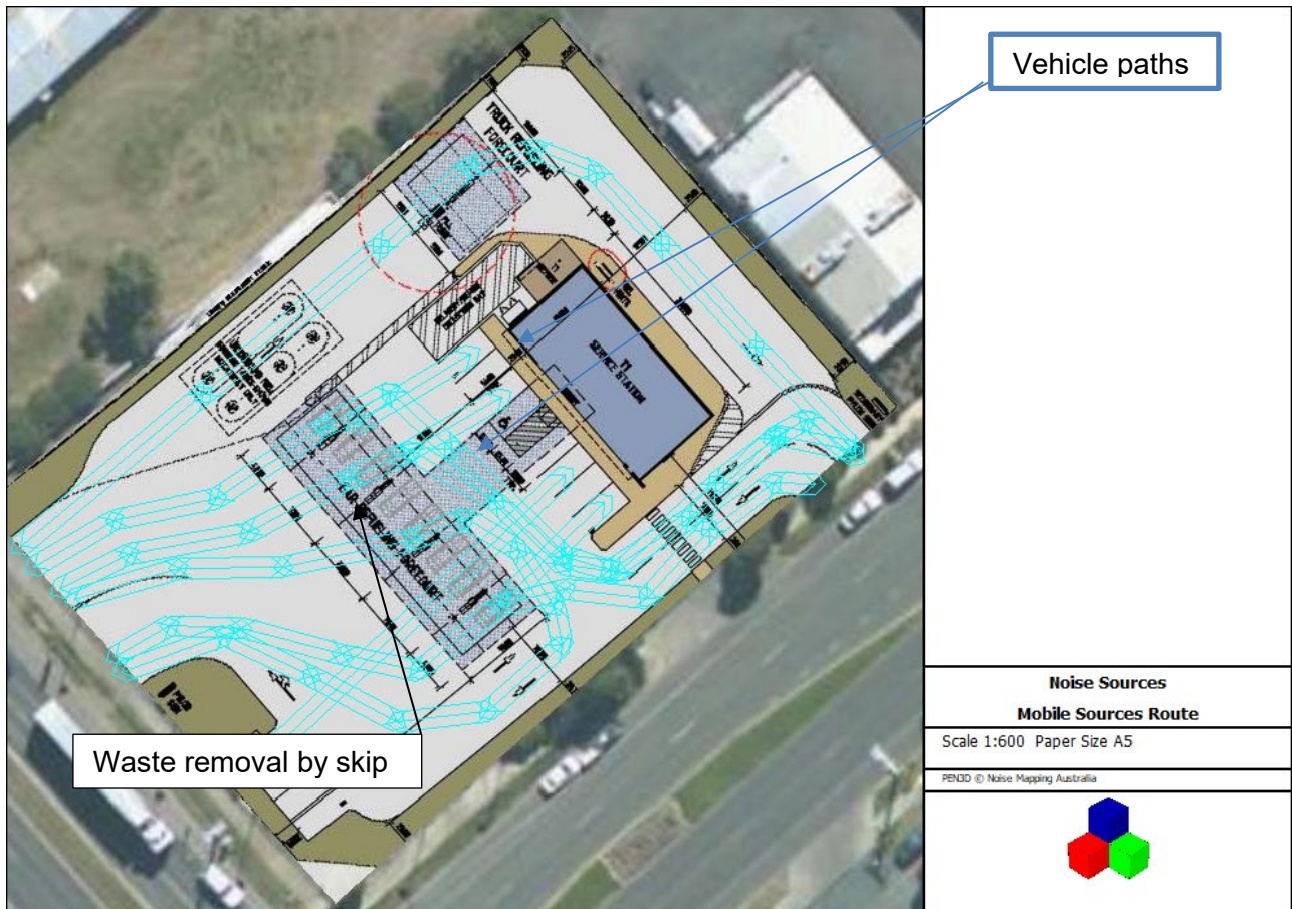


Figure 11: Noise Model Layout – Route of Vehicles over site L_{Max} and L_{Aeq} Model

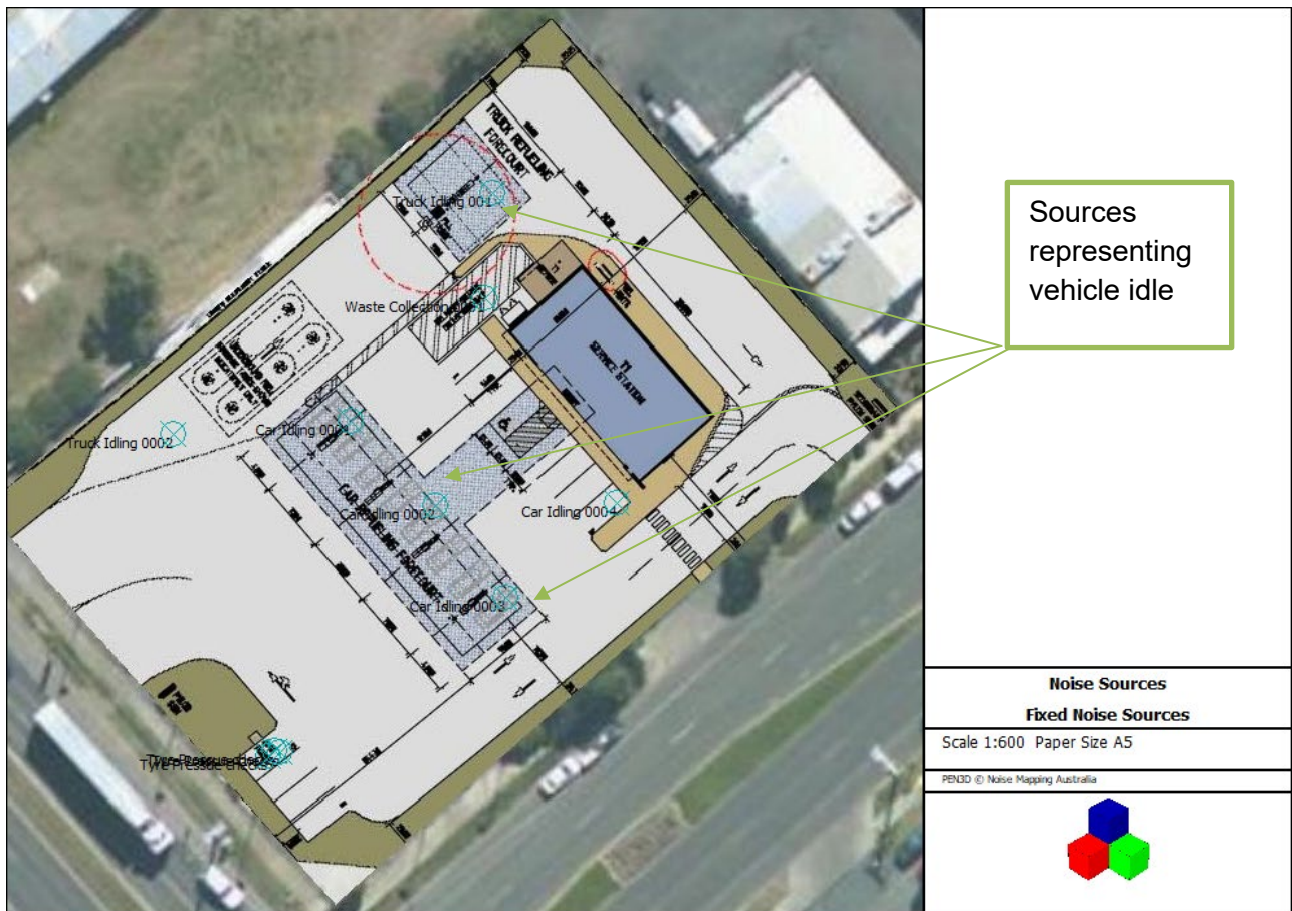


Figure 12: Noise Model Layout – Fixed Noise Sources – L_{Aeq} Model



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1 Introduction

Pearl Energy Pty Ltd (PE) retained SEG Consulting Engineers to assess air quality and odour impacts for a proposed service station development located at 33 Drayton Street, Dalby. The proposed development is situated in the major centre zone in the Western Downs Regional Council.

SEG specifically has assessed air quality and odour impacts from the site onto all nearby sensitive receptors.

1.1 Site Description

The development site is situated on the corner of Condamine Street and Drayton Street, Figure 1. There are sensitive receptors directly sharing a property boundary adjoining site to the north and west. There are not any nearby residential receptors.



Figure 1: Site and Surroundings

1.2 Description of the Proposed Development

It is proposed to construct a 8-bay multi-product and 2 bay for high flow diesel service station, refer to Figure 2: Site Layout. The design of the site is contingent on the outcome of numerous detailed investigations.

The service station developers advise:

- VR1 is to be installed.
- Annual throughput less than 8,000,000ML.
- Opening Hours is 24 hours.
- Bulk fuel unloading is between 7am and 10pm
- 10 fuelling locations
- Underground fuel vent 4.5m high stack close to the SE boundary



Figure 2: Site Layout

2 Air Quality Criteria – Service Station Code

The site is situated in the “Major Centre Zone” of Western Downs Region Council , see Figure 3.



Figure 3: Zoning Map for Subject Site and Surrounds

Service stations are considered on it's merits in this zone. The performance outcomes are discussed in P012 and P013.

Amenity Protection	
Performance Outcomes	Acceptable Outcomes
<p>PO12</p> <p>Development must not detract from the amenity of the local area, having regard to:</p> <ul style="list-style-type: none"> (a) noise; (b) traffic; (c) advertising devices; (d) visual amenity; (e) privacy; (f) odour; or (g) emissions. 	<p>AO12</p> <p>No acceptable outcome.</p>
<p>PO13</p> <p>Development must take into account and seek to ameliorate any existing negative environmental impacts, having regard to:</p> <ul style="list-style-type: none"> (a) noise; (b) hours of operation; (c) traffic; (d) advertising devices; (e) visual amenity; (f) privacy; (g) odour; or (h) emissions. 	<p>AO13</p> <p>No acceptable outcome.</p>

The assessment of air quality and odour is typically assessed by to protect health and well being. The Council requires information addressing any applicable assessment benchmarks. Additionally, the Council has highlight specific matters in Planning Scheme Policy 5 – Development Application Requirements, refer to Table 1.

Table 1: Emissions and Amenity (Table SC6.6.6 Additional information required by development and overlay code)

Code	Information required
Amenity	<p>Sufficient detail should be provided to enable “Council” to accurately determine the likely impact of the proposal on the amenity of the locality. The following details should be provided:</p> <ul style="list-style-type: none"> a) hours of operation; b) delivery times of goods; c) heights of “Buildings” and “Structures”; d) setbacks and boundary clearances of all “Buildings” and “Structures”; and e) external lighting arrangements.
Emissions	<p>Sufficient detail should be provided to enable “Council” to accurately determine the extent and nature of likely impacts arising from emissions. The following information should be provided:</p> <ul style="list-style-type: none"> a) the nature of any anticipated emissions (including odour, noise, dust, run-off and the like); b) measures proposed for the control of emissions; c) the location and methods of containment and control of waste disposal and waste storage areas; d) types, quantities, storage methods, and protection measures relating to storage and use of chemicals; and e) emergency equipment and procedures to be utilised.

In cases where a Council's planning scheme identifies a performance outcome relating to dust, odour and other air borne emissions (for a service station) but does not have an air quality assessment policy it is usual to apply Environmental Protection (Air) Policy 2019¹. The EEP(Air) outlines in Schedule 1 Air quality objectives. The selected and relevant air quality objectives are included in Table 2.

Table 2: Selected Design Ground Level Concentrations for Sensitive Receptors (EPP(Air) Air quality objectives)

Pollutant Type	Design Concentration (including background)	Averaging Period	Limit To Address
Benzene	29 µg/m ³	1 hour	Health and wellbeing
	5.4 µg/m ³	Annual Average	Health and wellbeing
Ethylbenzene	8,000 µg/m ³	1 hour	Health and wellbeing
Cyclohexane	19,000 µg/m ³	1 hour	Health and wellbeing
n-Hexane	3,200 µg/m ³	1 hour	Health and wellbeing
Styrene	65 µg/m ³	1 hour	Odour
	284 µg/m ³	7 days	Health and wellbeing
Toluene	958 µg/m ³	1 hour	Odour
	4,100 µg/m ³	24 hour	Health and wellbeing
	410 µg/m ³	Annual Average	Health and wellbeing
Xylenes	1,200 µg/m ³	24 hour	Health and wellbeing
	950 µg/m ³	Annual Average	Health and wellbeing

Note 1: µg/m³ is a measure of the concentration of pollutant in the atmosphere and is in micrograms per cubic meter of air

The styrene and toluene limits having an averaging time of 1 hour are odour related.

¹ Environmental Protection (Air) Policy 2019, <https://www.legislation.qld.gov.au/view/whole/html/asmade/sl-2019-0153>

Odour Limits

The odour limits are described in the Queensland Guideline - Odour Impact Assessment from Developments. Specifically, the modelled odour concentrations at the “most exposed sensitive receptors” should be compared with the following guideline values.

- 0.5 OU, 1-hour average, 99.5th percentile for tall stacks
- 2.5 OU, 1-hour average, 99.5th percentile for ground-level sources and down-washed plumes from short stacks

These guideline values are based upon application, to the default annoyance threshold of 5 OU, of conservative default peak to mean ratios 10:1 for tall stacks and 2:1 for ground-level or down-washed plumes from short stacks.

An OU is an odour unit and is defined as the concentration of odourant(s) at standard conditions that is just detectable by 50% of the population. This is detection limit, not an odour identification limit which is usually significantly higher.

A sensitive receptor includes residential dwellings and residential premises and the curtilage attached to the premises.

The applicable goal on the development site from odour is 2.5 OU, 1-hour average, 99.5th percentile at the sensitive receptor boundary.

3 Air Pollution

3.1 Air Emissions Inventory

3.1.1 Service Station

The service station utilises at a minimum VR1 vapour recovery associated with filling the underground tanks. For conservatism, the model has assumed annual fuel sales to be 8,000,000 litres per annum and only comprising gasoline. This value is considered conservative for the proposed operation of the site.

There are 4 pump ranks with a maximum of eight filling locations for vehicles. There are also 2 high-flow diesel filling locations. The service station opening hours modelled are 24 hours seven days a week.

SEG understood fuel delivery may occur between 7 am and 10 pm Monday to Sunday.

Since daily data for fuel sales and hourly distribution are not available, the conservative Brisbane City Council method (Method 2) to establish these parameters, i.e. the daily profiles etc. are presented in the tables. Fuel dispensing is modulated using the hourly profile for hours of operations presented in Table 3.

To support this level of fuel dispensing the model has incorporated underground tank loading at a rolling 7-day loading schedule between the hours of 7 am and 10 pm. That is 7 am on day 1, 8 am on day 2, 9am on day 3, etc. This then loops around for loading again at 2 pm on day 1, 3 pm on day 2, etc. This approach greatly overestimates the annual quantity loaded with on average 2.3 loading movements per day with each loading of 40,000L per hour. This is the equivalent of 33,300,000L per year or 91,000 L/day, well in excess of the projected or physically possible fuel sales for the site. This is shown in Table 4.

Table 3: Hourly Profile and Modelled Throughput

Hour	Hourly Profile (%)	Opening hours	Modelled Throughput (L/hour)
1	1.2	yes	296
2	0.8	yes	198
3	0.6	yes	148
4	0.8	yes	198
5	1.9	yes	469
6	4.6	yes	1,137
7	5.5	yes	1,359
8	5.7	yes	1,408
9	5.5	yes	1,359
10	5.7	yes	1,408
11	6.0	yes	1,482
12	6.0	yes	1,482
13	5.7	yes	1,408
14	5.6	yes	1,384
15	5.9	yes	1,458
16	6.1	yes	1,507
17	6.0	yes	1,482
18	5.8	yes	1,433
19	5.1	yes	1,260
20	4.0	yes	988
21	3.5	yes	865
22	3.4	yes	840
23	2.6	yes	642
24	1.8	yes	445
Total	100		Approx. 24,700 L/day

Table 4: Summary of Fuel Loading (L/hr) on Rolling Schedule

Hour	Day						
	1	2	3	4	5	6	7
1							
2							
3							
4							
5							
6							
7	40,000						
8		40,000					
9			40,000				
10				40,000			
11					40,000		
12						40,000	
13							40,000
14	40,000						
15		40,000					
16			40,000				
17				40,000			
18					40,000		
19						40,000	
20	40,000						40,000
21		40,000					
22							
23							
24							

The VOC emissions for the service station are drawn from the NPI “Emission Estimation Technique Manual for Aggregated Emissions from Service Stations” from November 1999 and from Gasoline Service Station Industrywide Risk Assessment Guidelines 1998², refer to Table 5 for emission factors and Table 6 for composition of petrol.

²Gasoline Service Station Industrywide Risk Assessment Guidelines <https://www.arb.ca.gov/ab2588/rrap-iwra/GasIWRA.pdf>

Emissions have been broken down into 5 different emission locations. These are:

1. Loading – From the truck loading of petrol to the storage tanks, vapour is emitted from the vent pipe. This operation includes VR1 controls.
2. Breathing – Vapour emissions from the vent pipe due to temperature and pressure changes.
3. Refuelling – Vapour is displaced from the tank of the vehicle being refuelled. This operation does not include VR2 controls.
4. Spillage – Vapour from spillage that occurs in normal refuelling operations
5. “Whoosh” – Vapour emissions from the opening of fuel caps. The rate used is the highest presented in the 1998 CARB report.

Table 5: Emission factors for Service Stations

Emission Source	NPI	CAPCOA (Type 5B) Emission Rate		Modelled Level
	VOC (mg/L)	VOC (lbs per 1000 gal)	VOC (mg/L)	VOC (mg/L)
Underground tank filling (Submerged filling and vapour balance)	40	0.084	10	40
Underground tank breathing/emptying	120	0.21	101	120
Vehicle refuelling (petrol)	1320	8.4	1007	1320
Vehicle refuelling (diesel)	176	-	-	176
Vehicle refuelling (lpg)	0.04	-	-	0.04
Spillage	80	0.61	73	80
Whoosh Emission	-	0.258 - 0.658	79	79

Table 6: Composition of Petrol

Species	Petrol Liquid (% weight)	Petrol vapour (% weight)
Benzene	1	0.39
Cyclohexane	0.2	0.0637
Ethylbenzene	2	0.0791
n-Hexane	3.5	1.73
Styrene	0.1	0.00282
Toluene	10.4	1.08
Xylenes	12.2	0.433

For the purposes of this report it is assumed that all the fuel sold is petrol. Diesel has much lower emission factors. It is assumed that the tanker unloads 40,000L in 1 hour, between 7am and 10pm on the defined schedule.

Thus, the hourly maximum emission rates are presented in Table 7 and Table 8. Refuelling and whoosh emissions have been combined as they emanate in the same volume source. Whoosh occurs during opening of vehicle fuel caps by customers.

Table 7: Modelled Emission Rate of VOC (kg/hr)

Hour	Refuelling & Whoosh	Spillage	Breathing
1	0.41	0.02	0.04
2	0.28	0.02	0.02
3	0.21	0.01	0.02
4	0.28	0.02	0.02
5	0.66	0.04	0.06
6	1.59	0.09	0.14
7	1.90	0.11	0.16
8	1.97	0.11	0.17
9	1.90	0.11	0.16
10	1.97	0.11	0.17
11	2.07	0.12	0.18
12	2.07	0.12	0.18
13	1.97	0.11	0.17
14	1.94	0.11	0.17
15	2.04	0.12	0.17
16	2.11	0.12	0.18
17	2.07	0.12	0.18
18	2.00	0.11	0.17
19	1.76	0.10	0.15
20	1.38	0.08	0.12
21	1.21	0.07	0.10
22	1.18	0.07	0.10
23	0.90	0.05	0.08
24	0.62	0.04	0.05

Table 8: Modelled Emission Rate of VOC (kg/hr) from Underground Loading (VR1)

Hour	Day 1	Day 2	Day 3	Day 4	Day 5	Day 6	Day 7
1							
2							
3							
4							
5							
6	1.6						
7		1.6					
8			1.6				
9				1.6			
10					1.6		
11						1.6	
12							1.6
13	1.6						
14		1.6					
15			1.6				
16				1.6			
17					1.6		
18						1.6	
19							1.6
20	1.6						
21		1.6					
22							
23							
24							

3.2 Odour Conversion Rates

The odour detection threshold of Unleaded Fuel was determined by engineering consultants Air Noise Environment, MWA Environmental and The Odour Unit and based on testing of fuel conducted in April 2015. The consultants determined the odour detection threshold to be 2357 $\mu\text{g}/\text{m}^3$. MWA noted the calculated result is similar to the Neumann Fuels Unleaded Petrol MSDS NC317ECP odour threshold of 0.25ppm (2150 $\mu\text{g}/\text{m}^3$). Refer to Air Quality Assessment Proposed Service Station, Showroom and Fast Food Restaurants Settlement Road, Keperra 7 December 2017, by MWA Environmental³.

The US NAC/AEGL Committee report Acute Exposure Guideline Levels (AEGLs) For Automotive Gasoline (Unleaded), 2009 states the odour detection threshold for gasoline is 0.5-0.6ppm. There are other references indicating the odour threshold for gasoline vapour is 0.25 ppm.

Thus 2357 $\mu\text{g}/\text{m}^3$ is equal to 1 OU. For ground-based emission sources the odour limit is 2.5 OU or 5892 $\mu\text{g}/\text{m}^3$. Alternatively, 1 g/m^3 of VOC emissions is equivalent to 423 OU.

3.3 Background Air Quality

The Department of Environment and Science (DES) conducts monitoring of various air pollution at several sites throughout Queensland. The background concentrations for relevant pollutants from the DES monitoring site Springwood are contained in Table 9. Springwood is the closest site that measures the species of interest. The use of Springwood data is considered to be conservative. Conservatively, the maximum of the five years 2016 to 2020 has been taken as the background level for the relevant time periods and is shown in Table 10.

Table 9: Measured Air Pollutant Concentrations from Springwood DES site (in PPB).

Pollutant	Time Period	2016	2017	2018	2019	2020	Maximum
Benzene	Annual Average	1.0	1.2	0.9	1.0	1.0	1.2
Toluene	Annual Average	4.3	2.0	2.1	1.7	2.0	4.3
	24 Hour 70 th Percentile	5.5	2.1	2.2	1.9	2.2	5.5
	1 Hour 70 th Percentile	5.6	2.1	2.2	1.9	2.1	5.6
Xylene	Annual Average	8.8	7.2	7.8	7.3	9.7	9.7
	24 Hour 70 th Percentile	10.0	8.3	8.6	7.6	11.0	11.0

³ MWA Environmental, "Air Quality Assessment Proposed Service Station, Showroom And Fast Food Restaurants", 2017,

<https://pdonline.brisbane.qld.gov.au/MasterViewUI/Modules/documentmaster/viewdocumentftp.aspx?key=p4j9mRT%2fiFbv%2b0NpwcdmnoOPy%2bJJNeGEuD4lItt14FbaXRRDJqWj2A%3d%3d>

Table 10: Assumed Background Levels

Pollutant	Time Period	Value [$\mu\text{g}/\text{m}^3$]
Benzene	Annual Average	3.9
Toluene	Annual Average	16.3
	24 Hour 70 th Percentile	20.6
	1 Hour 70 th Percentile	21.1
Xylene	Annual Average	38.0
	24 Hour 70 th Percentile	47.8

3.4 Air Pollution Model

The model Calpuff was used to model the dispersion of VOC's from the service station. The model is an approved model for modelling these types of sources. Due to the cartesian nature of Calpuff volume sources each pump rank was modelled separately and each rank with volume size and parameters as per the recommendations of the LORAX report⁴ Specifically, the model comprised:

- (i) Four equal rate volume sources for each of the pump ranks with emission height at 1m for refuelling and whoosh emissions with the total emission rate equal to that in Table 7.
- (ii) Four equal rate volume sources, the same dimensions with release height of 0m for spills with the total rate equal to that in Table 7.
- (iii) To represent the vent stack, a point source as per the built environment, 4.5m from the ground, with an exit diameter of 0.01m and rain cap option set. Underground tank Breathing occurs during operating hours of the service station.
- (iv) Tank loading occurs as per Table 8.

Since diesel has a much lower emission rate (and odour generation) than gasoline the high flow diesel pumps are not modelled, see Table 5 for comparison of emission factors. Thus, assuming gasoline only implies the highest possible emission rates have been modelled.

Refer to Figure 4 for the location of the service station sources. Also shown are the buildings included in the model to address downwash. The Lakes Environment Pre/Processor was used to prepare all datafiles for Calpuff as well as Calmet.

⁴ ANALYSIS OF WAKE EFFECTS AT RETAIL GASOLINE OUTLETS, LORAX ENVIRONMENTAL, 1997

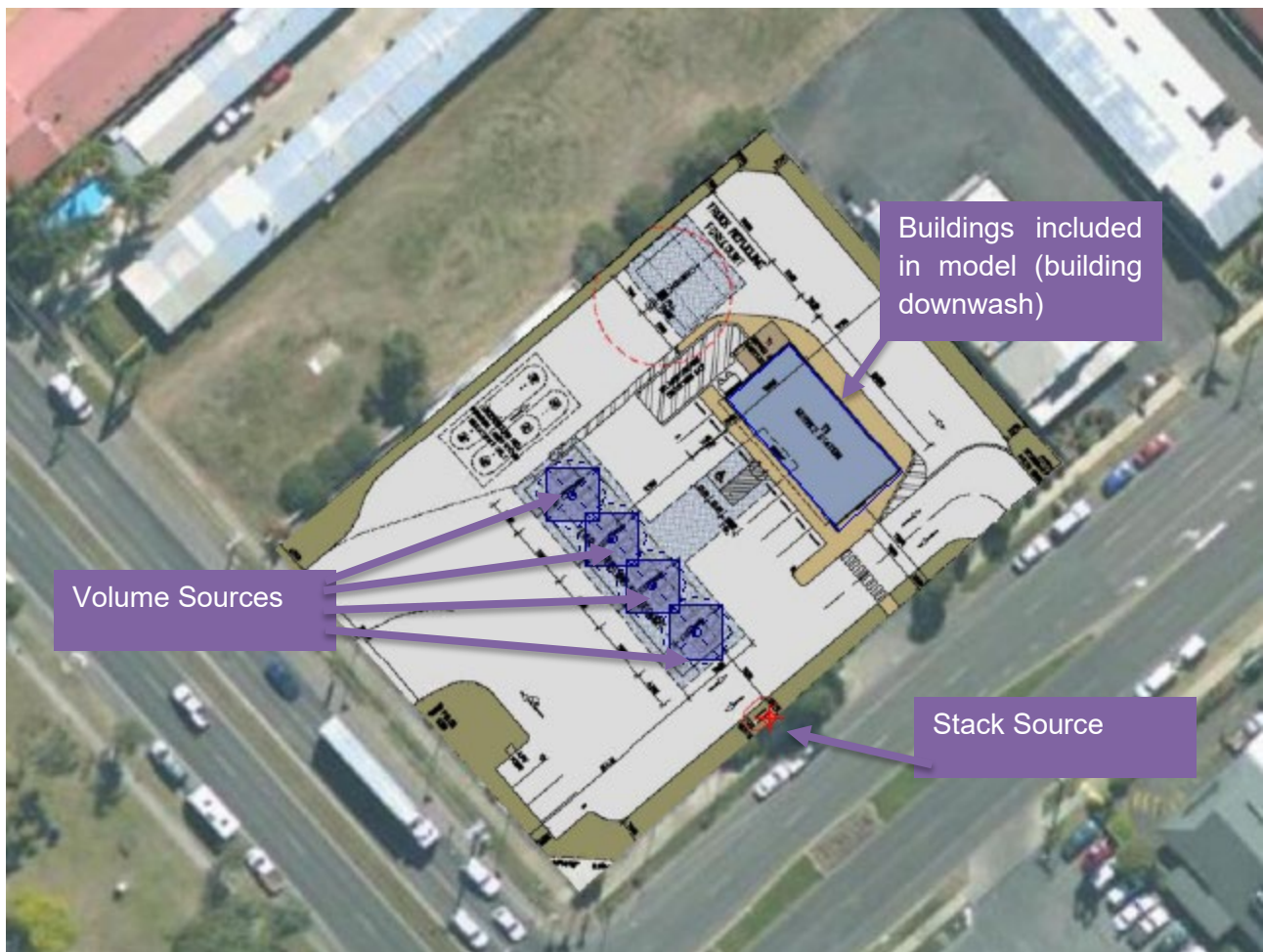


Figure 4: Source Locations for Pumps and Vent Stacks – Service Station

3.4.1 Receptor Locations

Calpuff provides results on a computational grid as well as at discrete receptors. The computational grid is approximately 0.5km by 0.5km and grid spacing of 100m. The modelling domain greatly exceeds the site. However, the discrete receptors are used to produce contours and detailed calculation output of results.

The modelling has been carried out at modelling heights of 0m, 1.5m, 3.0m & 4.5m. Contours have been presented for each of the modelling heights. Refer to Figure 5 for the discrete receptor grid and the point modelling locations. It should be noted that there are 6,920 discrete receptors on the site and near surrounds, each blue cross in Figure 5 representing the x,y location of the vertical array discrete receptors (one for each modelling height with 1,730 receptors for each height), additionally sampling gridded receptors at the meteorological grid spacing has also been processed.

Since it is not possible to present this quantity of data in tabular form, this report provides the contours relating to the highest exposure level and extracted the highest exposure discrete receptor (from large group of discrete receptors) in the tables. The spacing of the discrete receptors is also on a rectilinear grid at a minimum 2m within 20m of the plaza and 3m up 30m and 5m for 80m distance from the pump plaza. Contouring of the pollution levels is based on the discrete receptors.

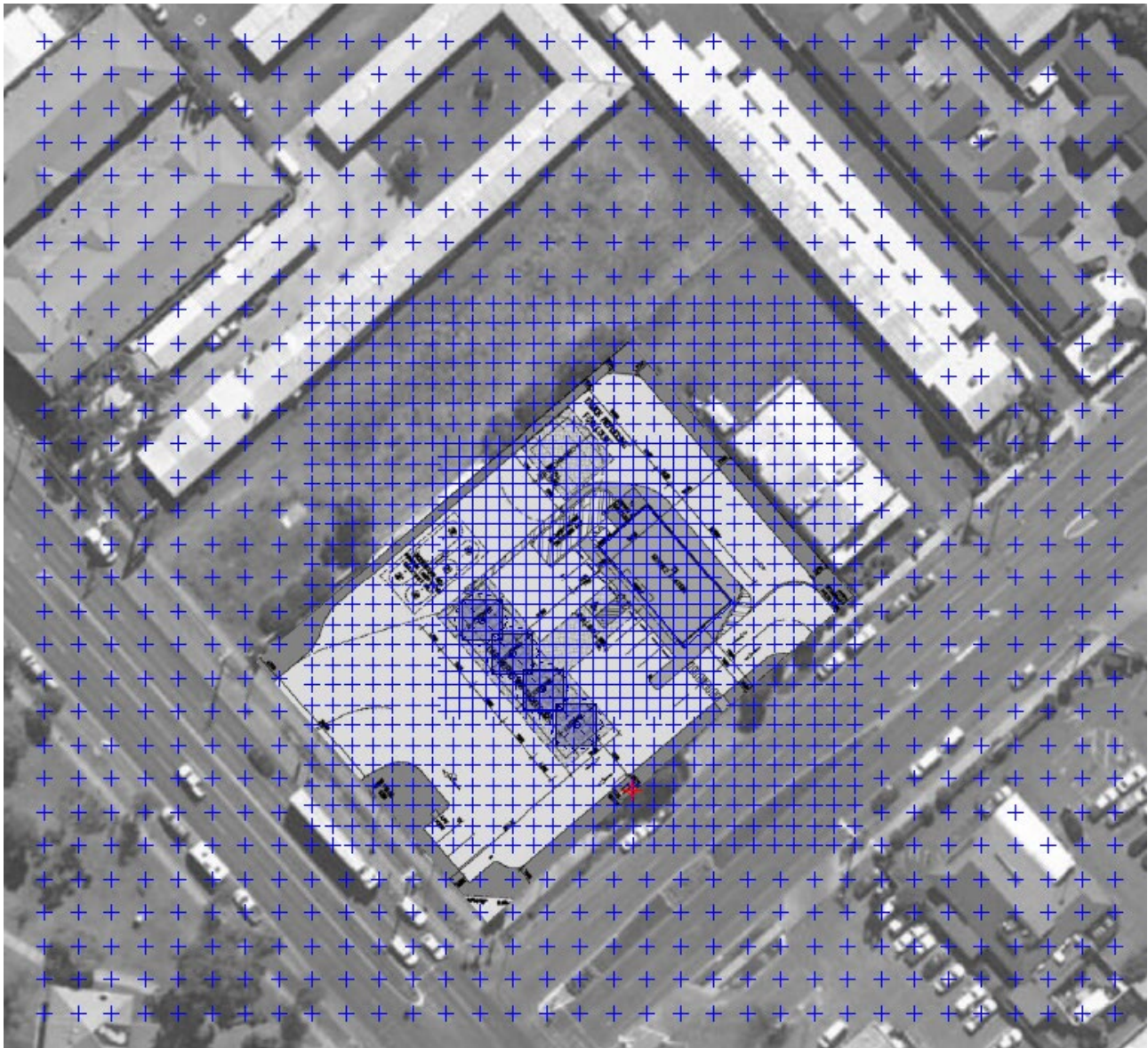


Figure 5: Modelling Locations – Narrow Domain Discrete receptors (blue cross) vertical array one for each modelling height)

3.5 Meteorology

To determine the likely meteorology for the site a TAPM meteorological model was developed. Specifically, the TAPM model based on a 2-year modelling simulation period 2019 & 2020 and was resolved to a 300m inner grid with 30 by 30 grid points. Five nested gridded domains were processed with grid spacings of 30000m, 10000m, 3000m, 1000m and 300m. Since the terrain surrounding the site is gently undulating a grid finer than 300m is unlikely to produce significantly different results. Additionally, the adoption of 300m grid means that the closest grid point to the subject site is 150m away from the site, improving interpolation accuracy. Simulation tests carried by Hurley et al (2005) indicate that even with a 3 km grid spacing, winds are predicted well, with no significant bias. Hence the adoption of 300m inner grid is expected to provide an accurate prediction of winds for the subject site.

TAPM predicts meteorology and optionally pollutant concentration for a range of pollutants important for air pollution applications. The model consists of coupled prognostic meteorological and air pollution concentration components, eliminating the need to have site-specific meteorological observations. Instead, the model predicts the flows important to local-scale air pollution, such as sea breezes and terrain induced flows, against a background of larger-scale meteorology provided by synoptic analyses.

The years 2019 & 2020 was adopted as the modelling year for the service station. Initially the 3D wind data was transferred from TAPM into Calmet (using Caltapm). Within Calmet a 100m wind grid of 80 by 80 points adopted.

3.5.1 Meteorology Validation

Windroses for the site were prepared for the subject year. This is included in Appendix A: Windroses and Meteorological Data Analysis. The wind roses for Dalby Aero⁵ from the Bureau of Meteorology⁶ are also included in the appendix.

The two wind roses show high correlation for wind speed and wind direction. This validates that the meteorology modelled Speed for 2019 & 2020 is representative for the site and the general trends of the area.

⁵ Wind and direction rose Dalby, http://www.bom.gov.au/climate/averages/tables/cw_041522.shtml

3.6 Calculated Pollutant Concentration

The calculated pollutant concentrations are contained in Table 7. A summary of the input data comprises:

- (i) Service station - 4 volume sources for refuelling and whoosh emissions (one for each pump rank with emission height at 1m with emission dimensions as per LORAX recommendations)
- (ii) Service station - 4 volume sources for spillage emissions (one for each pump rank with emission height at 0m with emission dimensions as per LORAX recommendations)
- (iii) Service station - 1 stack source for breathing and refuelling
- (iv) Service station- Filling rate and volume as per discussions with operators
- (v) Service station- Filling of underground tanks occurs at all hours at a rate of 40,000L/hour;
- (vi) Service station - Emissions based on NPI and CAPCOA;

The calculation mesh is shown in Figure 4 and has been carried out at several elevations representing the ground and first floor breathing heights. Both years 2019 and 2020 was adopted for modelling VOC's from the service station.

The calculated pollution contours are contained in **Appendix C** and are for each of the individual receptor heights and comprise:

- (i) $VOC_{(annual\ average)}$ - plots for the meteorological modelling year 2019 & 2020
- (ii) $VOC_{(7\ day)}$ maximum – plots for the meteorological modelling year 2019 & 2020
- (iii) $VOC_{(24\ hour)}$ maximum – plots for the meteorological modelling year 2019 & 2020
- (iv) $VOC_{(1\ hour)}$ 99.9th percentile – plots for the meteorological modelling year 2019 & 2020

As the model contains thousands of discrete receptors, the maximum value on each of the boundary elements has been determined from this array of data. This contrasts with the common approach of only considering a single modelling point per boundary. The referenced boundary elements are shown in Figure 6. Table 11 contains the VOC exposure along the boundary of the nearest sensitive receptors at the various receptor heights. Table 10 addresses the OUs from service station.

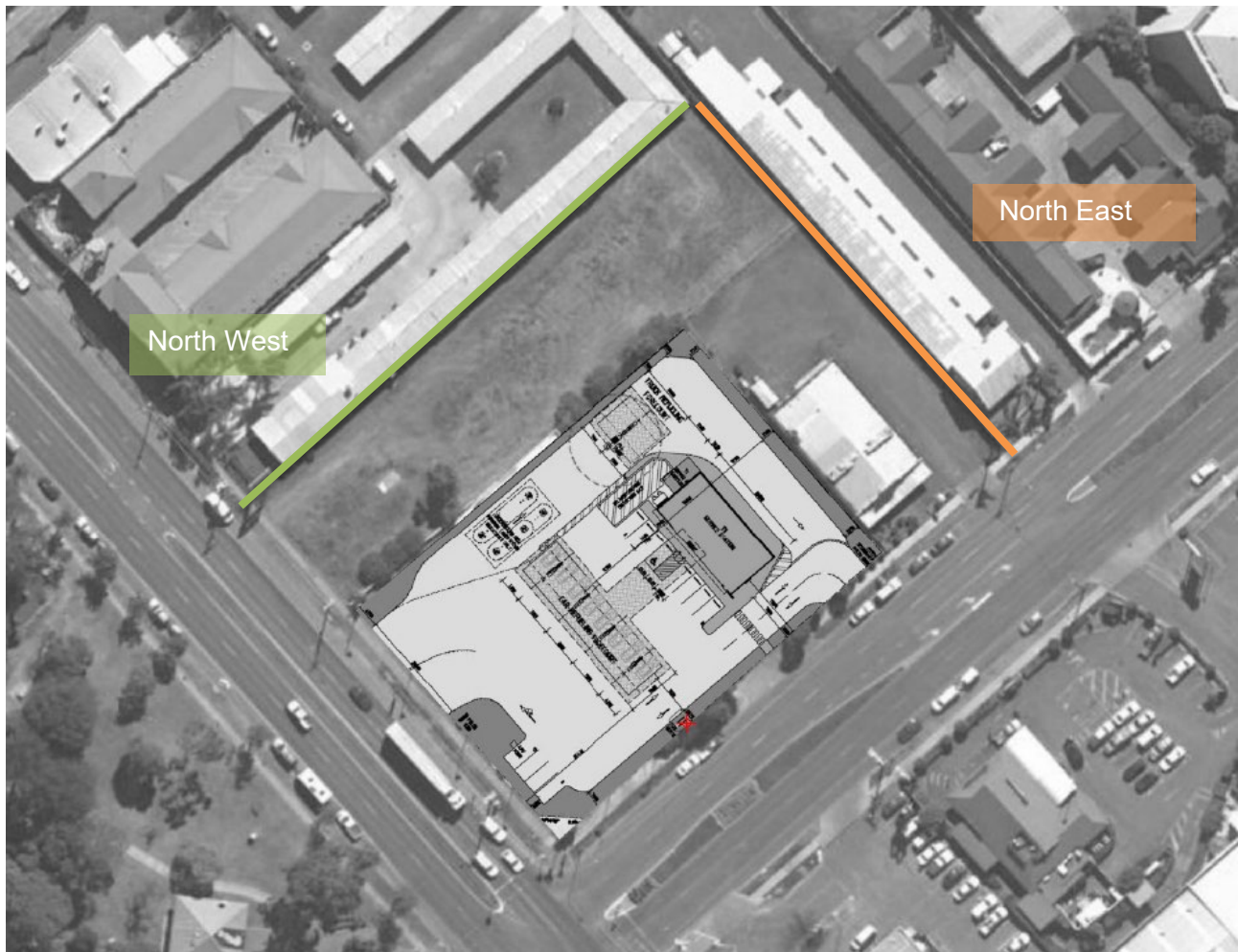


Figure 6: Map with Boundary Elements

Table 11: VOC (in µg/m³) at Property Boundary Locations from Service Station Operations

Metric	Receptor Level	North West	North East
Annual Average	0.0m	70	45
	1.5m	80	44
	3.0m	70	41
	4.0m	60	40
7 Day Maximum	0.0m	400	250
	1.5m	330	240
	3.0m	350	240
	4.0m	330	220
24 hr Maximum	0.0m	1,000	560
	1.5m	1,000	540
	3.0m	900	520
	4.0m	820	500
1 Hour 99.9th %ile	0.0m	2,700	2,700
	1.5m	2,600	2,700
	3.0m	2,500	2,600
	4.0m	2,200	2,450
1 Hour 99.5th %ile	0.0m	1,500	1,150
	1.5m	1,500	1,150
	3.0m	1,350	1,050
	4.0m	1,200	980

The results in Table 11 provide the total VOC's and to obtain the speciation composition it is necessary to multiply by the appropriate fraction based on the composition of petrol, Table 6. Table 11 is the speciated total VOC and represents the maximum likely exposure at the site boundary.

Table 12: Modelled Pollution Exposure and Goals from Service Station (Including applicable background)

Component	Period	Background	Goal ($\mu\text{g}/\text{m}^3$)	Pollution Levels Highest Exposure Site Boundary ($\mu\text{g}/\text{m}^3$)		
				North	West	South
Benzene	1 hour	-	29	10.5	10.5	10.5
	Annual Average	3.9	10	4.2	4.1	4.2
Ethylbenzene	1 hour	-	8000	2.1	2.1	2.1
Cyclohexane	1 hour	-	19000	1.7	1.7	1.7
n-Hexane	1 hour	-	3200	46.7	46.7	46.7
Styrene	1 hour	-	65	0.076	0.076	0.076
	7 days	-	280	0.011	0.007	0.011
	Annual Average	-	270	0.002	0.001	0.002
Toluene	1 hour	21.1	958	50.3	50.3	50.3
	24 hour	20.6	4100	31.4	26.6	31.4
	Annual Average	16.3	410	17.2	16.8	17.2
Xylenes	24 hour	43.2	1200	59.5	59.5	59.5
	Annual Average	38.0	950	38.3	38.2	38.3

3.6.1 Odour Concentration

Based on the odour conversion rate of 2,357 µg/m³ is equal to 1 OU the 1 hour 99.5th percentile odour units for the various property boundaries is presented in Table 13. The limit for ground-based emission sources is 2.5 OU.

Table 13: Modelled Odour in OU on boundary elements

Receptor Height	Odour Concentration (Maximum Per Boundary with Adjoining Sensitive Sites)		
	North	West	Max
0.0m	0.6	0.5	0.6
1.5m	0.6	0.5	0.6
3.0m	0.6	0.4	0.6
4.5m	0.5	0.4	0.5
Max	0.6	0.5	0.6

The maximum odour level from the 0.0m, 1.5m, 3.0m and 4.5m heights has been extracted and contoured. The odour contours are contained in Figure 7.

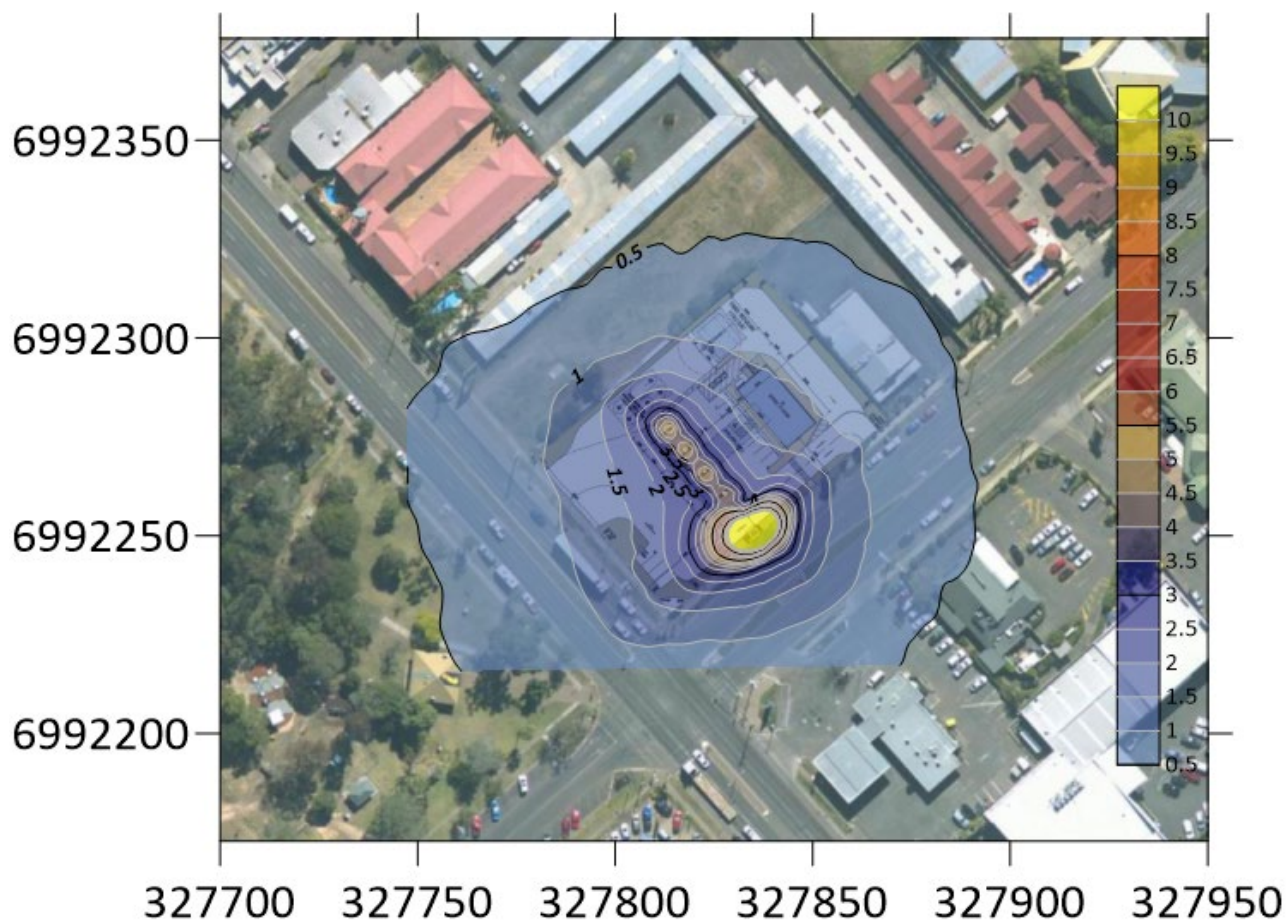


Figure 7: Odour Exposure (Max of 0.0m, 1.5m, 3.0m, 4.5m)

3.7 Air Quality Assessment

Most of the VOC species from the service station are only a minor fraction of the VOC emissions and orders of magnitude lower than the goal. All locations along the sensitive receptor boundary readily comply for the fuel volume modelled. Similarly, the odour goal is met along all boundaries with sensitive receptors.

Hence the site is expected to readily comply with limits designed to protect both health and welfare and against adverse odour nuisance.

3.8 Air Quality Recommendations

The site does not require any additional controls to address air quality from service station other than that inherent as part of the design, i.e. VR1.

4 Conclusions

The proposed service station development site was investigated with regards to air quality impacts.

The background air quality is based on the recent and relevant publication of long-term monitoring conducted by DSITI.

The meteorology for the site was predicted using TAPM over a two-year period, 2019 & 2020. The modelling of the pollution utilised the approved model Calpuff configured in according to the recommended settings.

The service station was modelled at the projected future maximum fuel sales with all fuel sales being petrol.

It was found that the air quality and odour at the proposed development boundary readily meets all air quality and odour goals for realistic meteorological conditions both now and into the future.

Thus, the service station development may proceed without any adverse air quality impacts onto nearby sensitive uses.

5 References

Brisbane City Council (2016) Schedule 6 Planning Scheme Policies (PSP) Air Quality PSP
<http://eplan.brisbane.qld.gov.au/?doc=TransportAirQualityOC>

Department of Science, Information Technology and Innovation (2015) Queensland air monitoring report 2014

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Department of Transport and Main Roads (June 2014), Manual Road Traffic Air Quality Management

Hurley PJ, Physick WL, Luhar AK Edwards M (2005) The Air Pollution Model (TAPM) Version 3. Part 2: Summary of Some Verification Studies. CSIRO Atmospheric Research

NPI (Nov 1999), Emissions Estimation Technique Manual for Aggregated Emissions from Service Stations
<http://www.npi.gov.au/resource/emission-estimation-technique-manual-aggregated-emissions-service-stations>

NPI (Nov 1999), Emissions Estimation Technique Manual for Fibreglass Product Manufacturing
<http://www.npi.gov.au>

NPI (Nov 1999), Emissions Estimation Technique Manual for Shipbuilding Repair and Maintenance
<http://www.npi.gov.au>

State of QLD (2008), Environmental Protection (Air) Policy 2008

Appendix A: Windroses and Meteorological Data Analysis

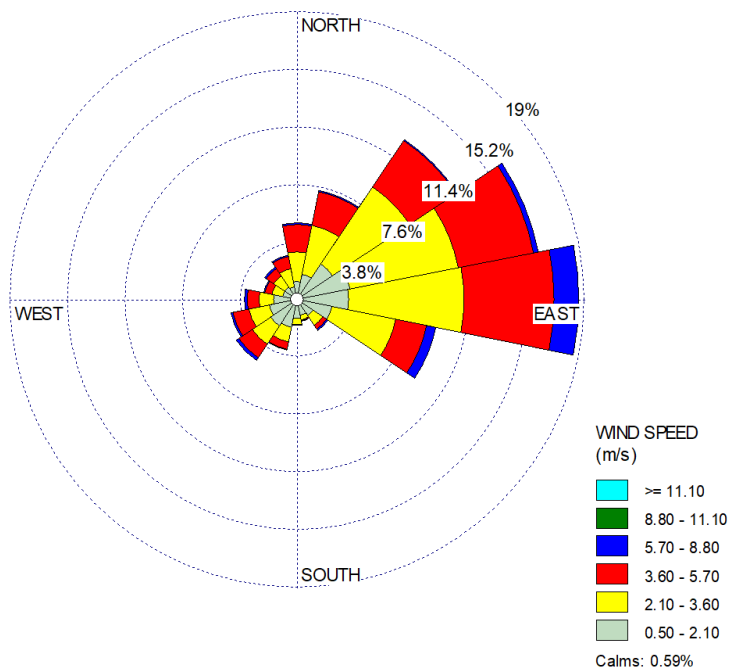


Figure 8: Wind Rose All Hours

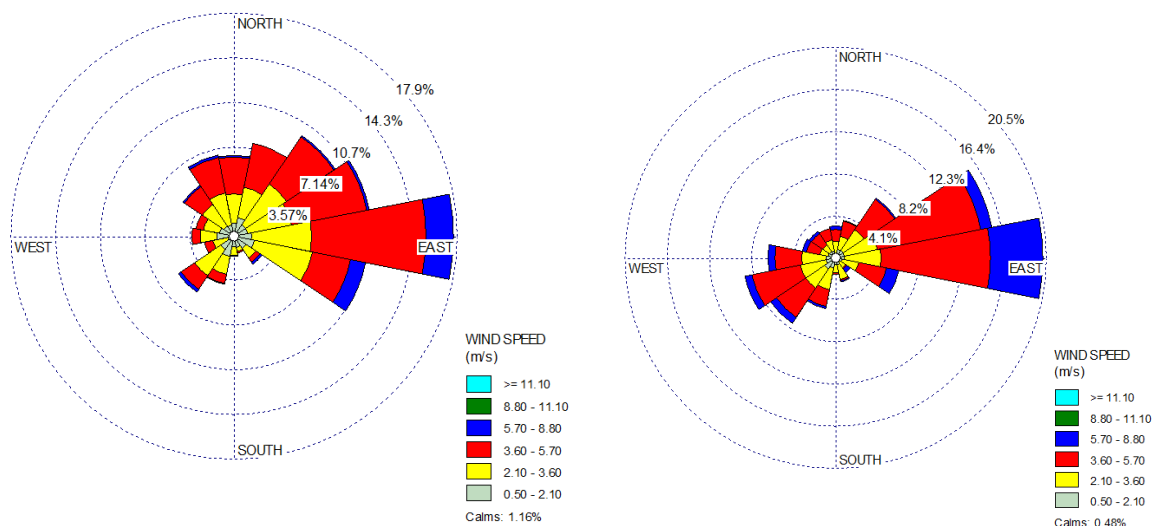


Figure 9: Wind Rose 9am and 3pm

The general features of winds affecting plume dispersion are illustrated in the wind rose diagrams. The wind roses summarise the wind statistics at a 10m height on site, as calculated by the TAPM meteorological model.

The wind roses show the frequency of occurrence of winds by direction and strength. The bars correspond to the 16 compass points – N, NNE, NE, ENE, E etc. The length of the bar represents the frequency of occurrence of winds from that direction, and the colour of the bar sections correspond to wind speed categories. It is noted that the predominant wind direction during the year is from the north-east through to the south-east.

The 9am and 3pm windroses from TAPM compare favourably with the BOM windroses for the same time periods. However, there will be differences involved since the two locations are separated by some distance and the proximity to major terrain features that influence wind flows.

The representative frequency of Pasquil stability classes for the region is based on data from TAPM. Pasquil stability classes represent the stability of the atmosphere. The stability Class F conditions (stable conditions), which result in poor dispersion of pollutants does not occur during the day.

Table 14 shows the frequency of stability classes for the site.

Table 14: Stability Distribution

Stability	Description	Percentage of Time
A	Very unstable	5%
B	Moderately unstable	15%
C	Slightly unstable	17%
D	Neutral	22%
E	Slightly stable	12%
F	Stable	29%

The diurnal distribution of the mixing height is contained in Figure 10. The mixing height is defined as the height of the layer closest to the ground which will contain all non-buoyant pollutants emitted within the layer.

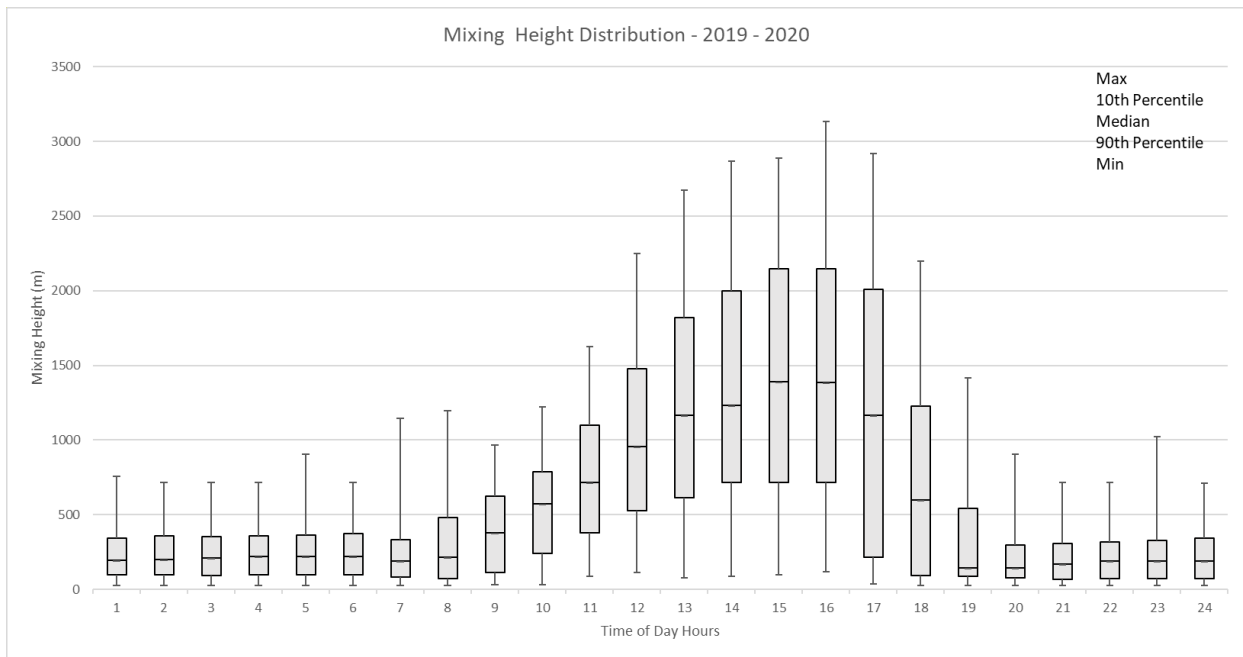


Figure 10: Mixing Height Distribution from Meteorological File (2019-2020)

Rose of Wind direction versus Wind speed in km/h (15 Jan 1992 to 11 Aug 2021)

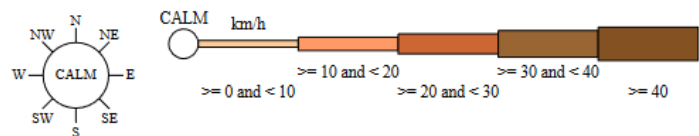
Custom times selected, refer to attached note for details

DALBY AIRPORT

Site No: 041522 • Opened Jan 1992 • Still Open • Latitude: -27.1605° • Longitude: 151.2634° • Elevation 343.m

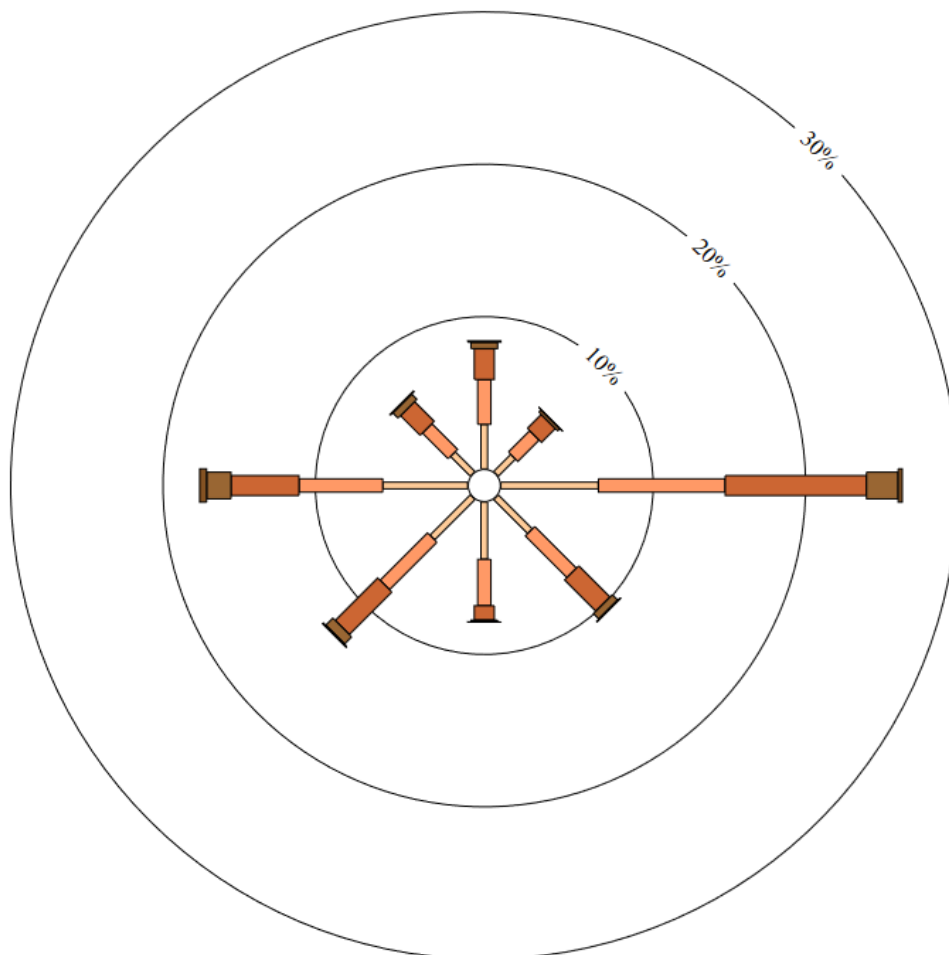
An asterisk (*) indicates that calm is less than 0.5%.

Other important info about this analysis is available in the accompanying notes.



3 pm
10734 Total Observations

Calm 5%



Rose of Wind direction versus Wind speed in km/h (15 Jan 1992 to 11 Aug 2021)

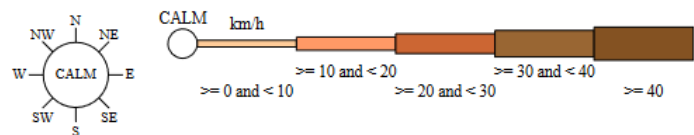
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DALBY AIRPORT

Site No: 041522 • Opened Jan 1992 • Still Open • Latitude: -27.1605° • Longitude: 151.2634° • Elevation 343.m

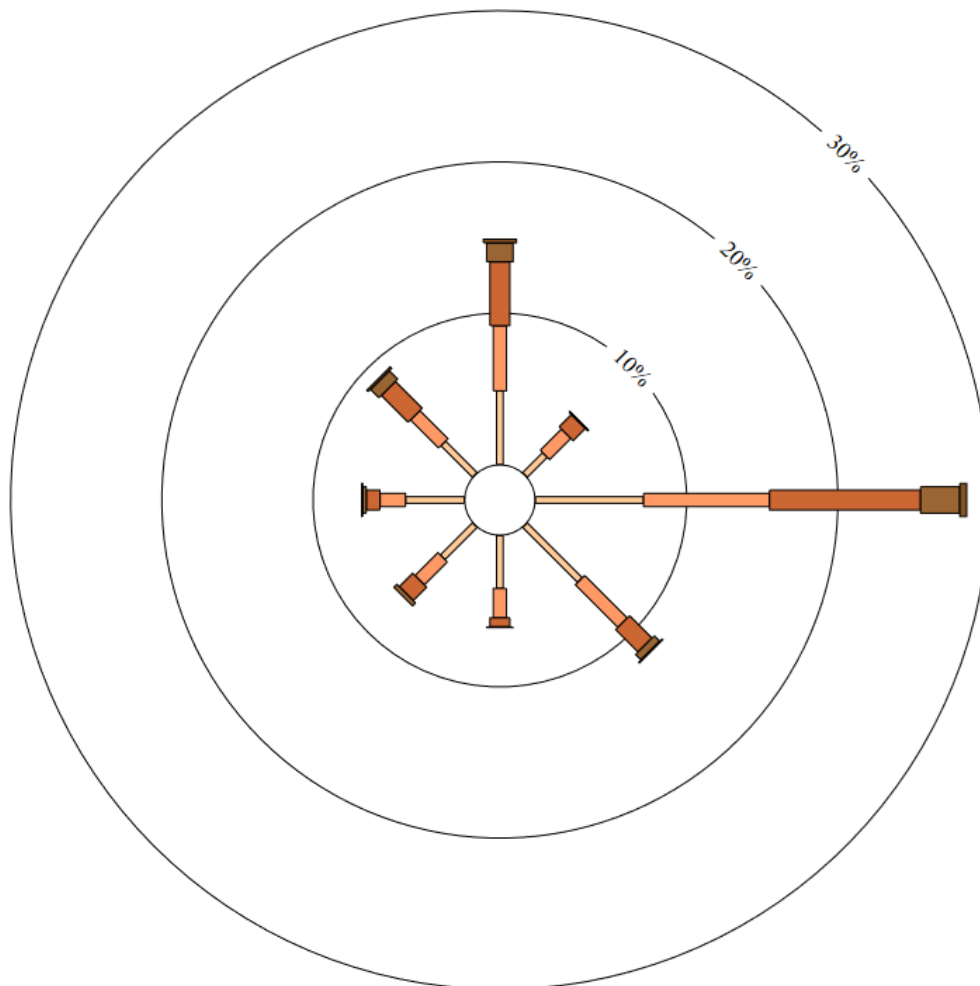
An asterisk (*) indicates that calm is less than 0.5%.

Other important info about this analysis is available in the accompanying notes.



9 am
10751 Total Observations

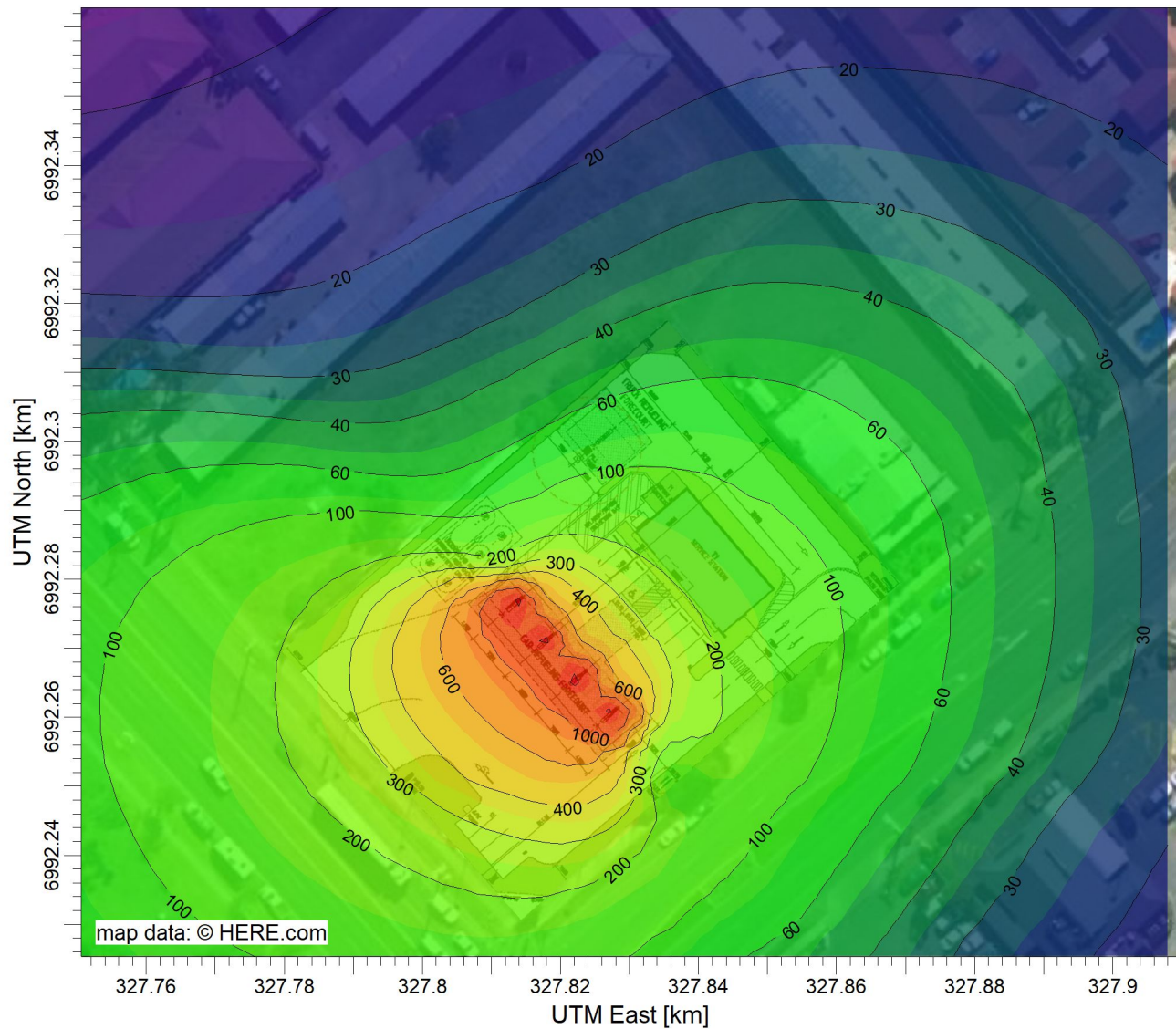
Calm 12%



Appendix B: Modelled Air Quality - Contours

PROJECT TITLE:

**Dalby Service Station Air Quality
Annual Average - 0.0m Receptor**



VALUE RUN LENGTH AVERAGE CONCENTRATION (VOC)

ug/m**3

Max = 2170 [ug/m**3] at (X = 327822.00, Y = 6992265.00)



COMMENTS:

COMPANY NAME:

Simpson Engineering Group

MODELER:

Chris Simpson

SCALE:

1:1,000

0

0.03 km

DATE:

17/12/2021

PROJECT NO.:

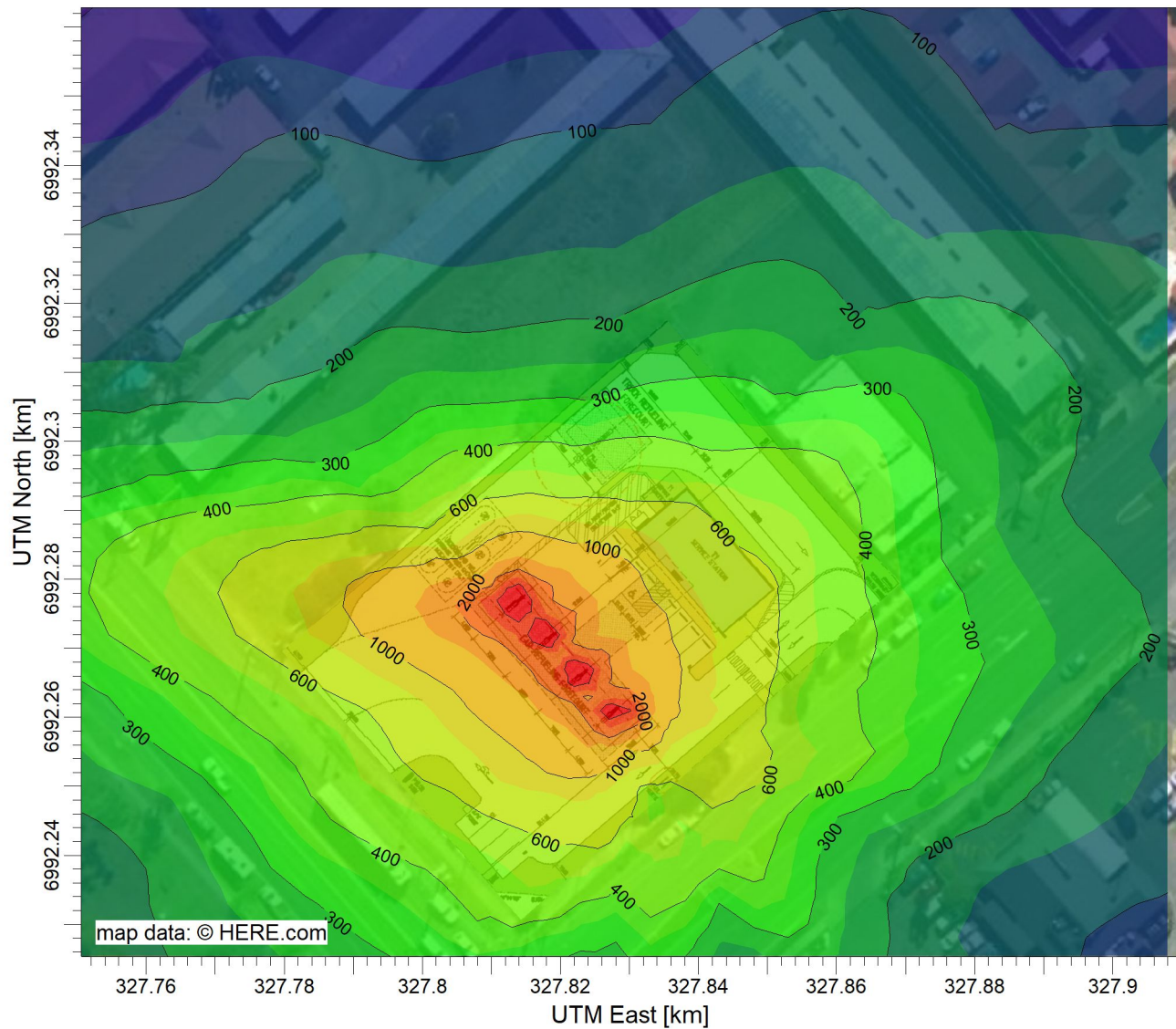


Simpson Engineering Group

211117

PROJECT TITLE:

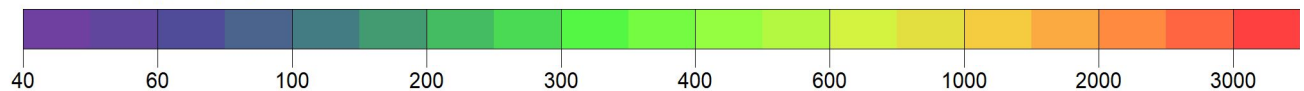
**Dalby Service Station Air Quality
7 Day Maximum - 0.0m Receptor**



1 RANK 168 HOUR AVERAGE CONCENTRATION (VOC)

ug/m**3

Max = 4639 [ug/m**3] at (X = 327814.00, Y = 6992277.00)



COMMENTS:

COMPANY NAME:

Simpson Engineering Group

MODELER:

Chris Simpson

SCALE:

1:1,000

0

0.03 km

DATE:

17/12/2021

PROJECT NO.:

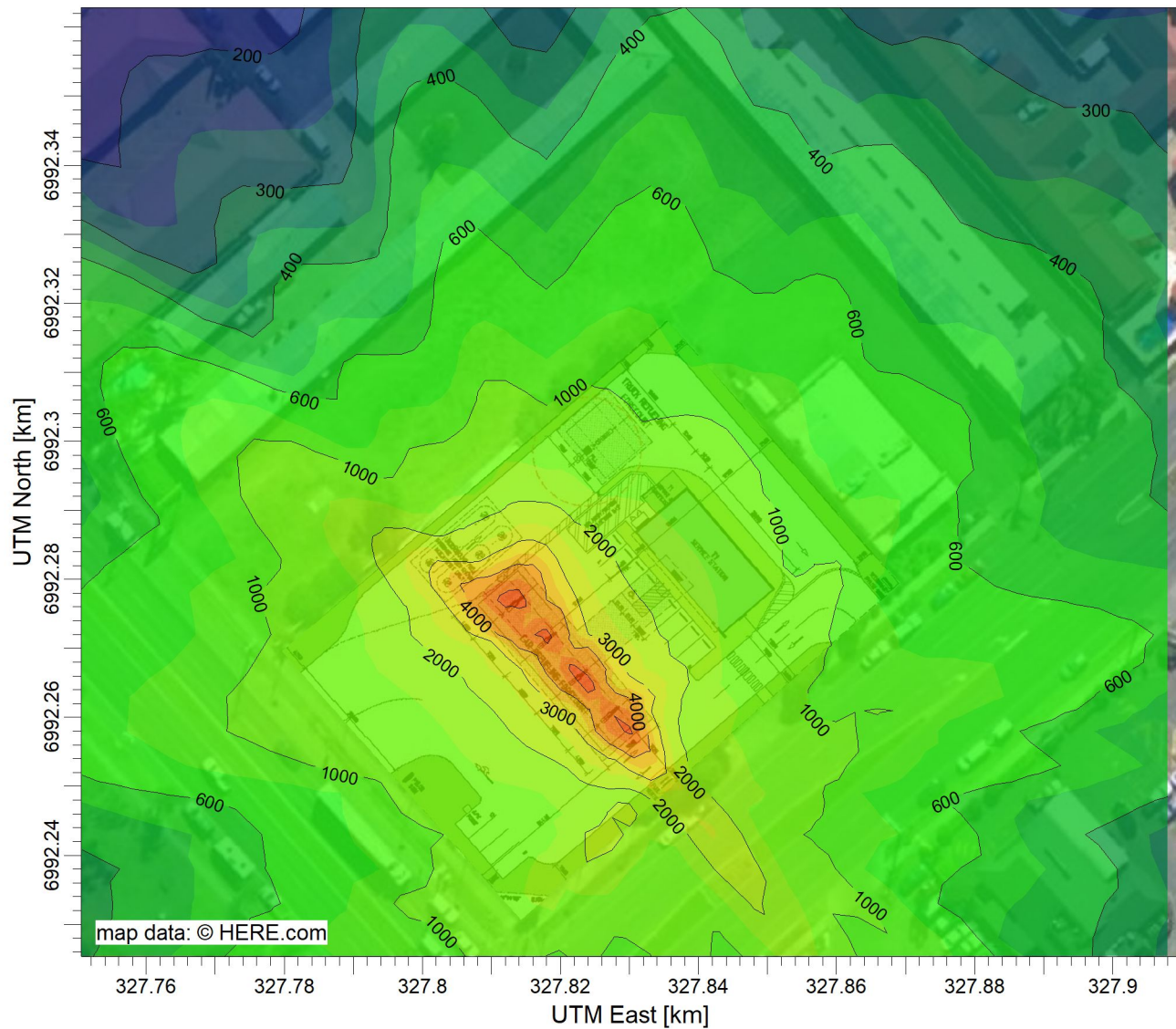


Simpson Engineering Group

211117

PROJECT TITLE:

**Dalby Service Station Air Quality
24 Hour Maximum - 0.0m Receptor**



COMMENTS:

COMPANY NAME:

Simpson Engineering Group

MODELER:

Chris Simpson

SCALE:

1:1,000

0

0.03 km

DATE:

17/12/2021

PROJECT NO.:

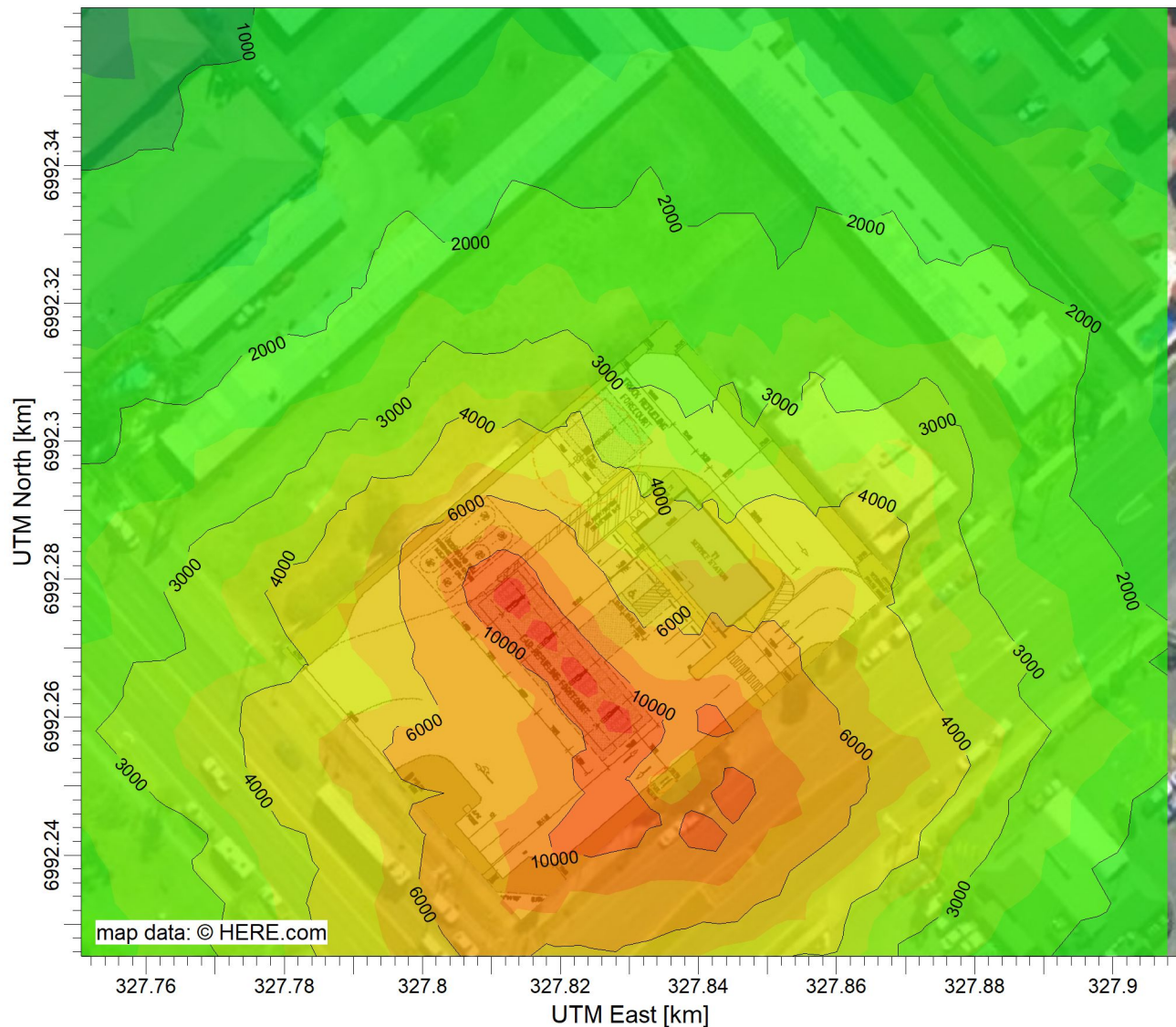


Simpson Engineering Group

211117

PROJECT TITLE:

Dalby Service Station Air Quality
1 Hour 99.9th Percentile - 0.0m Receptor



VALUE 99.90TH PERCENTILE 1 HOUR AVERAGE CONCENTRATION (VOC)

ug/m**3

Max = 20020 [ug/m**3] at (X = 327814.00, Y = 6992277.00)



COMMENTS:

COMPANY NAME:

Simpson Engineering Group

MODELER:

Chris Simpson

SCALE:

1:1,000

0

0.03 km

DATE:

17/12/2021

PROJECT NO.:

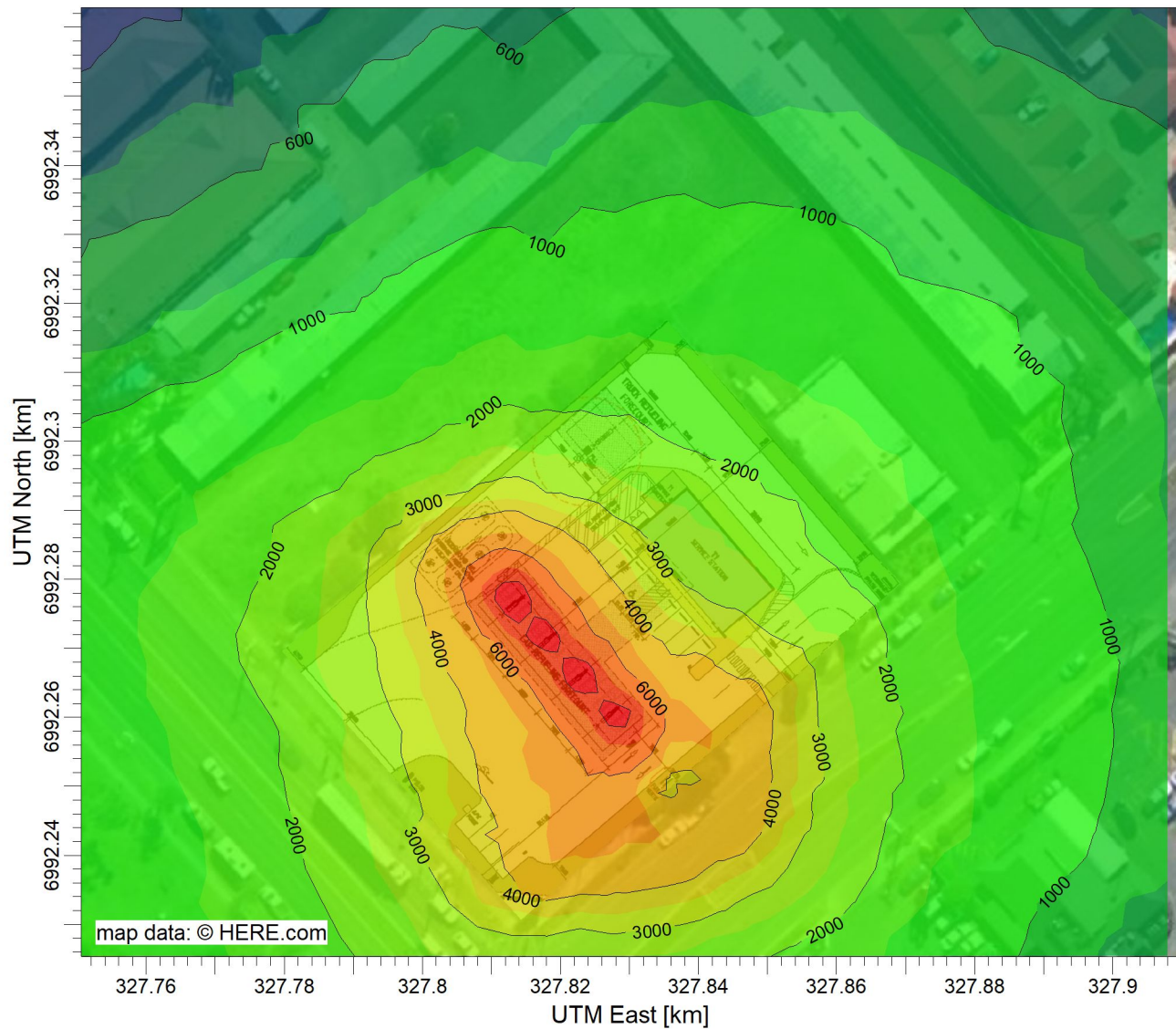


Simpson Engineering Group

211117

PROJECT TITLE:

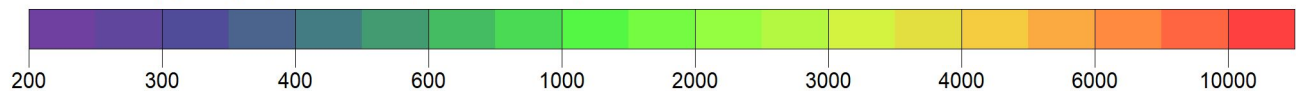
Dalby Service Station Air Quality
1 Hour 99.5th Percentile - 0.0m Receptor



VALUE 99.50TH PERCENTILE 1 HOUR AVERAGE CONCENTRATION (VOC)

ug/m**3

Max = 13211 [ug/m**3] at (X = 327814.00, Y = 6992277.00)



COMMENTS:

COMPANY NAME:

Simpson Engineering Group

MODELER:

Chris Simpson

SCALE:

1:1,000

0

0.03 km

DATE:

17/12/2021

PROJECT NO.:

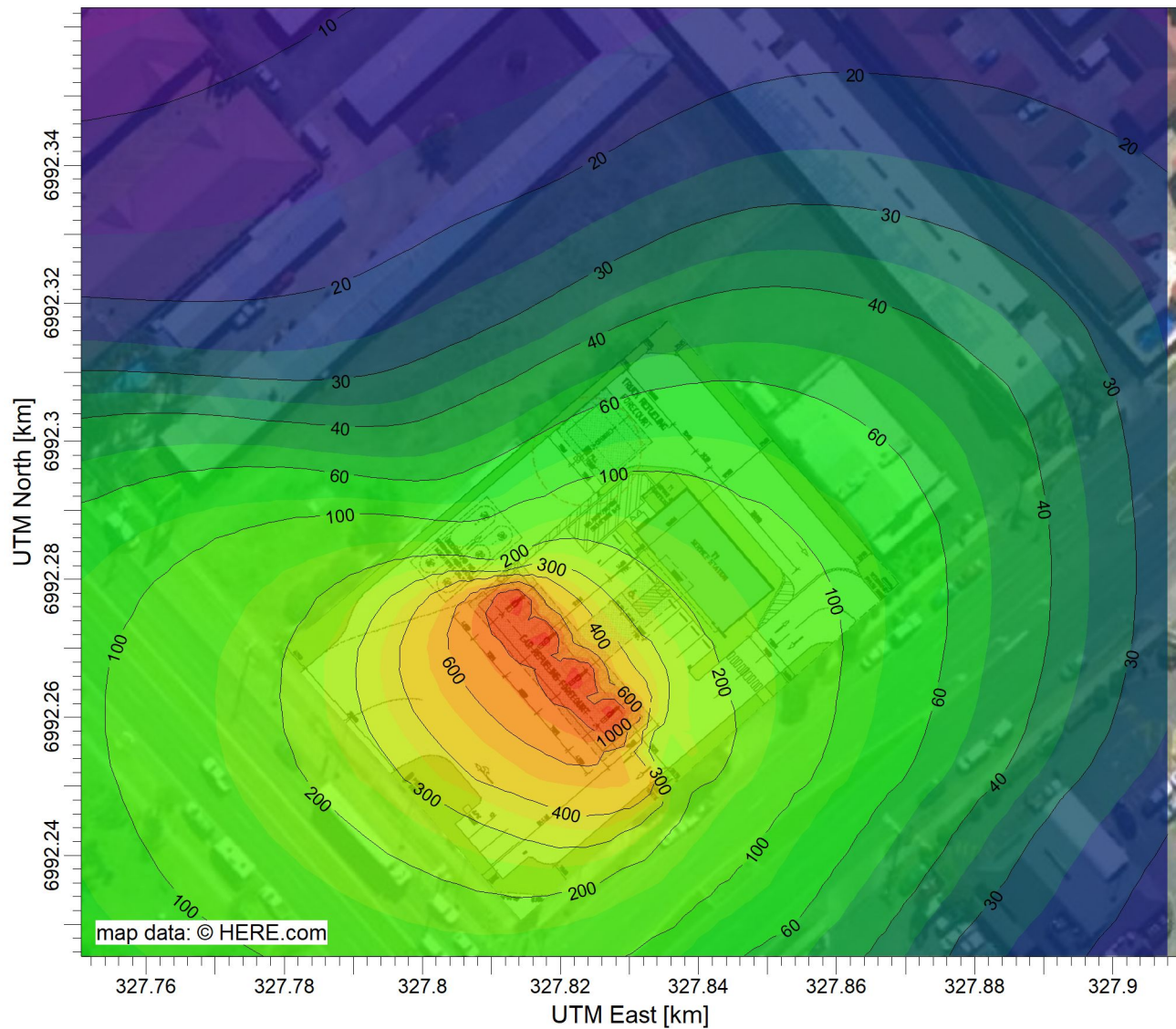


Simpson Engineering Group

211117

PROJECT TITLE:

**Dalby Service Station Air Quality
Annual Average - 1.5m Receptor**



VALUE RUN LENGTH AVERAGE CONCENTRATION (VOC)

ug/m**3

Max = 1816 [ug/m**3] at (X = 327822.00, Y = 6992265.00)



COMMENTS:

COMPANY NAME:

Simpson Engineering Group

MODELER:

Chris Simpson

SCALE:

1:1,000

0

0.03 km

DATE:

17/12/2021

PROJECT NO.:

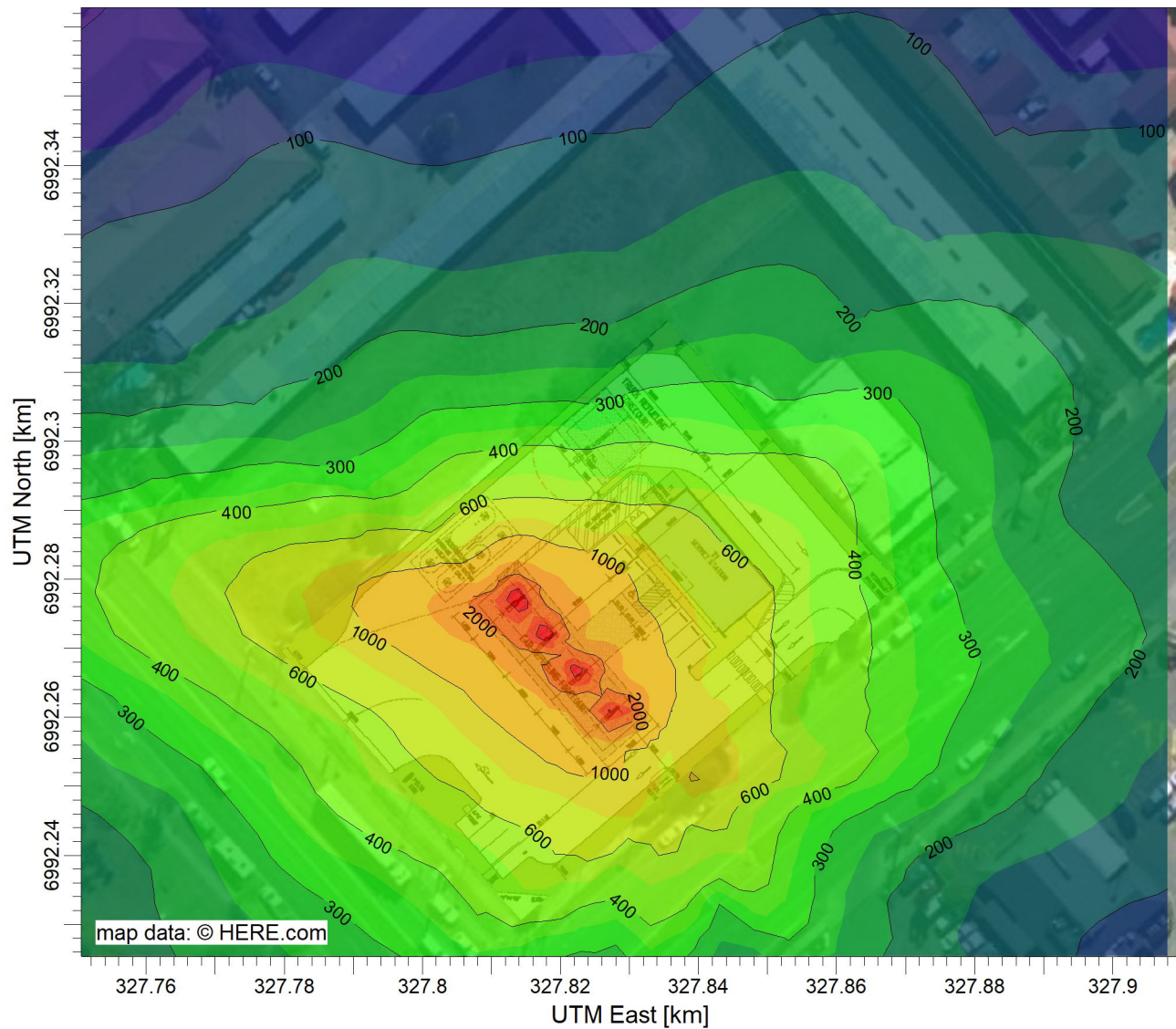


Simpson Engineering Group

211117

PROJECT TITLE:

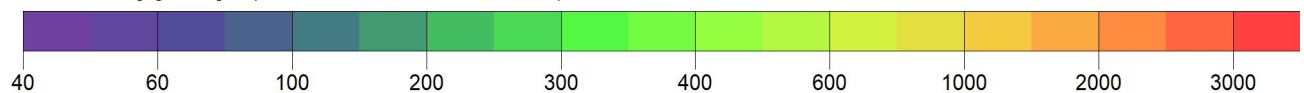
**Dalby Service Station Air Quality
7 Day Maximum - 1.5m Receptor**



1 RANK 168 HOUR AVERAGE CONCENTRATION (VOC)

ug/m**3

Max = 3912 [ug/m**3] at (X = 327814.00, Y = 6992277.00)



COMMENTS:

COMPANY NAME:

Simpson Engineering Group

MODELER:

Chris Simpson

SCALE:

1:1,000

0

0.03 km

DATE:

17/12/2021

PROJECT NO.:

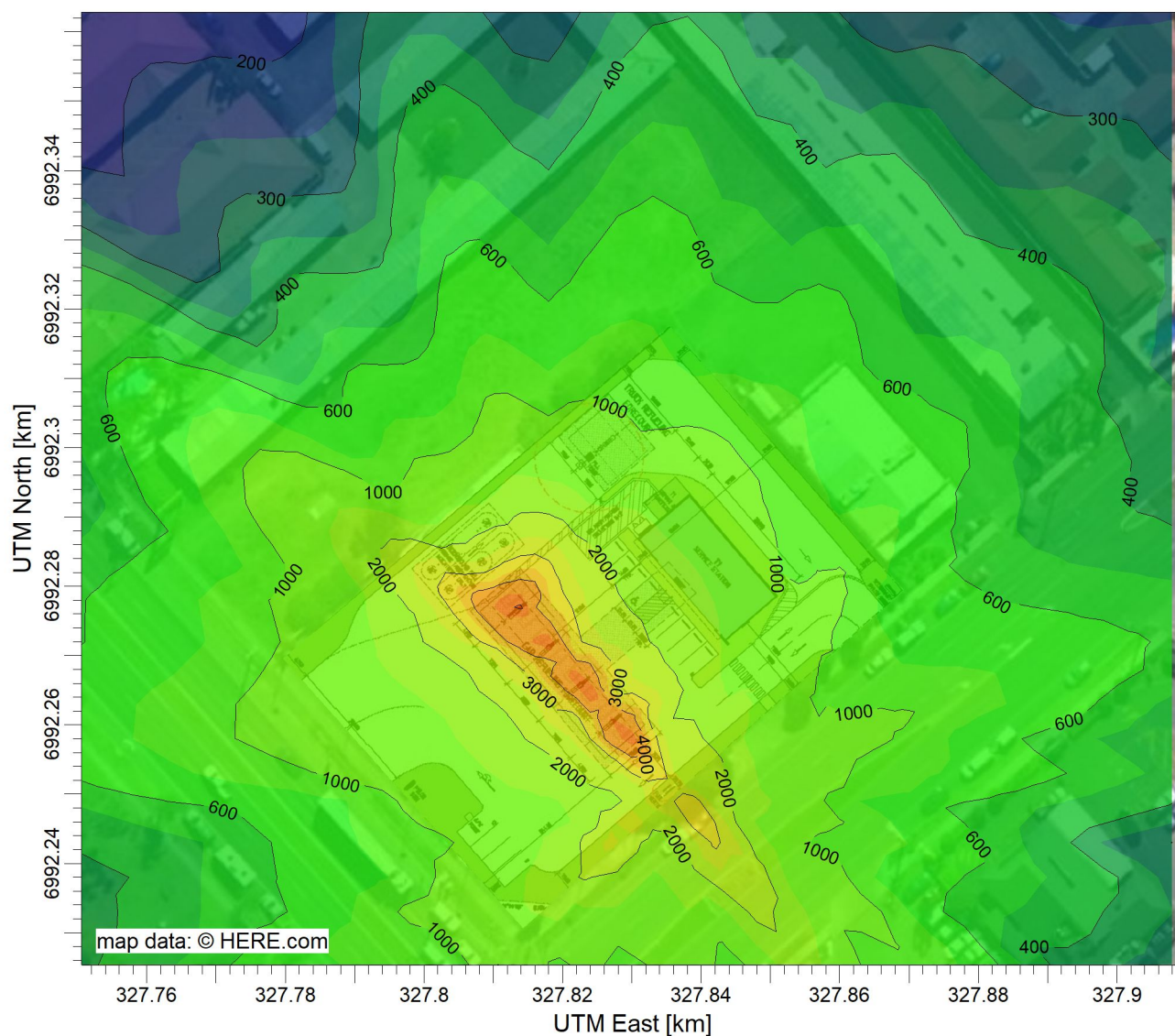


Simpson Engineering Group

211117

PROJECT TITLE:

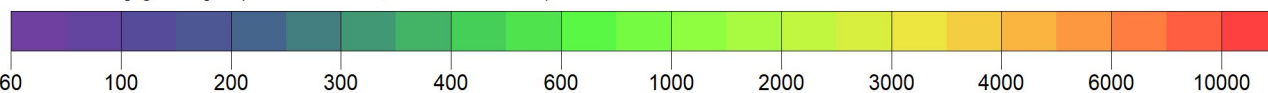
**Dalby Service Station Air Quality
24 Hour Maximum - 1.5m Receptor**



1 RANK 24 HOUR AVERAGE CONCENTRATION (VOC)

ug/m**3

Max = 6213 [ug/m**3] at (X = 327814.00, Y = 6992277.00)



COMMENTS:

COMPANY NAME:

Simpson Engineering Group

MODELER:

Chris Simpson

SCALE:

1:1,000

0

0.03 km

DATE:

17/12/2021

PROJECT NO.:

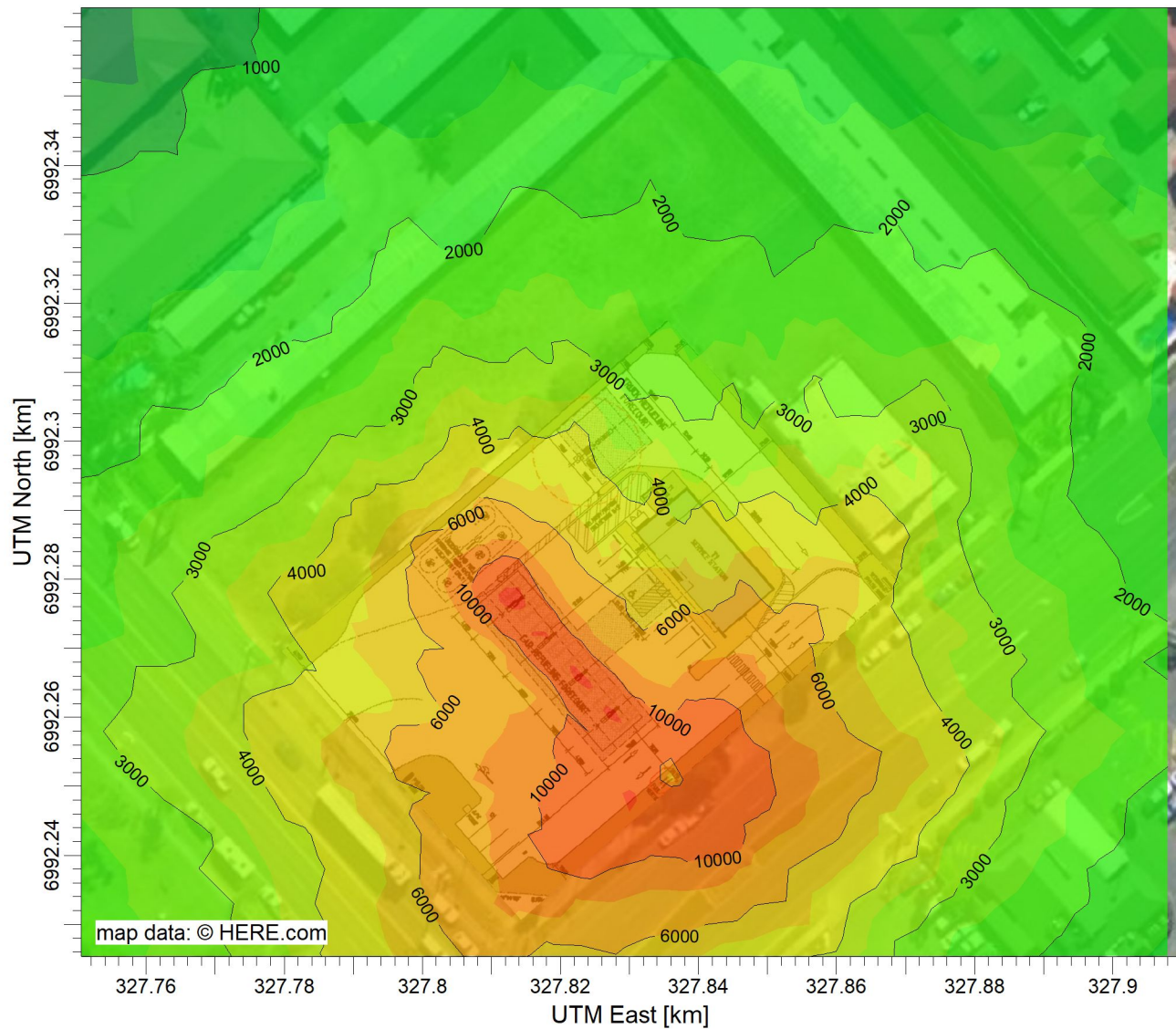


Simpson Engineering Group

211117

PROJECT TITLE:

Dalby Service Station Air Quality
99.9th Percentile 1 Hour - 1.5m Receptor



VALUE 99.90TH PERCENTILE 1 HOUR AVERAGE CONCENTRATION (VOC)

ug/m**3

Max = 17354 [ug/m**3] at (X = 327814.00, Y = 6992277.00)



COMMENTS:

COMPANY NAME:

Simpson Engineering Group

MODELER:

Chris Simpson

SCALE:

1:1,000

0

0.03 km

DATE:

17/12/2021

PROJECT NO.:

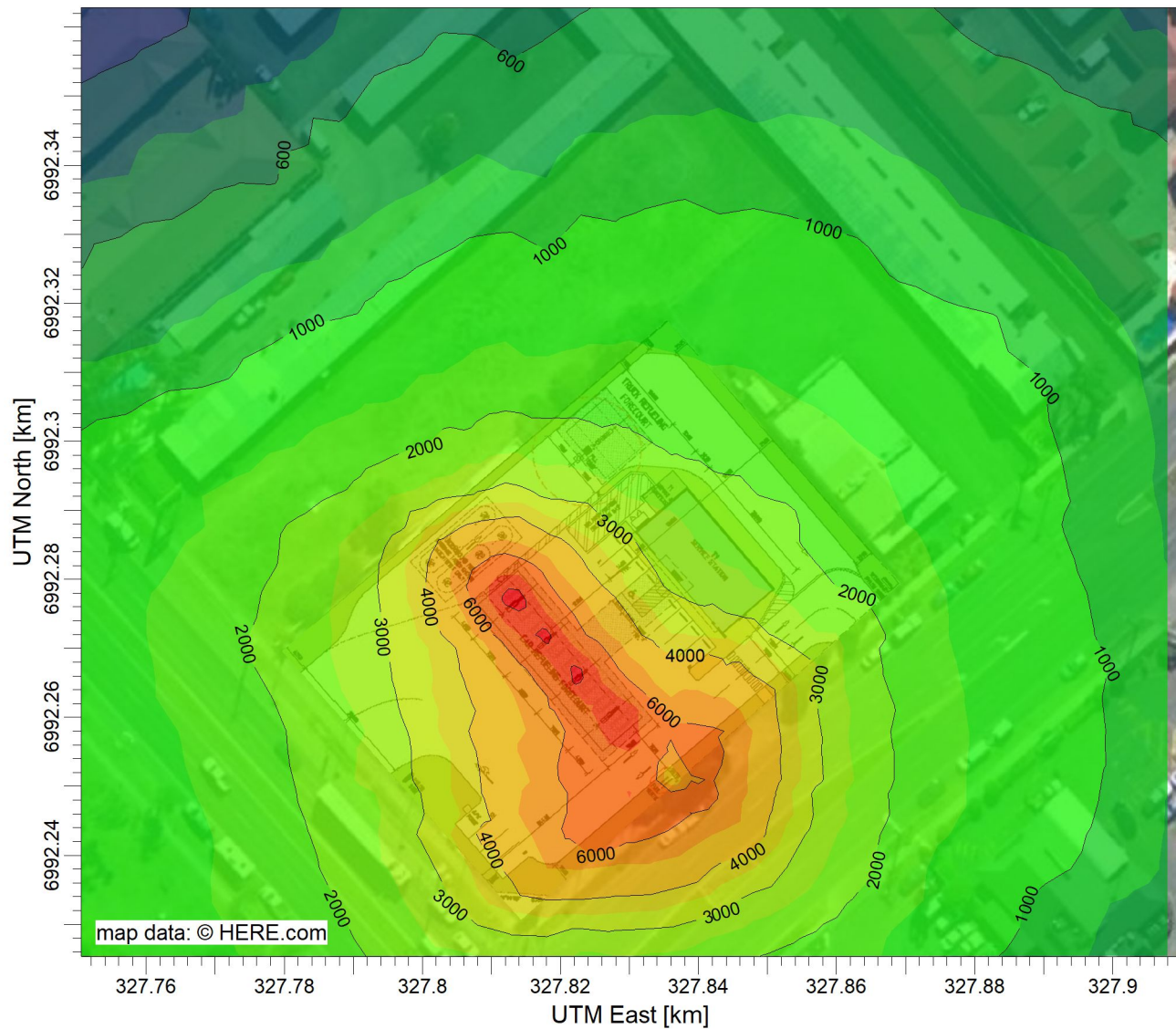


Simpson Engineering Group

211117

PROJECT TITLE:

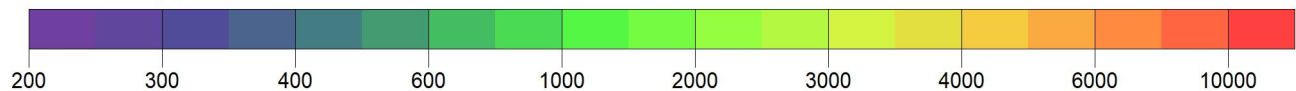
Dalby Service Station Air Quality
99.5th Percentile 1 Hour - 1.5m Receptor



VALUE 99.50TH PERCENTILE 1 HOUR AVERAGE CONCENTRATION (VOC)

ug/m**3

Max = 11508 [ug/m**3] at (X = 327814.00, Y = 6992277.00)



COMMENTS:

COMPANY NAME:

Simpson Engineering Group

MODELER:

Chris Simpson

SCALE:

1:1,000

0

0.03 km

DATE:

17/12/2021

PROJECT NO.:

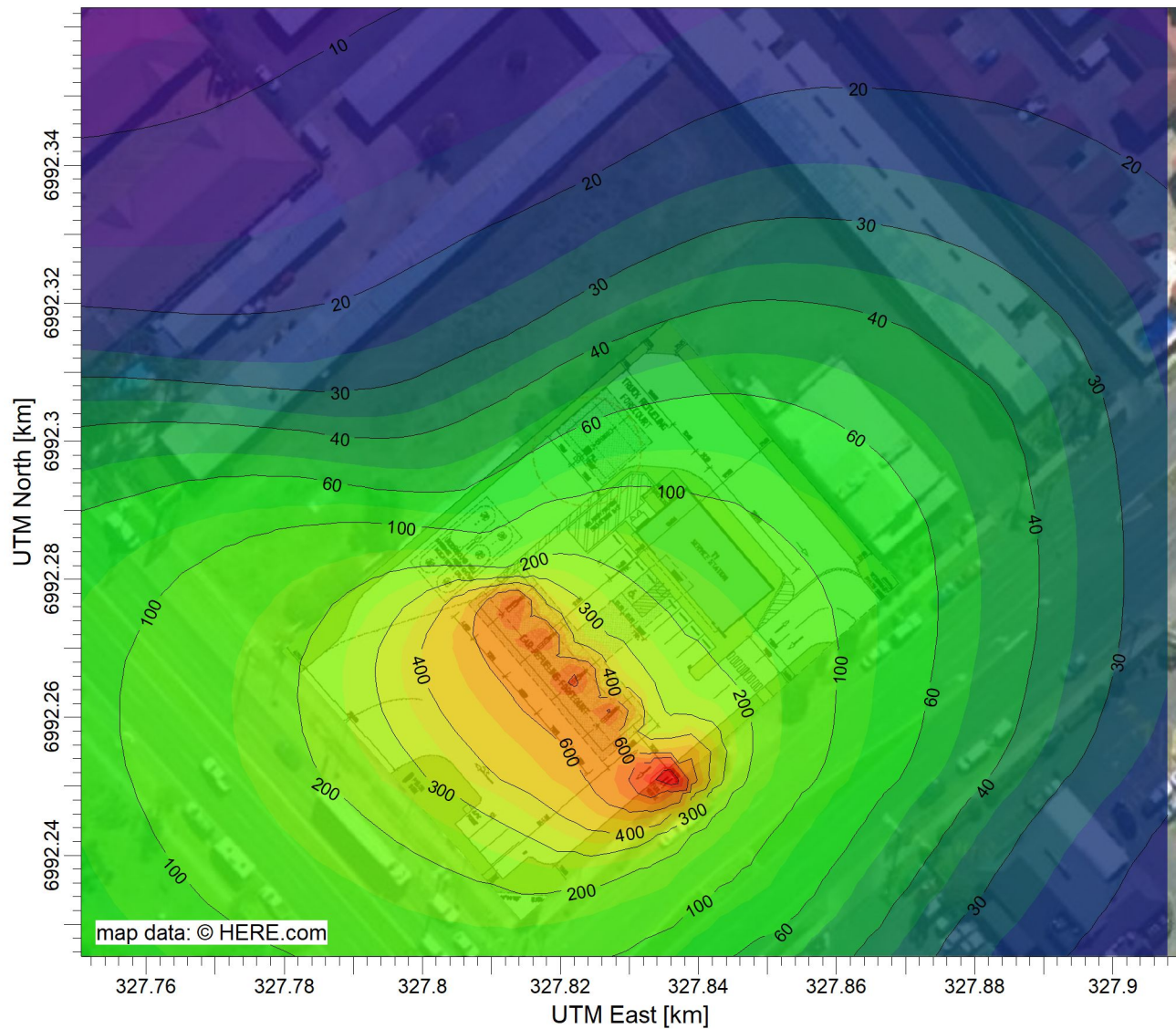


Simpson Engineering Group

211117

PROJECT TITLE:

**Dalby Service Station Air Quality
Annual Average - 3.0m Receptor**



VALUE RUN LENGTH AVERAGE CONCENTRATION (VOC)

ug/m**3

Max = 2762 [ug/m**3] at (X = 327836.00, Y = 6992251.00)



COMMENTS:

COMPANY NAME:

Simpson Engineering Group

MODELER:

Chris Simpson

SCALE:

1:1,000

0

0.03 km

DATE:

17/12/2021

PROJECT NO.:

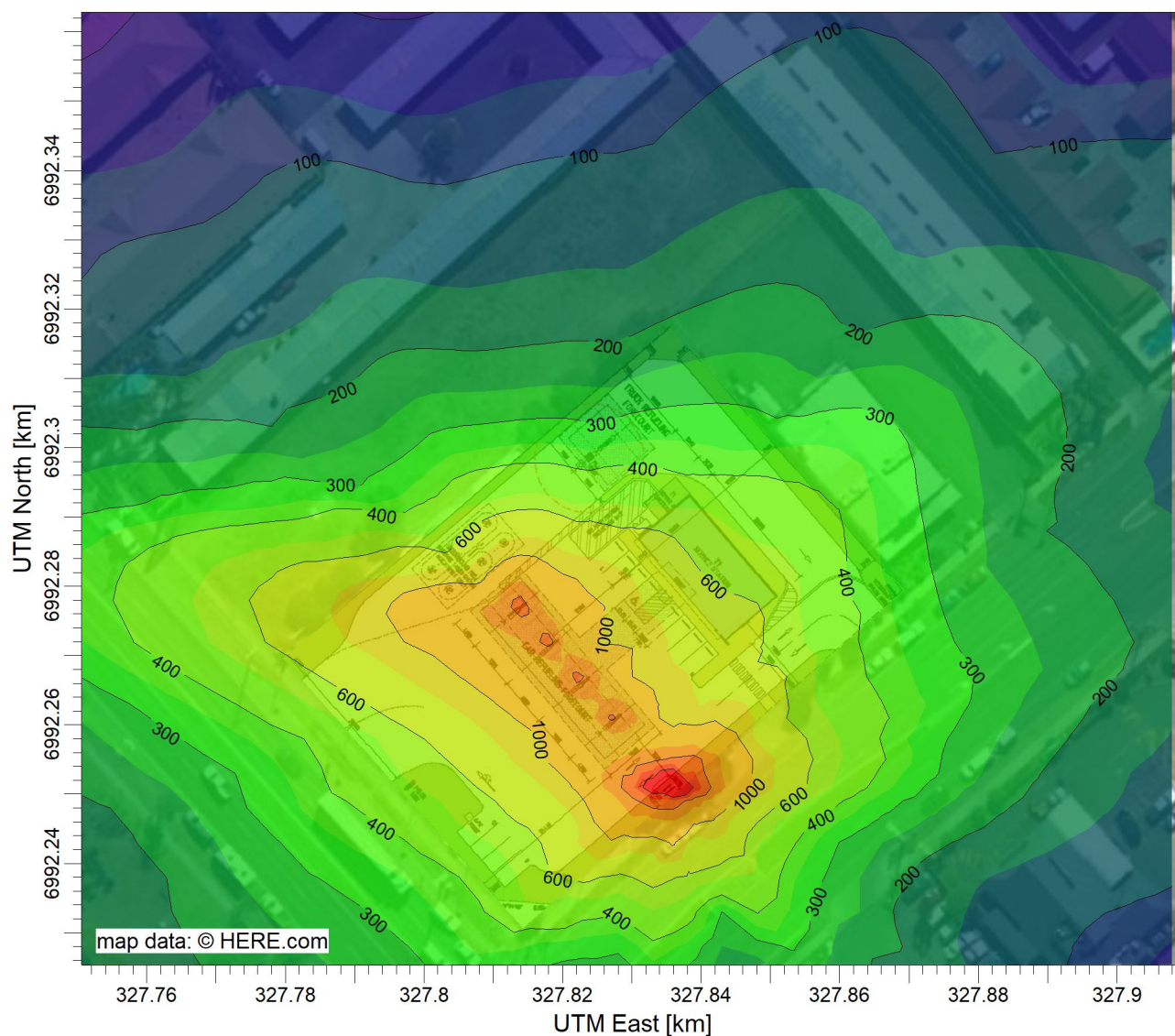


Simpson Engineering Group

211117

PROJECT TITLE:

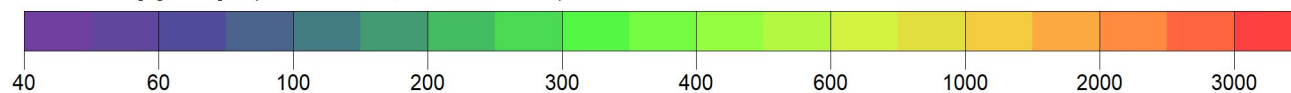
**Dalby Service Station Air Quality
7 Day Maximum - 3.0m Receptor**



1 RANK 168 HOUR AVERAGE CONCENTRATION (VOC)

ug/m**3

Max = 4796 [ug/m**3] at (X = 327836.00, Y = 6992251.00)



COMMENTS:

COMPANY NAME:

Simpson Engineering Group

MODELER:

Chris Simpson

SCALE:

1:1,000

0

0.03 km

DATE:

17/12/2021

PROJECT NO.:

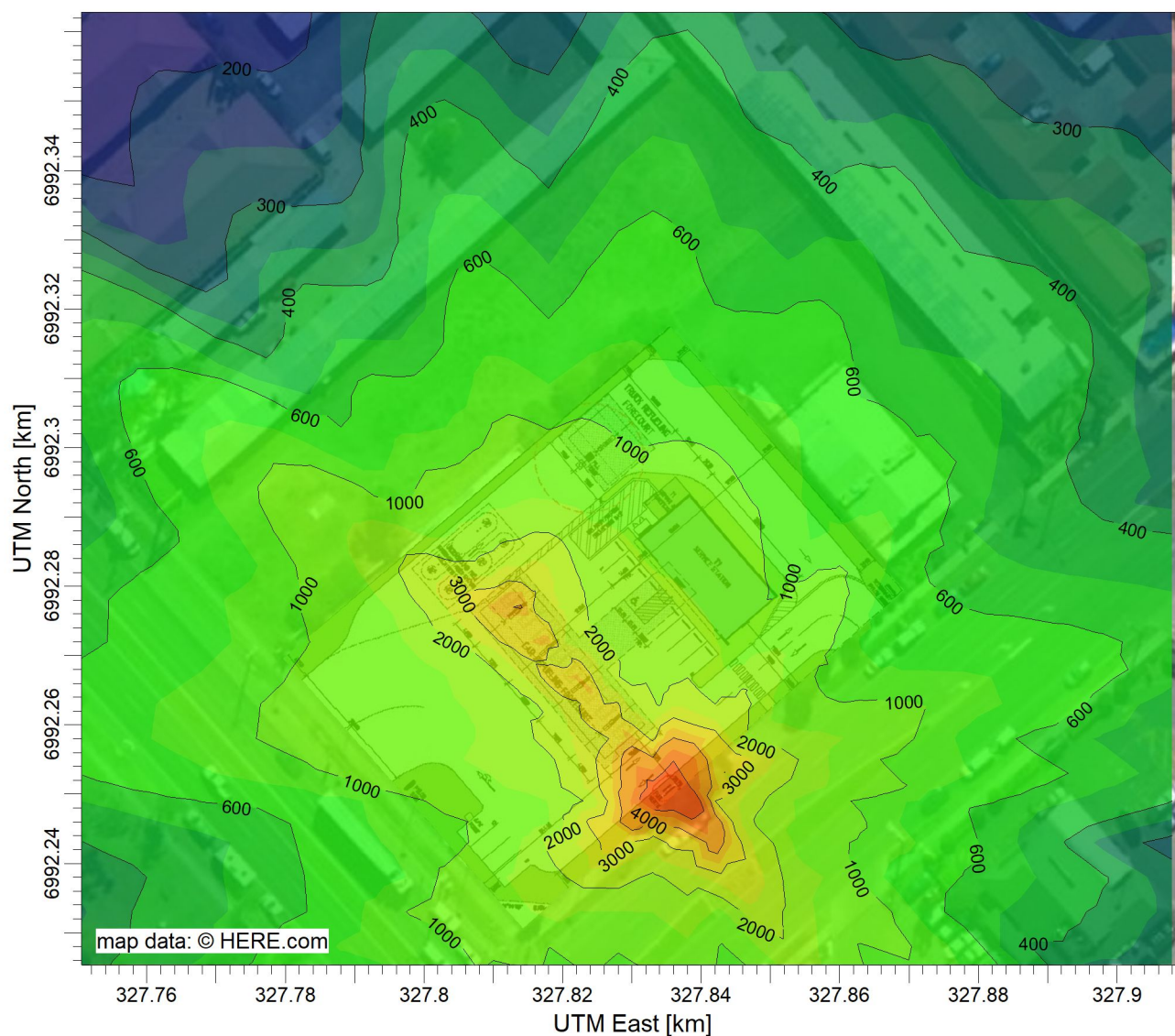
211117



Simpson Engineering Group

PROJECT TITLE:

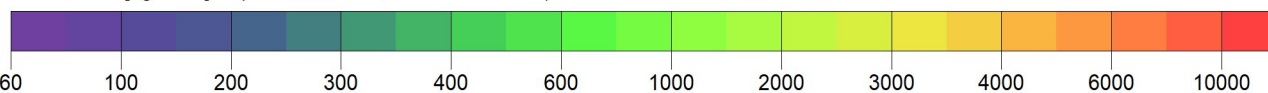
**Dalby Service Station Air Quality
24 Hour Maximum - 3.0m Receptor**



1 RANK 24 HOUR AVERAGE CONCENTRATION (VOC)

ug/m**3

Max = 8039 [ug/m**3] at (X = 327836.00, Y = 6992251.00)



COMMENTS:

COMPANY NAME:

Simpson Engineering Group

MODELER:

Chris Simpson

SCALE:

1:1,000

0

0.03 km

DATE:

17/12/2021

PROJECT NO.:

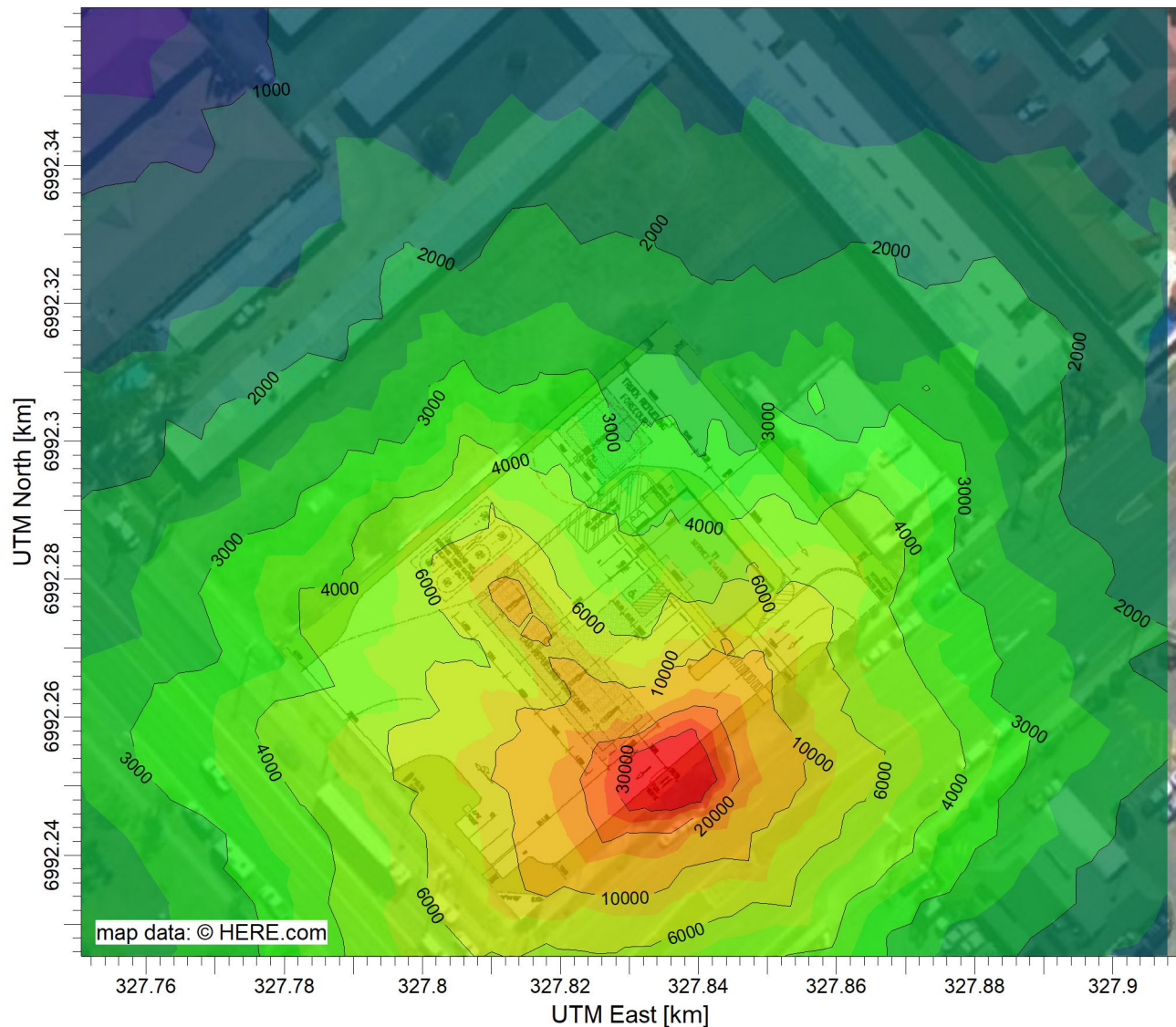


Simpson Engineering Group

211117

PROJECT TITLE:

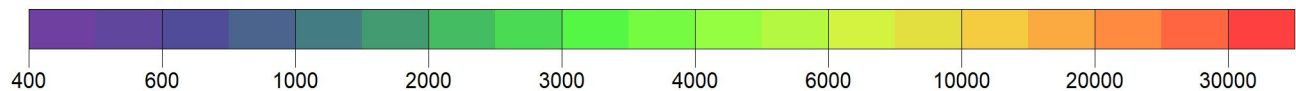
Dalby Service Station Air Quality
1 Hour 99.9th Percentile - 3.0m Receptor



VALUE 99.90TH PERCENTILE 1 HOUR AVERAGE CONCENTRATION (VOC)

ug/m**3

Max = 58938 [ug/m**3] at (X = 327836.00, Y = 6992251.00)



COMMENTS:

COMPANY NAME:

Simpson Engineering Group

MODELER:

Chris Simpson

SCALE:

1:1,000

0

0.03 km

DATE:

17/12/2021

PROJECT NO.:

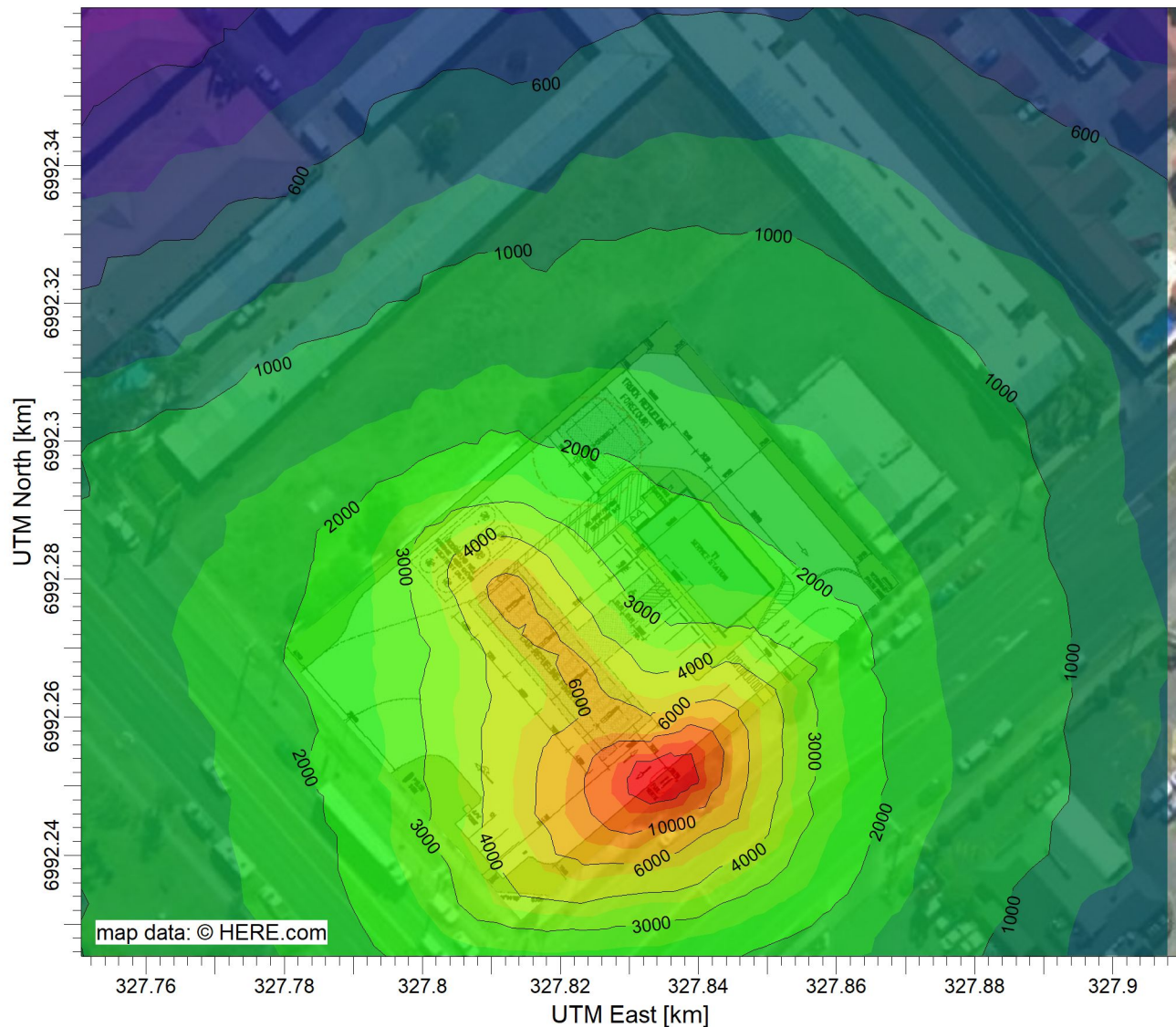


Simpson Engineering Group

211117

PROJECT TITLE:

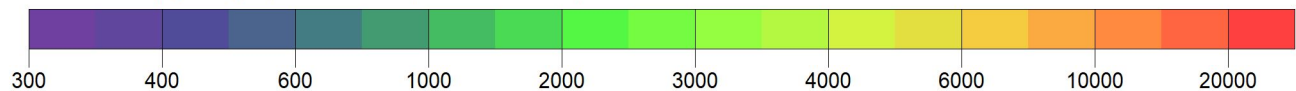
Dalby Service Station Air Quality
1 Hour 99.5th Percentile - 3.0m Receptor



VALUE 99.50TH PERCENTILE 1 HOUR AVERAGE CONCENTRATION (VOC)

ug/m**3

Max = 38687 [ug/m**3] at (X = 327836.00, Y = 6992251.00)



COMMENTS:

COMPANY NAME:

Simpson Engineering Group

MODELER:

Chris Simpson

SCALE:

1:1,000

0

0.03 km

DATE:

17/12/2021

PROJECT NO.:

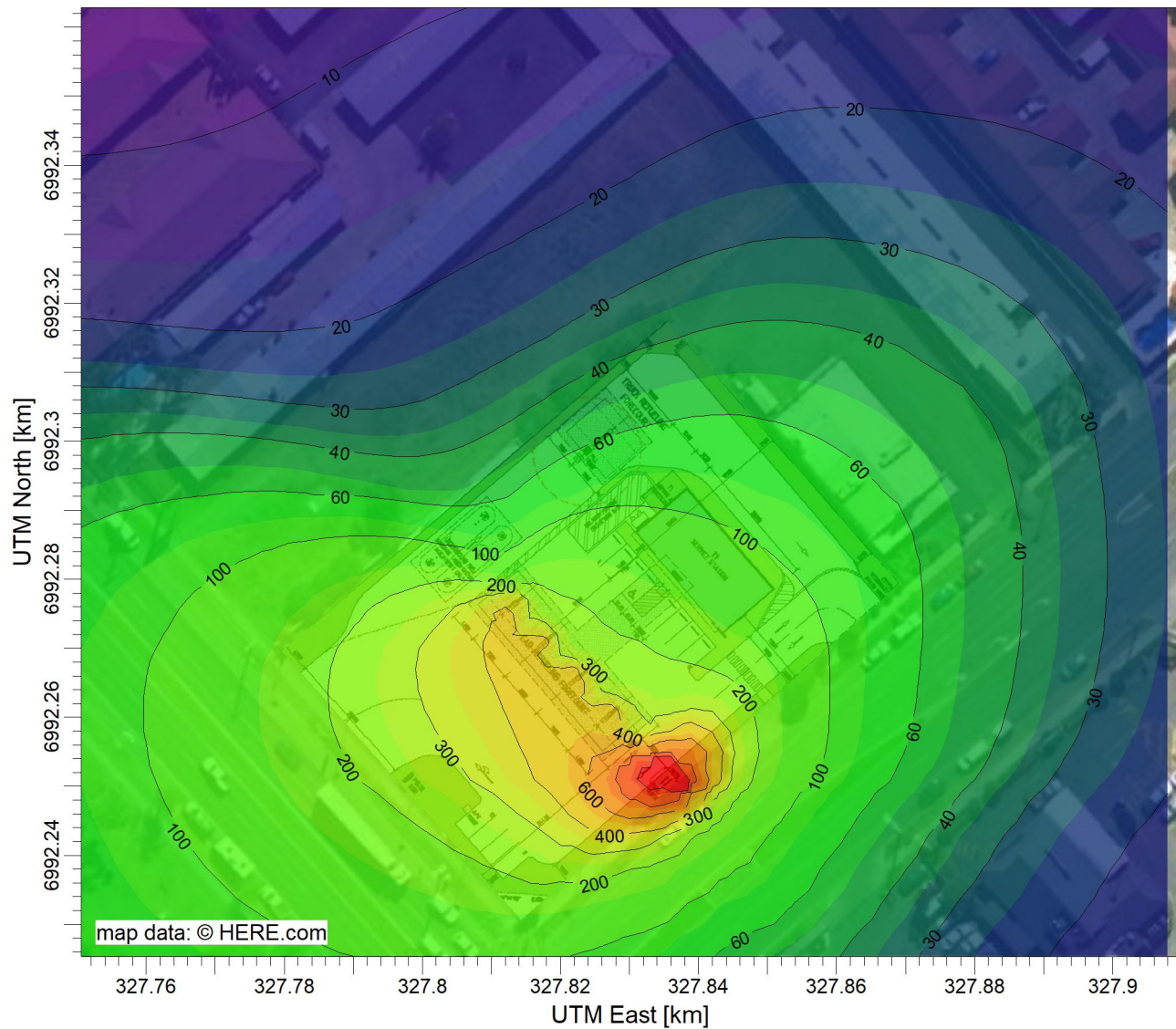


Simpson Engineering Group

211117

PROJECT TITLE:

**Dalby Service Station Air Quality
Annual Average - 4.5m Receptor**



VALUE RUN LENGTH AVERAGE CONCENTRATION (VOC)

ug/m**3

Max = 7975 [ug/m**3] at (X = 327836.00, Y = 6992251.00)



COMMENTS:

COMPANY NAME:

Simpson Engineering Group

MODELER:

Chris Simpson

SCALE:

1:1,000

0

0.03 km

DATE:

17/12/2021

PROJECT NO.:

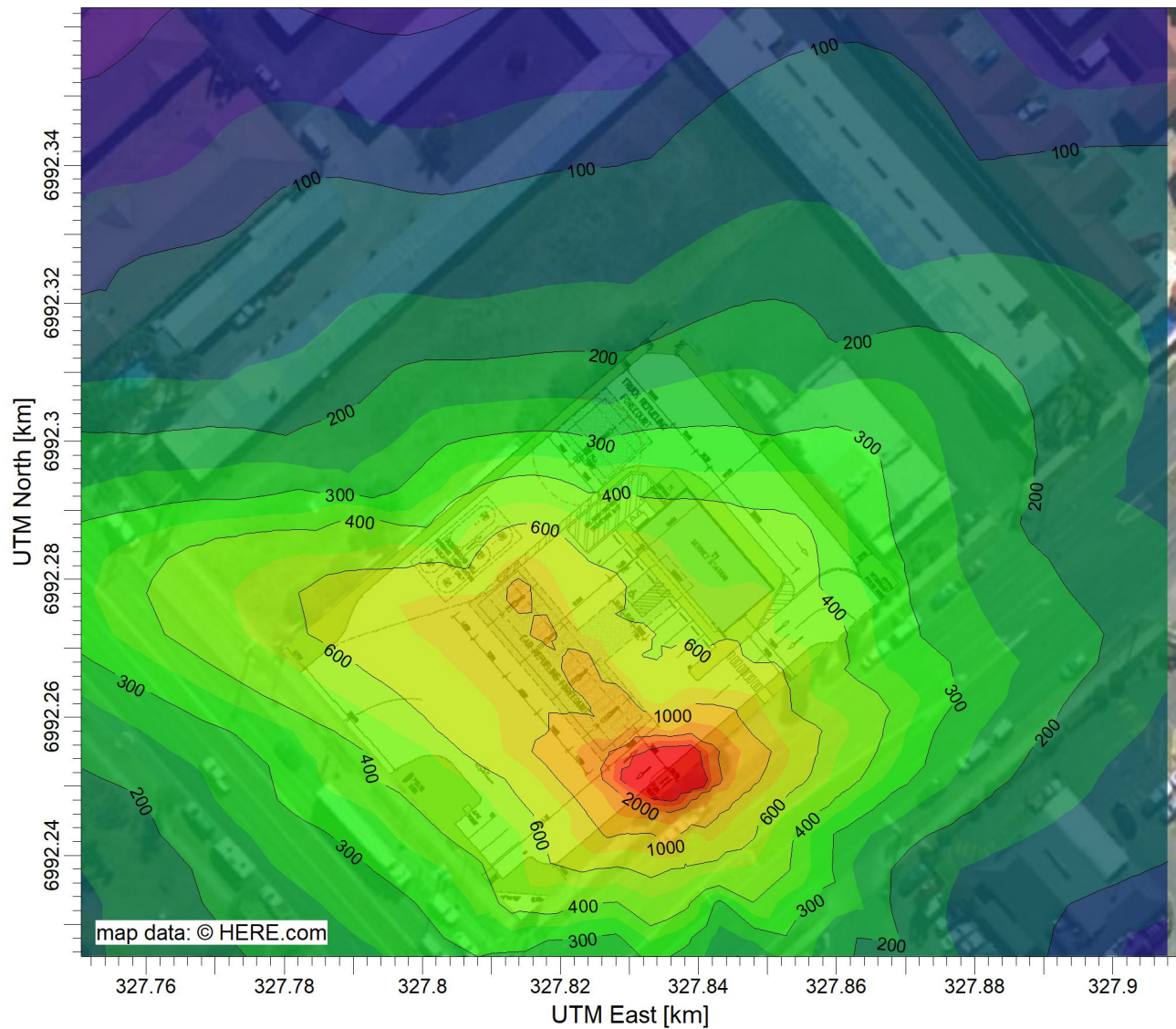


Simpson Engineering Group

211117

PROJECT TITLE:

**Dalby Service Station Air Quality
7 Day Maximum - 4.5m Receptor**



COMMENTS:

COMPANY NAME:

Simpson Engineering Group

MODELER:

Chris Simpson

SCALE:

1:1,000

0

0.03 km

DATE:

17/12/2021

PROJECT NO.:

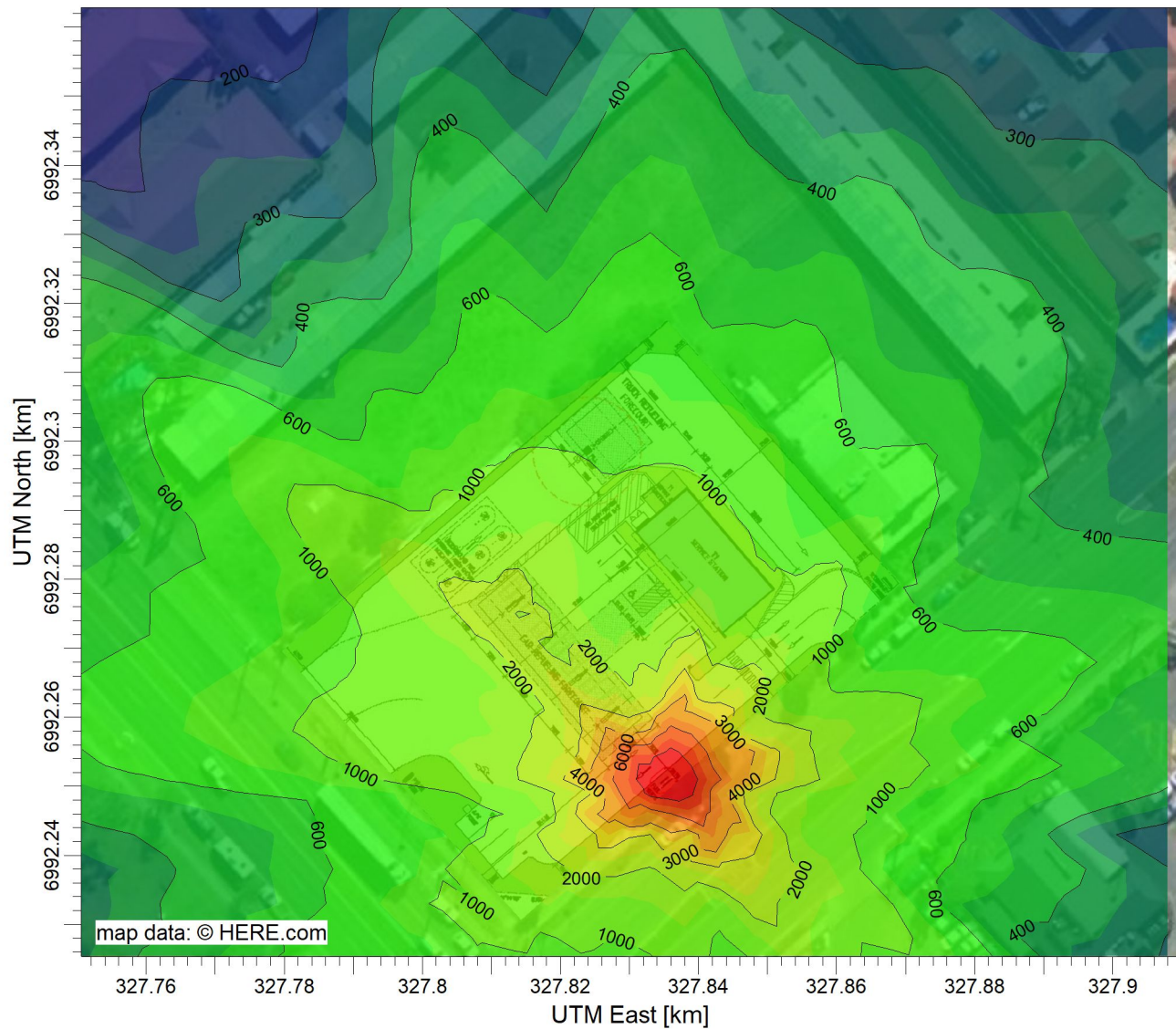


Simpson Engineering Group

211117

PROJECT TITLE:

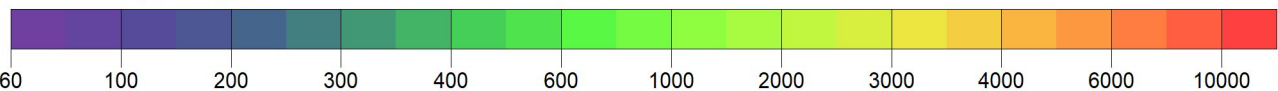
**Dalby Service Station Air Quality
24 Hour Maximum - 4.5m Receptor**



1 RANK 24 HOUR AVERAGE CONCENTRATION (VOC)

ug/m**3

Max = 22797 [ug/m**3] at (X = 327836.00, Y = 6992251.00)



COMMENTS:

COMPANY NAME:

Simpson Engineering Group

MODELER:

Chris Simpson

SCALE:

1:1,000

0

0.03 km

DATE:

17/12/2021

PROJECT NO.:

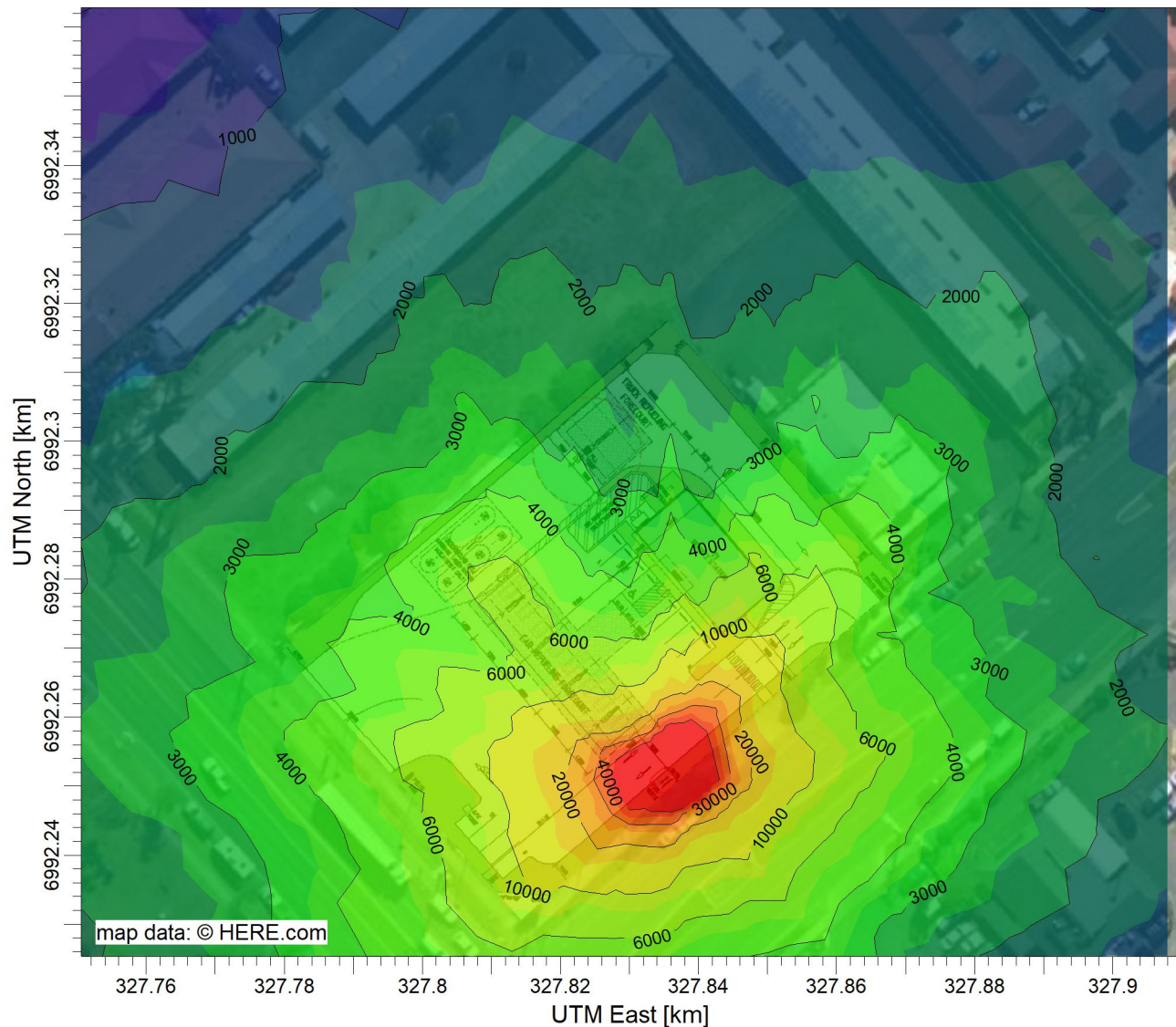


Simpson Engineering Group

211117

PROJECT TITLE:

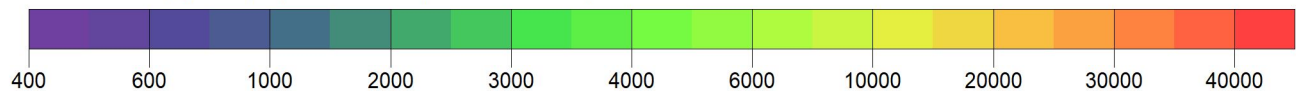
Dalby Service Station Air Quality
1 Hour 99.9th Percentile - 4.5m Receptor



VALUE 99.90TH PERCENTILE 1 HOUR AVERAGE CONCENTRATION (VOC)

ug/m**3

Max = 175860 [ug/m**3] at (X = 327836.00, Y = 6992251.00)



COMMENTS:

COMPANY NAME:

Simpson Engineering Group

MODELER:

Chris Simpson

SCALE:

1:1,000

0

0.03 km

DATE:

17/12/2021

PROJECT NO.:

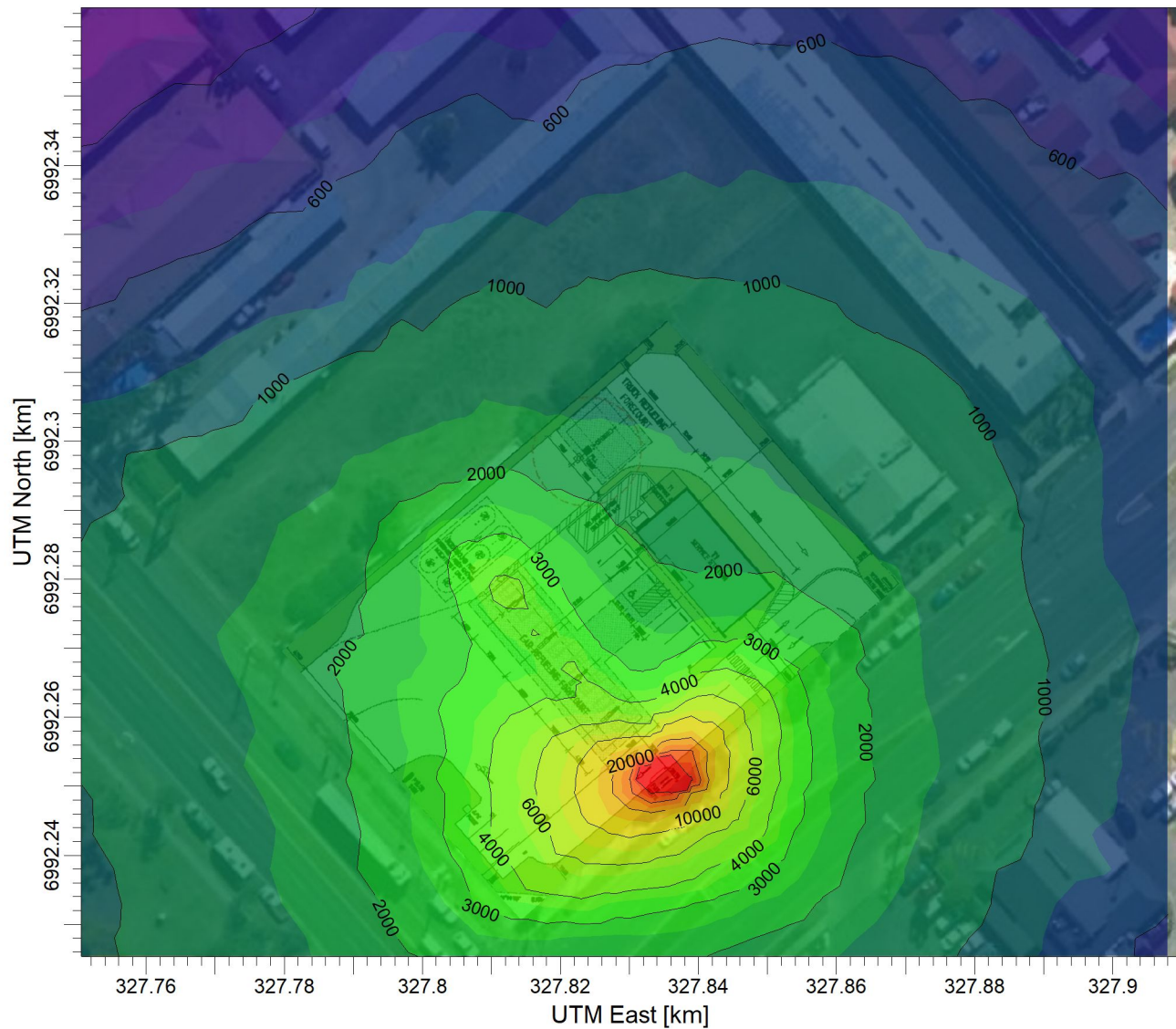


Simpson Engineering Group

211117

PROJECT TITLE:

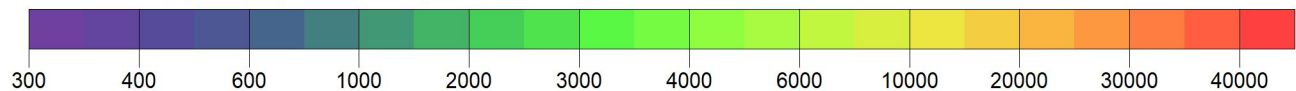
Dalby Service Station Air Quality
1 Hour 99.5th Percentile - 4.5m Receptor



VALUE 99.50TH PERCENTILE 1 HOUR AVERAGE CONCENTRATION (VOC)

ug/m**3

Max = 111620 [ug/m**3] at (X = 327836.00, Y = 6992251.00)



COMMENTS:

COMPANY NAME:

Simpson Engineering Group

MODELER:

Chris Simpson

SCALE:

1:1,000

0

0.03 km

DATE:

17/12/2021

PROJECT NO.:



Simpson Engineering Group

211117



SARA reference: 2201-26816 SRA
 Council reference: A1157 & LG7.6.1
 Applicant reference: J000539

25 February 2022

Chief Executive Officer
 Western Downs Regional Council
 PO Box 551
 DALBY QLD 4405
 info@wdrc.qld.gov.au

Attention: Dominic Bradley

Dear Mr Bradley

SARA response—66 Condamine Street, Dalby

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 24 January 2022.

Response

Outcome:	Referral agency response – with conditions
Date of response:	25 February 2022
Conditions:	The conditions in Attachment 1 must be attached to any development approval
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the referral agency response are in Attachment 3

Development details

Description:	Development Permit	Material Change of Use for a Service Station
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (10.9.4.2.4.1) – Material change of use of premises within 25 metres of two state controlled roads (Planning Regulation 2017)	
SARA reference:	2201-26816 SRA	

Assessment Manager: Western Downs Regional Council

Street address: 66 Condamine Street, Dalby

Real property description: Lot 3 on SP294214

Applicant name: Pearl Energy Pty Ltd
C/- Mecone

Applicant contact details: Level 2, 235 Edward Street
BRISBANE CITY QLD 4000
brisbane@mecone.com.au

State-controlled road access permit: This referral included an application for a road access location, under section 62A(2) of *Transport Infrastructure Act 1994*. Below are the details of the decision:

- Approved
- Reference: TMR22-035321
- Date: 24 February 2022

If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at Downs.South.West.IDAS@tmr.qld.gov.au.

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Lydia Summers, Senior Planning Officer, on 07 5644 3217 or via email ToowoombaSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Luke Lankowski
Manager, Planning – Wide Bay Burnett

cc Pearl Energy Pty Ltd c/- Mecone, brisbane@mecone.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations about a referral agency response provisions
Attachment 5 - Approved plans

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans referenced below are found at **Attachment 5**)

No.	Conditions	Condition timing
10.9.4.2.4.1—Material change of use on premises near a state transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	Any excavation, filling/backfilling/compaction, retaining structures, stormwater management measures, and other works involving ground disturbance must not encroach or de-stabilise the state-controlled roads or the land supporting this infrastructure, or cause similar adverse impacts.	At all times
2.	(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled roads. (b) Any works on the land must not: <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the state-controlled roads; (ii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled roads; (iii) surcharge any existing culvert or drain on the state-controlled roads; and (iv) reduce the quality of stormwater discharge onto the state-controlled roads. 	(a) At all times (b) At all times
3.	(a) The existing vehicular property access located between Lot 3 on SP294241 and Condamine Street must be permanently closed and removed. (b) The kerb and channelling and footpath between the pavement edge and the property boundary must be reinstated in accordance with Western Downs Regional Council's standard drawings and at no cost to the Department of Transport and Main Roads.	Prior to the commencement of use
4.	(a) The road access locations are to be located generally in accordance with the Prop. Site Plan prepared by Verve Building Design Co, dated 17/12/2021, Drawing Number 21268-DA02 and Revision A (as amended in red by SARA on 25 February 2022); (b) Road access works comprising of commercial standard driveway crossovers (at the road access locations identified in part (a) of this condition), must be provided generally in accordance with the designs provided in Figure 4.5 – Access crossover off Drayton Street (as amended in red by SARA on 25 February 2022) and Figure 4.6 – Access crossover off Condamine Street within the Traffic Impact Assessment prepared by McMurtrie	(a) At all times (b) and (c) Prior to the commencement of use

	<p>Consulting Engineers, dated 13-12-21, Job No. 0452122 and Revision A; and</p> <p>(c) The road access works must be designed and constructed in accordance with Western Downs Regional Council's commercial driveway design standards and the Department of Transport and Main Roads' <i>Road Planning & Design Manuals, 2nd Edition</i>.</p>	
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Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP), version 2.6. If a word remains undefined it has its ordinary meaning.
Further approvals required	
2.	Road works approval: Under section 33 of the <i>Transport Infrastructure Act 1994</i> , written approval is required from the Department of Transport and Main Roads to carry out road works that are road access works (including driveways) on state-controlled roads. Please contact the Department of Transport and Main Roads on 07 4639 0828 to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the Department of Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for SARA's decision are:

The proposed development complies with State code 1: Development in a state-controlled road environment of the SDAP. Specifically, the development:

- does not create a safety hazard for users of a state-controlled road
- does not compromise the structural integrity of state-controlled roads, road transport infrastructure or road works
- does not result in a worsening of the physical condition or operating performance of state-controlled roads and the surrounding road network
- does not compromise the state's ability to construct, or significantly increase the cost to construct state-controlled roads and future state-controlled roads
- does not compromise the state's ability to maintain and operate state-controlled roads, or significantly increase the cost to maintain and operate state-controlled roads
- does not compromise the structural integrity of public passenger transport infrastructure or compromise the operating performance of public passenger transport services.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 2.6), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- *Human Rights Act 2019*.

Attachment 4—Representations about a referral agency response provisions

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Attachment 5—Approved plans

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.



TRAFFIC IMPACT ASSESSMENT

PROPOSED SERVICE STATION

66 Condamine Street, Dalby
(LOT 3 on SP294214)

Prepared For: Pearl Energy

Job No. 0452122

December 2021

Revision A

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE



SARA ref: 2201-26816 SRA.....

Date: 25 February 2022.....

ABN 69 958 286 371
P (07) 4921 1780
F (07) 4921 1790
E mail@mcmengineers.com

PO Box 2149
Wandal Q 4700
63 Charles Street
North Rockhampton Q 4701

TRAFFIC IMPACT ASSESSMENT

Rev.	Description	Signature	Date
A	Draft	-	13-12-21

NOTE - It is acknowledged that there may be some minor discrepancies between the architectural layouts provided in this report and the associated architectural documentation. Whilst not ideal, the minor layout discrepancies should form no material impact to the proposed development from an engineering assessment perspective. Conservative engineering principals have been applied to the afforded earthworks areas, stormwater intent and servicing. As such, any concern should be suitable for conditioning as part of the detailed design process (i.e. finalised in Operational Works stage).

This report has been prepared for the sole use of the Client. The information contained is not to be disclosed, reproduced or copied in whole or part without written approval from McMurtrie Consulting Engineers. The use of this report by unauthorised third parties shall be at their own risk and McMurtrie Consulting Engineers accept no duty of care to any such third party.

**PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE**



SARA ref: 2201-26816 SRA

Date: 25 February 2022



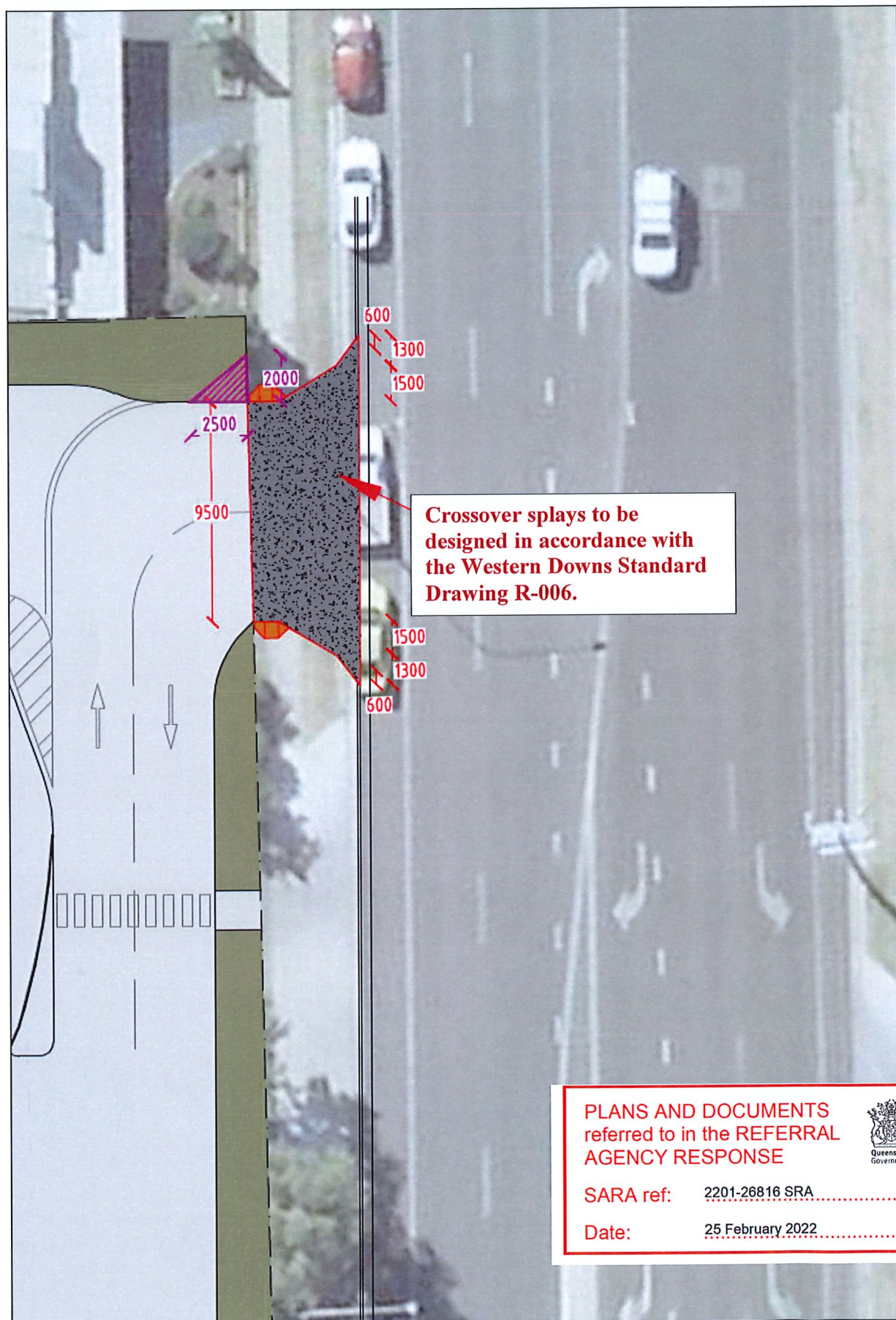


Figure 4.6 – Access crossover off Condamine Street

Our ref TMR22-035321
Your ref J000537
Enquiries Jeff Lavey



Department of
Transport and Main Roads

24 February 2022

Decision Notice – Permitted Road Access Location (s62(1) *Transport Infrastructure Act 1994*)

This is not an authorisation to commence work on a state-controlled road¹

Development application reference number 030.2021.993.001, lodged with Western Downs Regional Council involves constructing or changing a vehicular access between Lot 3SP294214, the land the subject of the application, and Drayton Street and Condamine Street (both state-controlled roads).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

Applicant Details

Name and address Pearl Energy Pty Ltd c/- Mecone
Level 2 235 Edward Street
Brisbane City QLD 4000

Application Details

Address of Property 66 Condamine Street, Dalby QLD 4405
Real Property Description 3SP294214
Aspect/s of Development Material Change of Use for Service Station

Decision (given under section 67 of TIA)

It has been decided to approve the application, subject to the following conditions:

No.	Conditions of Development Approval	Condition Timing
Vehicular Access to state-controlled road		
1	(a) The existing vehicular property access located between Lot 3 on Plan SP294241 and Condamine Street must be permanently closed and removed. (b) The kerb and channelling and footpath between the pavement edge and the property boundary must be reinstated in accordance with the relevant design requirements of Western Downs Regional Council at no cost to the Department of Transport and Main Roads ¹ .	Prior to the commencement of use.
2	(a) The road access locations are to be located generally in accordance with the Proposed Site Plan, prepared by Verve Building Design Company, dated 17 December 2021 (Drawing No.	(a) At all times.

¹ Please refer to the further approvals required under the heading 'Further approvals'

No.	Conditions of Development Approval	Condition Timing
	<p>21268-DA02 - revision A), ensuring that:</p> <ul style="list-style-type: none"> - the Drayton Street crossover is constructed to only permit left in and left out vehicle movements. <p>(b) Road access works comprising commercial standard driveway crossovers (at the road access locations), must be provided generally in accordance with designs provided in Figure 4.4 – Proposed Access Arrangements (Overall Layout), prepared by mcmurtie consulting engineers, dated 13 December 2021, (Job No. 0452122 – Revision A).</p> <p>(c) The road access works must be designed and constructed in accordance with Western Downs Regional Council's commercial driveway design standards and the Department of Transport and Main Roads' <i>Road Planning & Design Manuals, 2nd Edition</i>.</p>	<p>(b) and (c): Prior to the commencement of use.</p>

Reasons for the decision

The reasons for this decision are as follows:

- a) To maintain the safety, efficiency and operation of the state-controlled road network.

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

Information about the Decision required to be given under section 67(2) of TIA

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

Further information about the decision

1. In accordance with section 67(7) of TIA, this decision notice:
 - a) starts to have effect when the development approval has effect; and
 - b) stops having effect if the development approval lapses or is cancelled; and
 - c) replaces any earlier decision made under section 62(1) in relation to the land.
2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

Further approvals

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

If further information about this approval or any other related query is required, Mr Jeff Lavey (Planner) should be contacted by email at Jeffrey.J.Lavey@tmr.qld.gov.au or on (07) 4639 0698.

Yours sincerely



Scott McDonald
A/Senior Planner

Attachments: Attachment A – Decision evidence and findings
Attachment B - Section 70 of TIA
Attachment C - Appeal Provisions

Attachment A
Decision Evidence and Findings

Findings on material questions of fact:

- Development application material submitted in support of Western Downs Regional Council development application 030.2021.993.001
- State Development Assessment Provisions – Assessment Code 1 (Development in a state-controlled road environment)
- Department of Transport and Main Roads' Road Planning and Design Manual
- *Planning Act (2016)*
- *Planning Regulations (2017)*
- *Transport Infrastructure Act (1997)*

Attachment B
Section 70 of TIA

Transport Infrastructure Act 1994
Chapter 6 Road transport infrastructure
Part 5 Management of State-controlled roads

70 Offences about road access locations and road access works, relating to decisions under s 62(1)

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
- (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
 - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
 - (c) obtain any other access between the land and the road contrary to the decision; or
 - (d) use a road access location or road access works contrary to the decision; or
 - (e) contravene a condition stated in the decision; or
 - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
 - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

Attachment C
Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

485 Internal review of decisions

- (1) A person whose interests are affected by a decision described in schedule 3 (the **original decision**) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
 - (a) applies to the review; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to QCAT to have the original decision stayed.

485B Appeals against decisions

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
 - (a) applies to the appeal; and
 - (b) provides—
 - (i) for the procedure for the appeal and the way it is to be disposed of; and
 - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
 - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and

- (b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.
- (5) The court may order—
 - (a) the appeals to be heard together or 1 immediately after the other; or
 - (b) 1 appeal to be stayed until the other is decided.
- (6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.
- (7) In this section—

original decision means a decision described in schedule 3.

reviewed decision means the chief executive's decision on a review under section 485.

31 Applying for review

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
 - (a) the notice did not state the reasons for the original decision; and
 - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

32 Stay of operation of original decision

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
 - (a) may be given on conditions the relevant entity considers appropriate; and
 - (b) operates for the period specified by the relevant entity; and
 - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.

(8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

relevant entity means—

- (a) if the reviewed decision may be reviewed by QCAT—QCAT; or
- (b) if the reviewed decision may be appealed to the appeal court—the appeal court.

35 Time for making appeals

(1) A person may appeal against a reviewed decision only within—

- (a) if a decision notice is given to the person—28 days after the notice was given to the person; or
- (b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(2) However, if—

- (a) the decision notice did not state the reasons for the decision; and
- (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.

INFRASTRUCTURE CHARGES NOTICE

APPLICANT:	Pearl Energy Pty Ltd
APPROVED DEVELOPMENT:	Material Change of Use for a Service Station on land situated at 66 Condamine Street, Dalby
FILE REFS:	030.2021.993.001, A1157 & LG7.6.1
AMOUNT OF THE CHARGE:	Nil
LAND TO WHICH CHARGE APPLIES:	Lot 3 on RP110046
PAYABLE TO:	Western Downs Regional Council
WHEN PAYABLE:	Prior to commencement of the use.

This charge is made in accordance with Council's **Infrastructure Charges Resolution (No. 7.1) 2017**.

The charge has been calculated on the following basis:

USE	Charge	Reference	No. of Units	Amount
Material Change of Use for a Service Station and Food and Drink Outlet (Commercial Retail Development Class)	\$153.00 per m ² of GFA (water, sewer, transport and parks networks)	Table 3.3.3, Col 2, Charge Area A	201m ² (Service Station)	\$30,753.00
DISCOUNT	Discount Charge	Reference	No. of Units	Discount Amount
Credit for existing commercial lot	\$40,320.00 per existing lot (sewer, water, stormwater, transport and parks networks)	3.4(1)(e)(iii)	1 Lot	\$40,320.00
			TOTAL CHARGE	Nil

INFORMATION NOTICE

[Section 119 of the *Planning Act 2016*]

DECISION AND REASONS

This infrastructure charge has been levied in accordance with Sections 119 to 121 of the *Planning Act 2016* and Council's ***Infrastructure Charges Resolution (No. 7.1) 2017*** for additional demand placed on Council's trunk infrastructure that will be generated by the approved development.

APPEALING DECISION

Under the *Planning Act 2016* the recipient of this Infrastructure Charges Notice may appeal against Council's decision to issue the Infrastructure Charges Notice. Chapter 6, Part 1 of the *Planning Act 2016* details the recipient's right to appeal Council's decision and how the recipient may appeal.

Attachment 6 - Table of Submissions

Submitters' Concerns	Submission Exerts	Applicant's Response to Submissions	Planning Officer's Comments
<p>Oversupply of Service Stations in Dalby</p> <p>Submitters are concerned there is an oversupply of Service Stations in Dalby.</p>	<ul style="list-style-type: none"> "Social media posts on the subject overwhelmingly suggest this site is not the place for another Service Station in Dalby. It is obvious that the last thing Dalby needs is more Service Stations, as there are already plenty around (which unfortunately does not seem to have made a difference to pricing as it is not competitive at all). Service Station and Fast Food Outlets aplenty in Dalby and we should not add to it." There are already plenty of Petrol Stations in the area, including a United Petrol Station on this very corner. The development application notes that there are 20 fuel selling sites within the area, 13 within Dalby, and proceeds to discount them (many of them) because they are small, and fuel may not be their primary business. However, in the context of a relatively small population, with a demand of only 9 to 11 fuel stations, these smaller outlets are capable of filling the perceived supply/demand gap. The residents and motorists passing through the town are already very well serviced by the present fuel outlets and can easily access fuel on a 24/7 basis." 	<p><i>"The Needs Assessment prepared by Think Economics for the proposal, addresses a trade area analysis, market assessment and need implications of the proposal.</i></p> <p><i>The Report also addresses Overall Outcome 20 of the Major Centre Zone Code, relating to overriding community need.</i></p> <p><i>Community need is established to be choice, competition and convenience. Regarding choice, competition and convenience, the Report concludes with the following:</i></p> <ul style="list-style-type: none"> <i>Many of the Service Stations referred to Council urban area identified as fuel outlets, do not function as Service Stations and should not be considered as Service Stations within the market. Specifically, our analysis has identified the following are not Service Stations, but a lower order fuel retailer that has an alternative function or no longer exist as fuel retailers in the market:</i> <ul style="list-style-type: none"> <i>T & H Service Centre (101 Drayton Street, Dalby) old auto mechanic selling fuel.</i> <i>Butters Warehouse (20 Eileen Street, Dalby) farming supply shop and mechanic selling fuel.</i> <i>Dalby Rural Supplies (18079 Warrego Highway, Dalby) farming supply shop store.</i> <i>IOR (Volker Street, Dalby) available to IOR customers only.</i> 	<p>A Service Station is not a consistent use within the Major Centre Zone of the Planning Scheme.</p> <p>The purpose of the Major Centre Zone is to provide for a large variety of uses and activities to service a part of the Local Government area, including, for example, administrative, business, community, cultural, entertainment, professional, residential or retail uses or activities.</p> <p>Overall Outcome 20 of the Major Centre Zone provides that <i>"where development is not consistent with the purpose or intent of the Major Centre Zone, overriding community need will need to be demonstrated, as well as valid planning justification provided as to why the proposed use cannot be reasonably established in a more appropriate Zone"</i>.</p> <p>Although a Service Station is not a consistent use within the Major Centre Zone, it is considered that the development is consistent with the purpose of the Major Centre Zone, as a Service Station also falls within the group definition of a Business Activity and as a Centre Activity within the land use definitions of the Planning Scheme.</p> <p>Council issued an Information Request for the applicant to demonstrate that there is an overriding community need for the proposed development based on the existing supply of Fuel Outlets and Service Stations servicing Dalby.</p> <p>The applicant provided a Needs Assessment for the development which states that there is an overriding community need for the development to service Dalby and the Western Downs Region.</p> <p>The market gap analysis undertaken within the Needs Assessment prepared by Think Economics, takes into account the type and function of existing Service Stations and identifies that there is demand for one Service Station within the trade area in 2021, increasing to two by 2036.</p>

Submitters' Concerns	Submission Exerts	Applicant's Response to Submissions	Planning Officer's Comments
		<ul style="list-style-type: none"> ○ <i>Caltex Dalby (58 Loudoun Street, Dalby) permanently closed.</i> ○ <i>Quinalow Garage and Hardware (22 Progress Street, Quinalow) old auto mechanic selling fuel.</i> ○ <i>Bell Store (8 Ensor Street, Bell) old retail shop selling fuel.</i> ○ <i>Motor & Tractor Service Jandowae (40 Market Street, Jandowae) old auto mechanic selling fuel.</i> <p>▪ <i>Furthermore, it has been proven Pearl Energy has introduced a far more competitive fuel market, resulting in a drop in pricing.</i></p> <p><i>We disagree with Council's assessment that there are six 24/7 operating Service Stations within the Dalby urban area. Our assessment is that there are only three Service Stations that operate as a 24 hour facility, these are:</i></p> <ul style="list-style-type: none"> ○ <i>Freedom Fuels (8 Drayton Street, Dalby)</i> ○ <i>BP Truckstop (15 Drayton Street, Dalby)</i> ○ <i>Liberty Oil, (18316 Warrego Highway, Dalby.</i> <p><i>The market gap analysis undertaken within the Needs Assessment prepared by Think Economics takes into account the type, function of existing Service Stations, identifies that there is demand for one Service Station within the trade area in 2021, increasing to two by 2036."</i></p>	<p>The Needs Assessment also identifies that there is 16ha of vacant land within the Major Centre Zone in Dalby, which means that the development will not compromise the purpose of the Major Centre Zone, as there is sufficient land supply for consistent uses to be established in the Major Centre Zone.</p> <p>A suitable and accessible supply of fuel is important for the local and regional sections of the economy to be able to function efficiently and continue to grow.</p> <p>It is considered that based on the information provided by the applicant, it is reasonable to conclude that the proposed development does meet a legitimate community need within the Major Centre Zone of Dalby and is consistent with the Purpose of Major Centre Zone Code.</p>

Submitters' Concerns	Submission Exerts	Applicant's Response to Submissions	Planning Officer's Comments
<p>Alternative Location</p> <p>Submitters believe Council should consider an alternative site for the proposal.</p>	<ul style="list-style-type: none"> ▪ <i>"Many social media posts suggest an alternative site on the outskirts of Hospital Road.</i> ▪ <i>I am assuming the development is not in line with Council's Planning Scheme, therefore based purely on that, it should not go ahead in this location.</i> ▪ <i>For the trucking industry as a whole, it is an impractical location and service, for long haul trucking would be more suited to a larger block on the outskirts of the town where a facility with an integrated food outlet and trailer set down could be provided. This would allow truck drivers to take their mandated rest breaks without their vehicle blocking the exits as they would in the current arrangement."</i> 	<p><i>"As per the alternative sites assessment provided in response to Council's Information Request Item 2, there are a number of Low, Medium and High Impact Industry Zoned land. The Industrial Zoned sites in Dalby facilitate Code Assessment Service Stations. There are no other Zones in Dalby that facilitate Code Assessment Service Stations. The summary of this assessment is:</i></p> <ul style="list-style-type: none"> ▪ <i>The available Industrial Zoned land is not conveniently located and would not drive a competitive outcome in the market for a Service Station use.</i> ▪ <i>A Service Station is a small footprint development outcome that would create fragmentation of industrial land that can be better utilised for alternative employment generating uses that service the growing economy of Dalby.</i> <ul style="list-style-type: none"> ○ <i>The industrial land lacks visibility and convenience opportunities for residents and commuters.</i> ○ <i>Alternative sites are not legible or accessible to commuters.</i> ○ <i>Industrial sites have undesirable traffic counts that would not sustain any retail business reliant on attracting customers.</i> <p><i>Given the above, the economic need assessment and alternative sites analysis, it is considered the current proposal achieves an overriding community need as required by Overall Outcome 20 of the Major Centre Zone Code."</i></p>	<p>In response to Council's Information Request and the public submissions, the applicant has provided justification with regard to why the development cannot reasonably be accommodated on an alternative site in a more appropriate Zone.</p> <p>The applicant provided an alternative sites assessment in response to Council's Information Request.</p> <p>The alternative sites assessment focused on Industrial Zoned land within Dalby, as the development of a Service Station is a consistent use within these Zones.</p> <p>The applicant's alternative sites assessment advises that alternative sites are not appropriate for the development on the following basis:</p> <ul style="list-style-type: none"> ▪ <i>"The available Industrial Zoned land is not conveniently located and would not drive a competitive outcome in the market for a Service Station use.</i> ▪ <i>A Service Station is a small footprint development outcome that would create fragmentation of industrial land that can be better utilised for alternative employment generating uses that service the growing economy of Dalby.</i> ▪ <i>The industrial land lacks visibility and convenience opportunities for residents and commuters.</i> ▪ <i>Alternative Industrial sites have undesirable traffic counts that would not sustain any retail business reliant on attracting customers and are not legible or accessible to commuters."</i> <p>It is considered reasonable that the development of a Service Station occur on the intersection of key arterial roads that are visible, accessible and legible for customers.</p> <p>It is also considered that to be viable, the development requires proximity to high volumes of traffic to support the financial sustainability of the development.</p>

Submitters' Concerns	Submission Exerts	Applicant's Response to Submissions	Planning Officer's Comments
<p>Employment Generation</p> <p>Submitters are concerned the development will result in less jobs than the existing Fruit Shop provides.</p>	<ul style="list-style-type: none"> <i>"I shouldn't need to point out the loss of employment and most concerning, the loss of a healthy alternative to prolific takeaway."</i> <i>What happened to supporting our farmers and local produce? Many of the current suppliers for Betros Bros Supermarket are sourced locally.</i> <i>There is also the matter of long-term jobs that the development will kill off as there would unlikely be a need for more than two operators on any one shift. Whereas, it is common to see at least 7 staff at the Betros business at any given time, with many of these jobs giving High School children their first opportunity for paid work.</i> <i>Yes, there will be some additional jobs, but this is compensated by the potential loss of jobs in the closure of the existing Betros store, a far more worthy and needed business in Dalby."</i> 	<p><i>"The submitters indicate there are approximately 7 staff members working at the existing fruit and vegetable shop at any one time."</i></p> <p><i>In order to run a 24-hour, 7-days a week operation, the Service Station will have approximately 6 full-time positions and 10 casual positions.</i></p> <p><i>The increased hours of operation offered from the development will cater to a broader range of employees.</i></p> <p><i>The Economic Needs Assessment Report notes that a minimum of 2 Service Stations will be required by 2036, thus the proposal will result in medium to long-term sustainable employment."</i></p>	<p>The applicant has purchased the property for the purpose of developing a Service Station on the property.</p> <p>The applicant is currently leasing the property to the former owner to be able to continue to operate the existing use (supermarket) until the land is able to be developed for the purpose of the proposed Service Station.</p> <p>The former owner has not indicated that they seek to continue to operate the current land use on the land on a long-term basis.</p> <p>Accordingly, it is not considered that comparing the potential job numbers and types of jobs to a use that will no longer be operating from the property is relevant to the assessment of the application against the Planning Scheme.</p>
<p>Traffic</p> <p>Submitters are concerned the increase in heavy vehicles using the site will result in dangerous traffic conditions.</p>	<ul style="list-style-type: none"> <i>"The corner of Drayton Street and Condamine Street is a very busy corner. With an increase in vehicles entering off Drayton Street and exiting onto Condamine Street, it is an accident waiting to happen with School students crossing the road."</i> <i>Claims it is ideal due to the conjunction of two highways, actually detracts from a safety standpoint and increases the risk of serious accident or injury.</i> 	<p><i>"Line marking and median arrangements on Condamine Street allow for right-in and right-out movements in which DTMR has no issue with and has provided conditions for the proposed development."</i></p> <p><i>The development does not cater for road trains or B-doubles. Supplementary signage advising of the size limitation will be provided on the Condamine Street entry approach to the Service Station where required."</i></p>	<p>The proposed development will upgrade the existing crossovers to Drayton Street and Condamine Street to facilitate the development.</p> <p>Light vehicles will enter the property turning left from Condamine Street (only) and exit the property via a left turn into either Condamine Street or Drayton Street.</p> <p>Heavy vehicles will enter the development via a left-hand lane off Drayton Street (only) and will exit left from Condamine Street (only).</p>

Submitters' Concerns	Submission Exerts	Applicant's Response to Submissions	Planning Officer's Comments
	<ul style="list-style-type: none"> ▪ <i>There are every day near misses with vehicles exiting the Mobil Service Station, on the other side of the corner crossing double lanes in order to head west along Drayton Street.</i> ▪ <i>The proposed development is across the road from Thomas Jack Park and is also situated on the route between the local High School and the main street. Despite this, no pedestrian access is proposed from Drayton Street.</i> ▪ <i>The forecasted demand also relies on the proposed development servicing heavy vehicle traffic from the highways. While there is a truck refuelling area, the site is impractical for large vehicles to enter and exit. It appears that heavy vehicles travelling eastbound along the Warrego Highway are required to turn left-in from Drayton Street, and turn right onto Condamine Street across 2 northbound lanes, the tapers of 2 right turn lanes, and into the left turn lane to get back onto the highway. Based on the relative traffic volumes of Drayton Street and Condamine Street, and the facts that the median prevents access from westbound traffic, this potentially unsafe movement would be the predominant movement for heavy vehicles.</i> 		<p>Heavy vehicles will not be able to turn right into Condamine Street from the Condamine Street access point, as the road verge of Condamine Street is double lined.</p> <p>Drayton and Condamine Streets are State controlled roads and are not within the jurisdiction of Council as Assessment Manager.</p> <p>The application required referral to the State Assessment and Referral Agency (SARA), with the Department of Transport and Main Roads as Technical Agency, as the development would change the existing access arrangements to Condamine Street and Drayton Street.</p> <p>SARA provided a Concurrence Agency response for the application including conditions of approval.</p> <p>The proposed development will be conditioned to provide signage along the frontage of the development to ensure the access arrangements are legible for motorists and pedestrian traffic on the property.</p>

Submitters' Concerns	Submission Exerts	Applicant's Response to Submissions	Planning Officer's Comments
	<ul style="list-style-type: none"> My concern is the trucks entering and exiting the site. Trucks entering the development from Drayton Street will hold up traffic and cause a bottleneck at the traffic lights." 		
<p>Contaminated Soil</p> <p>Submitters raised concerns the current soil may still be contaminated from the previous Service Station and the proposal may prejudice the opportunity for remediation.</p>	<ul style="list-style-type: none"> "This site was a Service Station many years ago. What actions have been completed by Council to date to ensure the current soil is not contaminated? By changing the use of the property for the purpose of a Service Station, this development will limit opportunities both now and in the future. Once built, a Service Station is not easily repurposed, and the land will be deemed to be contaminated. All the existing fuel outlets have become contaminated because of fuel spillage/leakage. Adding another contaminated site close to the CBD adds more contamination to the soil within the town boundaries." 	<p>"The contaminated land search provided in the application material indicates that the site is not included on the Contaminated Land Register."</p>	<p>The property has historically been used for the purpose of a Service Station and the land may be potentially contaminated.</p> <p>It is unclear if the property has been remediated historically prior to being developed into Betros Bros Supermarket.</p> <p>Contaminated land in Queensland is regulated by and managed under the <i>Environmental Protection Act 1994 (Qld)</i> which seeks to monitor and manage activities which may, or contamination which does, pose a risk to human health or the environment.</p> <p>The property is not identified on the Environmental Management Register or Contaminated Land Register.</p> <p>When developing land that may be contaminated, the applicant must meet the general environmental duty and also obtain any permits that may be required to carry out development on the land or to remove contaminated soil.</p> <p>If the applicant discovers that the land has not been historically remediated, the applicant will need to ensure that they meet their general environmental duty and remediate and manage the land to prevent contaminated soil from impacting on the stormwater network and on surrounding and users.</p> <p>It is also noted that the applicant will be required to ensure that the storage and handling of chemicals, including stored on the property, is in accordance with the requirements under the <i>Work Health and Safety Act 2011</i>.</p>

Submitters' Concerns	Submission Exerts	Applicant's Response to Submissions	Planning Officer's Comments
<p>Electric Vehicles</p> <p>Submitters raised concerns regarding the future of fossil fuels and the emergence of electric vehicles over the next 10 years.</p>	<ul style="list-style-type: none"> "Current forecasts are that price parity between internal combustion engines and electric vehicles will be reached around 2024. Architectural drawings provided in the application do not include any provisions for electric vehicles, nor does it appear to have space to incorporate them. I see the proposed rezoning and construction of an additional Fuel Station at this location as not needed by the town, and as an unwise and uneconomic venture, which will, with the projected rise of EVs, lead in all probability to a failed business and an expensive clean-up for ratepayers within the foreseeable future." 	<p>"Whilst noting the rise of electric vehicles throughout the automotive industry and continuous adaption by the general public, an electric vehicle is still required to be charged.</p> <p>At the present time electric vehicles have an approximate range of 300km and electric vehicle charging stations are limited in Australia, specifically rural areas.</p> <p>Pearl Energy and supply partners Mobil Oil, BP Australia and Ampol Australia are aware of the growing need for electric vehicle charging stations and have begun providing electric vehicle charging at existing Service Stations."</p>	<p>It is noted that the relevant assessment benchmarks of the Planning Scheme do not specify EV charging station requirements for Service Station developments or other uses.</p> <p>It is acknowledged that EV vehicles are an emerging technology that may impact the way in which Service Stations operate in the future.</p> <p>It is considered that the development could be changed in the future to provide suitable space for an EV vehicle charger to be installed adjacent to proposed parking areas associated with the development.</p>
<p>Hours of Operation/Noise</p> <p>Submitters raised concerns regarding the hours of operation, advising that the area is generally quiet from 8pm onwards.</p>	<ul style="list-style-type: none"> "There is also an issue of longer trading hours which means more noise for longer periods. This will have an impact on our business which is supplying accommodation and our guests usually arrive from 4pm and is quiet time form 8pm. With Service Stations, they usually are open to much later, so the impact of the lights from cars will go longer in the night and start earlier in the morning." 	<p>"The proposal seeks to operate 24 hours a day, 7 days a week, whilst delivery will occur between 06:00 and 22:00.</p> <p>The Noise Impact Assessment compiled by SEG Consulting Engineers and attached as Attachment 6 in the Information Request response, determines the site complies with noise level goals throughout the day, evening and night 7 days per week when complying with the recommendations throughout the Report.</p> <p>Heavy vehicle movements associated with the proposed development occurring along the north-eastern and north-western boundaries of the property will incorporate signage indicating no standing for refrigerated transports, to comply with all noise objectives."</p>	<p>The applicant seeks to operate the proposed Service Station 24 hours a day, 7 days a week.</p> <p>The Major Centre Zone Code does not specify operating hours for development where it does not immediately adjoin a Residential Zone.</p> <p>Other Service Stations have historically been developed on land within the Major Centre Zone in Dalby and operate 24 hours a day, 7 days a week.</p> <p>Council has also recently issued a development approval (030&040.2022.111.001) for a Material Change of Use for a Service Station on land within the Major Centre Zone which will operate 24 hours a day, 7 days a week.</p> <p>The proposed development does not immediately adjoin a sensitive land use.</p>

Submitters' Concerns	Submission Exerts	Applicant's Response to Submissions	Planning Officer's Comments
			<p>The applicant has provided an Acoustic Report prepared by an Acoustic Engineer which recommends design and operational measures to reduce the potential acoustic impacts of the development.</p> <p>The Acoustic Report has been accepted as an Approved Document and will be conditioned to ensure that measures recommended in the Report are implemented on the property.</p> <p>The development will be conditioned to ensure that the lighting from the development, and noise and air emissions comply with Council's requirements and the relevant legislative requirements.</p>

Title (030.2022.82.001) Community and Liveability Report Development Application Material Change of Use for Warehouse Lot 210 on SP183221 and Lots 10 11 12 on SP305917 at 25955 Warrego Highway and Johnson Street Chinchilla Johnson C/- Sweb Consulting

Date 5 July 2022

Responsible Manager T. Summerville, PLANNING AND ENVIRONMENT MANAGER

Summary

The purpose of this Report is for Council to decide the development application for a Material Change of Use for a Warehouse on land legally described as Lot 210 on SP183221 and Lots 10-12 on SP305917 including Easements A, B and C on SP207446, located at 25955 Warrego Highway and Johnson Street, Chinchilla.

Link to Corporate Plan

Strategic Priority: Strong Diverse Economy

- We aggressively attract business and investment opportunities.
- Our region is a recognised leader in agribusiness, energy, and manufacturing.
- We deliver water security to enable future economic growth.
- We proactively advance our region as a tourism destination.
- Our business and industry actively live and buy local.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this report be received and that:

1. The application for a Material Change of Use to establish a Warehouse on land described as Lot 210 on SP183221 and Lots 10-12 on SP305917 including Easements A, B and C on SP207446, situated at 25955 Warrego Highway and Johnson Street, Chinchilla be approved, subject to the following conditions:

APPROVED PLANS AND DOCUMENT

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

Plan and Document No./Reference	Title and Details	Dated
Project No. 21-0803, Plan No. SD-00, Rev DA1	Prop. Commercial B'lding Structural Drawings, Site Plan, prepared by Bill Robinson Drafting Services Pty Ltd	24/09/21
Project No. 21-0803, Plan No. SD-01, Rev DA1	Prop. Commercial B'lding Structural Drawings, Site Detail Plan, prepared by Bill Robinson Drafting Services Pty Ltd	24/09/21
Project No. 21-0803, Plan No. SD-02, Rev DA1	Prop. Commercial Building Structural Drawings Building Floor Plan, prepared by Bill Robinson Drafting Services Pty Ltd	24/09/21

Plan and Document No./Reference	Title and Details	Dated
Project No. 21-0803, Plan No. SD-03, Rev DA1	Proposed Commercial Building Structural Drawings Building Elevations, prepared by Bill Robinson Drafting Services Pty Ltd	24/09/21
Project No. 21-0803, Plan No. SD-04, Rev DA1	Proposed Commercial Building Structural Drawings Future Building Elevations, prepared by Bill Robinson Drafting Services Pty Ltd	24/09/21
Project No. 21-0803, Plan No. SD-20, Rev DA1	Proposed Commercial Building Structural Drawings Building 3-D Views, prepared by Bill Robinson Drafting Services Pty Ltd	24/09/21
Project No. 21-0803, Plan No. SD-21, Rev DA1	Proposed Commercial Building Structural Drawings Site 3-D View, prepared by Bill Robinson Drafting Services Pty Ltd	24/09/21
2021-002-02, Rev A	Stormwater Easement - Aerial, prepared by Swep Consulting	04/05/2022
Version 1.0	Stormwater Management Report, prepared by ATC Engineers	14 Feb 2022

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.
3. The following further Development Permits must be obtained prior to commencement of any work associated with the process:
 - 3.1 Building Work; and
 - 3.2 Plumbing Works.

APPROVED DEVELOPMENT

4. The approved development is a Material Change Use for a Warehouse as shown on the Approved Plans and Document.
5. The development is to occur sequentially in the following Stages as shown on the Approved Plans:

Stage 1: 450m² Warehouse building, 48m² ancillary office and staff amenities building, concrete access driveway, building apron and parking areas and the hardstand area immediately adjacent to the concrete building apron surrounding the Stage 1 Warehouse Building.

Stage 2: 450m² Warehouse building and balance of the hardstand area.
6. Conditions within this approval are applicable to each Stage of the development, unless otherwise specified.

COMPLIANCE, TIMING AND COSTS

7. 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.
8. All costs associated with compliance with these conditions shall be the responsibility of the developer unless otherwise noted.

FEES AND CHARGES

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

MAINTENANCE

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

INFRASTRUCTURE CHARGES

12. 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.

OPERATING HOURS AND LOADING AND UNLOADING HOURS

13. The operating and loading and unloading hours for the development are as follows, unless otherwise approved in writing by Council's Planning and Environment Manager or authorised delegate:

Monday to Friday:	6am until 6pm
Saturday:	6am unit 12pm
Sunday and Public Holidays:	No operation

VISUAL AND GENERAL AMENITY

14. Any graffiti on the buildings must be removed.
15. The buildings and the site must be always maintained in a clean and tidy manner.
16. All plant, air-conditioning equipment and the like shall be visually screened from the Warrego Highway and Johnson Street.
17. All declared weeds and pests must be removed from the subject land and the subject land kept clear of such nuisance varieties at all times during the course of development work and any ensuing defects liability period.

LANDSCAPING

18. Prior to commencement of Stage 1 of the development, the developer must submit to Council's Planning and Environment Manager or authorised delegate for endorsement, a Landscaping Plan for all landscaping associated with the development. The Landscape Plan must be prepared by a suitably qualified and experienced person in landscape design and construction.
19. The Landscaping Plan must detail:
- 19.1 a landscaping buffer with a minimum width of 3 metres along the frontage of Lot 210 on SP183221 to the Warrego Highway, and northern section of Johnson Street as illustrated on the Approved Site Plan;
 - 19.2 a landscaping buffer with a minimum width of 2 metres along the western boundary of Lot 210 on SP183221 adjoining Lot 10 on SP207446 as illustrated within the Approved Stormwater Management Plan, prepared by ATC Engineers, dated 14 February 2022.

- 19.3 the typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on-site;
 - 19.4 the number and size of plants; and
 - 19.5 the typical planting detail including preparation, backfill, staking and mulching.
20. Prior to commencement of the use for Stage 1 of the development, the developer must landscape the site in accordance with the Approved Landscape Plan. Any amendments approved by Council's authorised delegate are taken to be a part of the Approved Landscape Plan.
21. Landscaped areas shall be maintained, and the site shall remain in a clean and tidy state at all times.

FENCING

22. Prior to commencement of Stage 1 of the development, the applicant is to install a 1.8 metre high colorbond screening fence along the boundaries of the property other than the frontage of the property to the Warrego Highway, as illustrated on the Approved Site Plan.
23. Prior to commencement of Stage 1 of the development, the applicant is to install a 1.8 metre high black pool fence along the frontage of the property to the Warrego Highway as illustrated on the Approved Site Plan.
24. Any fencing that is installed, is to be in keeping with the character of the surrounding area.
25. 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.

AIR EMISSIONS

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

NOISE EMISSIONS

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

INDOOR AND OUTDOOR LIGHTING FOR SAFETY AND SECURITY

28. Lighting is to be provided throughout the car parking areas and along pedestrian access paths in compliance with Australian Standard 11583.1 - Road Lighting - Pedestrian Area (Category P) Lighting - Performance and Installation Design Requirements.
29. Lighting must be provided to the following areas on the site:
- 29.1 entrances and exits of the approved buildings;
 - 29.2 pathways between the parking areas and the entrances/exits of the buildings;
 - 29.3 throughout car parking areas; and
 - 29.4 within internal stairwells.

OUTDOOR LIGHTING - IMPACT MITIGATION

30. Outdoor lighting of the development shall mitigate adverse lighting and illumination impacts by:

- 30.1 providing outdoor lighting that is designed, installed and regulated in accordance with the parameters outlined in Australian Standard 1158.1.1 – Control of Obtrusive Effects of Outdoor Lighting; and
- 30.2 installation of outdoor lighting that:
 - 30.2.1 provides graduated intensity lighting with lower level brightness at the perimeter of the subject land and higher intensities at the centre of the subject land;
 - 30.2.2 is directed onto the subject land and away from neighbouring properties; and
 - 30.2.3 uses shrouding devices to preclude light overspill onto surrounding properties where necessary.

REFUSE STORAGE AREAS

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

WASTE MANAGEMENT

- 32. All waste generated from construction of the premises must be effectively controlled on-site before disposal. All waste must be disposed of in accordance with the *Waste Reduction and Recycling Act 2011*.
- 33. 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*.

ENGINEERING WORKS

- 34. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant Australian Standards.
- 35. 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

- 36. 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.
- 37. 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

- 38. Provide stormwater management generally in accordance with the Approved Stormwater Management Plan, prepared by ATC Engineers, dated 14 February 2022, subject to detailed design and except as altered by conditions of this development approval.
- 39. Gutters on all future buildings discharging to the detention tank/s shall be sized to accommodate an ARI100 storm event.
- 40. Ensure that works undertaken as a part of the development will not cause any actionable nuisance to adjoining properties.

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

WATER SUPPLY

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

SEWERAGE

44. Connect the development to Council's reticulated sewerage system via a single connection. The connection must be designed in accordance with Council's standards and be approved by Council's Utility Services Section.
45. Actual connection to Council's live sewerage infrastructure must be undertaken by or under the supervision of Council.
46. Do not build work within 1.5 metres from the centre of any existing sewer pipework or within the Zone of Influence, whichever is the greater (measured horizontally).
47. Maintain a minimum of a 3-metre-wide corridor to be maintained for maintenance/upgrade purposes.
48. Ensure that a clear level area of a minimum of a 2.5 metre radius surrounding any existing sewer manholes on the site, is provided for future maintenance/upgrade purposes.
49. The above minimum clearances to Council's sewer infrastructure do not preclude the need for work to proposed structures to prevent loading to the sewer system.

PARKING AND ACCESS - GENERAL

50. Design and construct all driveway, manoeuvring, and parking areas with concrete, asphalt or two-coat bitumen seal.
51. Prior to commencement of Stage 1 of the development, provide a minimum of 19 car parking spaces including a minimum of 2 person with disability (PWD) car parking spaces.
52. Provide a PWD car parking space designed and line marked in accordance with AS2890.6 Off-Street Parking for People with Disabilities.
53. Provide vehicle bollards or tyre stops to control vehicular access and to protect landscaping or pedestrian areas where appropriate.
54. Line mark or otherwise delineate the car park aisles and driveways within the development with directional arrows on the pavement, to enable all vehicles to enter and leave the site in a forward gear.
55. Ensure access to car parking spaces, vehicle loading, and manoeuvring areas and driveways remain unobstructed and available for their intended purpose during the hours of operation.

PARKING AND ACCESS - SERVICING

56. Design along the route to and from all loading bay facilities and the external road network, all access driveways, circulation driveways, parking aisles and the like, with a layout that accommodates the turning movements of a Heavy Rigid Vehicle.
57. Ensure loading and unloading operations are conducted wholly within the site and vehicles enter and exit the site in a forward direction.

VEHICLE ACCESS

58. Construct a commercial crossover between the property boundary and the edge of the Johnston Street road pavement, as shown in the Approved Plans of the development and generally in accordance with Council's Standard Drawing No. R-006, Revision C.
59. 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 (e.g. power pole, telecommunications pit), road infrastructure (e.g. street sign, street tree, etc).

ROADWORKS AND PEDESTRIAN SAFETY

60. Install signage for all work on or near roadways in accordance with the Manual for Uniform Traffic Control Devices – Part 3, Works on Roads.
61. 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.

ELECTRICITY

62. Connect the development to electricity services.

EARTHWORKS - GENERAL

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

EROSION AND SEDIMENT CONTROL - GENERAL

64. 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.
65. 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.

EASEMENTS

66. Prior to commencement of the use, lodge for registration at the Office of the Land Registry, a stormwater drainage easement generally in accordance with Approved Drawing No. 2021-002-02 prepared by SWEP Consulting, dated 4 May 2022, burdening 25955 Warrego Highway, Chinchilla (described as Lot 12 on SP305017), to the benefit of Lot 210 on SP183221.

REFERRAL AGENCY RESPONSE

The application is subject to the following Referral Agency requirements:

1. The State Assessment and Referral Agency's (Department of Transport and Main Roads as Technical Agency) Concurrence Agency response dated 7 April 2022.

ADVISORY NOTES

NOTE 1 - Currency Period

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

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

NOTE 2 - Aboriginal Cultural Heritage

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

NOTE 3 - General Environmental Duty

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

NOTE 4 - General Safety of Public During Construction

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

NOTE 5 - Property Note (Audit of Conditions)

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

NOTE 6 - Duty to Notify of Environmental Harm

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

NOTE 7 - Infrastructure Charges

An Infrastructure Charges Notice is attached for each Stage of the approval.

NOTE 8 - Referral Agency Response

The Referral Agency response provided by the State Assessment and Referral Agency is attached.

APPEAL RIGHTS

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

"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."

Background Information

The relevant background information to this application is as follows:

Application No: 030.2022.82.001	Assessment No's: A13895, A11888, A1422 & A14224	Keywords Index: AD6.6.2 & LG7.6.1
Assessing Officer:	Dominic Bradley PLANNING OFFICER DEVELOPMENT ASSESSMENT	

PART 1: APPLICATION		
Applicant:	Mr John Johnson C/- SWEPP Consulting	
Owner:	Lot 210 = Mr JR and Mrs KL Johnson Lot 10 = Mrs HJ Kleidon Lot 11 = Mr MK and Mrs SJ Erb Lot 12 = Mr GJ and Mrs HG Beeton	
Site Address:	25955 Warrego Highway and Johnson Street, Chinchilla	
Site Area:	Lot 210 = 5,486m ² Lot 10 = 11,050m ² Lot 11 = 14,390m ² Lot 12 = 23,230m ² TOTAL = 54,156m ²	
Real Property Description:	Lot 210 on SP183221 and Lots 10-12 on SP305917 including Easements A, B and C on SP207446	
Proposed Development:	Warehouse	
Level of Assessment:	Impact	
Type of Application:	Material Change of Use	
Relevant Planning Scheme:	Western Downs Planning Scheme 2017 incorporating Amendment 1	
Zone:	Major Centre (Lot 210) Rural Residential (Lots 10,11 and 12)	
Precinct:	Rural Residential 8000	
Overlays:	<div><div><div>• Extractive Industry</div><div>• Agricultural Land Classification</div><div>• Water Resources Catchment</div><div>• Scenic Amenity</div><div>• Bushfire Hazard</div><div>• Infrastructure</div><div>• Regional Infrastructure Corridor</div></div><div><div>- Petroleum Lease (PL 185)</div><div>- Authority to Prospect (ATP 676)</div><div>- Class A</div><div>- Groundwater Vulnerability Area</div><div>- Scenic Routes Buffer (100m)</div><div>- Medium</div><div>- Waste Station Buffer Area</div><div>- Noise Corridor Categories 1 & 2</div><div>- Stock Routes</div><div>- Stock Route (50 Metre Buffer)</div></div></div>	
Pre-lodgement Meeting:	No	Date: N/A
Application Lodgement Date:	15/02/2021	
Properly Made Application:	Yes	Date: 16/02/2022
Confirmation Notice Issued:	Yes	Date: 22/02/2022
PART 2: REFERRALS		
State Assessment and Referral Agency (SARA) as a Concurrence Agency (Department of Transport and Main Roads as Technical Agency)	<div><div>• 28/02/22 - The applicant referred the application to SARA.</div><div>• 07/03/22 - SARA issued a Confirmation Notice advising that the application had been properly referred by the applicant.</div><div>• 04/04/22 - SARA issued an initial Referral Agency response for the application.</div><div>• 07/04/2022 - SARA issued an amended Referral Agency response, subject to conditions.</div></div>	
PART 3: INFORMATION REQUEST		
Information Request Issued:	Yes	Date: 08/03/2022
Information Response Received:	Yes	Date: 06/05/2022
PART 4: PUBLIC NOTIFICATION		
Date Commenced:	Yes	Date: 26/05/2022
Notice of Compliance Received:	Yes	Date: 20/06/2022
Submissions Received:	1 properly made submission and 2 not properly made submissions	
Submission Consideration Period Concluded:	04/07/2022	
PART 5: DECISION PERIOD		
Date Commenced:	05/07/2022	

Report

1. Background Information

1.1 Site Context and History

The property is legally described as Lot 210 on SP183221 and Lots 10-12 on SP305917 including Easements A, B and C on SP207446, located at 25955 Warrego Highway and Johnson Street, Chinchilla.

The primary site, being Lot 210 on SP183221 (Johnson Street, Chinchilla), has frontage to Johnson Street to the east and Warrego Highway to the north, and has an area of 5,486m². This Lot is a regular shaped allotment and does not feature any building structure or significant vegetation.

Lot 210 on SP183221 is located within the Major Centre Zone in the Western Downs Planning Scheme 2017 incorporating Amendment 1 (the Planning Scheme). The Lot was created as part of the Riverdell Estate which features 8 commercial lots that are bordered by rural residential lots to the south.

The rural residential lots have historically been developed in Riverdell Estate, while the commercial lots have remained undeveloped, other than Lot 210 on SP183221 (Johnson Street, Chinchilla) which is subject to a development approval (050.2020.270.001 and 030.2019.37.001) for Outdoor Sales which is a consistent use in the Major Centre Zone of the Planning Scheme.

Lot 210 on SP183221 (Johnson Street) is adjoined by the following properties:

- Lot 211 on SP172898 (Warrego Highway) to the north-east is located within the Community Facilities Zone and is owned by Council. The property features Council's water infrastructure servicing the Riverdell Estate.
- Lot 209 on SP183221 (Johnson Street) to the south-west is located within the Major Centre Zone and remains undeveloped.
- Lot 213 on SP183221 (Redgen Street) to the south which is located in the Major Centre Zone and remains undeveloped other than an informal access arrangement from Lot 11 on SP305017 (25953 Warrego Highway).
- Lot 11 on SP305017 (25953 Warrego Highway) to the west which is located within the Rural Residential Zone (Rural Residential 8000 Precinct) and forms part of the application.

Lots 10, 11 and 12 on SP305917 (25955 Warrego Highway) are located within the Rural Residential Zone (Rural Residential 8000 Precinct) and each lot features an existing residence and ancillary domestic outbuildings.

The properties are impacted by the Agricultural Land Classification Overlay, Water Resources Catchment Overlay, Scenic Amenity Overlay, Bushfire Hazard Overlay, Infrastructure Overlay and Regional Infrastructure Corridor – Stock Routes Overlay of the Planning Scheme.

Lot 210 on SP183221 does not currently feature access to Johnson Street or the Warrego Highway. Lots 10, 11 and 12 on SP305917 are irregular shaped lots and have frontage to the Warrego Highway via an existing shared access easement arrangement.

Lot 210 on SP183221 has access to reticulated water, sewer, electricity and telecommunications. Lots 10, 11 and 12 on SP305917 are serviced by the reticulated water network, electricity and telecommunications networks. Lots 10, 11 and 12 on SP305917 are not serviced by Council's reticulated sewer network. Rather, the existing residence on each property is serviced by an effluent disposal system.

1.2 Proposal

The applicant has lodged a Development Application seeking a Development Approval for a Material Change of Use to establish a Warehouse on the property.

The proposed Warehouse will be sited on Lot 210 on SP183221 (Johnson Street) and will be developed in two stages. Lots 10, 11 and 12 on SP305917 are included as part of the application to allow for the creation of a stormwater easement in order for stormwater to be discharged from Lot 210 on SP183221 across Lots 10 and 11 on SP305917 and into the existing dam within Lot 12 on SP305917.

Stage 1 of the development will involve the following:

- 450m² Warehouse building;
- 48m² ancillary office and staff amenities including kitchenette and bathroom;
- concrete access driveway, building apron and parking area;
- a 3-metre-wide landscaped area along the frontage of the property to the northern part of Johnson Street and the Warrego Highway;
- a 2-metre-wide landscaped area adjacent to the western boundary of the property;
- a 1.8 metre high colorbond fence along the side and rear boundaries of the property;
- a 1.8 metre high black pool fence along the Warrego Highway frontage of the property; and
- a gravelled hardstand area directly adjacent to the concrete apron for the proposed Stage 1 Warehouse building.

Stage 2 of the development will involve the following:

- 450m² Warehouse building; and
- the balance of the gravel hardstand area.

The Warehouse is proposed to be used by Chinchilla Steel Sales. The commercial shed spaces will be used solely for the storage of steel materials prior to dispatch to relevant customers. The applicant has advised that the development will not involve any manufacturing, altering, repairing or recycling of steel materials stored on the property. Steel will be sold wholesale to businesses and construction contractors and will either be collected by customers or delivered by the business to customers.

The proposed sheds will have a maximum height of 7.5m and the ancillary office will be 2.7m to the eaves. The ancillary office space will be used for administrative staff and for sales to customers attending the site. The proposed Warehouse will employ a maximum of two full-time equivalent staff.

The applicant has advised that the development will generally operate from 6am to 6pm, Monday to Friday and from 6am to 12 noon on Saturday (including loading and unloading of vehicles). The applicant has advised that the proposed development will not be operational on a Sunday or on public holidays.

The maximum vehicle accessing the property will be a heavy rigid vehicle. The proposed development will gain access to Johnson Street via a new commercial crossover. The proposed development includes 19 car parking spaces, including two persons with disabilities (PWD) car parking spaces.

The proposed development will be connected to Council's reticulated water and sewerage networks. The development will be connected to electricity and telecommunication services.

2. Assessment

2.1 Assessment Table

Where the property is located in the Major Centre Zone but is not located on the Warrego Highway between Carmichael Street and Wambo Street, a Material Change of Use for a Warehouse is Impact Assessable development under the Planning Scheme.

The following are the Assessment Benchmarks which apply to this development:

ASSESSMENT MATTERS		
Assessment Benchmarks	The development was assessed against the following Assessment Benchmarks:	
	<ul style="list-style-type: none"> ▪ Western Downs Planning Scheme 2017 incorporating Amendment 1 <ul style="list-style-type: none"> - Strategic Plan - Major Centre Zone Code - Rural Residential Zone Code - Transport, Access and Parking Code - Infrastructure Services Code - Bushfire Hazard Overlay Code - Regional Infrastructure Corridor – Stock Routes Overlay - Natural Resources Overlay Code - Scenic Amenity Overlay Code 	
Reasons for Decision	The development was assessed against all the Assessment Benchmarks listed above and complies with all of these with the exceptions listed below.	
	Assessment Benchmark	Reasons for the Approval Despite Non-compliance with Benchmark
	Major Centre Zone Code	
	Overall Outcome 6 of the Major Centre Zone Code	
	<p>(6) Uses such as showroom, garden centre, outdoor sales, agricultural supplies and warehouse are only supported where located in the following areas:</p> <p>(i) where on Nicholson street between Drayton street and Curtis street, Dalby; or</p> <p>(ii) where on Drayton street between Myall Street and Winton Street West, Dalby; or</p>	<p>The proposed development will be located on Lot 210 on SP183221 (Johnson Street) which is located within the Major Centre Zone and adjacent to the Warrego Highway but not between Wambo Street and Carmichael Street in accordance with Overall Outcome 6 of the Major Centre Zone Code.</p> <p>In response to Council's Information Request, the applicant provided analysis of suitable sites in Chinchilla that comply with Overall Outcome 6 of the Major Centre Zone.</p> <p>The applicant has advised that properties identified within the Major Centre Zone and are of a suitable size and configuration, have been historically developed.</p>

	<p>(iii) where on Warrego Highway between Wambo Street and Carmichael Street, Chinchilla; or</p> <p>(iv) where on Chinchilla Street, between Colamba street and Heeney Street, Chinchilla.</p>	<p>The applicant's analysis identified only a single alternative property that would potentially be suitable to size and configuration to accommodate the proposed development.</p> <p>Based on the analysis, the applicant has concluded that there is not a suitable supply of land within the Major Centre Zone in which a Warehouse of a suitable scale could be developed.</p> <p>The applicant has advised that the proposed development will service a key aspect of the community, providing wholesale steel sales to the building and construction industry. This is a service that is not currently available to the major centre of Chinchilla.</p> <p>The proposed development is a consistent use within the Major Centre Zone. The development is also consistent with the purpose of the Major Centre Zone, which is to provide for a variety of uses and activities to service part of the Local Government area.</p> <p>Furthermore, Council has historically issued a development approval (030.2020.371.001) for Outdoor Sales on land within the Major Centre Zone within the Riverdale Estate which does not comply with Overall Outcome 6 of the Major Centre Zone Code.</p> <p>It is considered that the applicant's alternative outcome to Overall Outcome 6 of the Major Centre Zone Code, is reasonable to consider alternative sites that are consistent with the purpose of the Major Centre Zone Code.</p>
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Reasons for Decision	Landscaping	
	AO11.1 A minimum of one (1) shade tree is provided for every six car parking spaces.	<p>The applicant has also advised that no shade trees will be located within the proposed development in accordance with Acceptable Outcome 11.1. of the Major Centre Zone Code.</p> <p>The applicant has indicated that a 3m wide buffer will be provided along the northern frontage to the Warrego Highway and north-eastern part of the Johnson Street frontage.</p> <p>The applicant is also proposing a 2m wide landscaping buffer along the western boundary of the property to lessen erosion within the proposed stormwater easement.</p> <p>The applicant has advised that the development will be fenced with a 1.8m high colorbond fence which will screen the development along the southern, western, and eastern boundaries of the property.</p> <p>The road reserve of the Warrego Highway which adjoins the property to the north, features mature native vegetation which is likely to provide shading for the property.</p> <p>The development will be conditioned to provide a detailed landscaping plan to ensure that the landscaping provided by the developer is tolerant of local conditions of Chinchilla.</p> <p>The development will enhance the scenic amenity of the property and the local streetscape of Johnson Street and the Warrego Highway.</p> <p>It is considered that the proposed landscaping treatments will enhance the amenity and character of the Major Centre Zone and is consistent with Performance Outcome 11 of the Major Centre Zone Code.</p>
	Amenity Protection	
	Where adjoining land in a Residential Zone Category AO15.1 The operating hours of business activities and centres activities are restricted to between 7.00am and 9.00pm.	<p>The development is directly adjoined by land within a Rural Residential Zone (Lots 10, 11 and 12 on SP305917) which means that the operating hours and loading and unloading hours specified within Acceptable Outcomes 15.1 and 15.2 of the Major Centre Zone Code, are applicable to the assessment of the development.</p> <p>The applicant has advised that the developer would operate the development, including loading and unloading of goods, between 6am and 6pm from Monday to Friday and between 6am and 12pm on Saturdays.</p>
	AO15.2 Loading and unloading of goods is restricted to between the following hours: (a) 7.00am and 6.00pm Monday to Friday; (b) 8.00am and 5.00pm Saturdays.	<p>The applicant has advised that the development will not operate on public holidays or on Sundays in accordance with Acceptable Outcome 15.3 of the Major Centre Zone Code.</p> <p>The closest rural residential property that is not subject to the application, is 175m to the south of the property at 22 Ainsworth Street, Chinchilla.</p>

		<p>The proposed development will simply be a Warehouse used for the storage of steel.</p> <p>The proposed operating hours are to ensure the business can respond to customers' needs, catering to the building and construction industry.</p> <p>The development will not involve manufacturing or processing of products or material and will not result in significant noise or air emissions.</p> <p>The applicant has advised that the side and rear boundaries of the properties will be screened by an existing 1.8m high colorbond screening fencing.</p> <p>The applicant also proposes landscaping treatments along the eastern boundary of the property adjoining the rural residential properties.</p> <p>Based on the nature and scale of the business, it is not considered that the proposed operating hours will impact on the amenity of the Major Centre Zone or on adjoining Rural Residential properties.</p> <p>The development is consistent with Performance Outcome 15 of the Major Centre Zone Code.</p>
	Scenic Amenity Overlay Code	
	Scenic Route	
	<p>AO 2.3</p> <p>Buildings and structures are setback a minimum of 100 metres from Scenic Routes and waterway crossings identified on the Scenic amenity overlay maps (OM-011), unless for the following land uses:</p> <ul style="list-style-type: none"> (a) Food and drink outlet; (b) Winery; (c) Tourist attraction; (d) Nature-based tourism; (e) Short-term accommodation. 	<p>The buildings associated with the Warehouse development will not be set back 100m from the Scenic Route, being the Warrego Highway.</p> <p>The depth of Lot 210 on SP183221 is such that no development could be undertaken on the property if the minimum 100m setback was enforced.</p> <p>The applicant intends to set buildings back in accordance with the minimum setback distance specified within the Major Centre Zone Code.</p> <p>The applicant also proposes black pool fencing along the frontage of the property to the Warrego Highway and landscaping treatments which will enhance the amenity of the site from the Warrego Highway.</p> <p>As the proposed use is not for one of the uses specified in Acceptable Outcome 2.5 of the Scenic Amenity Overlay Code, any advertising device for the proposed Warehouse would not meet the requirements of the Scenic Amenity Overlay Code.</p>
	<p>AO2.5</p> <p>Advertising devices:</p> <ul style="list-style-type: none"> (a) refer only to the name and contact details for the proprietor, the name of the business or premises, the nature of uses conducted 	<p>Any future advertising device (i.e. where internal to the property and advertising for the business located on the property) for the Warehouse use on Lot 210 on SP183221 will be assessed against Council's Local Law by Council's Environment Department.</p>

	<p>on the premises and the hours of operation;</p> <p>(b) are for one or more of the following uses:</p> <p>(i) Food and drink outlet;</p> <p>(ii) Winery;</p> <p>(iii) Tourist attraction;</p> <p>(iv) Nature-based tourism;</p> <p>(v) Rural activities;</p> <p>(vi) Short-term accommodation.</p> <p>(c) are set back 100 metres from waterway crossings;</p> <p>(d) has a sign face area not exceeding 1.5m² per side (up to two sides).</p>	<p>It is advised that if third party advertising was proposed, the applicant will require a further development approval for Operational Work (Advertising Device).</p> <p>It is considered that the development is consistent with Performance Outcome 2 of the Scenic Amenity Overlay Code and will enhance the amenity of the Warrego Highway as a scenic route.</p>
	Transport Access and Parking Code	
	<p>AO5.2</p> <p>Where service vehicle spaces are required in accordance with Table 9.4.5.2 - Car parking generation rates and service vehicle requirements vehicle crossovers are constructed in accordance with AS2890.2 – Parking facilities – Off-street commercial vehicle facilities</p>	<p>The proposal plans demonstrate the safe access and manoeuvring of a Heavy Rigid Vehicle on the property, being the maximum size design vehicle expected to access the development.</p> <p>Council's Consultant Development Engineer has reviewed the manoeuvring diagrams of the largest design vehicle to enter and exit the site.</p> <p>Council's Consultant Development Engineer is satisfied that the crossover will be suitably designed to accommodate the largest design vehicle entering and exiting the property and the development is consistent with Performance Outcome 5 of the Transport, Access and Parking Code.</p>
	<p>AO7</p> <p>Bicycle parking is to be provided in accordance with the requirements identified in Australian Standards AS2890.3 and AUSTROADS Guide to Traffic Management Part 11: Parking.</p>	<p>The applicant has advised that no formalised parking facilities will be provided for bicycles in accordance with Acceptable Outcome 7 of the Transport, Access, and Parking Code.</p> <p>The applicant has advised that suitable areas would be available on an informal basis if staff sought to ride bicycles to the development.</p> <p>It is considered that the applicant's alternative solution is reasonable and can be accepted.</p>
	<p>AO8</p> <p>Service vehicle spaces are to be provided in accordance with the requirements identified in Table 9.4.5.2 - Car parking</p>	<p>The applicant has advised that the property has sufficient area for a heavy reticulated vehicle to park and manoeuvre on the property in a safe and functional manner.</p>

	generation rates and service vehicle requirements.	Council's Consultant Development Engineer has reviewed the manoeuvring diagrams of the largest design vehicle and it is that the manoeuvring of vehicles on-site will be safe and functional in accordance with Performance Outcomes 8 and 10 of the Transport, Access and Parking Code.
	AO10.2 Development provides a vehicle manoeuvring area that: (a) accommodates the service vehicle specified in Table 9.5.4.2 - Car parking generation rates and service vehicle requirements; and (b) complies with Part 7 - Car Parking and Manoeuvring Standards of SC6.2 – Planning Scheme Policy 1 – Design and Construction Standard.	

2.2 Strategic Plan

The Strategic Plan sets the policy direction for the Planning Scheme and forms the basis for ensuring appropriate development occurs in the Planning Scheme area for the life of the Planning Scheme.

The Strategic Plan is represented by five themes, being Liveable Communities and Housing, Environment and Heritage, Economic Growth, Infrastructure, and Safety and Resilience.

It is considered that the proposed development is consistent with the Strategic Outcomes and elements within the themes of the Strategic Plan as follows:

Liveable Communities and Housing

The development of a Warehouse is a consistent use within the Major Centre Zone and is consistent with the purpose and intent of the Major Centre Zone Code.

The proposed development is consistent with the design and siting requirements under the Acceptable Outcomes of the Major Centre Zone Code.

The proposed development is located within a central and convenient location near the Warrego Highway.

The proposed development will provide an attractive commercial frontage to the Warrego Highway which will be enhanced by proposed landscaping treatments.

Environment and Heritage

The property is not located near any waterways, wetlands or State forests.

The property is not identified as containing areas of cultural heritage significance.

The proposed development is not of a nature or scale and will not operate in a way that is likely to generate significant air or noise emissions that would impact on the surrounding sensitive land uses or environmental receptors.

Economic Growth

The development will provide an additional service for residents and businesses of Chinchilla by providing a location in which steel is able to be purchased.

The proposed business will support further economic growth across all other sectors, through the provision of local access to steel materials.

The proposed use is in the Major Centre Zone and will respect and reinforce the role of Chinchilla as a Major Centre in the Western Downs.

The proposed development will generate additional employment in Chinchilla (i.e. 2 full time positions will be created as a result of the development).

Infrastructure

The proposed development is serviced by Council's reticulated sewer and water networks and is also serviced by telecommunications and electricity networks.

The proposed development will not require any upgrades to infrastructure servicing the property to facilitate the use on the land.

Johnson Street is at a suitable road standard to accommodate the type and expected volume of traffic from the development.

Stormwater will be managed on-site to maintain the existing natural flow path, ensuring quality and quantity management measures are suitably implemented.

The proposed development will not impact on the safety or efficiency of Chinchilla Airport.

Safety and Resilience

The property is not impacted by Bushfire or Flood Hazard Areas illustrated within the Flood Hazard Overlay mapping of the Planning Scheme.

The proposed development will not contaminate the land or involve the storage or use of hazardous or flammable chemicals.

In summary, it is considered that the development is consistent with the strategic outcomes and elements of the themes of the Strategic Plan.

2.3 Zone Codes

Major Centre Zone Code

Lot 210 on SP183221 (Johnson Street) on which the development for Material Change of Use for a Warehouse is located, is within the Major Centre Zone.

As previously discussed, the property was not located on land adjoining the Warrego Highway between Wambo Street and Carmichael Street and does not comply with Overall Outcome 6 of the Major Centre Zone Code.

As per the applicant's alternative site analysis, there is limited supply of land with an appropriate configuration and size that is located on the Warrego Highway between Wambo Street and Carmichael Street.

It is deemed reasonable to consider alternative sites within the Major Centre Zone on the Warrego Highway, as the development is a consistent use within the Major Centre Zone and the development is consistent with the purpose and other overall outcomes of the Major Centre Zone Code.

The siting and design of the development is consistent with the built form and siting requirements of the Major Centre Zone including building height, gross floor area, setbacks, site coverage and building appearance.

The applicant proposes to provide a 3m wide landscaping strip adjacent to the frontage of the Warrego Highway and northern part of the frontage to Johnson Street. The proposed development will also provide landscaping along the western boundary to reduce the impact of stormwater erosion within the proposed stormwater easement.

The proposed landscaping treatments will enhance the amenity and character of the property, Warrego Highway and Johnson Street and the Major Centre Zone of Chinchilla. The applicant will be conditioned to provide a detailed landscaping plan prepared by a suitably qualified person (i.e. landscape architect) to ensure that the plant species chosen are suitable for the locality of Chinchilla.

The applicant has advised that the development will simply operate as a Warehouse in which steel is stored and distributed. The proposed development will not involve any manufacturing or altering of steel, and the steel products will be delivered to the property pre-packaged. The development will not generate noise through packaging, manufacturing or constructing any materials.

The applicant has proposed fencing arrangements to visually and acoustically screen adjoining rural residential allotments and commercial properties from the development, which will be conditioned as part of the development.

The proposed development does not comply with the specified operating hours or loading and unloading for the Major Centre Zone. The applicant proposes to operate from 6am to 6pm Monday to Friday and from 6am to 12pm on Saturdays. The applicant has advised that the development will not operate on Sundays or public holidays.

Other than the existing residences on Lots 10, 11 and 12 which form part of the application, the nearest dwelling house to the site is approximately 175m to the south of the property being 22 Ainsworth Street. It is noted that Council did not receive a submission that objected to the development or raised any concern regarding the potential amenity impacts of the development.

Based on the separation distance between sensitive land uses (i.e. not forming part of the application), nature and location of the use (simply for storage and transport of steel) and proposed fencing and landscaping treatments, it is considered that the proposed operating and loading and unloading hours are able to be accepted and will be conditioned accordingly.

Notwithstanding, the proposed development will be conditioned to ensure the development complies with the requirements of Environmental Policy (Noise) 2019 and Environmental Policy (Air) 2019 for noise emissions and air emissions on sensitive receptors.

The development will also be conditioned to ensure that lighting for the development is consistent with Council's requirements regarding the light emissions from the property.

The proposed development is consistent with the Performance Outcomes and Overall Outcomes of the Major Centre Zone Code, subject to the recommended conditions of approval.

Rural Residential Zone Code

Lots 10, 11 and 12 on SP305017 (25955 Warrego Highway) are located within the Rural Residential Zone (Rural Residential 8000 Precinct) of the Planning Scheme and the application requires assessment against the Rural Residential Zone Code.

Lots 10, 11 and 12 on SP305017 have been historically developed for rural residential purposes and it is not considered that the compliance of the existing buildings on these lots with the design and siting requirements of the Rural Residential Zone Code is relevant to the assessment of the application.

The application will not change the existing use of the land of Lots 10, 11 and 12 on SP305017, or result in additional buildings, or change the existing infrastructure servicing or access arrangements for the existing properties.

Lots 10, 11 and 12 on SP305017 have been included as part of the application, as the applicant seeks to create a stormwater easement over the relevant lots to discharge stormwater from the development site to the existing dam within Lot 12 on SP305017.

It is considered that the proposed stormwater easement will not result in any non-compliance with the relevant Acceptable Outcomes of the Rural Residential Overlay Code,

2.4 Development Codes

Infrastructure Services Code

The development will be conditioned to connect to reticulated water, sewer, telecommunications and electricity networks.

The applicant has submitted a Stormwater Management Report, prepared by ATC Engineers in support of their application. The applicant's Stormwater Management Report proposes to use natural fall of the land to the west on the property (Lot 210) to direct stormwater along the proposed stormwater easement into the existing dam in the north-western corner of Lot 12 on SP305017. The development will also feature water tanks (22,500 litre domed stormwater tank) which will collect stormwater from the roofed areas of the development to be used by the development.

Council's Consultant Development Engineer has reviewed the Stormwater Management Report and considers that the measures within the Report to manage stormwater are able to be accepted.

It is considered that the proposed development can be conditioned to comply with the Acceptable Outcomes of the Infrastructure Services Code.

Transport, Access and Parking Code

The property has frontage to Johnson Street which is a sealed bitumen road maintained by Council, and the Warrego Highway which is a bitumen sealed State controlled road.

Johnson Street is a bitumen sealed cul-de-sac road which intersects with Ainsworth Street. Ainsworth Street provides direct access to the Warrego Highway for properties within the Major Centre Zone and Rural Residential Zone of the Riverdell Estate.

Kerb and channel stormwater infrastructure is provided along the southern side of Johnson Street and around the perimeter of the cul-de-sac head.

The applicant proposes to construct a new crossover from Lot 210 on SP183221 to service the development in accordance with Council's Engineering standards.

The development will not change the existing access arrangements servicing the existing rural residential land uses on Lots 10, 11 and 12 on SP305017.

The proposed development will provide a total of 19 parking spaces (including PWD spaces) which complies with the minimum parking requirements of the Transport, Access and Parking Code.

The applicant has advised that the development will be accessed by a Heavy Rigid Vehicle rather than an Articulated Vehicle, as a Service Vehicle specified under Table 9.4.5.2 of the Transport, Access and Parking Code.

The development has been designed to accommodate the manoeuvring, parking and access of a Heavy Rigid Vehicle. Council's Consultant Development Engineer has reviewed the manoeuvring templates for the development and considers that the design to accommodate a Heavy Rigid Vehicle is acceptable.

It is considered that the development is consistent with Performance Outcomes of the Transport, Access and Parking Code.

2.5 Overlays

Infrastructure Overlay Code

Lot 12 on SP305017 and Lot 210 on SP183221 are impacted by the buffer area for the Chinchilla Waste and Recycling Centre which is located on Lot 177 on SP254391 and Lot 176 on SP236980 (238 Slessar Street).

The operation of the development will not impact on the operation of the Chinchilla Waste and Recycling Centre and will not involve the development of a sensitive land use.

The development is consistent with the Acceptable Outcomes of the Infrastructure Overlay Code.

Bushfire Hazard Overlay Code

Parts of Lots 10, 11 and 12 on SP305017 are illustrated within the Medium Bushfire Hazard Area within the Bushfire Hazard Overlay Code.

Lots 10, 11 and 12 on SP305017 are directly adjoined by Lot 238 on SP129489 (Warrego Highway) which is heavily vegetated. The application will simply involve the creation of a stormwater easement over part of Lots 10, 11 and 12 on SP305017 and will not involve the construction of any building or structures within a Medium Bushfire Hazard Area.

The proposed development is consistent with the Acceptable Outcomes of the Bushfire Hazard Overlay Code.

Natural Resources Overlay Code

The properties that form part of the application are identified within the Class A Agricultural Land and Groundwater Vulnerability Areas within the Agricultural Land Classification Overlay and Water Resource Catchment Overlay of the Planning Scheme.

The properties subject to the application are not located within the Rural Zone and are not in a suitable location or configuration to be viable for productive rural purposes. Furthermore, the proposed development will not require access to groundwater resources or impact on groundwater resources.

The application is consistent with the Acceptable Outcomes of the Natural Resources Overlay Code.

Regional Infrastructure Corridor – Stock Routes Overlay Code

Lots 10-12 on SP305017 and Lot 210 on SP183221 are located within the 50m buffer for the Warrego Highway which is a Stock Route identified within the Regional Infrastructure Corridor – Stock Routes Overlay Code of the Planning Scheme.

The properties which form part of the application are located within the Rural Residential Zone Code and Major Centre Zone and are not located within the Rural Zone and are not used for rural purposes.

The development will establish a new access to Johnson Street but will not result in changes to the existing access arrangements or fencing arrangements to the Warrego Highway.

The proposed development is consistent with the Acceptable Outcomes of the Regional Infrastructure Corridor – Stock Routes Overlay Code.

Scenic Amenity Overlay Code

Lots 10-12 on SP305017 and Lot 210 on SP183221 are located within the buffer area for the Warrego Highway which is identified as a Scenic Route within the Scenic Amenity Overlay mapping of the Planning Scheme.

The proposed development required alternative solutions for setbacks and advertising devices against the Scenic Amenity Overlay Code.

The proposed Warehouse development will not be set back 100m from the Scenic Route. The proposed development is set back in accordance with the requirements for development in the Major Centre Zone and is compatible with the locality.

As the proposed use is not for one of the uses specified in Acceptable Outcome 2.5 of the Scenic Amenity Overlay Code, any advertising device for the proposed use would not meet the requirements of the Scenic Amenity Overlay Code.

Any future advertising device for the Warehouse use on Lot 210 will be assessed against Council's Local Law to ensure that the design of the signing is consistent with Council's design requirements under the Local Law for on-site signage.

The application is consistent with the Performance Outcomes of the Scenic Amenity Overlay Code.

3. Other Relevant Matters

3.1 Referral

The properties subject to the application directly adjoin the Warrego Highway which is a State controlled road within the jurisdiction of the State Assessment and Referral Agency (SARA) as a Concurrence Agency for the application.

The application triggered referral to SARA as a Concurrence Agency with the Department of Transport and Main Roads (DTMR) as Technical Agency.

On 7 April 2022, the Concurrence Agency response was issued by SARA approving the development, subject to conditions of approval.

The Referral Agency response is attached to this Report for consideration (**Attachment 3**).

3.2 Public Notification

The development application is Impact Assessable Development under the Planning Scheme. The applicant was required to publicly notify the application in accordance with the requirements of the *Planning Act 2016* and the Development Assessment Rules 1.3.

The application was publicly notified for a period of 15 business days from 26 May 2022 until 17 June 2022.

The applicant:

- published a notice in the Western Downs Towns and Country on 26 May 2022;
- placed notices on the frontages of the land on 26 May 2022; and
- notified the adjoining land owners on 23 May 2022.

On 20 June 2022, the applicant provided the Notice of Compliance with Public Notification along with the evidence that the abovementioned actions had been completed on the dates specified.

At the conclusion of the Public Notification Period, Council received a total of 3 submissions including 1 properly made and 2 not properly made submissions.

All submitters were notified that their submissions were received and the status of their submission (i.e. whether a properly made or not properly made submission) during the Public Notification Period. The properly made submission received during the Public Notification Period will have appeal rights subject to Council deciding the application.

The submissions were provided to the applicant at the conclusion of the Public Notification Period but the applicant did not elect to respond to the submissions received.

All submissions received were in support of the application and did not raise any concerns regarding the proposed development. Accordingly, an assessment against the grounds raised in the submissions is not considered to be required in this instance.

3.3 Infrastructure Charges

Infrastructure charges are levied on development in accordance with Council's Infrastructure Charges Resolution (No. 7.1) 2017 (the Infrastructure Charges Resolution).

The property is located within Charge Area A and is within the Priority Infrastructure Area for Chinchilla. The property is serviced by Council's Water, Sewer, Stormwater, Parks and Transport Networks.

The development of a Material Change of Use for a Warehouse is identified in the Industry Class within Table 2.1 of the Infrastructure Charges Resolution. The Industry Class is charged at a rate of \$42.50 per m² of gross floor area (GFA) for the water, sewer, parks and transport networks and \$4.00 per m² of impervious area for the stormwater network.

The applicant seeks to develop the land in two stages. Stage 1 will involve buildings with a total GFA of 498m² (a charge of \$21,165.00 for the water, sewer, parks and transport networks) and a total impervious area of 3,289.26m² (a charge of \$13,157.04 for the stormwater network).

Stage 2 of the development will involve buildings with a total GFA of 450m² (a charge of \$19,125.00 for the water, sewer, parks and transport networks) and a total impervious area of 1,980.74m² (a charge of \$7,922.96 for the stormwater network).

The property is vacant and has not previously received a credit for the existing commercial lot (Lot 210 on SP183221), the infrastructure charges for Stages 1 and 2 of the development will be partially offset by the credit of \$40,320.00.

The Infrastructure Charges Notices for Stages 1 and 2 of the development are attached to this Report for consideration (**Attachment 4**).

Consultation (Internal/External)

Internal

Council's Consultant Development Engineer has assessed the development application and has provided conditions where applicable.

Council's A/Principal Planner and Planning and Environment Manager have reviewed this Report and provided comments where necessary.

External

The application triggered referral to the State Assessment and Referral Agency as a Concurrence Agency (Department of Transport and Main Roads as Technical Agency). The Referral Agency response is included as an attachment to this Report.

Legal/Policy Implications (Justification if applicable)

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

"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."

Budget/Financial Implications

Nil

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) (the *Human Rights Act*) requires public entities "to act and make decisions in a way compatible with human rights".

There are no human rights implications associated with this Report.

Conclusion

It is considered that the proposed development is consistent with the relevant assessment benchmarks of the Western Downs Planning Scheme 2017 incorporating Amendment 1. It is recommended that the application be approved, subject to the recommended conditions.

Attachments

1. Locality Plans
2. Proposal Plans and Document
3. Referral Agency Response
4. Infrastructure Charges Notice

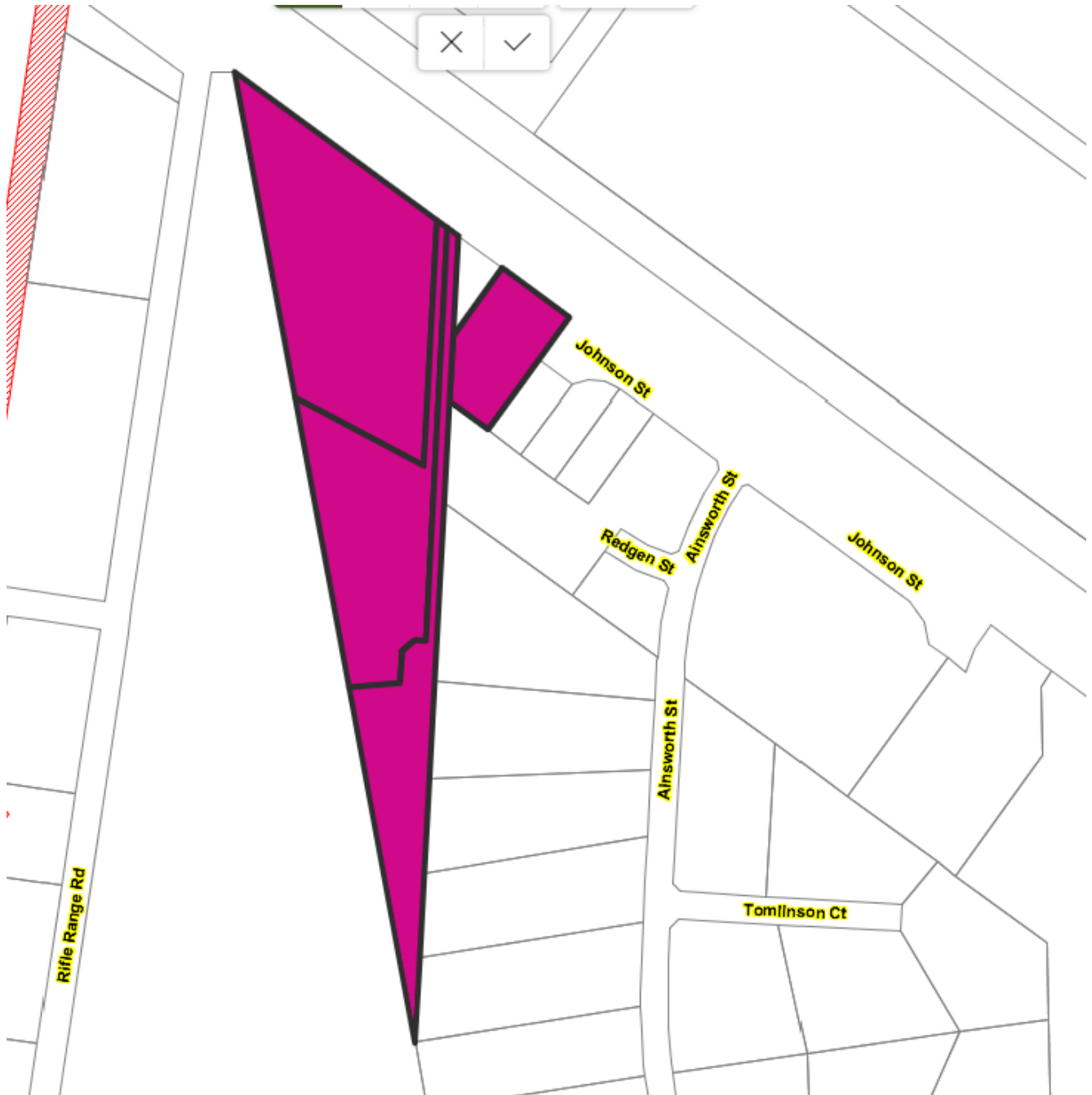
Authored by: D Bradley, PLANNING OFFICER DEVELOPMENT ASSESSMENT

Attachment 1 - Locality Plans

Aerial Map



Map Highlighted Properties Subject of the Application



Lot and Plan Map



Aerial Map (Zoomed in)



273
SP116408
4.79 ha

176
SP236980
31.91 ha

2
SP299971
1.09 ha

3
SP299971
24 ha

12
SP305017
2.323 ha

11
SP305017
1.439 ha

10
SP207446
1.105 ha

1
SP172898
1.274 ha

204
SP183221
1.331 ha

202
SP183221
2.415 ha

201
SP316810
1.404 ha

55
SP172898
89.55 m2

54
SP172898
81.99 m2

53
SP172898
84.42 m2

51
SP172898

4
SP215351
80.00 m2

11
SP215351
80.26 m2

3.866 ha

31.91 ha

Johnson St

Alhambra St

Redgen St

Tomlinson Ct

Rifle Range Rd

Dawson Gate Rd

— High Voltage Cable
— High Voltage Powerline
— Transmission Cable
— Transmission Powerline ▲ Ergon_District_Substation

3.866 ha

273
SP116408
4.79 ha

2
SP299971
1.09 ha

9971
ha

12
SP305017
2.323 ha

11
SP305017
1.439 ha

10
SP207446
1.105 ha

1
SP172898
1.274 ha

2
SP172898
9667 m²

3
SP172898
9261 m²

4
SP172898
9755 m²

5
SP172898
9834 m²

176
SP236980
31.91 ha

204
SP183221
1.331 ha

202
SP183221
2.415 ha

201
SP316810
1.404 ha

55
SP172898
8855 m²

54
SP172898
8159 m²

53
SP172898
8442 m²

51
SP172898
8993 m²

52
SP172898
8318 m²

210
SP183221
5486 m²

203
SP183221
5486 m²

204
SP183221
1.331 ha

Johnson St

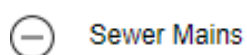
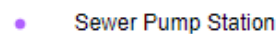
Almsworth St

Redden St

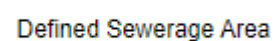
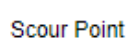
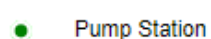
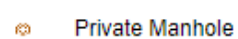
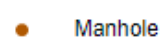
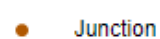
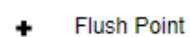
Tomlinson Ct

Rifle Range Rd

Dawson Gate Rd

 Sewage Treatment Plant

- End Cap



[illegible]

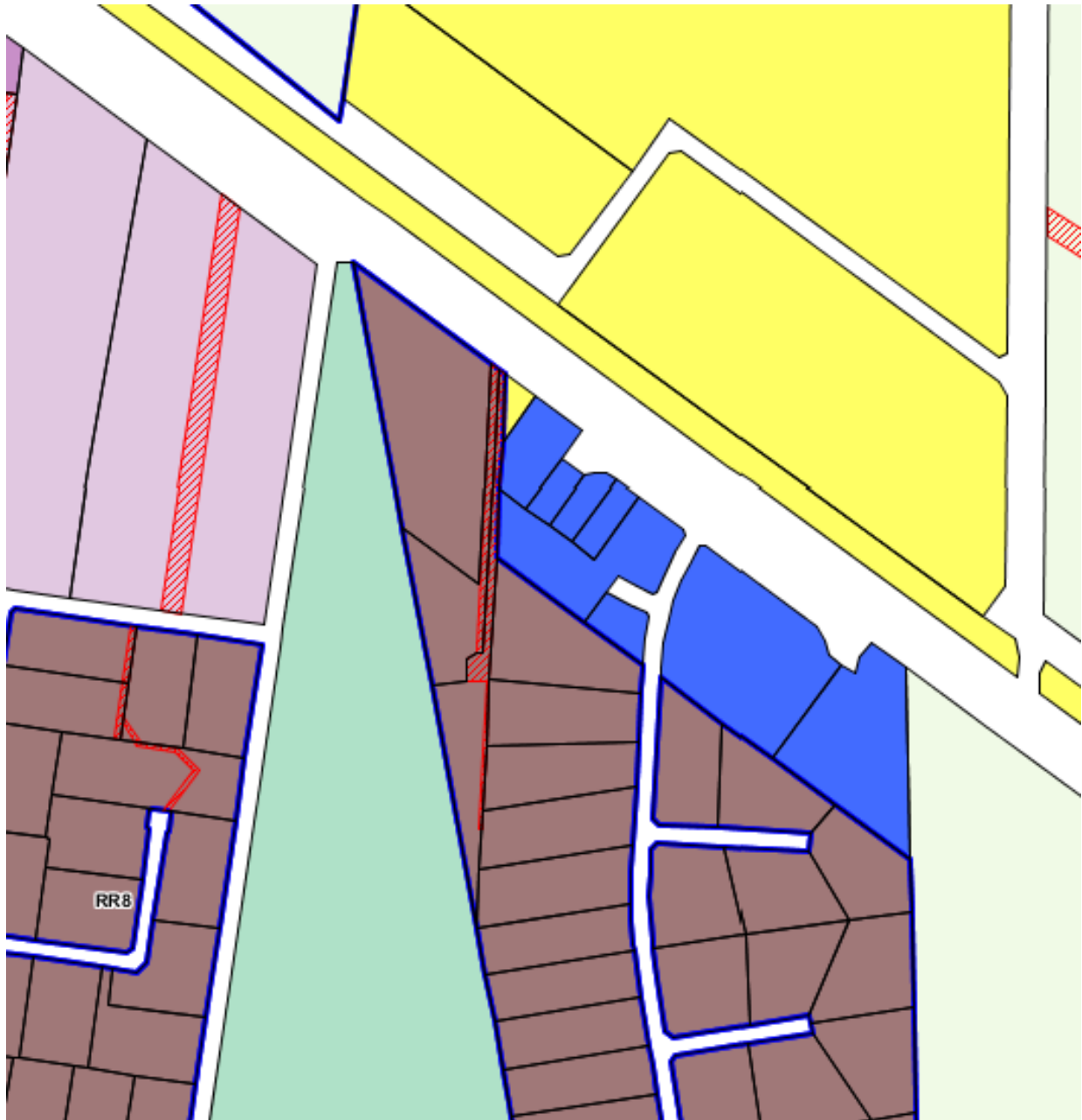
Transport Network Map



Road Centreline

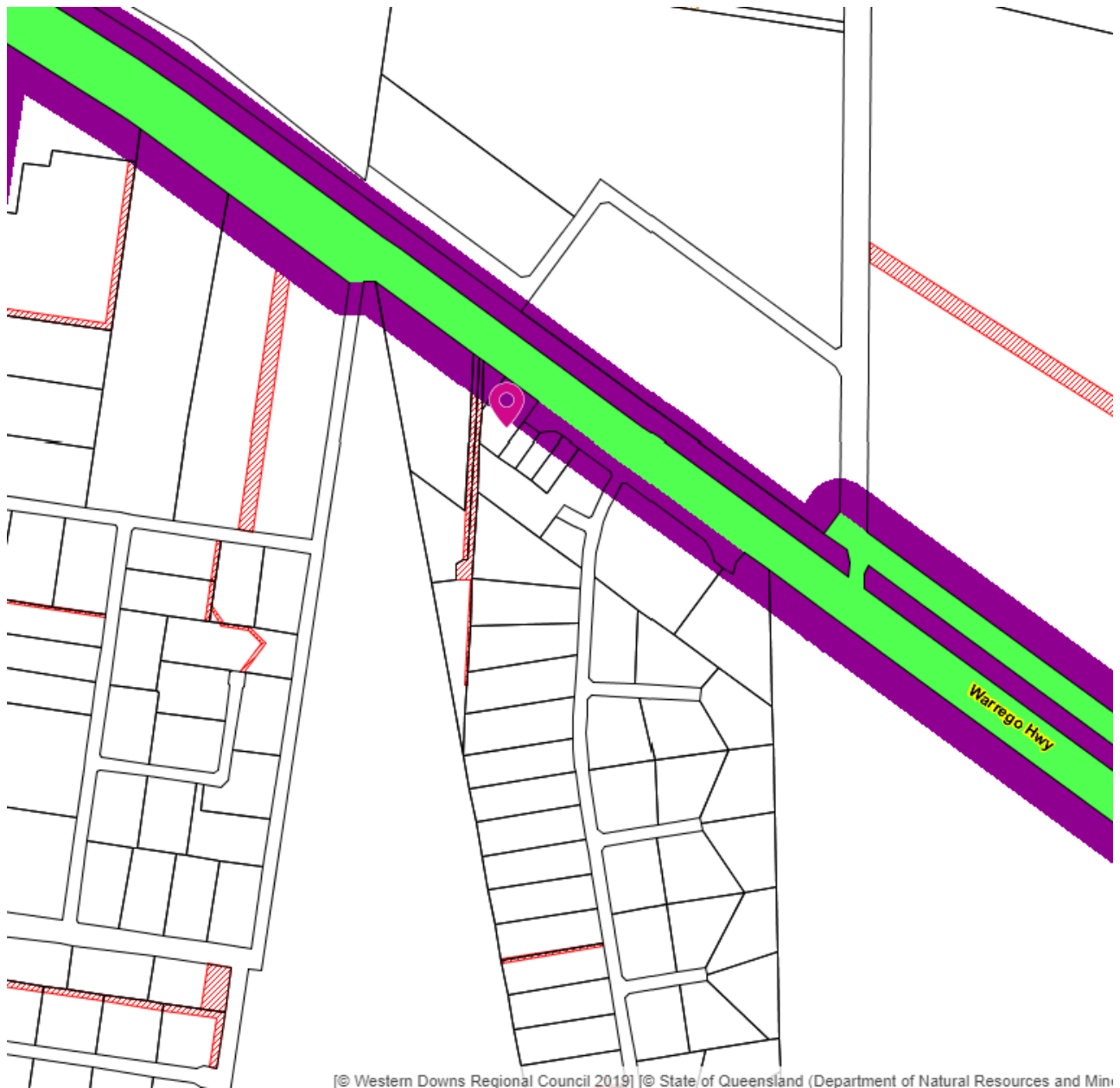
- Concrete
- Formed
- Gravel
- Gravel Formation
- Sealed
- Trafficable
- Kerbs
- - Unformed

Zone Map



-  Community Facilities Zone
-  Major Centre Zone
-  Rural Zone
-  Recreation and Open Space Zone

Regional Infrastructure Corridor – Stock Route Overlay Mapping

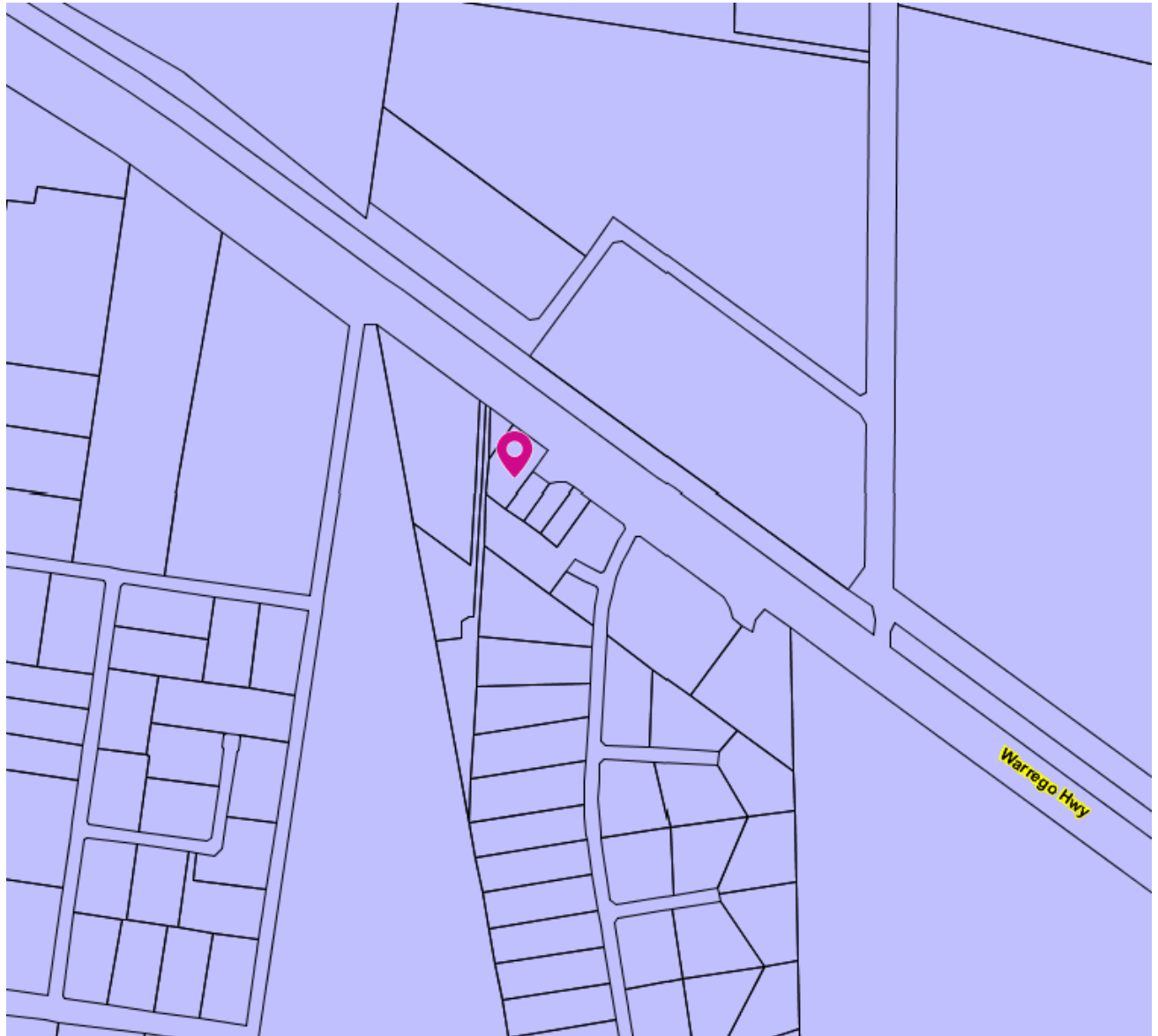



Stock Route



Stock Route (50m Buffer)





Water Resources Overlay



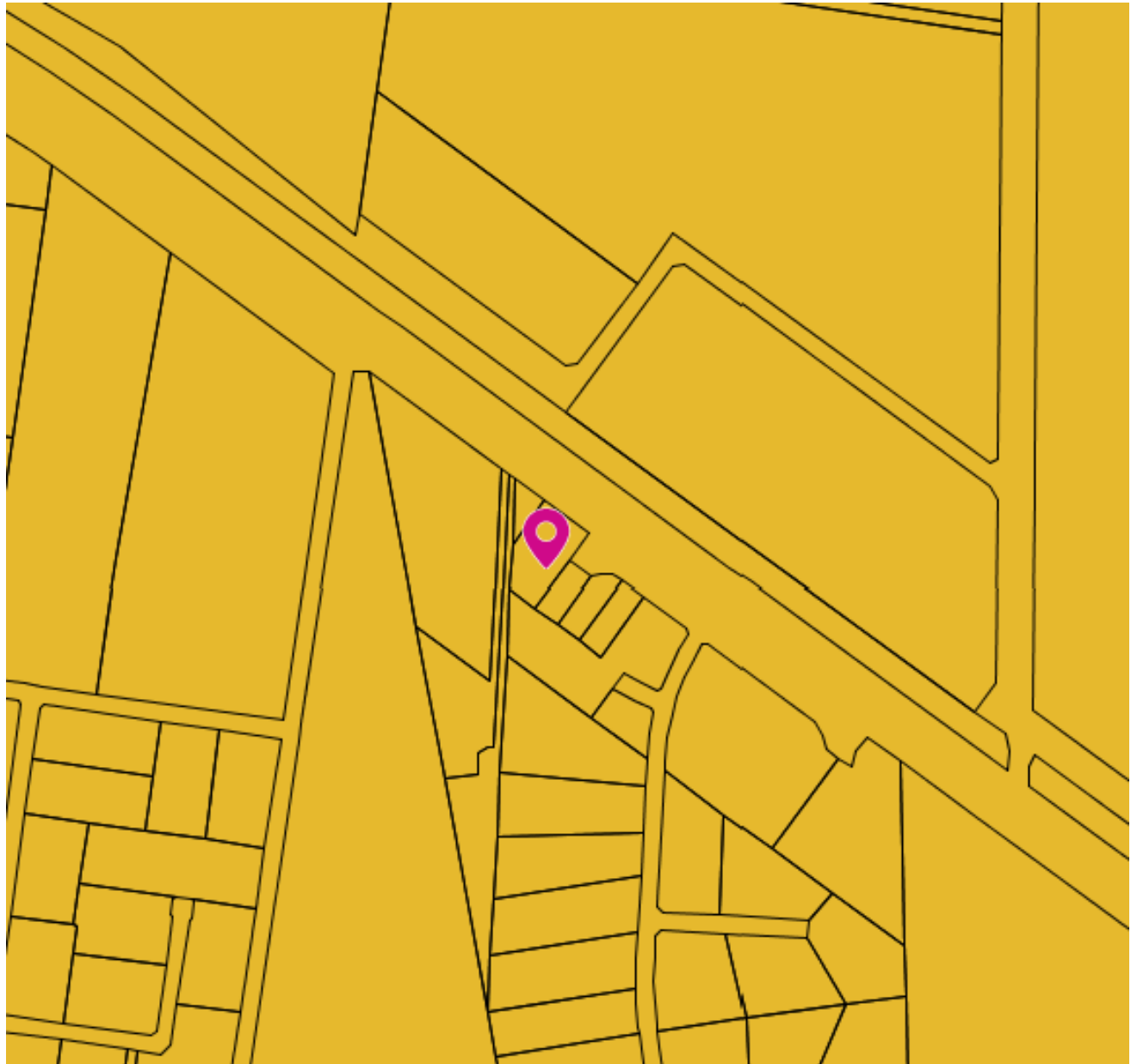
 Groundwater Vulnerability Area

Scenic Amenity Overlay Mapping





-  Urban Gateways
-  Scenic Routes
-  Scenic Routes Buffer (100m)
-  High Landscape Value Areas

Agricultural Land Classification Overlay Mapping

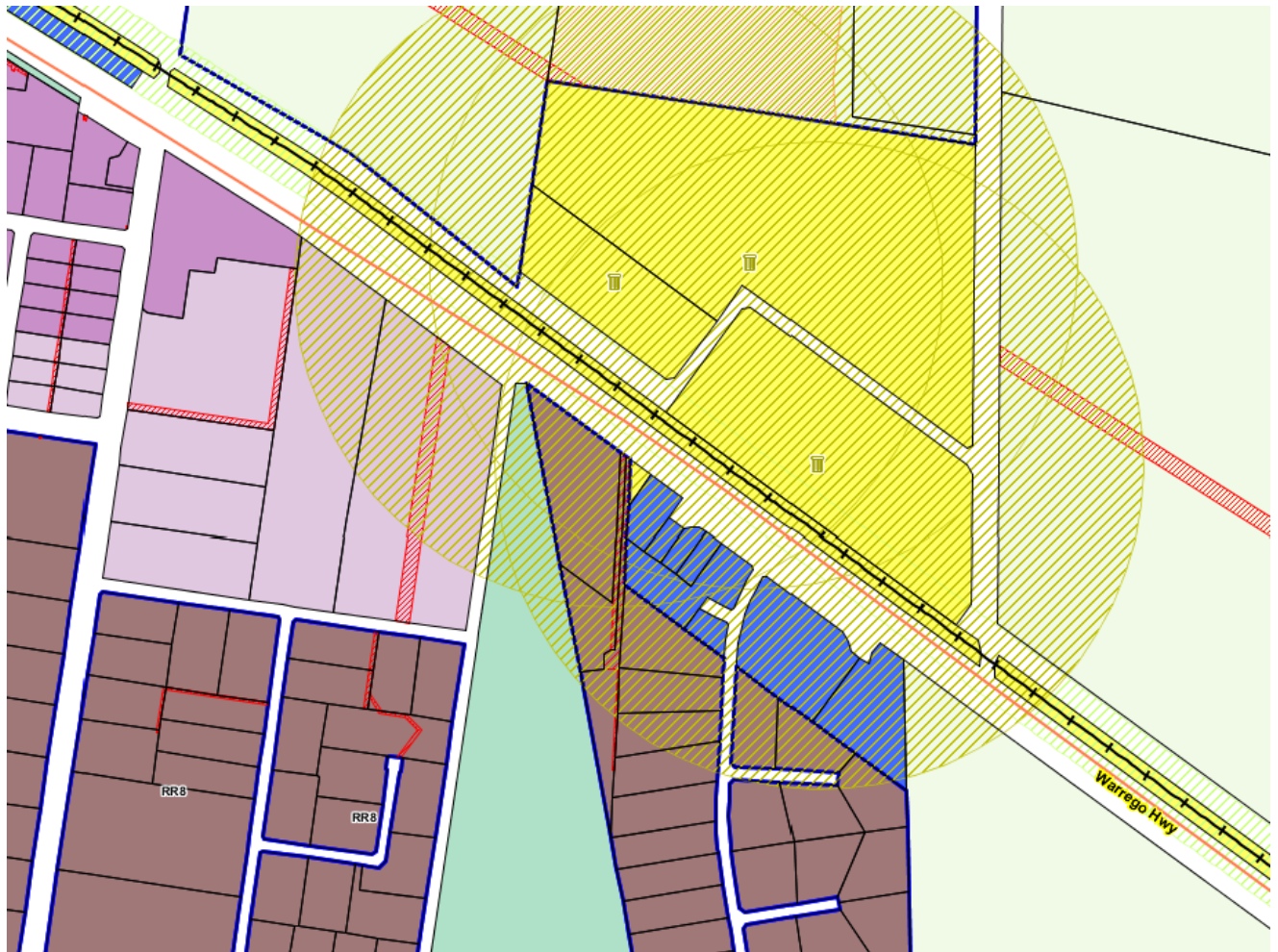



Agricultural Land Classification



-  Agricultural Land Classification (ALC) - Class A
-  Agricultural Land Classification (ALC) - Class B

Infrastructure Overlay Mapping



 Waste Station Buffer

WARREGO HIGHWAY

JOHNSON STREET

BITUMEN ROAD

GENERAL NOTES:

ALL CONSTRUCTION MUST BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA FOR CLASS 1-10 BUILDINGS.

ALL WORK MUST COMPLY WITH A.S.1684.2 - 2010.

ALL WORK IS SUBJECT TO LOCAL AUTHORITY APPROVAL. REFER STAMPED BUILDING APPROVAL PLANS.

ALL DIMENSIONS MUST BE CLARIFIED ON SITE BY BUILDER PRIOR TO ANY CONSTRUCTION.

POSITION AND NUMBER OF DOWNPIPES TO BE CONFIRMED ON SITE. ALL PLUMBING WORK MUST COMPLY WITH AS/NZ 3500.5

LIGHT FITTINGS AND POWER POINTS TO OWNERS DETAILS.

DAMP PROOFING TO COMPLY WITH B.C.A. REQUIREMENTS.

WET AREAS TO BE LINED WITH APPROVED F.C. SHEETING AND WATERPROOFED IN ACCORDANCE WITH B.C.A. REQUIREMENTS.

FLOORS TO WET AREAS TO FALL TO WASTES.

W.C. DOORS TO HAVE LIFT OFF HINGES.

ALL PRODUCTS AND MATERIALS USED MUST BE NEW AND OF GOOD QUALITY. THEY MUST BE INSTALLED TO MANUFACTURERS SPECIFICATIONS.

ALL SITE INGROUND AND OVERHEAD SERVICES TO BE LOCATED AND COORDINATED BEFORE CONSTRUCTION BY THE CONTRACTED BUILDER OR A CONSULTING SERVICES ENGINEER.

CONFIRM ALL SURVEY PEGS ARE IN PLACE AND IN THE CORRECT POSITION PRIOR TO SETTING OUT BUILDING. IF ANY DOUBT ARISES, A LICENSED SURVEYOR SHOULD BE COMMISSIONED TO SET OUT THE BUILDING.

STORMWATER NOTES:

RAINWATER TO BE DISPERSED ON SITE VIA RAINWATER TANKS OR INGROUND BUBBLERS LOCATED A MINIMUM OF 3m FROM FOOTINGS AND PROPERTY BOUNDARY OR DISCHARGED TO KERB AND CHANNEL AS PER LOCAL AUTHORITY REQUIREMENTS.

STORMWATER NOTES:

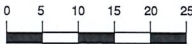
RAINWATER TO BE DISPERSED ON SITE VIA RAINWATER TANKS OR INGROUND BUBBLERS LOCATED A MINIMUM OF 3m FROM FOOTINGS AND PROPERTY BOUNDARY OR DISCHARGED TO KERB AND CHANNEL AS PER LOCAL AUTHORITY REQUIREMENTS.

Site Plan

1:500

NOTE:

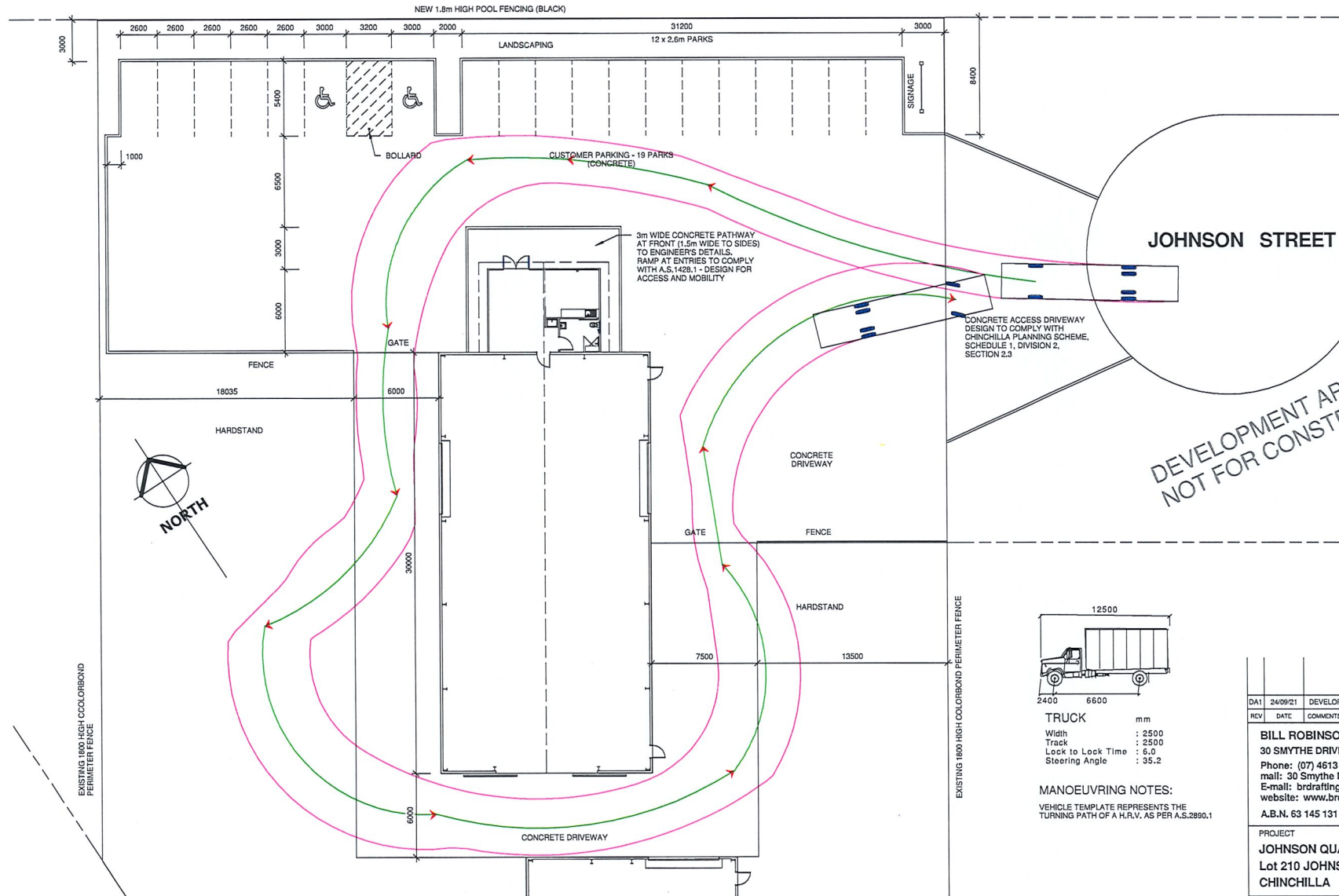
FULL SIZE PLAN 1:500 AT A2 PLAN SIZE ONLY. NOT TO SCALE AT ANY OTHER SIZE



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REV	DATE	COMMENTS	CHK
BILL ROBINSON DRAFTING SERVICES PTY LTD 30 SMYTHES DRIVE, HIGHFIELDS 4352 Phone: (07) 4613 5210 Mobile: 0448 178 101 mail: 30 Smythe Drive, Highfields QLD 4352 E-mail: brdrafting@bigpond.com website: www.brdrafting.com.au A.B.N. 63 145 131 782 Q.B.C.C. Lic. No. 1191806			
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PROJECT No: 21-0803	DATE Aug '21	REVISION DA1	

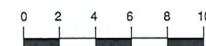
WARREGO HIGHWAY



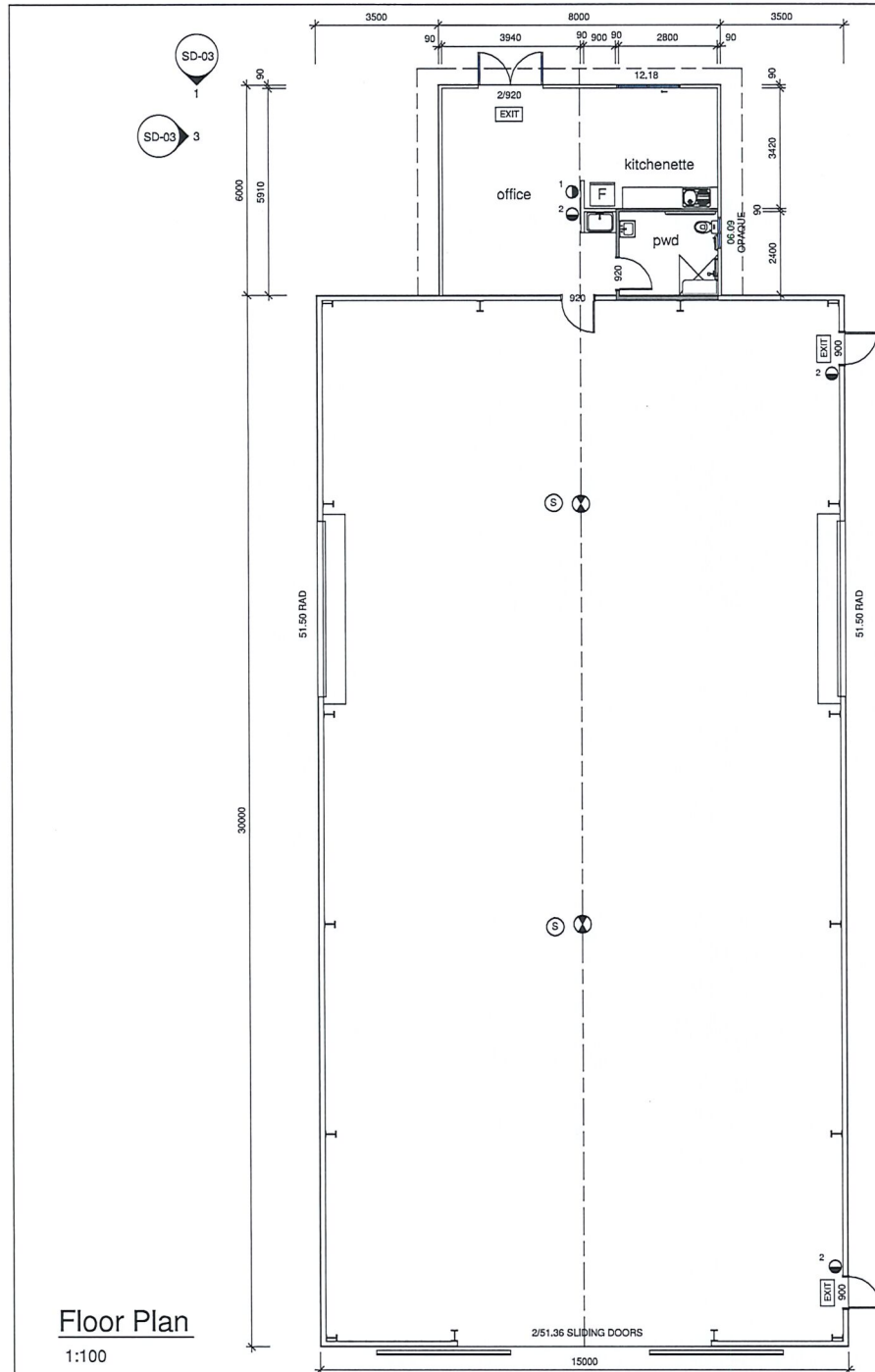
Site Detail Plan

1:250

NOTE:
FULL SIZE PLAN 1:200 AT A2 PLAN SIZE ONLY.
NOT TO SCALE AT ANY OTHER SIZE



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PROJECT JOHNSON QUALITY BUILDERS Lot 210 JOHNSON STREET CHINCHILLA		<div>ALL DIMENSIONS MUST BE CHECKED ON SITE BY CONTRACTOR PRIOR TO COMMENCING ANY WORKS. WORK TO FIGURED DIMENSIONS.</div> <div>NOTIFY THE DESIGNER IMMEDIATELY OF ANY PERCEIVED TYPOGRAPHIC OR DISCREPANCIES. IN THE EVENT OF THE PLANS BEING FOUND TO BE IN ERROR, LIABILITY OF THE DESIGNER IS LIMITED TO THE COST OF ALTERATION OF THE PLANS.</div> <div>THIS DRAWING HAS COPYRIGHT AND MUST NOT BE USED WITHOUT FURTHER AUTHORITY FROM BILL ROBINSON.</div>	
TITLE PROP. COMMERCIAL B'LDING STRUCTURAL DRAWINGS SITE DETAIL PLAN			
DRAWN	SCALE	DRAWING No:	
WJR	1 : 200 @ A2	SD-01	
PROJECT No:	DATE	REVISION	
21-0803	Aug '21	DA1	



NOTE:
ALL INTERNAL DIMENSIONS STATED ARE FRAME SIZE
- EXCLUDING LINING



FIRE SERVICES LEGEND

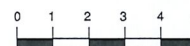
- EXIT** DENOTES PIERLITE MAINTAINED EXIT LIGHT TO COMPLY WITH A.S.2293.1
- S** DENOTES HARWIRED SMOKE ALARM INSTALLED IN ACCORDANCE WITH A.S.1670.1
- ⊙** DENOTES EMERGENCY LIGHT TO COMPLY WITH A.S.2293.1, LOCATION AND TYPE TO BE CONFIRMED BY LIGHTING DESIGNER AND FIRE SERVICES TO COMPLY WITH ALL RELEVANT CODES.
- 1** DENOTES CARBON DIOXIDE CO2 TYPE FIRE EXTINGUISHER
- 2** DENOTES 10kg DRY CHEMICAL (BE) TYPE FIRE EXTINGUISHER
- FHR** DENOTES FIRE HOSE REEL

FIRE SERVICES NOTES:

FIRE HYDRANT SYSTEM TO BE INSTALLED IN ACCORDANCE WITH A.S.2419.1
FIRE HOSE REELS TO BE INSTALLED IN ACCORDANCE WITH A.S.2441
EXACT LOCATION OF FIRE SERVICES EQUIPMENT TO BE CONFIRMED BY OLD FIRE & RESCUE SERVICE PRIOR TO CONSTRUCTION.
BUILDER TO INSTALL APPROPRIATE SIGNAGE TO TOILET DOORS AND AT FIRE HOSE REEL LOCATIONS.
SERVICE VEHICLE PARKING AND MANOEUVRING IS TO BE DESIGNED IN ACCORDANCE WITH COUNCIL'S CHINCHILLA PLANNING SCHEME SCHEDULE 1, DIVISION 2, SECTION 2.2 (1)(a) & (b).

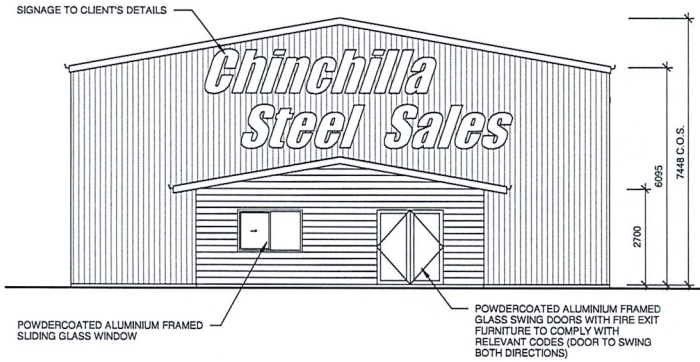
- DENOTES EXTENT OF WALLS TO BE SOUNDRAISED TO STC 45.
- STEEL FRAME** - 1 LAYERS OF 13mm SOUNDCEK BOTH SIDES WITH 50 GLASSWOOL PARTITION BATTS (11kg/m³). R_w 45 / R_w+C_{tr} 36
- TIMBER FRAME** - 2 LAYERS OF 10mm SOUNDCEK BOTH SIDES WITH 75 GOLD BATTS 1.5. R_w 45 / R_w+C_{tr} 36
- SL** DENOTES SECURITY LIGHT WITH MOTION SENSOR AND MANUAL OVER RIDE SWITCH TO CLIENT'S SELECTION OVER ENTRY DOOR

NOTE:
FULL SIZE PLAN 1:100 AT A2 PLAN SIZE ONLY.
NOT TO SCALE AT ANY OTHER SIZE

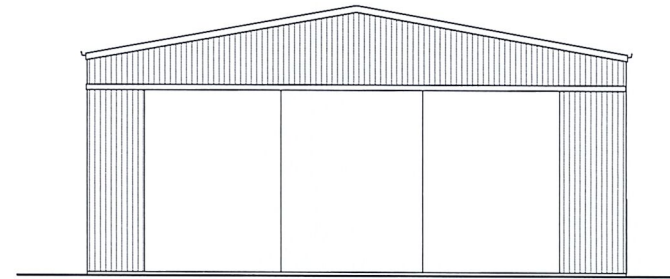


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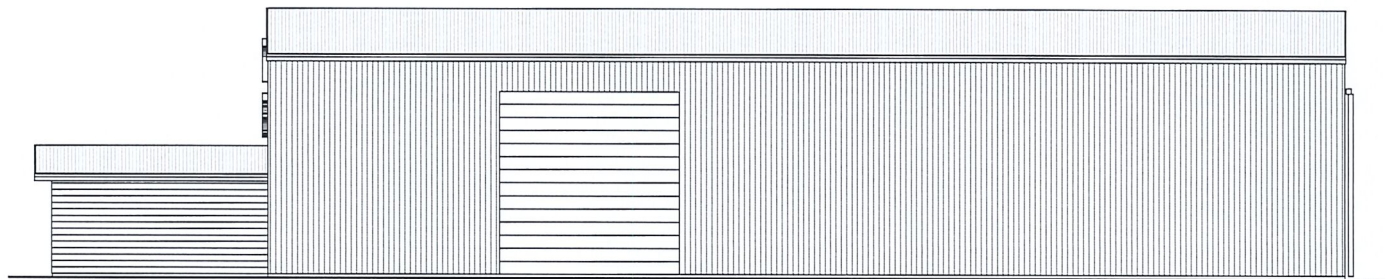
DA1	24/09/21	DEVELOPMENT APPROVAL	WJR
REV	DATE	COMMENTS	CHK
BILL ROBINSON DRAFTING SERVICES PTY LTD 30 SMYTHE DRIVE, HIGHFIELDS 4352 Phone: (07) 4613 9210 Mobile: 0448 178 101 mail: 30 Smythe Drive, Highfields QLD 4352 E-mail: brdrafting@bigpond.com website: www.brdrafting.com.au A.B.N. 63 145 131 782 Q.B.C.C. Lic. No. 1191806			
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DRAWN WJR	SCALE 1 : 100 @ A2	DRAWING No: SD-02	
PROJECT No: 21-0803	DATE Aug '21	REVISION DA1	



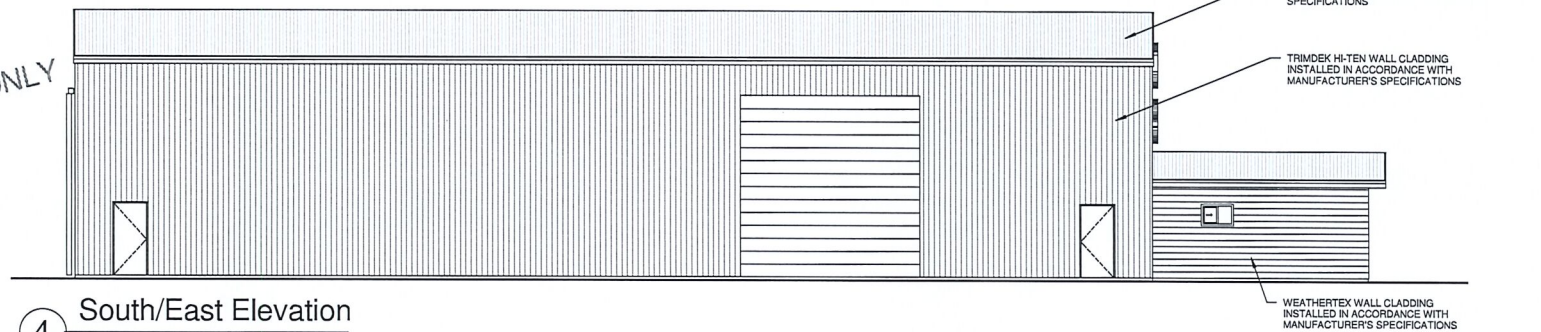
1 North/East Elevation
1 : 100



2 South/West Elevation
1 : 100



3 North/West Elevation
1 : 100



4 South/East Elevation
1 : 100

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NOTE:

FULL SIZE PLAN 1:100 AT A2 PLAN SIZE ONLY.
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REV	DATE	COMMENTS	CHK

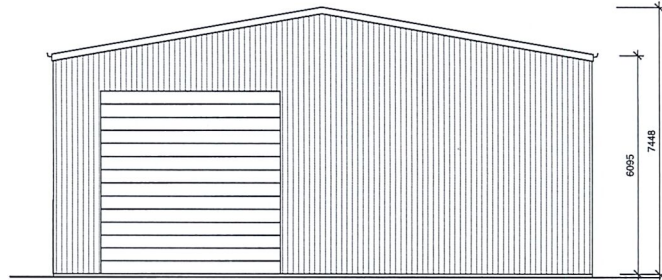
BILL ROBINSON DRAFTING SERVICES PTY LTD
30 SMYTHE DRIVE, HIGHFIELDS 4352
Phone: (07) 4613 9210 Mobile: 0448 178 101
mail: 30 Smythe Drive, Highfields 4352
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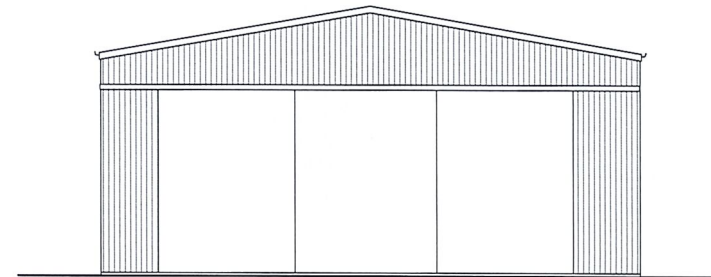
PROJECT
JOHNSON QUALITY BUILDERS
Lot 210 JOHNSON STREET
CHINCHILLA
DATE
Aug '21
DRAWN
WJR
SCALE
1 : 100

TITLE
PROPOSED COMMERCIAL BUILDING
STRUCTURAL DRAWINGS
BUILDING ELEVATIONS
PROJECT No:
21-0803
REVISION
DA1

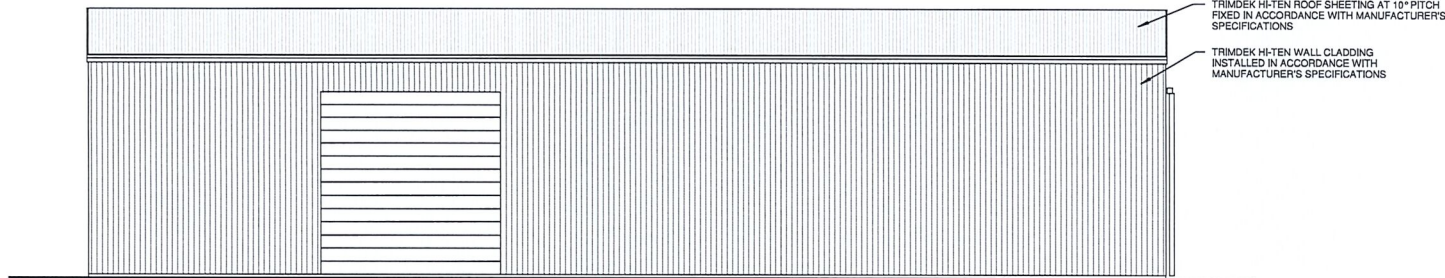
DRAWING No:
SD-03



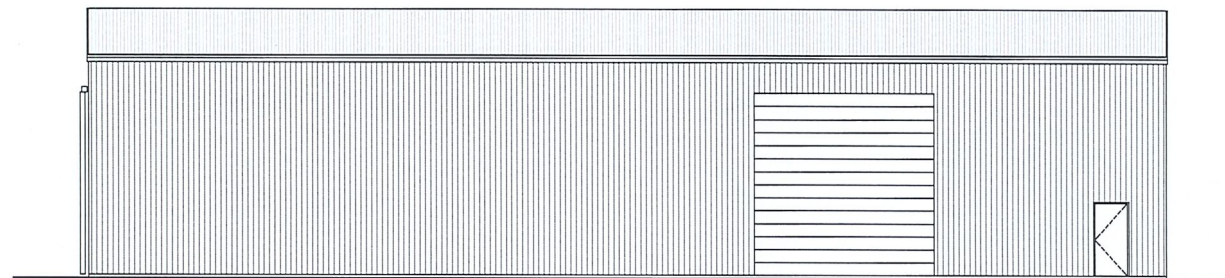
1 Future North/East Elevation
1 : 100



2 Future South/West Elevation
1 : 100



3 Future North/West Elevation
1 : 100

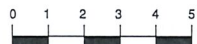


4 Future South/East Elevation
1 : 100

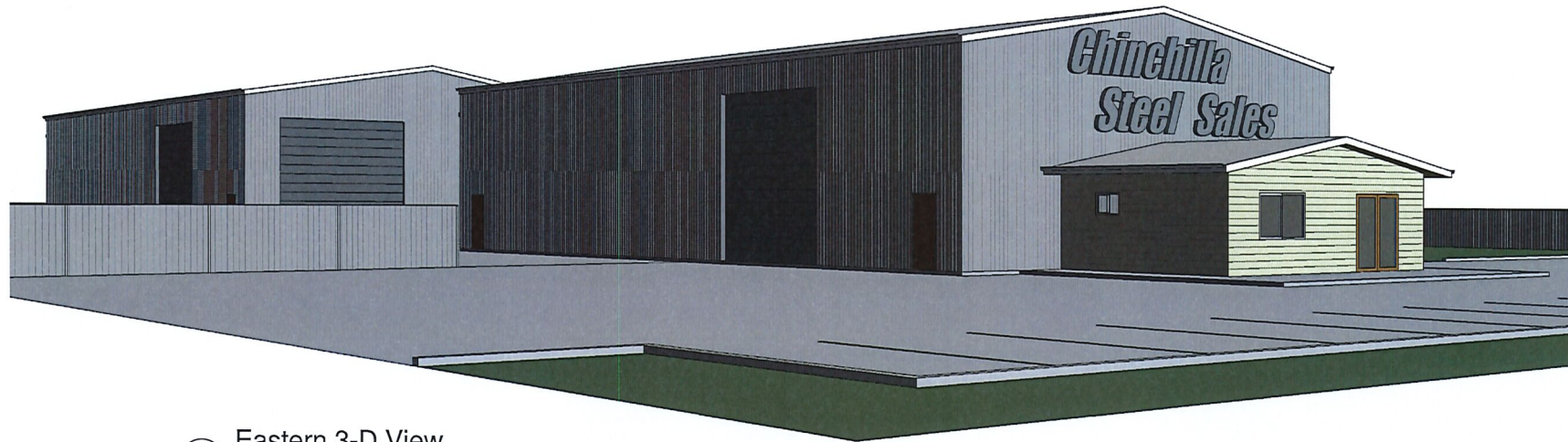
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NOTE:

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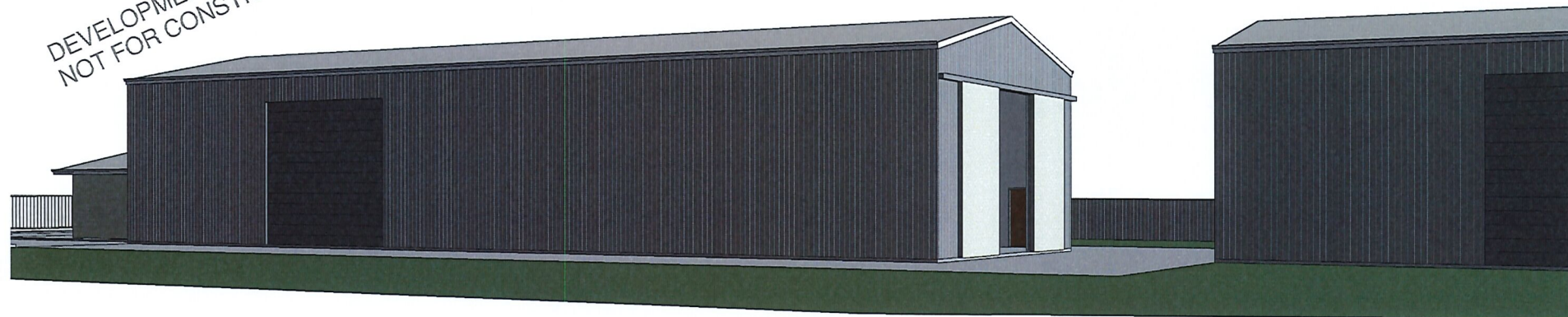


<div><div></div><div></div><div></div></div> <div>BILL ROBINSON DRAFTING SERVICES PTY LTD 30 SMYTHE DRIVE, HIGHFIELDS 4352 Phone: (07) 4613 9210 Mobile: 0448 178 101 mail: 30 Smythe Drive, Highfields 4352 E-mail: brdrafting@bigpond.com website: www.brdrafting.com.au</div>				<div>ALL DIMENSIONS MUST BE CHECKED ON SITE BY CONTRACTOR PRIOR TO COMMENCING ANY WORK. WORK TO FIGURED DIMENSIONS.</div> <div>NOTIFY THE DESIGNER IMMEDIATELY OF ANY PERCEIVED ERRORS OR DISCREPANCIES IN THE EVENT OF THE PLANS BEING FOUND TO BE IN ERROR. LIABILITY OF THE DESIGNER IS LIMITED TO THE COST OF ALTERATION OF THE PLANS.</div> <div>THIS DRAWING HAS COPYRIGHT AND MUST NOT BE USED WITHOUT FURTHER AUTHORITY FROM BILL ROBINSON.</div>	<div>PROJECT JOHNSON QUALITY BUILDERS Lot 210 JOHNSON STREET CHINCHILLA</div>	<div>TITLE PROPOSED COMMERCIAL BUILDING STRUCTURAL DRAWINGS FUTURE BUILDING ELEVATIONS</div>	<div>DRAWING No: SD-04</div>					
DA1	24/09/21	DEVELOPMENT APPROVAL	WJR									
REV	DATE	COMMENTS	CHK									
		A.B.N. 63 145 131 782 Q.B.C.C. Lic. No. 1191806										



1 Eastern 3-D View

NOTE:
CLOSEST FENCES OMITTED FOR CLARITY

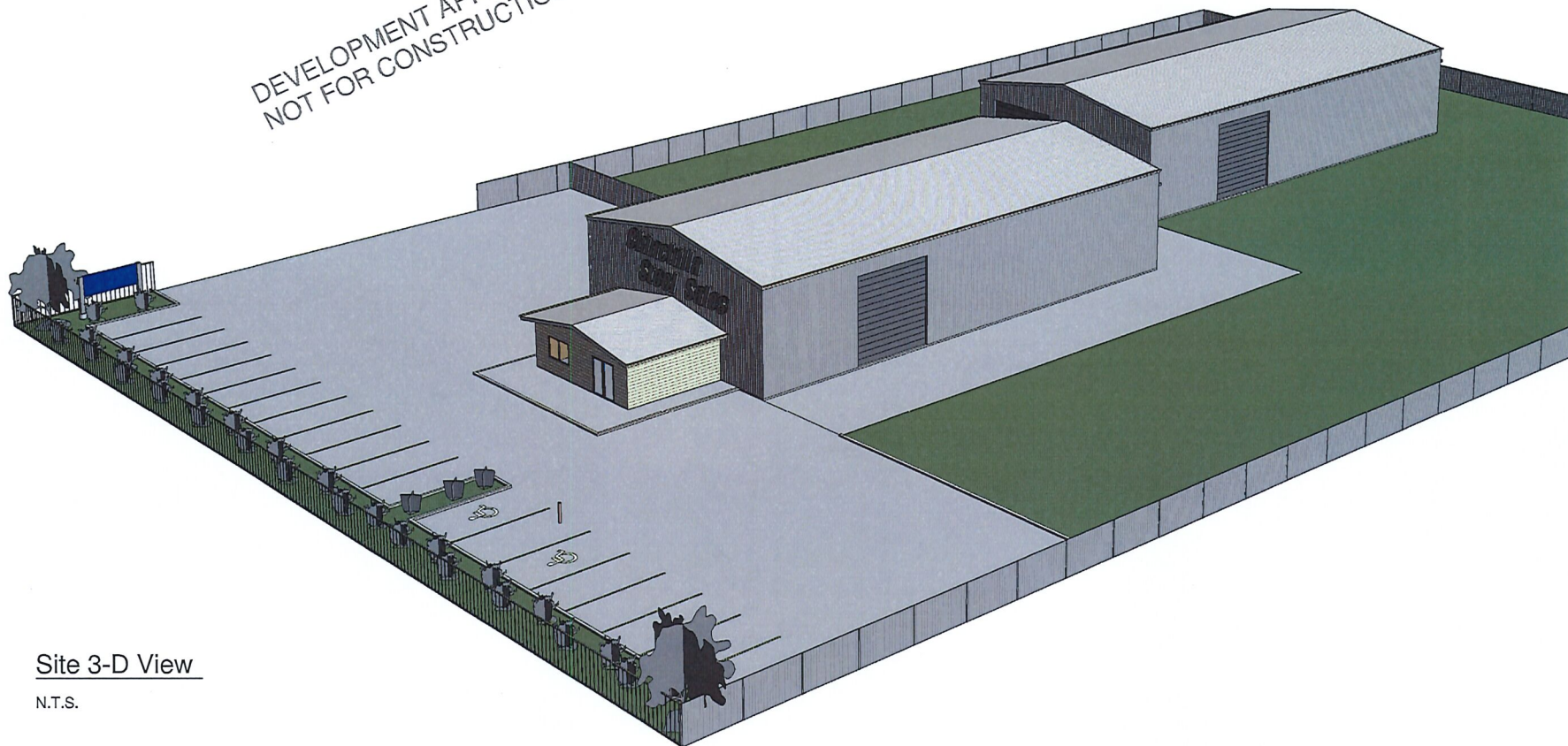


2 Western 3-D View

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DA1	24/09/21	DEVELOPMENT APPROVAL		WJR	A.B.N. 63 145 131 782		Q.B.C.C. Lic. No. 1191806		DATE	Aug '21	DRAWN	WJR	SCALE	@ A2	PROJECT No:	21-0803	REVISION	DA1			
REV	DATE	COMMENTS		CHK																	

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Site 3-D View

N.T.S.

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Image Source: WDPS Interactive Maps



6 Sheridan Street
CHINCHILLA Q 4413

ABN: 83 811 835 717

Drawing No.: 2021-002-02

Title: Stormwater Easement – Aerial

Site: Johnson Street and Warrego Highway, Chinchilla

Revision: A

Date: 04/05/2022

Client: John Johnson



Stormwater Management Report

Johnson Quality Builders

Lot 210, SP183221- Johnson Street Chinchilla

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Version	Authored By	Approved By	Date
1.0	Adam Doyle	Allen Christensen	14 Feb 2022

1. Introduction

Johnson Quality Builders are looking to submit a Building Application to the Western Downs Regional Council for Lot 210 SP183221 to build a new commercial building and associated infrastructure.

The new development will comprise of the construction of up to 2 large sheds with the balance of the lot comprising of concrete pavements and other hardstands.

A concept layout of the proposal in in Attachment A.

ATC Engineers have been engaged to assess the stormwater management of the proposed development, on behalf of the applicant and will address the pre and post development stormwater flows, and any attenuation requirements to demonstrate that the post development flows are reduced to at least the predevelopment flows or are managed via agreement with any affected party.

The purpose of the report is to demonstrate that the stormwater from the site can be appropriately managed, and that the proposed development will not have any additional impact on other properties or infrastructure unless agreed by all parties.

2. Site Characteristics

2.1. Site Description

The site is located at Lot 210, SP183221 on Johnson Street, Chinchilla as shown in *Figure 2*.



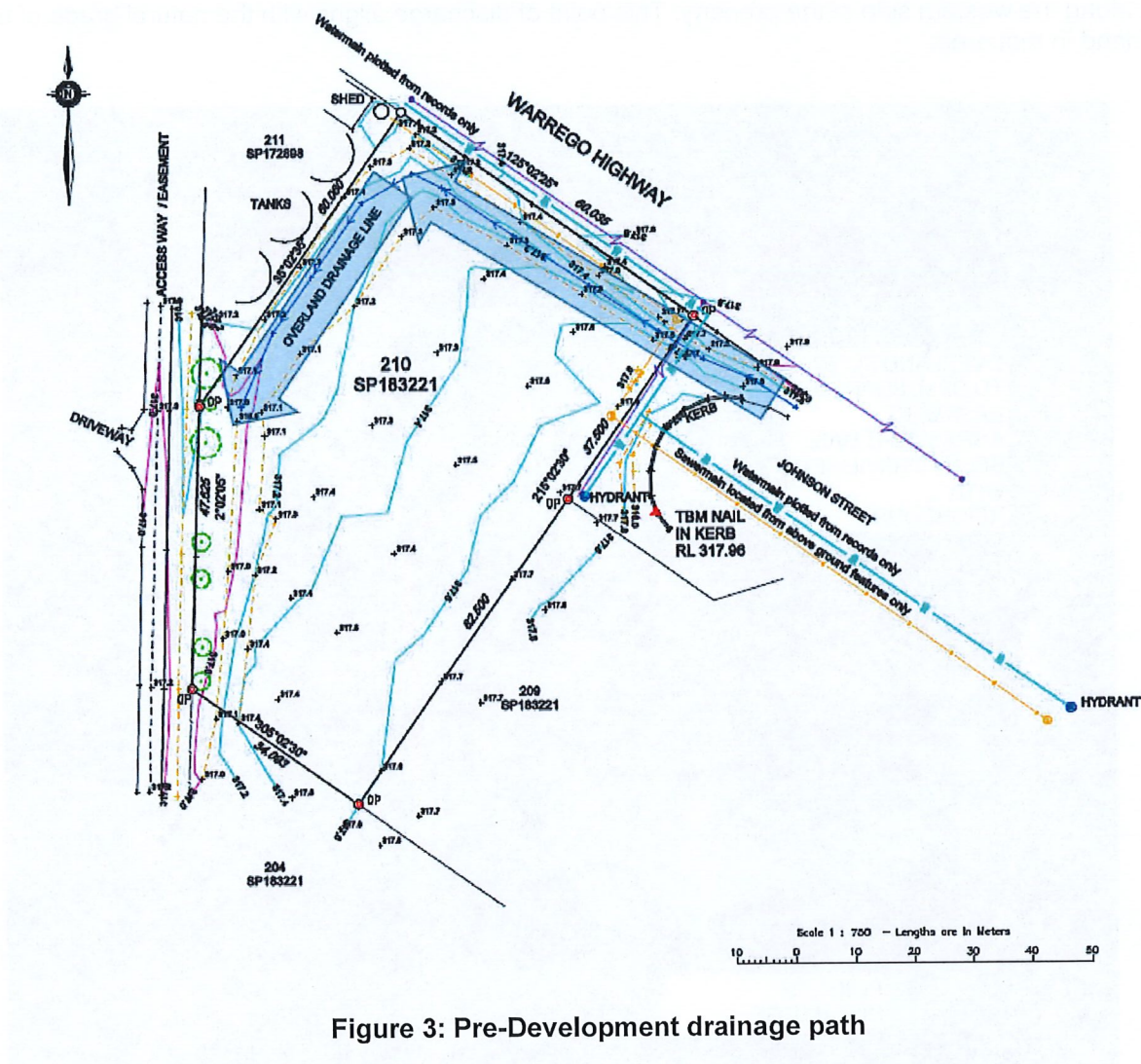
(Image Source: Queensland Globe)
Figure 2: Lot 210 SP183221

The access for the existing lots and the proposed development is from the Johnson Street frontage.

The existing lot is clear of any existing dwellings, significant structures, or landforms. The natural slope of the lot runs in a South westerly direction towards the existing drainage easement and then to the existing dam on Lot 12 SP305017.

It is assumed that the existing Johnson Street stormwater system has been designed to current standards and in particularly QUDM and adequately conveys the stormwater in the design events and does not inundate the development lot in question. The surrounding land uses comprise rural residential lots to the west, rural farm land to the east, and state controlled highway to the north.

There was no reported evidence of scouring or other erosion issues.



2.2. Stormwater Arrangements

General

The development is situated within a typical urban industrial type environment with overland flow in the catchment managed by open drains and kerb and channel in Johnson Street.

3. Stormwater Analysis

3.1. Lawful Point of Discharge

The client has nominated 1 x lawful point of discharge (LPoD) to the drainage easement running along the western side of the property. This point of discharge aligns with the natural grade of the land in that area.

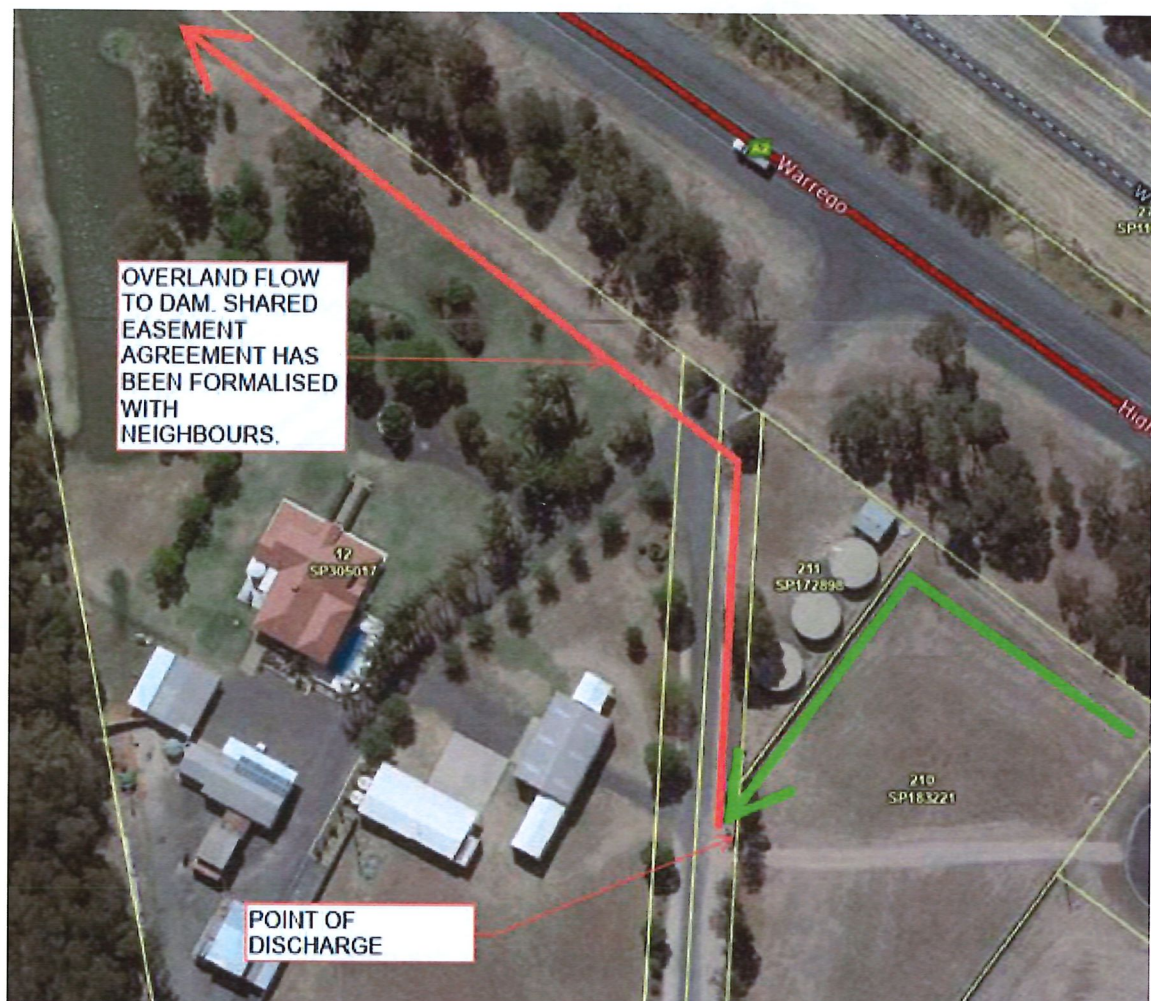


Figure 4: Lot Post Development Drainage Path

3.2. Hydraulic Design

The hydraulic assessment has been undertaken for the development using the Drains software program (Version 2021.031 (64bit) – 27 October 2021). An analysis was carried out to determine the peak runoff flows for the pre and post development conditions, and potential detention requirements, for ARI 10, and 100-year storm events, with storm durations between 5 minutes to 4.5 hours.

Drains Input

The input used in the Drains model is:

Hydrological Model	ILSAX
Paved (impervious) area depression storage (mm)	1
Supplementary area depression storage (mm)	1
Grassed (pervious) area depression storage (mm)	5
Soil Type	3 (Slow Infiltration Rate)
Antecedent Moisture Condition	3 – Rather Wet

Catchment Information

Pre-Development

Catchment	Area (ha)	% Impervious	% Supp	% Grassed
Site	0.	0	0	100

Post Development (Unattenuated)

Catchment	Area (ha)	% Impervious	% Supp	% Grassed
Site	0.	95	0	5

Post Development (Attenuated)

Catchment	Area (ha)	% Impervious	% Supp	% Grassed
Roof	0.0498	100	0	0
Balance of lot	0.4538	65	30	5

Peak Flows and the Stormwater Management Strategy

The peak flow rates for predevelopment (unattenuated), Post Development (unattenuated) and Post Development Modified (attenuated), are shown below in *Table 1*. Highlighted in blue below are the peak flow rates to the design events.

Storm Duration	LPoD Location					
	Q ₁₀ peak flow rates (m ³ /s)			Q ₁₀₀ peak flow rates (m ³ /s)		
	Pre-Dev	Post-Dev	Mod-Dev	Pre-Dev	Post-Dev	Mod-Dev
5 minutes	0.110	0.240	0.183	0.263	0.369	0.284
10	0.183	0.219	0.169	0.330	0.330	0.287
15	0.177	0.209	0.163	0.303	0.296	0.290
20	0.175	0.202	0.169	0.280	0.279	0.260
25	0.165	0.187	0.153	0.283	0.301	0.309
30	0.151	0.174	0.157	0.268	0.267	0.249
45	0.136	0.167	0.148	0.253	0.252	0.252
1 hour	0.111	0.127	0.125	0.200	0.220	0.212
1.5	0.114	0.130	0.124	0.193	0.200	0.191
2	0.090	0.104	0.096	0.174	0.185	0.164
3	0.063	0.067	0.071	0.120	0.108	0.117
4.5	0.059	0.065	0.066	0.116	0.105	0.113

Table 1: Attenuated post development stormwater flows

A summary of the Pre and Attenuated Peak Flows are shown below in *Table 2*.

Discharge Reference	LPoD	
Storm Event (ARI)	Minor (10)	Major (100)
Pre-Development m ³ /s	0.18	0.33
Modified Post-Development m ³ /s	0.18	0.31
Final Difference m ³ /s (%)	0.00 (0%)	-0.02 (-6.7%)

Table 2: Pre-Development to Modified Post Development Peak Discharges

The results for the Johnson Street discharge point, show that the post development flows can be attenuated and conveyed adequately to the agreed location without any un-agreed impacts to the adjoining properties. The peak flow rate of the attenuated Q10 storm event will now occur during a 5-minute duration storm instead of a 10-minute duration storm. The peak flow rate of the attenuated Q100 storm event will now occur during a 25-minute duration storm instead of a 10-minute duration storm.

Without this mitigating attenuation strategy, the peak flows from this development will be increased.

The overall stormwater strategy for the development is for:

- Overland flow from area to grade to the legal point of discharge.
- A new landscape buffer of up to 2m wide is to be located in the Western Boundary to the drainage easement to allow any surface flow to infiltrate the landscaping. The landscaping will also provide a flow spreader function and reduce flow concentration, which will result in erosion.
 - The buffer is to be made from a permeable material to induce infiltration.
 - The buffer should extend for the full length in which water will flow from the lot via overland or concentrated methods to the receiving drain.
- The capture of all stormwater runoff from the roofed areas of the existing and future buildings and divert it to detention tanks via underground piping and a sealed piping network from the guttering to the tank inlet.
 - 1 x 22,500L rainwater detention tank to service the current building and future warehouse.
 - The modelled 22,500L tanks are the bushman 22,500L domed stormwater tank. The model allows for other tanks to be used if they have the same dimensions.
 - A 78mm dia low-level outlet from the tank shall have its invert at the invert level of the tank.
 - A 300mm dia (or 2x 150mm) high-level outlet from the tank shall have its invert at 1.771m up from invert level of the tank.
 - All building gutters are to have 100% of the roof area connected to tank.
 - The low and high flow orifices as well as the peak level overflow from this tank is to be piped to the drainage easement at the western side of the block as noted in the below figure.
- If the same attenuation tank is required to provide a detention storage as well, then the pipes shall be set to the following levels:
 - High flow outlet – 300mm dia at 2m up from the tank invert.
 - Make sure that the tank has at least 225mm of space above the invert of the high flow 150mm Dia outlets.
 - Low flow outlet 78mm dia at 0.37m up from the tank invert.
- The guttering, downpipes and inter-lot piping to the tank has not been sized. It is assumed the qualified plumber installing this system will be able to size those components suitably.

4. Design Assumptions

The assumptions made in calculating the on-site flows are:

1. Guttering will be sized so that all roof water up to the Q100 year event falling on the roofs will be directed to the detention tank.
2. Overflow from the detention tank will be drained via an adequately sized stormwater drainage pipe and erosion protection and directed to the drainage easement to the west of the lot.
3. All water up to the Q100 event falling on the hardstand, landscaping, driveway and carpark area can be diverted to the drainage easement at the west of the lot and enter the drain via a flow spreader/infiltration buffer.
4. Stormwater will act generally in accordance with the assumptions made in the Drains model.

5. Other Considerations

The provision of any On-Site Detention (OSD) systems requires on-going maintenance to ensure the performance of the systems and minimise the risk of external impacts from increased discharges. Tampering of installations is a significant risk and should be considered when designing the final attenuation system.

6. Conclusions

In summary the proposed development:

- Will lead to increases in stormwater flow discharging from the site without attenuation in both the minor and major design storms.
- Attenuation and site flow is proposed to be managed as detailed above via a combination of tanks and landscaped buffer areas.
- The onsite rainwater attenuation tank attached to the roof areas is an appropriate treatment – subject to detailed design.

I believe that the above response satisfies the requirements of QUDM and Council with respect to the stormwater management, attenuation, and water quality requirements – subject to the application of reasonable and relevant conditions.

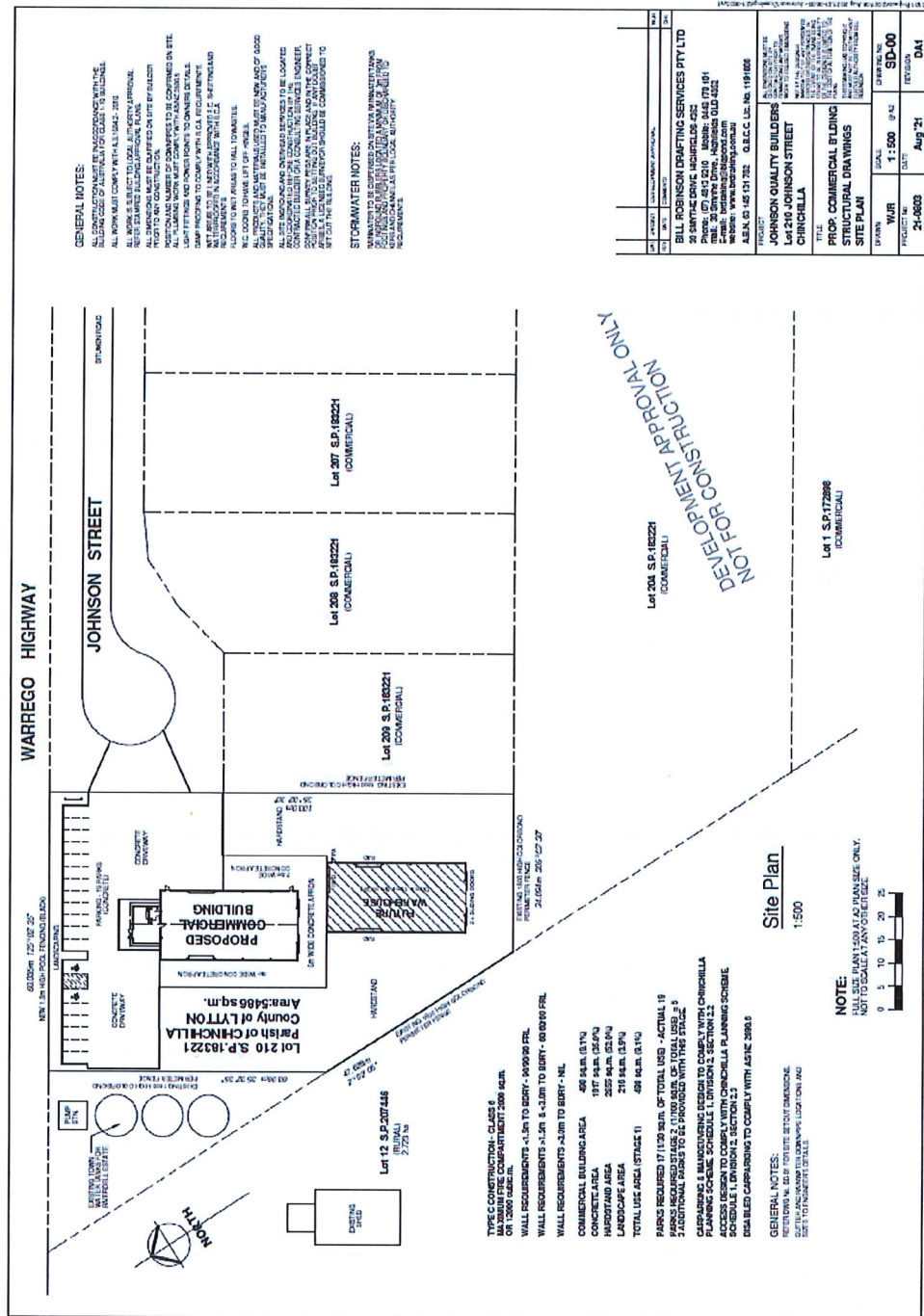
Should you require further assistance or information please feel free to contact me on 0438 122 997 or email at allen@atcengineers.com.au.

Regards



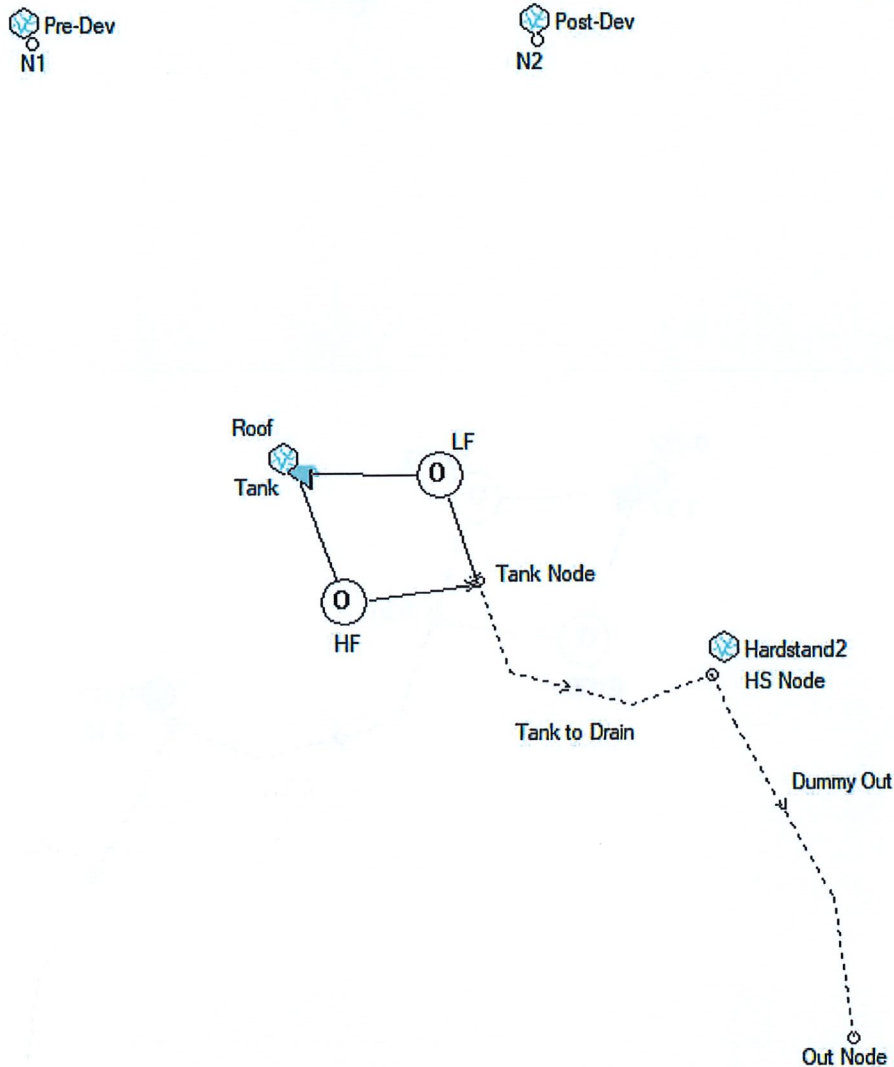
Allen Christensen
DIRECTOR
BEng (Civil) RPEQ FIPWEQ

Attachment A – Concept Layout



Attachment B - Drains Output

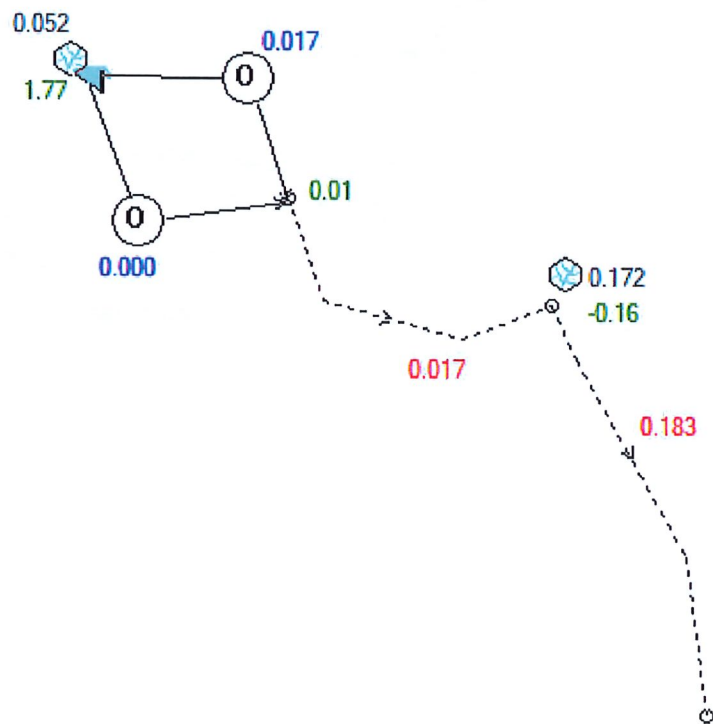
Drains Layout



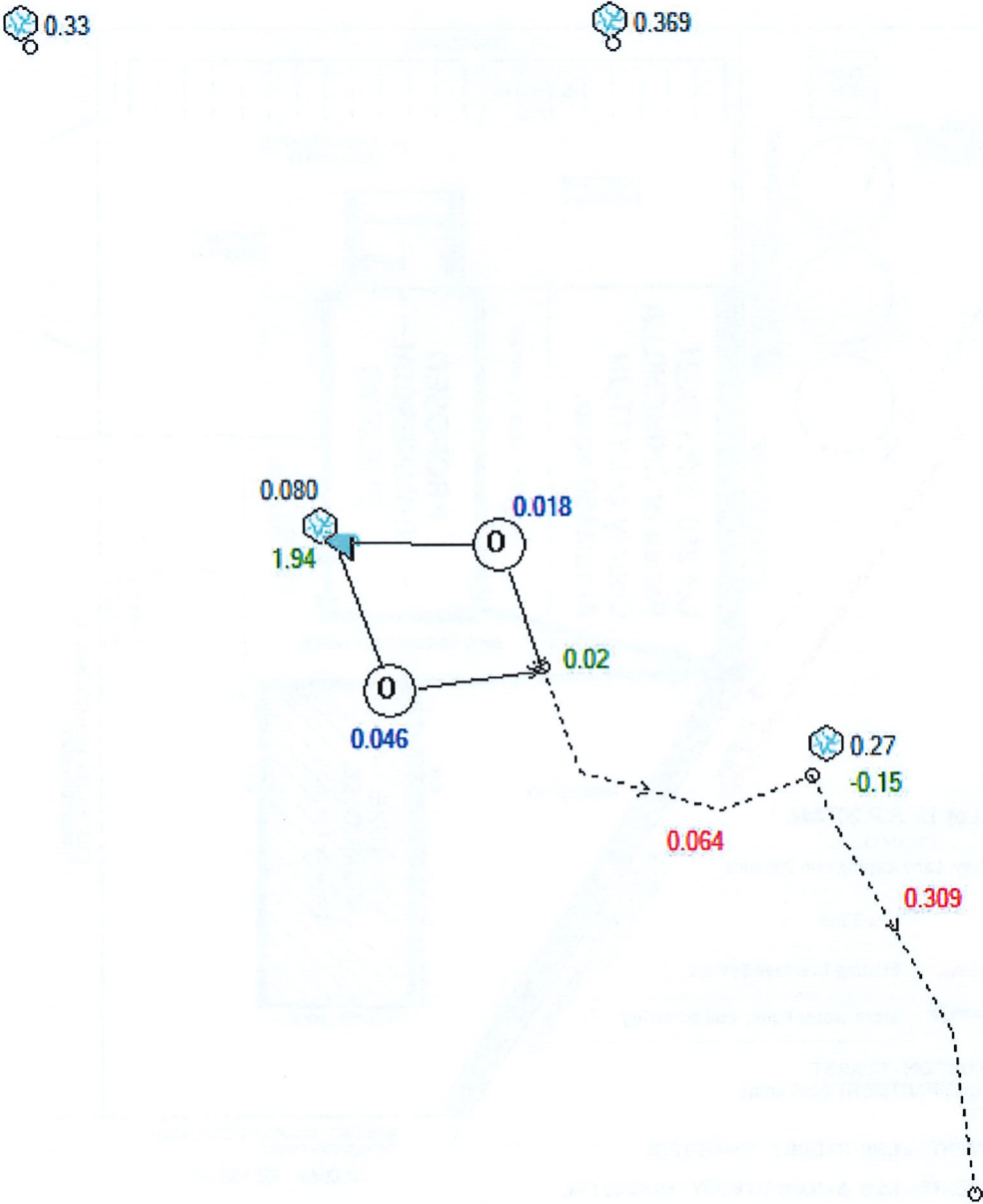
Drains Results 10 Yr. ARI

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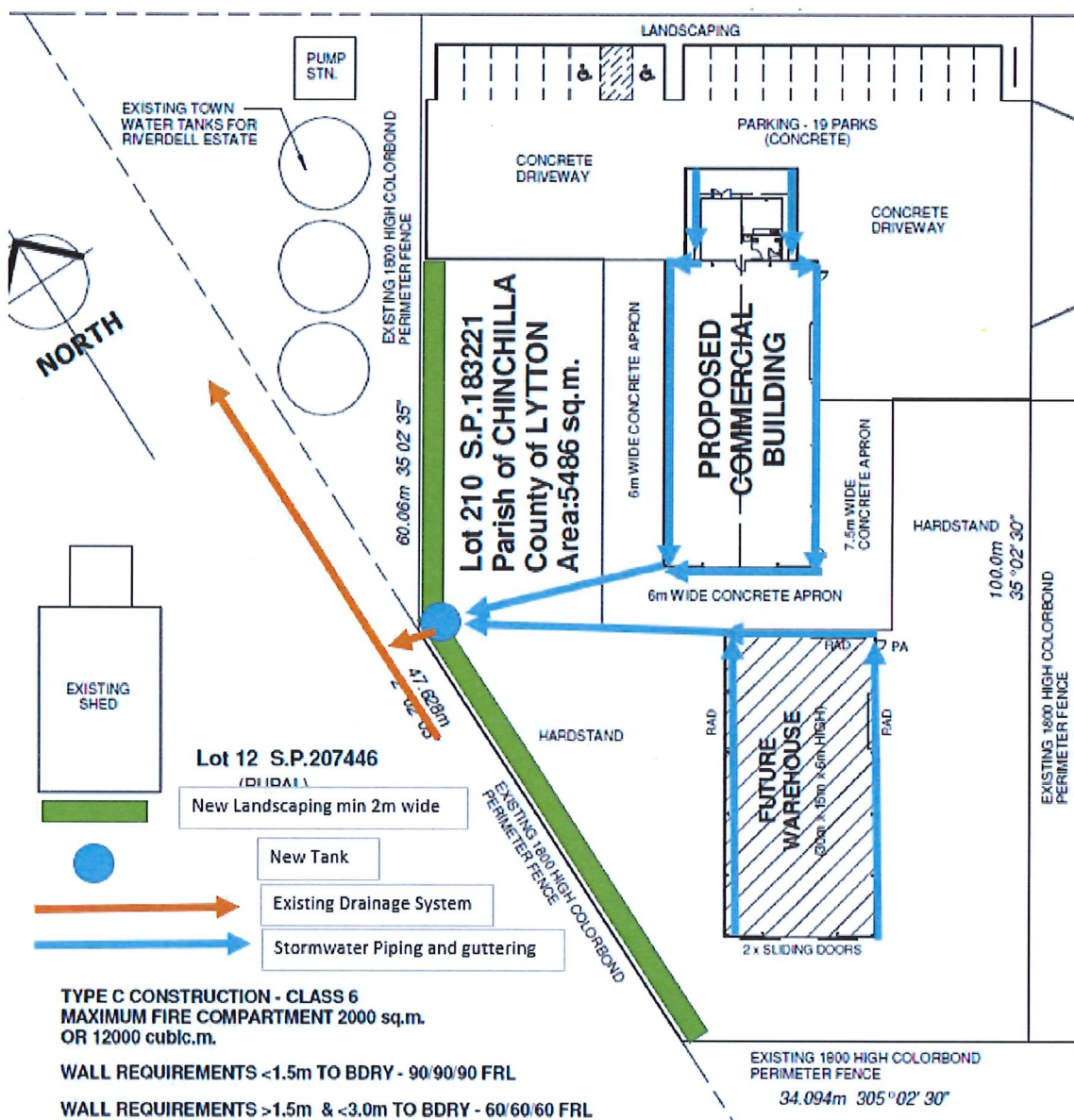
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Drains Results 100 Yr. ARI



Concept Drainage Piping Arrangement



RA9-N
SARA reference: 2202-27498 SRA
Council reference: 30.2022.82.001

7 April 2022

Chief Executive Officer
Western Downs Regional Council
PO Box 551
DALBY QLD 4405
info@wdrc.qld.gov.au

Attention: Dominic Bradley

Dear Mr Bradley

SARA Response—Warrego Highway and Johnson Street, Chinchilla

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 28 February 2022.

Response

Outcome:	Referral Agency Response – No Requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , SARA advises it has no requirements relating to the application.
Date of Response:	7 April 2022
Advice:	Advice to the applicant is in Attachment 1 .
Reasons:	The reasons for the referral agency response are in Attachment 2 .

Development Details

Description:	Development Permit Material Change of Use for Warehouse
SARA Role:	Referral Agency
SARA Trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 of the Planning Regulation 2017 (10.9.4.2.4.1) – Material change of use within 25 metres of a state-controlled road

SARA Reference: 2202-27498 SRA
Assessment Manager: Western Downs Regional Council
Street Address: Warrego Highway and Johnson Street, Chinchilla
Real Property Description: Lots 10, 11 and 12 on SP207446 and Lot 210 on SP183221
Applicant Name: John Johnson
Applicant Contact Details: c/- Swep Consulting
6 Sheridan Street
CHINCHILLA QLD 4413
kate@swepcon.com.au

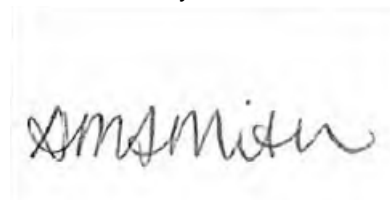
Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s. 30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 3**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Cavannah Deller, A/ Senior Planning Officer, on 07 4331 5604 or via email ToowoombaSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Susan Kidd
Manager (Regional Assessment and Projects)

cc John Johnson c/- Swep Consulting, kate@swepcon.com.au
enc Attachment 1 - Advice to the Applicant
Attachment 2 - Reasons for Referral Agency Response
Attachment 3 - Representations about a Referral Agency Response Provisions

Attachment 1—Advice to the Applicant

General Advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) version 2.6. If a word remains undefined it has its ordinary meaning.

Attachment 2—Reasons for Referral Agency Response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for SARA's decision are:

The proposed development complies with State code 1: Development in a state-controlled road of SDAP. Specifically, the development:

- does not create a safety hazard for users of a state-controlled road
- does not compromise the structural integrity of state-controlled roads, road transport infrastructure or road works
- does not result in a worsening of the physical condition or operating performance of state-controlled roads and the surrounding road network
- does not compromise the state's ability to construct, or significantly increase the cost to construct, state-controlled roads and future state-controlled roads
- does not compromise the state's ability to maintain and operate state-controlled roads, or significantly increase the cost to maintain and operate, state-controlled roads.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- SDAP (version 2.6)
- Development Assessment Rules
- SARA DA Mapping System
- *Human Rights Act 2019*.

Attachment 3—Representations about a Referral Agency Response Provisions

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

INFRASTRUCTURE CHARGES NOTICE

APPLICANT:	John Johnson
APPROVED DEVELOPMENT:	STAGE 1 - Material Change of Use for a Warehouse
FILE REFS:	030.2022.82.001, A13895 & LG 7.6.1
AMOUNT OF THE CHARGE:	Nil
LAND TO WHICH CHARGE APPLIES:	Lot 210 on SP1832221
PAYABLE TO:	Western Downs Regional Council
WHEN PAYABLE:	Prior to commencement of the use for Stage 1 of the development

This charge is made in accordance with Council's ***Infrastructure Charges Resolution (No. 7.1) 2017***.

The charge has been calculated on the following basis:

USE	Charge	Reference	No. of Units	Amount
Material Change of Use for a Warehouse	\$42.50 per m ² (Water, Sewer, Transport and Parks Networks)	Table 3.3.3, Col 2, Charge Area A	498m ²	\$21,165.00
Industry Class	\$4.00 per m ² of Impervious Area (Stormwater Network)	Table 3.3.3, Col 3, Charge Area A	3,289.26m ²	\$13,157.04
DISCOUNT	Discount Charge	Reference	No. of Units	Discount Amount
Credit for Existing Commercial Lot	\$40,320.00 per existing lot (Stormwater, Transport and Parks Networks)	3.4(1)(e)(iii)	1 Lot	\$40,320.00
			TOTAL CHARGE	Nil

INFORMATION NOTICE

[Section 119 of the *Planning Act 2016*]

DECISION AND REASONS

This infrastructure charge has been levied in accordance with Sections 119 to 121 of the *Planning Act 2016* and Council's ***Infrastructure Charges Resolution (No. 7.1) 2017*** for additional demand placed on Council's trunk infrastructure that will be generated by the approved development.

APPEALING DECISION

Under the *Planning Act 2016* the recipient of this Infrastructure Charges Notice may appeal against Council's decision to issue the Infrastructure Charges Notice. Chapter 6, Part 1 of the *Planning Act 2016* details the recipient's right to appeal Council's decision and how the recipient may appeal.

INFRASTRUCTURE CHARGES NOTICE

APPLICANT: John Johnson

APPROVED DEVELOPMENT: **STAGE 2** - Material Change of Use for a Warehouse

FILE REFS: 030.2022.82.001, A13895 & LG 7.6.1

AMOUNT OF THE CHARGE: **\$21,051.35**

LAND TO WHICH CHARGE APPLIES: Lot 210 on SP1832221

PAYABLE TO: Western Downs Regional Council

WHEN PAYABLE: Prior to commencement of the use for Stage 2 of the development

This charge is made in accordance with Council's **Infrastructure Charges Resolution (No. 7.1) 2017**.

The charge has been calculated on the following basis:

USE	Charge	Reference	No. of Units	Amount
Material Change of Use for a Warehouse	\$42.50 per m ² (Water, Sewer, Transport and Parks Networks)	Table 3.3.3, Col 2, Charge Area A	450m ²	\$19,125.00
Industry Class	\$4.00 per m ² of Impervious area (Stormwater Network)	Table 3.3.3, Col 3, Charge Area A	1980.74m ²	\$ 7,922.96
DISCOUNT	Discount Charge	Reference	No. of Units	Discount Amount
Balance of Commercial Lot Credit	\$5,799.00 Balance of credit from Stage 1 of the development	3.4(1)(e)(iii)	1 lot	\$ 5,996.61
			Sewer	\$ 4,210.27
			Water	\$ 4,210.27
			Stormwater	\$ 6,315.41
			Parks	\$ 3,157.70
			Transport	\$ 3,157.70
			TOTAL CHARGE	\$21,051.35

INFORMATION NOTICE

[Section 119 of the *Planning Act 2016*]

DECISION AND REASONS

This infrastructure charge has been levied in accordance with Sections 119 to 121 of the *Planning Act 2016* and Council's ***Infrastructure Charges Resolution (No. 7.1) 2017*** for additional demand placed on Council's trunk infrastructure that will be generated by the approved development.

APPEALING DECISION

Under the *Planning Act 2016* the recipient of this Infrastructure Charges Notice may appeal against Council's decision to issue the Infrastructure Charges Notice. Chapter 6, Part 1 of the *Planning Act 2016* details the recipient's right to appeal Council's decision and how the recipient may appeal.

Title (040.2022.205.001) Community and Liveability Report Development Application for Operational Work (Earthworks) at Lot 15 on SP194397 52 Katherine Street Dalby Sturkenboom

Date 7 July 2022

Responsible Manager T. Summerville, PLANNING AND ENVIRONMENT MANAGER

Summary

The purpose of this Report is for Council to decide the development application for Operational Work (Earthworks) on land described as Lot 15 on SP194397 and situated at 52 Katherine Street, Dalby.

Link to Corporate Plan

Strategic Priority: Strong Diverse Economy

- We aggressively attract business and investment opportunities.
- Our region is a recognised leader in agribusiness, energy, and manufacturing.
- We deliver water security to enable future economic growth.
- We proactively advance our region as a tourism destination.
- Our business and industry actively live and buy local.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and that:

1. The application for Operational Work (Earthworks) on land described as Lot 15 on SP194397 and situated at 52 Katherine Street, Dalby, be approved, subject to the following conditions:

GENERAL

1. This approval relates to earthworks as detailed.
2. The approval is subject to construction being undertaken in accordance with the Approved Plan listed below:

Drawing No: A001, Issue A
Description: Site Plan Overall, as amended in red by the applicant, prepared by Quantum Drafting Solutions, dated 25.3.19
3. Undertake all approved work at no cost to Council and in accordance with the Approved Plan, approval conditions and Western Downs Planning Scheme Policy 1 - Design and Construction Standards.
4. Pay to Council, applicable inspection fees based on Council's Register of Fees and Charges current at the time of commencement of the work. The fee must be calculated based on the estimated project cost.
5. Adhere to the following hours of construction unless otherwise approved in writing by Council:

Monday to Saturday:	6.30am to 6.30pm	Noise permitted
Monday to Sunday:	6.30pm to 6.30am	No noise permitted
Sundays and Public Holidays:		No noise permitted

6. Do not conduct work or business that causes audible noise from or on the site outside the above hours.
7. Be responsible to carry out Work Health and Safety legislative requirements.
8. Ensure all work sites are maintained in a clean, orderly state at all times.
9. Earthworks shall be carried out using best practice construction methods including adequate compaction so that the fill is not adversely affected (including erosion or scouring) by overland stormwater or flood water.
10. Manage all waste in accordance with the relevant legislation and regulations and dispose of regulated waste at a licensed facility of Western Downs Regional Council by a licensed regulated waste disposal contractor.
11. 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.
12. Repair all damage incurred to Council and public utility services infrastructure and assets, as a result of completed or incomplete work under this approval, 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.
13. Ensure that development work on the subject land does not lead to ponding of stormwater or cause actionable nuisance to adjoining properties and drains freely to a lawful point of discharge in accordance with the Queensland Urban Drainage Manual.
14. Be responsible for the protection of nearby property owners from dust pollution arising from construction or maintenance of the work required by this approval, and comply with any lawful instructions from the Assessment Manager if, in his opinion, a dust nuisance exists.
15. Submit the following to Council for approval in the event it is proposed to import material to or export material from the site, prior to commencement of the work:
 - 15.1 details of the location of any material to be sourced for fill including the volume of fill to be moved from any particular source site;
 - 15.2 details of the final location for any material to be exported from the site from excavations including the volume to be moved to any particular site; and
 - 15.3 the proposed haulage route/s and truck sizes for carting of the material.

Note: Further Development Applications may be required to be submitted to and approved by Council for sites proposed to import material from or export material to, or conditions may be applied to any sites endorsed in accordance with this condition; e.g. submit a Traffic Management Plan to Council for acceptance, or rehabilitation of the site. Any required approvals are to be in place prior to commencement of the work.
16. This approval does not extend to any material proposed to be imported to or exported from the site:
 - 16.1 other than from or to site/s that have a current Development Approval enabling them to export/accept any material; or
 - 16.2 the material is being exported to and accepted at a licensed Council refuse facility.

INSPECTIONS AND TESTING

17. Provide Council with a minimum of two clear working days' notice to undertake compulsory inspections and meetings at the following stages:
 - 17.1 Pre-start Meeting with Council, Contractor, and Developer; and
 - 17.2 at the point of completion of all work.
18. Uncover all work covered, prior to inspection to allow inspection by Council at Council's sole discretion.
19. Allow Council to enter a work site to which this approval relates, and undertake testing or analysis of any part of the construction, and Council is not liable for the rectification of or compensation for any damage caused in the testing or analysis process. Should work be found to be not constructed to specification or of poor quality, rectification work must be undertaken by the Principal Contractor.
20. Undertake any work for the safety and health of the community or protection of infrastructure, where Council deems it necessary.

AS CONSTRUCTED INFORMATION

21. Submit to Council within 10 working days of completion of the Operational Work, suitable "As Constructed" drawings in hard copy, noting the extent of the filling, including setback distances from boundaries, batters and height.

ADVISORY NOTES

NOTE 1 - Relevant Period

"To the extent a development approval is for Operational Work, the approval lapses if the development under the approval does not start within the following period (the relevant period) -

- (a) **2 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 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.

Council is to be indemnified against any claims arising from work carried out by the applicant on Council's property.

NOTE 5 - 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.

Background Information

The relevant background information of this application is as follows:

Application No: 040.2022.205.001	Assessment No's: A8387	Keywords Index: AD6.6.2 & LG7.7.1
Assessing Officer:	Justin Crick CONSULTANT DEVELOPMENT ENGINEER	
PART 1: APPLICATION		
Applicant:	Jason Sturkenboom	
Owner:	JR Sturkenboom	
Site Address:	52 Katherine Street, Dalby	
Site Area:	4,000m ²	
Real Property Description:	Lot 15 on SP194397	
Proposed Development:	Earthworks	
Level of Assessment:	Impact	
Type of Application:	Operational Work	
Relevant Planning Scheme:	Western Downs Planning Scheme 2017 incorporating Amendment 1	
Zone:	Rural Residential	
Precinct:	Rural Residential 4000	
Overlays:	<div><div><div>▪ Airport Environs</div><div>▪ Flood Hazard</div><div>▪ Extractive Industry (PL)</div><div>▪ Agricultural Land Classification</div><div>▪ Stormwater Overland Flow</div></div><div><div>- OLS Conical Limitation</div><div>- High and Extreme</div><div>- Petroleum Lease 198</div><div>- Class A</div><div>- Major Flow Path</div></div></div>	
Pre-lodgement Meeting:	No	Date: N/A
Application Lodgement Date:	08/04/2022	
Properly Made Application:	Yes	Date: 08/04/2022
Confirmation Notice Issued:	Yes	Date: 27/04/2022
PART 2: REFERRALS N/A		
PART 3: INFORMATION REQUEST N/A		
PART 4: PUBLIC NOTIFICATION		
Date Commenced:	Yes	Date: 05/05/2022
Notice of Compliance Received:	Yes	Date: 31/05/2022
Submissions Received:	Nil	
PART 5: DECISION PERIOD		
Date Commenced:	01/06/2022	
Decision Due Date:	19/07/2022	

Report

1. Background - Site and Proposal

The subject site, Lot 15 on SP194397, is located at 52 Katherine Street, Dalby. The property is within the Rural Residential Zone, Rural Residential 4000 Precinct, has frontage to Katherine Street, and is 4,000m² in area. The Airport Environs, Flood Hazard, and Stormwater Overland Flow Overlays impact the land. The site is developed and contains a Dwelling House.

The applicant wishes to undertake the necessary earthworks for the construction of a shed pad. The proposed Operational Work involves placing approximately 110m³ of fill on the site.

2. Categories of Development and Assessment Benchmarks

In accordance with the Planning Scheme, an Operational Work application where on a site located in a High or Extreme Flood Hazard Area trigger Impact Assessment.

The development application was lodged for assessment against the Western Downs Planning Scheme 2017 incorporating Amendment 1.

Benchmarks Applying to the Development	Benchmark Reference
Planning Scheme Policy 1 - Design and Construction Standards	Part 11
Operational Works Code	Performance Outcomes 9, 10, 11 & 12
Flood Hazard Overlay Code	Performance Outcomes 3, 4, 5, 6, 7, 8, 9 & 10
Stormwater Overland Flow Overlay Code	Performance Outcomes 1 & 2

The development has been assessed against the above Standards and is discussed below.

2.1 Design and Construction Standards

The proposed works have been conditioned to achieve the intended outcomes for earthworks and flood management. Construction to meet AS3798 is deemed onerous in this instance.

2.2 Operational Works Code

Performance Outcome (PO) 9 is satisfied, as the proposed earthworks are not expected to negatively impact the amenity of the neighbourhood, nor increase impacts to adjoining properties. Consultation with Council's Consultant Flood Modellers indicated a nuisance was not expected because of the work.

PO10 is satisfied, as the proposal is not for taking overland flow, and the site is not within a waterway.

PO11 is satisfied, as the proposed earthworks have been conditioned to be constructed using best practice methods. Construction to meet AS3798 is deemed onerous in this instance.

PO12 is satisfied, as the proposed earthworks are not expected to negatively impact the amenity of the neighbourhood, nor increase impacts to adjoining properties. Consultation with Council's Consultant Flood Modellers indicated a nuisance was not expected because of the work.

2.3 Flood Hazard Overlay Code

Prior to determining whether flood modelling was required, an opinion was sought from Council's Consultant Flood Modellers (Water Technology Pty Ltd) as to the possible impacts. The advice from Water Technology Pty Ltd was that there would unlikely be any material impacts to buildings to the north of the site in either the 10% AEP, or 1% AEP flood event.

The proposal is considered to comply with the relevant Performance Outcomes of the Flood Hazard Overlay Code, as it will maintain the flood conveyance function of the land.

2.4 Stormwater Overland Flow Overlay Code

The Performance Outcomes are considered satisfied, as the proposed filling is relatively minor, being for a shed pad, with respect to the width of the overland flow path. Adverse impacts on upstream or downstream properties resulting from stormwater flow are not expected.

For the amount of filling, a full hydraulic impact assessment was not considered warranted. The land owner is still responsible for not creating a nuisance to neighbouring properties. No submissions were received from any of the neighbours during the Public Notification Period of the application, to indicate any concern on their part.

3. Public Notification

The application for Operational Work on a site identified as High and Extreme Flood Hazards, is Impact Assessable in the Western Downs Planning Scheme 2017 incorporating Amendment 1.

Public Notification was undertaken in accordance with the requirements of the *Planning Act 2016* and Development Assessment Rules.

The applicant:

- published a notice in the High Country Herald on 5 May 2022;
- placed a notice on the frontage of the land from 5 May 2022 to 26 May 2022; and
- notified the adjoining land owners on 5 May 2022.

No submissions were received in relation to the proposed development.

Consultation (Internal/External)

Internal

Prior to determining whether flood modelling was required, an opinion was sought from Council's Consultant Flood Modellers (Water Technology Pty Ltd) as to the possible impacts. The advice from Water Technology Pty Ltd was that there would unlikely be any material impacts to buildings to the north of the site in either the 10% AEP, or 1% AEP flood event.

External

Public Notification requirements were satisfied.

Legal/Policy Implications (Justification if applicable)

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

"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."

Budget/Financial Implications

Nil

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) (the Human Rights Act) requires public entities 'to act and make decisions in a way compatible with human rights'.

There are no human rights implications associated with this report.

Conclusion

The proposed development has been assessed against the requirements of the Western Downs Planning Scheme 2017 incorporating Amendment 1. It is considered that the proposed development is consistent with the assessment benchmarks of the Western Downs Planning Scheme 2017 incorporating Amendment 1, subject to the recommended conditions of approval.

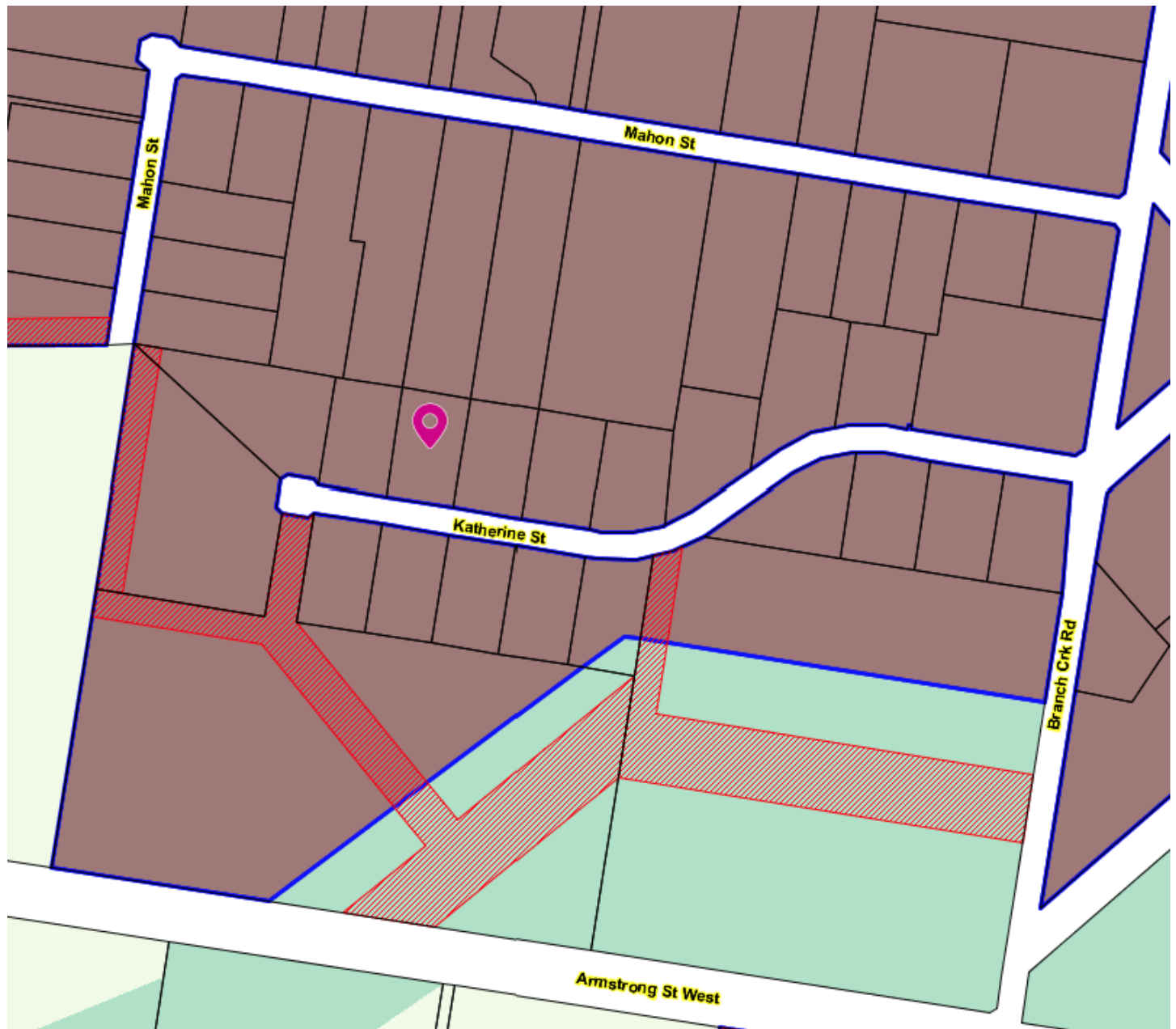
Attachments

1. Locality Plans
2. Proposal Plan



















Authored by: J Crick, CONSULTANT DEVELOPMENT ENGINEER

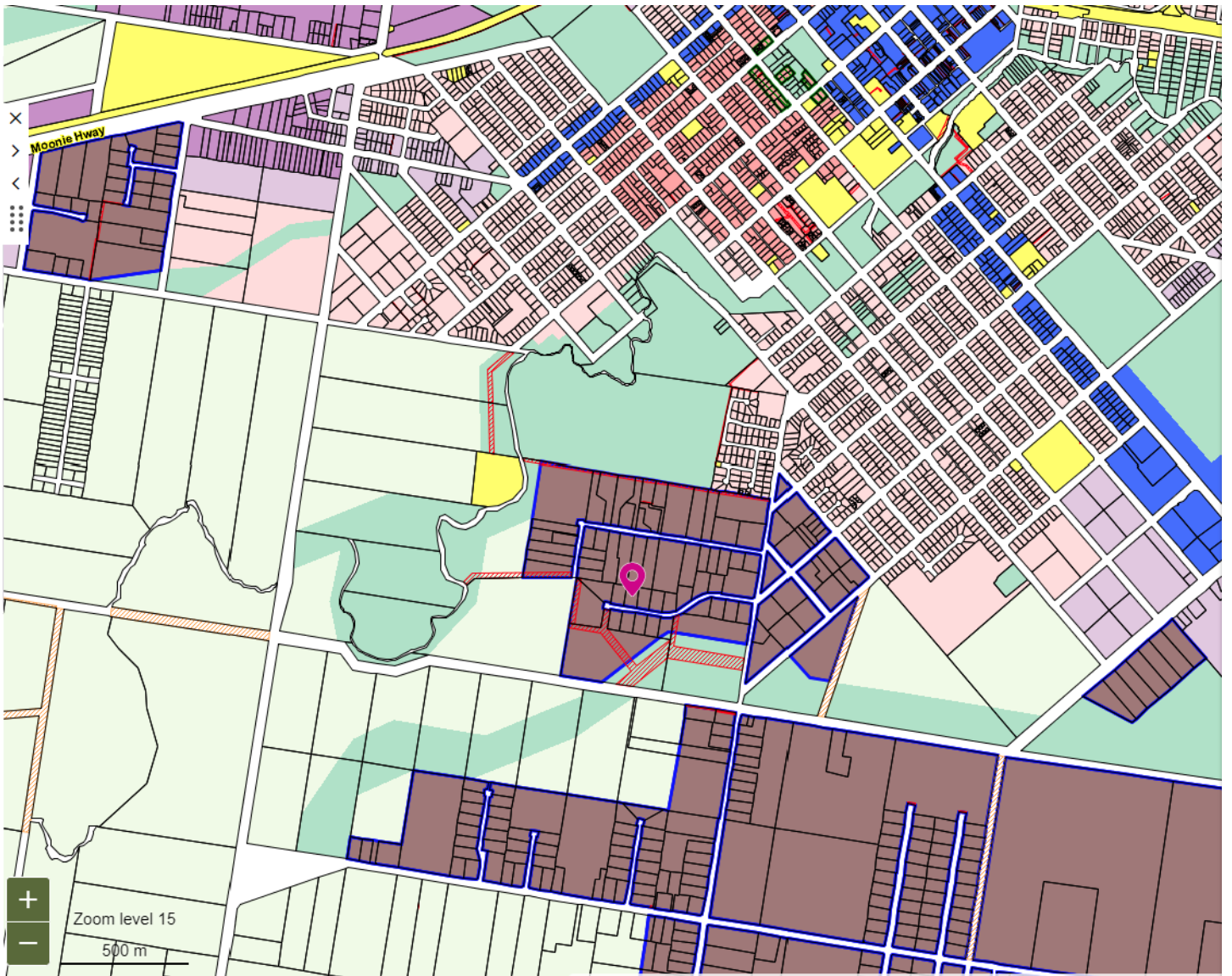
Attachment 1 - Locality Plans

Zoning Map

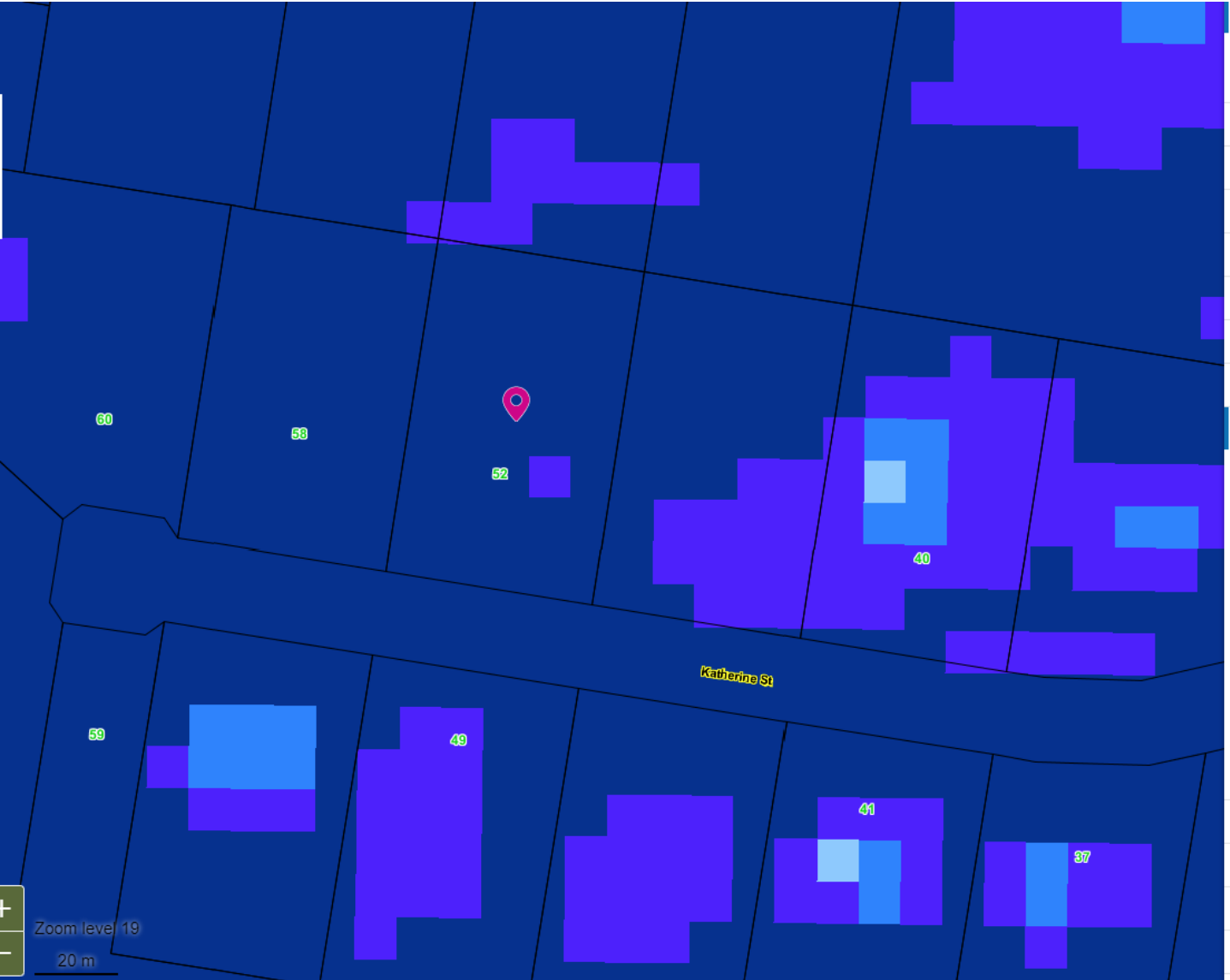


Planning Zones

	Community Facilities Zone		Rural Residential Zone / Rural Residential 20000 ..
	Local Centre Zone		Rural Residential Zone / Rural Residential 4000 P..
	District Centre Zone		Rural Residential Zone / Rural Residential 8000 P..
	Major Centre Zone		Rural Zone
	Low Density Residential Zone		Rural Zone / Rural 10 Precinct
	Medium Density Residential Zone		Rural Zone / Rural 100 Precinct
	Low Impact Industry Zone		Township Zone
	Medium Impact Industry Zone		Township Zone / Mowbullen - Bunya Mountains T...
	High Impact Industry Zone		
	Recreation and Open Space Zone		



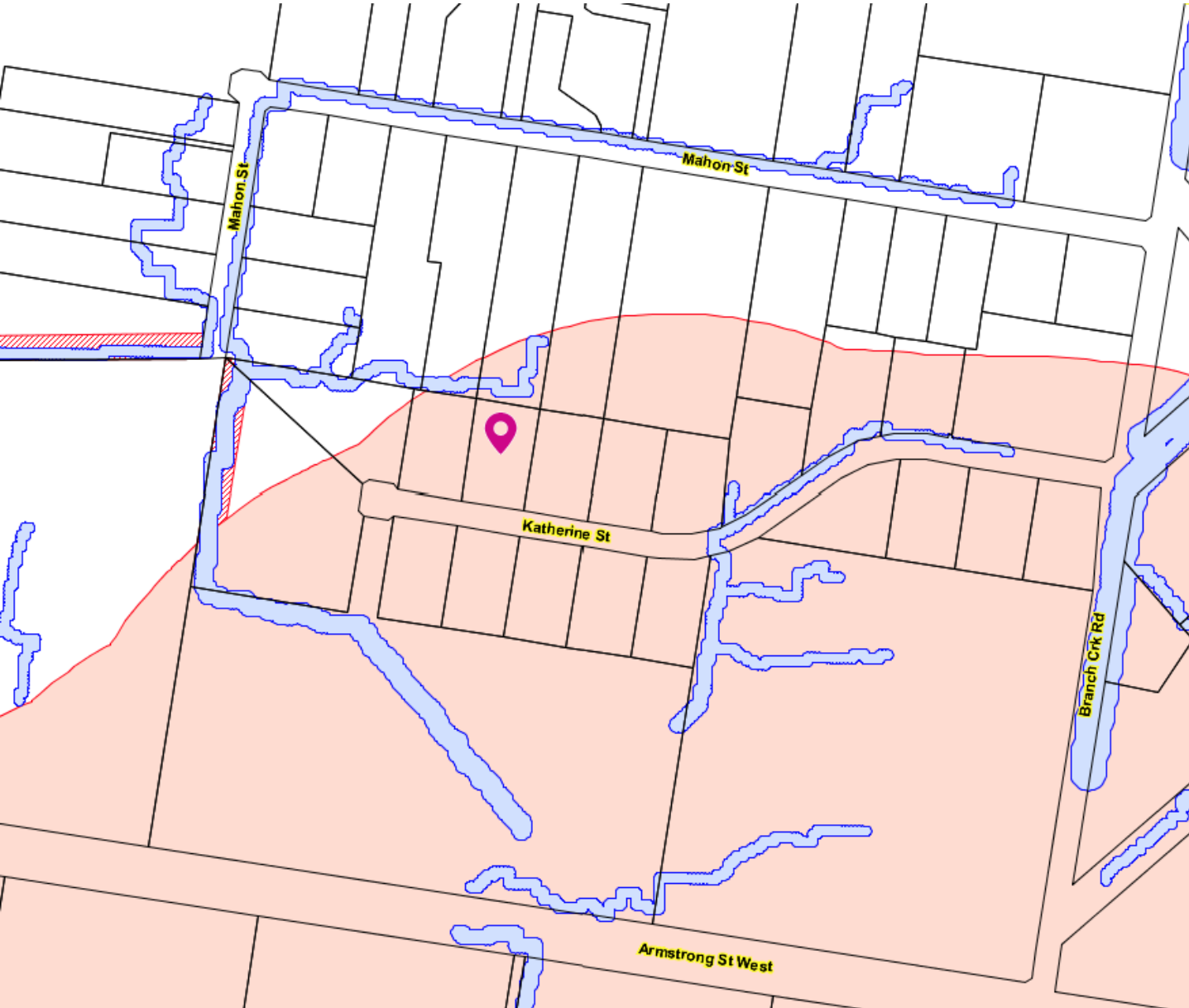
Flood Hazard Overlay Map



Flood Hazard

- Low
- Medium
- High
- Extreme

Stormwater Overland Flow Overlay Map



Stormwater Overland Flow

- Major Flow Path
- Minor Flow Path

Aerial View



ROOF TRUSSES SHALL BE ENGINEER DESIGNED, FIXED
& BRACED IN ACCORDANCE WITH MANUFACTURER'S
SPECIFICATION.

Title **Executive Services Chief Executive Officer Report June 2022**

Date 12 July 2022

Responsible Manager D. Fletcher, ACTING CHIEF EXECUTIVE OFFICER

Summary

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 June 2022.

Link to Corporate Plan

Strategic Priority: Strong Economic Growth

- There is a confidence in our strong and diverse economy.
- We're open for business and offer investment opportunities that are right for our region.
- We optimise our tourism opportunities, unique experiences and major events.
- Business and industry in our region live local and buy local.
- Our region is a recognised leader in energy, including clean, green renewable energies.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and noted

Background Information

Nil

Report

Meetings, delegations and forums attended by the Chief Executive Officer during the month of June 2022:

Date	Who/Where	Details
1 June 2022	<ul style="list-style-type: none"> • Development Assessment Panel Meeting • Dalby Chamber of Commerce - Business After Hours 	Dalby Dalby
6 June 2022	<ul style="list-style-type: none"> • Meeting with RES Australia 	Dalby
7 June 2022	<ul style="list-style-type: none"> • Health Sustainability Futures Meeting • Meeting with Minister Hon Dianne Farmer MP 	Dalby Dalby
8 June 2022	<ul style="list-style-type: none"> • Special Meeting of Council DRAFT 2022/23 Budget • Councillor Information Sessions 	Dalby Dalby
9 June 2022	<ul style="list-style-type: none"> • Toowoomba Surat Basin Enterprise - Central Civil Works Program 	Toowoomba
10 June 2022	<ul style="list-style-type: none"> • Meeting with Queensland Reconstruction Authority • Toowoomba Surat Basin Enterprise - Boardroom Briefing 	Toowoomba Toowoomba

13 June 2022	<ul style="list-style-type: none"> Meeting with Department of Regional Development, Manufacturing and Water 	Brisbane
14 June 2022	<ul style="list-style-type: none"> The Executive Connection 	Brisbane
15 June 2022	<ul style="list-style-type: none"> Meeting with Shell Meeting with Department of Regional Development, Manufacturing and Water 	Brisbane Brisbane
16 June 2022	<ul style="list-style-type: none"> Meeting with Local Business Meeting with Department of Regional Development, Manufacturing and Water 	Dalby Dalby
17 June 2022	<ul style="list-style-type: none"> Planning and Pre-Agenda Meeting Councillor Information Sessions 	Dalby Dalby
20 June 2022	<ul style="list-style-type: none"> Australian Local Government Association - National General Assembly McArthur Client Dinner 	Canberra Canberra
21 June 2022	<ul style="list-style-type: none"> Australian Local Government Association - National General Assembly 	Canberra
22 June 2022	<ul style="list-style-type: none"> Ordinary Meeting of Council Special Meeting of Council ADOPT 2022/23 Budget 	Dalby Dalby
24 June 2022	<ul style="list-style-type: none"> Senior Executive Connection Chief Executive Officer Connect 	Teleconference Teleconference
27 June 2022	<ul style="list-style-type: none"> Development Assessment Panel Meeting 	Dalby
29 June 2022	<ul style="list-style-type: none"> Local Government Association Queensland - Civic Leaders Summit 	Sunshine Coast
30 June 2022	<ul style="list-style-type: none"> Local Government Association Queensland - Civic Leaders Summit 	Sunshine Coast

Consultation (Internal/External)

Chief Executive Officer

Legal/Policy Implications (Justification if applicable)

Nil

Budget/Financial Implications

Nil

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) (the Human Rights Act) requires public entities 'to act and make decisions in a way compatible with human rights'.

There are no human rights implications associated with this report.

Conclusion

The foregoing represents activities undertaken by the Chief Executive Officer during the month of June 2022.

Attachments

Nil.

Authored by: A. Lyell, Executive Services Administration Officer

Title **Executive Services Report Outstanding Actions June 2022**

Date 13 July 2022

Responsible Manager D. Fletcher, ACTING CHIEF EXECUTIVE OFFICER

Summary

The purpose of this Report is to provide Council with an updated on the status of outstanding Council Meeting Action Items to 22 June 2022

Link to Corporate Plan

Strategic Priority: Strong Economic Growth

- There is a confidence in our strong and diverse economy.
- We're open for business and offer investment opportunities that are right for our region.
- We optimise our tourism opportunities, unique experiences and major events.
- Business and industry in our region live local and buy local.
- Our region is a recognised leader in energy, including clean, green renewable energies.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and noted.

Background Information

Nil

Report

The purpose of this Report is to provide Council with an update on the status of Outstanding Council Meeting Action Items to the Meeting held on 22 June 2022.

1. Outstanding Council Meeting Action List (As at 22 June 2022)

Meeting date	Item description	File No.	Council Resolution/Task	Responsible Division
23/09/2020	Executive Services Report Cr M. J. James Notice of Motion Development of a Communications and Community Engagement Strategy	AD6.6.2	Moved By: Cr. M. J. James Seconded By: Cr. K. A. Bourne That Council resolves to develop and adopt a communications and community Engagement Strategy to be prepared in consultation with Councillors. CARRIED	Executive Services

Meeting date	Item description	File No.	Council Resolution/Task	Responsible Division
18/08/2021	Executive Services Report Communications and Engagement Strategy	AD6.6.2	Moved By: Cr. M.J. James Seconded by: Cr. K.A. Bourne That this report be received and that: 1. Council proceeds with region-wide engagement to inform a Communications and Community Engagement Strategy for Western Downs Regional Council. CARRIED	Executive Services
19/01/2022	Corporate Services Report Land Disposal Part Lot 9 SP254412 Carmichael Street Chinchilla Ison Haulage	AD6.6.2	Moved By: George Moore Seconded by: Kylie Bourne That this report be received and that Council; 1. subdivide lot 9 to form a new lot, or lots, that satisfies the zoning requirements for Medium Impact Industrial Zone land, having regard to the land required for drainage. 2. offer the new lot/s for sale by auction or tender, pursuant to the <i>Local Government Regulation 2012</i> . CARRIED	Corporate Services
19/01/2022	Infrastructure Services Confidential Tender Evaluation Report Tender No MM10-21-22 Dalby Corporate Office Solar Upgrade	AD6.6.2	Moved By: Andrew Smith Seconded by: Megan James That this Report be received and that Council; 1. awards Contract MM10-21-22 for the design and construction of the Dalby Corporate Office Solar System Upgrade to Photon Energy Engineering Australia Pty Ltd for a tender price of \$658,480 (including gst). 2. resolve to delegate authority to the Chief Executive Officer to negotiate, make, vary, and discharge the contract associated with the MM10-21-22 Solar, Dalby capital project. CARRIED	Infrastructure Services
16/02/2022	Corporate Services Report Provision Additional Public Amenity Wandoan	AD6.6.2	Moved By: Megan James Seconded by: Peter Saxelby That this Report be received, and that Council: Approve an additional single uni-sex disability compliant amenity block totalling \$115,000 on Lot 263 SP161830 and allocate funds as part of the current 2021/22 capital budget. CARRIED	Corporate Services

Meeting date	Item description	File No.	Council Resolution/Task	Responsible Division
16/03/2022	Corporate Service Report Bell Showgrounds Amenities Block	AD6.6.2	<p>Moved By: Carolyn Tillman Seconded by: Megan James</p> <p>That this report be received and that;</p> <ol style="list-style-type: none"> 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. <p style="text-align: right;">CARRIED</p>	Corporate Services
13/04/2022	Corporate Services Confidential Report Dalby Aerodrome Proposed Lease to Helismart	AD6.6.2	<p>That this report be received, and Council resolves to;</p> <ol style="list-style-type: none"> 1. Apply the exceptions contained within section 236(1)(c)(iii) of the <i>Local Government Regulation 2012</i> (Qld) to the proposed lease; 2. Offer Helismart Pty Ltd a ten-year lease over a portion of land at the Dalby Aerodrome, as depicted in the proposed lease sketch in this Report, on the terms as set out in this Report; and 3. Delegate authority to the CEO to negotiate and sign all documents necessary to: <ol style="list-style-type: none"> 1. Effect the surrender of the agricultural leased area known as Lease K, and the boundary realignment and resurvey of the agricultural leased area known as Lease H, at the Dalby Aerodrome; 2. Survey the area known as Lease K to accommodate Helismart Pty Ltd's proposed leased area and to allow for future leased areas; and 3. Provide a lease for a new surveyed area with Helismart Pty Ltd for approval by council. <p style="text-align: right;">CARRIED</p>	Corporate Services

Meeting date	Item description	File No.	Council Resolution/Task	Responsible Division
18/05/2022	Executive Services Report Dalby Aerodrome Evaporation Pond	AD6.6.2	<p>PROCEDURAL MOTION</p> <p>that the matter lay on the table to allow councillors seek further information about the required remediation long term environmental risks, cost of constructing and maintaining a evaporation pond and water use of aviation spraying businesses.</p> <p>The PROCEDURAL MOTION was PUT and CARRIED</p>	Executive Services

Consultation (Internal/External)

Chief Executive Officer;
General Manager (Community & Liveability);
General Manager (Corporate Services);
General Manager (Infrastructure Services); and
Relevant Managers, Coordinators and Officers.

Legal/Policy Implications (Justification if applicable)

Nil

Budget/Financial Implications

Nil

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) (the Human Rights Act) requires public entities 'to act and make decisions in a way compatible with human rights'.

There are no human rights implications associated with this report.

Conclusion

This report is provided to inform Council of the progress of resolutions of Council.

Attachments

Nil

Authored by: A. Lyell, Executive Services Administration Officer

Title **Corporate Services Report Variation Dalby Corporate Office Cleaning RFQ05-20-21 Town & Country Cleaning Pty Ltd**

Date 1 July 2022

Responsible Manager A. Ritchie, FACILITIES MANAGER

Summary

This Report requests approval to vary the cleaning contract with Town & Country Cleaning Pty Ltd (ABN 70 169 872 940) for *RFQ05-20-21 Dalby Corporate Office Cleaning*.

Link to Corporate Plan

Strategic Priority: Sustainable Organisation

- We are recognised as a financially intelligent and responsible Council.
- Our agile and responsive business model enables us to align our capacity with service delivery.
- Our effective asset management ensures that we responsibly maintain our community assets.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and that Council:

1. Resolves to endorse the variation to RFQ05-20-21 Dalby Corporate Office Cleaning contract to include the cleaning of the Dalby Library through to the conclusion of the existing contractual period, 14 September 2022, for a value of \$16,433.04 (GST inclusive), to a total revised contract value of \$227,816.82 (GST inclusive).
2. Resolves to sub-delegate authority to the Chief Executive Officer to make, amend or discharge the contract associated with RFQ05-20-21 Dalby Corporate Office Cleaning.

Background Information

On 21 August 2020 Town & Country Cleaning Pty Ltd (ABN 70169 872 940) was awarded the contract for cleaning of the Dalby Corporate Office after a request for quotation process was completed (RFQ05-20-21 Dalby Corporate Office Cleaning), for a committed value of \$103,721.70 GST inclusive.

A single twelve (12) month extension was executed on 22 September 2021 for a committed value of \$107,662.08 GST Inclusive, due to expire 14 September 2022. The total committed value under contract will be \$211,383.78 GST Inclusive. No further extensions are allowable under the terms of this contract.

To date management of the original contract, RFQ05-20-21 Dalby Corporate Office Cleaning, has been operational and discharged under the CEO's delegation. The proposed variation takes the value of RFQ05-20-21 Dalby Corporate Office Cleaning over the CEOs delegation, therefore requiring a Council resolution.

Council have been satisfied by the quality of the service provided by Town & Country Cleaning Pty Ltd under the current contract.

In April 2021 the Dalby Library was temporarily relocated to the Findex building at 69 Drayton Street Dalby due to the Myall107 redevelopment project.

Council's Facilities Contract Management Team commenced a request for quotation (RFQ) process in April 2022 with the RFQ opening 4 May 2022. Despite engaging with several suppliers none attended the site visit and no submissions received at close of the RFQ, 24 May 2022.

Report

A review of options for ongoing cleaning arrangements at both the Dalby Corporate Office and Dalby Library was undertaken, wherein opportunities were identified for administrative efficiencies by aligning strategic cleaning contracts. Further supporting this approach, are several other cleaning contracts concluding in coming months.

To allow sufficient time to undertake a robust procurement process, it was identified the most cost effective and efficient option was to add a variation to the existing Dalby Corporate Office cleaning contract to include the Dalby Library cleaning for the remainder of RFQ05-20-21, concluding 14 September 2022.

Facilities Contract Management Team spoke to David Hartgen (National Operations Manager - Cleaning Division) of Advanced National Services Pty Ltd on 3 May 2022 in relation to the provision of ongoing services. However, Advanced National Services Pty Ltd declined to quote.

Town & Country Cleaning Pty Ltd were subsequently approached to submit a quotation for the short-term provision of Dalby Library cleaning services as an add-on to the Dalby Corporate Office cleaning, and subsequently provided a quotation to the value of \$16,433.04 GST inclusive.

Consultation (Internal/External)

Internal

- Acting General Manager Corporate Services
- Procurement
- General Counsel
- Facilities Manager
- Facilities Operations & Development Team

External

- Advanced National Services Pty Ltd
- Town & Country Cleaning Pty Ltd

Legal/Policy Implications (Justification if applicable)

- Procurement - Council Policy
- Local Government Act 2009 (QLD)
- Local Government Regulation 2012 (QLD)

Advice from Council's General Counsel and Chief Procurement Officer was received in relation to this contract variation. They agree that this proposal represents value for money and therefore have recommended this be formally endorsed by Council.

Budget/Financial Implications

The cost for RFQ05-20-21 Corporate Office Cleaning is provided for in Council's adopted operational budget for 2022/2023. Additionally, the Library cleaning was also adopted in Council's operational budget under a separate purchase order arrangement.

Town & Country Cleaning Pty Ltd are delivering cleaning services within the Dalby Corporate Office without issue. The proposed variation will allow, in coming months, the Library cleaning to be bundled with the Corporate Office and Dalby Depot Cleaning, representing savings to Council through reduced administrative processing costs and offering economies of scale.

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) (the Human Rights Act) requires public entities 'to act and make decisions in a way compatible with human rights'.

All activities will be undertaken in accordance with Council's human rights obligations.

Conclusion

Town & Country Cleaning Pty Ltd are currently delivering a high-quality service to the Dalby Corporate Office. At the conclusion of RFQ05-20-21 Corporate Office Cleaning contract, the proposed variation will enable the Dalby Library Cleaning to be bundled into a single contract (which includes the Dalby Corporate Office and Dalby Depot Cleaning). This bundle offers a substantial opportunity for suppliers, as well as representing value for money for Council, with savings for administrative and operational efficiencies and economies of scale.

Attachments

Authored by: K. Gould, SERVICE SUPPORT COORDINATOR

Title **Corporate Services Report RFQ68-20-21 Dalby Public Toilet Cleaning Variation Advanced National Services Pty Ltd**

Date 6 July 2022

Responsible Manager A. Ritchie, FACILITIES MANAGER

Summary

This report requests endorsement of a variation to the contract with Advanced National Services Pty Ltd (ABN 20 096 450 190) for RFQ68-20-21 Dalby Public Toilet Cleaning (Dalby Toilets), ending 15 August 2023.

Link to Corporate Plan

Strategic Priority: Sustainable Organisation

- We are recognised as a financially intelligent and responsible Council.
- We focus on proactive, sustainable planning for the future.
- Our people are skilled and values driven to make a real difference.
- Our agile and responsive business model enables us to align our capacity with service delivery.
- Our effective asset management ensures that we responsibly maintain our community assets.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and that Council:

1. Resolves to endorse the variation to RFQ68-20-21 Dalby Public Toilet Cleaning, whereby the contract price is increased by \$1.64 per hour (or \$4,843.20 in total), a total revised contract value of \$204,377.70 (inc. GST), for the remaining year of the contract, concluding 15 August 2023.
2. Resolves to sub-delegate authority to the Chief Executive Officer to make, amend or discharge the contract associated with RFQ68-20-21 Dalby Public Toilet Cleaning.

Background Information

Since 16 August 2021 Advanced National Services Pty Ltd have supplied cleaning services under RFQ68-20-21 Dalby Public Toilet Cleaning, together with cleaning services under RFQ49-20-21 Dalby Event Centre & Showgrounds Cleaning.

Management of the original contract, RFQ68-20-21 Dalby Public Toilet Cleaning, to date has been operational and discharged under the CEO's delegation. The proposed variation takes the value of RFQ68-20-21 Dalby Public Toilet Cleaning over the CEO's delegation, therefore requiring a Council resolution.

On 17 February 2022 David Hartgen (National Operations Manager - Cleaning Division, Advanced National Services Pty Ltd) contacted Council regarding operational challenges seriously affecting the delivery of the RFQ49-20-21 Dalby Event Centre & Showgrounds Cleaning contract, to the extent ongoing delivery of the contract was no longer sustainable. The supplier advised their floor polisher required replacement and the cost of hiring / purchasing replacement equipment was cost prohibitive to the ongoing delivery of the contract.

Discussions between Council and David Hartgen took a holistic view, and considered all contracts between Advanced National Services Pty Ltd and Council:

- RFQ49-20-21 Dalby Event Centre & Showgrounds Cleaning contract, being ad hoc, is inconsistent and unable to provide the contractor with the financial certainty required to meet operational issues recently encountered;
- RFQ68-20-21 Dalby Toilets cleaning contract has consistent hours and returns; there is a 14% (or \$36,387.60) price differential between Advance National Services Pty Ltd's original quote of \$232,075.50 (inc. GST) and the next lowest quote, \$268,463.10 (inc. GST); and
- RFQ66-20-21 Dalby VIC, Parks & Open Spaces Depot, Seniors Hall & Aerodrome (Dalby VIC and elsewhere) cleaning contract also has consistent hours and returns; the RFQ for this contract was awarded on evaluation of service delivery and quality assurance criteria - Advance National Services Pty Ltd's quote of \$59,812.50 (inc. GST) and the lowest quote, \$58,405.62 (inc. GST and 5% local supplier adjustment) and is in place until 15 August 2024.

Further consideration was also given to the operations of both the Dalby Event Centre and the Showgrounds. It is imperative a reliable contractor is in place at all times to service these facilities and keep them at a clean and aesthetically pleasing standard for hirers.

Report

Negotiations between Council and Advance National Services Pty Ltd thereby centred around the combined impact of Advance National Services Pty Ltd's contracts and their ability to deliver consistent income streams. On that basis it was proposed a variation adjustment to RFQ68-20-21 Dalby Public Toilet cleaning contract be undertaken adding an additional \$4,843.30 to the total of the contract. This is represented by a \$1.64 (inc. GST and CPI increase) per hour across the remaining one (1) year of the contract, concluding on 15 August 2023.

Consultation (Internal/External)

Internal

- Acting General Manager Corporate Services
- Procurement
- General Counsel
- Facilities Manager
- Facilities Operations & Development Team

External

- Advanced National Services Pty Ltd

Legal/Policy Implications (Justification if applicable)

- Procurement - Council Policy
- Local Government Act 2009 (QLD)
- Local Government Regulation 2012 (QLD)

Advice from our General Counsel and Chief Procurement Officer was received in relation to this contract variation. They agree this proposal represents value for money and therefore have recommended it be formally endorsed by Council.

Budget/Financial Implications

The cost for RFQ68-20-21 Dalby Public Toilet Cleaning is included in Council's adopted operational budget for 2022/2023, and the proposed cost of the variation, \$4,843.20, can be absorbed into this budget allocation.

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) (the Human Rights Act) requires public entities 'to act and make decisions in a way compatible with human rights'.

All activities will be undertaken in accordance with Council's human rights obligations.

Conclusion

Advanced National Services Pty Ltd have been delivering cleaning services across Council facilities for more than twelve months.

The current service provided by Advanced National Services Pty Ltd was \$36,387.60 cheaper (over the life of the contract) than the next lowest quote received when the market was tested. The requested variation will reduce these savings to \$31,544.40 and therefore still represents the best value for money solution.

It is imperative that a reliable cleaning contractor remains in place to ensure the ongoing cleaning operations at the Dalby Event Centre and Showgrounds are being met.

Attachments

Authored by: K. Gould, SERVICE SUPPORT COORDINATOR

Title **Corporate Services Report Acceptable Request Guidelines - Council Policy**

Date 20 June 2022

Responsible Manager K. Gillespie, A/CUSTOMER SUPPORT AND GOVERNANCE MANAGER

Summary

The purpose of this Report is to present the proposed amendments to the Acceptable Request Guidelines - Council Policy for consideration and approval.

Link to Corporate Plan

Strategic Priority: Sustainable Organisation

- We are recognised as a financially intelligent and responsible Council.
- We focus on proactive, sustainable planning for the future.
- Our people are skilled and values driven to make a real difference.
- Our agile and responsive business model enables us to align our capacity with service delivery.
- Our effective asset management ensures that we responsibly maintain our community assets.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and:-

pursuant to section 170A(7) of the *Local Government Act 2009*, Council adopt the Acceptable Request Guidelines - Council Policy as amended.

Background Information

Council's existing Acceptable Request Guidelines - Council Policy was adopted by Council resolution on 17 August 2018 and was due for review in 2020, however due to notification of legislative changes affecting the policy, the review was delayed pending the introduction of the amending legislation.

The *Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2020* and the *Local Government Legislation (Integrity) Amendment Regulation 2020* assented on 30 June 2020, made a number of amendments to the *Local Government Act 2009* (the LG Act) and *Local Government Regulation 2012* (the LG Regulation), most of which came into force on 12 October 2020.

Report

The Acceptable Request Guidelines - Council Policy provide guidelines as required by section 170A(7) of the LG Act, for the way in which a Councillor may ask a Council employee for advice or information to assist the Councillor carry out their responsibilities under the LG Act. The Guidelines set reasonable limits on requests made by Councillors, providing clarity on Councillors interactions with staff and assist Councillors in the carrying out of their responsibilities as elected representatives in an open and transparent manner.

The following legislative amendments have resulted in amendments being made to the policy:-

- section 170 (Giving directions to local government staff) of the LG Act to prohibit the Mayor giving a direction to the CEO about the appointment or discipline of employees, the discipline of Councillors advisors, or other matters that would result in the CEO contravening a provision of legislation;
 - omitted section 171A (Prohibited conduct by Councillor in possession of inside information); and
 - introduced a new section 171AA (Guidelines about provision of administrative support to Councillors), providing Councillors can direct support staff consistent with guidelines made by the CEO about administrative assistance.
- The proposed amendments to the Policy also include:-
 - the detailing of responsibilities for Councillors, CEO and employees in respect to acceptable requests;
 - simplification of the way acceptable requests may be made; and
 - provision for how Councillors may deal with other administrative matters such as service requests, complaints and requesting legal advice, which has been included at the request of the General Counsel following advice received from King & Co., relating to Councillor conflict of interest advice.

The new section 171AA of the LG Act provides that the CEO may make guidelines about the provision of administrative support by employees to Councillors, and that such guidelines must include when a Councillor may be provided with administrative support by an employee, how and when a Councillor may direct employees in the provision of administrative support and a requirement that the direction may only be given if it relates to administrative support in accordance with the guidelines. This section, together with complementary changes to section 170 in relation to a Councillor's limited power of direction, provides statutory recognition to the long-accepted practice of administrative support being provided to the Mayor and Councillors.

Guidelines about the provision of administrative support by employees to Councillors may be made by the CEO and unlike the Acceptable Request Guidelines do not require adoption by Council. From a governance and risk perspective, much like the Acceptable Request Guidelines, guidelines about the provision of administrative support to Councillors would provide guidance to employees and Councillors about what is considered acceptable administrative support and reduce the risk of confusion and potential Councillor conduct complaints.

As the two guidelines are considered relevant to each other, it is recommended that both the Acceptable Request Guidelines and Administrative Support Guidelines be accommodated in the one amended Council policy, adopted by Council resolution, as this would then provide Councillors with input and provide their endorsement and acceptance of both guidelines.

Consultation (Internal/External)

The proposed amendments to the Acceptable Request Guidelines - Council Policy were endorsed at the Executive Team meeting held 21 April 2022. Further, the proposed amendments were provided to Councillors at a Councillor Information Session held 17 June 2022.

Legal/Policy Implications (Justification if applicable)

It is a legislative requirement pursuant to section 170A(7) of the LG Act, that Acceptable Requests Guidelines are adopted by Council resolution and include the way in which a Councillor may ask an employee for advice to help the Councillor carry out their responsibilities and reasonable limits on requests that a Councillor may make.

These Guidelines do not override an individual Councillor's statutory obligations under the Act, including in respect to the use of information under section 171 of the LG Act and the giving of directions to local government staff under section 170 of the LG Act.

Budget/Financial Implications

Nil

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) (the Human Rights Act) requires public entities 'to act and make decisions in a way compatible with human rights'.

It is considered that the proposed Policy, engages the following human right: -

- the right to seek and receive information incorporated in the right to freedom of expression as embodied in section 21 of the HR Act.

It is considered that the protected human right identified will not be limited, restricted or interfered with in any way and any decision and action provided for in the policy are authorised by legislation. Further, it is considered that in observing and applying the law prescribed in *Local Government Act 2009*, Council will be respecting and acting compatibly with this right and others prescribed in the Human Rights Act.

Conclusion

The Acceptable Request Guidelines - Council Policy has been reviewed, with proposed amendments provided for Council's consideration and approval.

Attachments

1. Mark Up Proposed Amendments Acceptable Request Guidelines - Council Policy
2. Final Acceptable Request Guidelines - Council Policy as proposed

Authored by: K. Gillespie, A/CUSTOMER SUPPORT & GOVERNANCE MANAGER

Acceptable Request Guidelines- Council Policy

Effective Date	Ordinary Meeting of Council - 17 August 2016
Policy Owner	Customer Support and Governance General Manager
Link to Corporate Plan	Strategic Theme 1: Effective and Inclusive Governance Financial Sustainability
Review Date	May 2020 2026
Related Legislation	<i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i> <i>Information Privacy Act 2009</i> <i>Information Privacy Regulation 2009</i> <i>Public Interest Disclosure Act 2010</i> <i>Crime and Corruption Act 2001</i>
Related Documents	Code of Conduct for Councillors in Queensland Staff Employee Code of Conduct Customer Service Charter Confidentiality - Council Policy Complaints Management - Council Policy Investigation - Council Policy

Policy Version	Approval Date	Adopted/Approved
1	17/08/2018	Ordinary Meeting of Council - 17 August 2016

This policy may not be current as Council regularly reviews and updates its policies. The latest controlled version can be found in the policies section of Council's intranet or Website. **A hard copy of this electronic document is uncontrolled.**

Acceptable Request Guidelines -Council Policy

1. PURPOSE

This Policy establishes guidelines for Councillors and local government employees about the provision of advice to assist Councillors make decisions and the provision of information to Councillors in accordance with the *Local Government Act 2009* (the LG Act).

2. SCOPE

This policy applies to the Councillors and staff of Western Downs Regional Council.

3. POLICY

3.1 Introduction

The Mayor and Councillors will from time to time require advice, assistance and information from employees of Council to assist Councillors carry out their responsibilities.

Pursuant to section 170A(7) of the LG Act, Council is required to adopt by resolution, Acceptable Request Guidelines about -

- a. the way in which a Councillor may ask a local government employee for advice to help the Councillor carry out their responsibilities under the LG Act; and
- b. reasonable limits on requests that a Councillor may make.

3.2 Legislative Context

~~Section 13(3)(e) and (f) of the LG Act provides that the Chief Executive Officer has, inter alia, the following responsibilities:-~~

~~(e) the safe custody of —~~

- ~~(i) all records about the proceedings, accounts or transactions of the local government or its committees; and~~
- ~~(ii) all documents owned or held by the local government;~~

~~(f) complying with requests from Councillors under section 170A of the LG Act —~~

- ~~(i) for advice to assist the Councillor carry out his or her role as a Councillor; or~~
- ~~(ii) for information, that the local government has access to, relating to the local government.~~

~~Requests for assistance or information are to be made in accordance with Section 170A of the Local Government Act 2009.~~

This policy forms guidelines as referred to in section 170A (Requests for assistance or information) of the Local Government Act, which pursuant to section 170A(7) are adopted by Council resolution.

3.2 ~~The Way Advice Requests May be Made (LG Act s170A (6)(a))~~

~~Councillor's request for advice or assistance from an employee, (pursuant to section 170A (1) of the LG Act) must comply with the following:-~~

- ~~a) Requests by Councillors for advice or assistance should be submitted to either the Chief Executive Officer (CEO), General Manager or the relevant portfolio Manager or Executive Assistant.~~
- ~~b) Councillors' requests for advice should be made in writing (e.g. letter, memo, facsimile or email) unless the officer receiving the request agrees to accept the request verbally.~~
- ~~c) Councillors' requests for advice should clarify the purpose of their request.~~



ACCEPTABLE REQUEST GUIDELINES - COUNCIL POLICY

- ~~d) Councillors must inform the Chief Executive Officer if they believe an officer has not appropriately responded to a request for advice.~~
- ~~e) A copy of any written responses received by the Councillor must also be provided to the Chief Executive Officer or General Manager by the officer who provided the response.~~
- ~~f) The Chief Executive Officer may provide the copy of the response to all Councillors.~~

3.3 Reasonable Limits on Requests (LG Act s170A (6)(b))

~~Councillors' requests for advice must not take the form of an attempt to direct or pressure an officer to prepare a response in a certain manner.~~

~~A request for advice must not be made if:-~~

- ~~a) the advice is likely to disclose information to which 170A(3) of the LG Act applies;~~
- ~~b) a statutory obligation or privilege exists for Council, the Chief Executive Officer or a local government employee and provision of the advice is likely to:-
 - ~~i. result in a breach of the statutory obligation; or~~
 - ~~ii. waive legal professional privilege; or~~
 - ~~iii. the advice is likely to disclose confidential or other sensitive information relating to a local government employee.~~~~

~~The Chief Executive Officer also has confidentiality obligations under a number of Acts and must not disclose documents to Councillors in the circumstances provided by specific obligations under that other legislation.~~

~~Councillors should consider the likely cost implications in making requests for advice or information and should also be mindful of operational workloads and priorities. Councillors and staff are encouraged to work collaboratively to ensure that requests do not significantly impact on resources and priorities.~~

3.4 Use of Information By Councillors

~~In accessing the information, Councillors are reminded of their obligations:-~~

- ~~a) under section 171 and 171A of the LG Act 2009;~~
- ~~b) to avoid the release of personal information in breach of the *Information Privacy Act 2009*; and~~
- ~~c) in respect to Council's Confidentiality Policy.~~

3.5 Action of an Operational Nature/ General Communications

~~Councillors should forward matters of an operational nature to the Customer Contact Centre either by telephone or email to info@wdrc.qld.gov.au for effective and efficient action or resolution.~~

~~For after hours emergencies, Councillors are asked utilise Council's universal contact number 1300 COUNCIL. The after hours service will ensure that the matter is attended to by the relevant staff member.~~

3.6 Council Employee's Responsibilities When Replying to Councillor Requests for Assistance or Information

~~Employees have a responsibility to ensure that all reasonable steps are taken to ensure that the Councillor is provided with all the relevant information being sought, and where appropriate, provide any additional commentary or information required to ensure clarity or context around the information being provided.~~

~~Where the Employee has any doubt around the information request (e.g. the type of information being sought, the expenditure of significant resources required to process the request etc.) guidance should be sought from their General Manager in the first instance.~~

ACCEPTABLE REQUEST GUIDELINES - COUNCIL POLICY

4. ACCEPTABLE REQUEST GUIDELINES

4.1 Councillor Responsibilities

The underpinning principles and Councillors' responsibilities under the LG Act are set out in sections 4 and 12 respectively. The provisions of these sections require Councillors to act in the interests of the residents of the whole local government area, to ensure effective service delivery and to be accountable to the community for the performance of the local government. Councillors are, at all times, required to comply with the Code of Conduct for Councillors in Queensland.

In order to fulfil their responsibilities as Councillors under section 12 of the LG Act, Councillors may request assistance, advice, information and administrative support from Council employees.

The Mayor may give a direction to the CEO¹, however a direction must not be given if the direction:-

- a. is inconsistent with a resolution, or a document adopted by resolution, of Council; or
- b. relates to the appointment of a local government employee under section 196(3) of the LG Act; or
- c. relates to disciplinary action by the CEO in relation to a local government employee under section 197 of the LG Act; or
- d. it would result in the Chief Executive Officer contravening a provision of an Act.²

No Councillor, including the Mayor, may give a direction to any other Council employee, except in the provision of administrative support.³

¹ Local Government Act 2009 - section 170(1)

² Local Government Act 2009 - section 170(2)

³ Local Government Act 2009 - section 170(3) - Contravention is misconduct

ACCEPTABLE REQUEST GUIDELINES - COUNCIL POLICY

Councillors may ask local government employees to provide advice to assist the Councillor carry out their responsibilities in accordance with these guidelines. The request must be made via the CEO or relevant General Manager. Councillors may ask the CEO to provide information or a document relating to Council that Council has access to, with the following exceptions:-

- a. a record of the conduct tribunal; or
- b. a record of a former conduct review body; or
- c. if disclosure of the information or document to the Councillor would be contrary to an order of a court or tribunal; or
- d. information or a document which would be privileged from production in a legal proceeding on the grounds of legal professional privilege.⁴

A request or direction purportedly given by a Councillor is of no effect if the request or direction does not comply with this Policy.⁵

When requesting advice, assistance or information in relation to a matter for which the Councillor may participate, or is participating in a decision about the matter, and the Councillor is aware the Councillor has a conflict of interest in the matter, the Councillor must be mindful of their obligations under Chapter 5B of the LG Act.

4.2 Chief Executive Officer Responsibilities

The CEO must keep and make available a record of each direction given by the Mayor.⁶

The CEO or delegate must comply with a request for advice or information made in accordance with these Acceptable Request Guidelines within ten (10) business days after receiving the request. If the CEO or delegate reasonably believes it is not practicable to comply with the request within ten (10) business days, the CEO (or delegate) must comply with the request within twenty (20) business days, providing notice to the Councillor to that effect within ten (10) business days of the request.⁷

4.3 Employee Responsibilities

Section 13 of the LG Act sets out the responsibilities of local government employees including efficient and effective management of public resources, excellence in service delivery and provision of sound and impartial advice. Through these provisions, the LG Act recognises that Councillors need to have access to current and relevant information about the local government to enable them to carry out their responsibilities.

Communications by employees with Councillors must:

- a. be conducted in accordance with the Local Government Principles prescribed in section 4(2) of the LG Act;
- b. be conducted in accordance with the Employee Code of Conduct;
- c. comply with the law, Council policies, guidelines and procedures;
- d. be conducted in good faith; and
- e. be conducted in a respectful, reasonable and professional manner.

When providing advice employees must:

- a. explain any issues in the advice which relate to confidentiality or other sensitive matters and if appropriate, provide any other advice necessary to place the advice being accessed, in context.
- b. if an employee is not competent to respond with adequate knowledge and experience, and/or without functional responsibility for the matter, the employee shall advise their relevant General Manager or the CEO.

⁴ Local Government Act 2009 - section 170A(4)

⁵ Local Government Act 2009 - section 170A(5)

⁶ Local Government Act 2009 - section 170(4)

⁷ Local Government Act 2009 - section 170A(9)(10)

ACCEPTABLE REQUEST GUIDELINES - COUNCIL POLICY

Employees shall consider the likely resource implications in responding to Councillors' requests for information, assistance or advice, and where the employee has concerns relating to the costs or other use of resources, he/she shall advise their relevant General Manager or the CEO.

Employees must keep records of advice or information given to Councillors as they would do when advising a member of the public and provide a copy to their relevant Manager, General Manager and CEO and record electronically in Council's document records management system.

The CEO or General Manager may authorise provision of any requested advice or information to all other Councillors if it is considered that such provision would be in the best interests of Council and/or the community or if the request relates to a matter currently under consideration by Council. In doing so, the CEO or General Manager will advise the relevant Councillor of their intention to provide the information to all Councillors.

4.4 The Way Requests May be Made

Requests by Councillors for information, advice or assistance should be made in writing to either the CEO or relevant General Manager. The receiving officer will make a record of any verbal requests made by Councillors.

Councillors should inform the CEO if they believe the CEO or delegate has not appropriately responded to their request.

4.5 Reasonable Limits on Requests

Councillors should consider the likely cost implications in making requests for advice or information and should also be mindful of operational workloads and priorities. Councillors and staff are encouraged to work collaboratively to ensure that requests do not significantly impact on resources and priorities.

The following are considered reasonable limits on requests:-

- a. where the CEO or delegate has confidentiality obligations under legislation and must not disclose documents or information in the circumstances provided by specific obligations under other legislation eg. section 65 of the *Public Interest Disclosure Act 2010*; or
- b. where the CEO reasonably believes the request is not in accordance with this Policy.

Where the CEO reasonably believes that:-

- i. the request is not in accordance with this Policy; or
- ii. the request will take a significant amount of resources; or
- iii. where costs cannot be justified as being in the public interest

the CEO will advise the requesting Councillor and the Mayor of the grounds for this belief and seek Council's direction at the next Council meeting in relation to the matter.

4.6 Use of Information by Councillors

In accessing the information, Councillors are reminded of their obligations:

- a) under section 171 of the LG Act;
- b) to avoid the release of personal information in breach of the *Information Privacy Act 2009*; and
- c) in respect to Council's Confidentiality Policy.

5. ADMINISTRATIVE MATTERS

5.1 Actions of an Operational Nature / General Communications

General community requests or complaints directed to Councillors should be lodged in accordance with established protocols and processes for dealing with those types of requests.

Councillors should forward matters of an operational nature (ie. service requests) to the Customer Contact Centre either by telephone or email to customercontactcentre@wdrc.qld.gov.au, or by the app 'Snap, Send, Solve' for effective and efficient action and resolution.

For after-hours emergencies, Councillors are asked to utilise Council's universal contact number 1300 COUNCIL. The after-hours service will ensure that the matter is attended to by the relevant staff member.

Councillors may request that they be provided the customer reference number (CRM number) and receive notification of an outcome (if applicable). If the Councillor has any concerns in relation to a customer request, the Councillor may contact the CEO or relevant General Manager to discuss their concerns.

5.2 Administrative Complaints

Council's Complaints Management Policy outlines the process for dealing with administrative complaints. An 'Administrative Action Complaint' is defined as a complaint about a local government's:

- a. decision, or failure to make a decision (including failure to provide a written statement for reasons for a decision);
- b. act, or failure to do an act;
- c. formulation of a proposal or intention; or
- d. making of a recommendation.⁸

Councillors who receive administrative complaints from members of the public, should forward the complaint to the Customer Contact Centre either by telephone or email to customercontactcentre@wdrc.qld.gov.au.

5.3 Legal Advice

In some instances, a Councillor request for information, advice or assistance may involve the application of specific legislation. Where the response may involve some interpretation of the relevant Act or Regulation, the CEO may, at the CEO's discretion, obtain internal or external legal advice and provide the advice to the Councillor. Where relevant, such advice may be distributed to all Councillors.

⁸ Local Government Act 2009 - section 268(2)

6. ADMINISTRATIVE SUPPORT TO COUNCILLORS (CEO ADMINISTRATIVE SUPPORT GUIDELINES)

Council is responsible for the provision of appropriate administrative support to ensure that a Councillor is able to undertake their civic duties with relative ease and at a standard appropriate to fulfil their professional role for the community. The provision of administrative support is for the sole use of Councillors in undertaking their duties and should be utilised responsibly and appropriately for Council business.

Councillors may seek the support of a Council employee (administrative support staff) in relation to the provision of administrative support where the employee is a member of the Executive Services Support staff ie. the Senior Executive Officer, Executive Officer to the Mayor and Executive Services Administration Officer.

All administrative support staff are employees of Council and are employed by Council using Council's usual merit-based employment system. Councillors are unable to make recommendations or have any involvement in the recruitment process for administrative support staff.⁹

Council's Senior Executive Officer is to be the first point of contact for all administrative support requests from Councillors.

Councillors should be aware that administrative support staff provide support to multiple Councillors and Executive staff and have other duties outside of providing Councillors administrative support and therefore this work may at times take priority. Staff will be guided by the CEO when prioritising their work, including support requirements for Councillors.

6.1 Administrative Support Tasks

The following reasonable administrative support will be provided to all Councillors:-

- a. co-ordination of committees or groups that Councillors Chair or are members of as part of their Council appointed roles;
- b. co-ordination of community consultation sessions or community meeting sessions attended by Councillors;
- c. other Council appointed or directed tasks allocated to Councillors and for which adhoc support is needed;
- d. answering and returning telephone calls;
- e. scheduling and managing appointments, meetings and invitations using electronic calendar;
- f. photocopying, printing and ordering stationery;
- g. liaising with other Council departments about car or IT maintenance or health and safety issues etc on behalf of the Councillor;
- h. conference, accommodation and/or travel bookings, booking meeting rooms etc;
- i. logging customer requests and complaints from the community;
- j. locating information for Councillors such as legislation, information from Council's website or other sources; and
- k. managing correspondence and preparation of speech notes etc.

Except in exceptional circumstances, and if approved and arranged in advance, any administrative support will be –

- a. provided within standard working hours; and
- b. shared between multiple Councillors.

⁹ Local Government Act 2009 - section 170(2)(b), (3)

ACCEPTABLE REQUEST GUIDELINES - COUNCIL POLICY

6.2 Councillor Responsibilities

Councillors cannot ask administrative support staff to carry out tasks not directly related to Council business, nor should they be asked to attend any internal or external meetings or events as a Councillor representative. Administrative support staff cannot assist with the Councillor's re-election or other 'campaigning' tasks.

Should Councillors require administrative support outside of business hours or tasks in addition to the abovementioned tasks, Councillors should discuss with, or email their request to, the CEO.

Councillors should direct any concerns about the performance of administrative support staff to the CEO and not direct criticism to employees.

It should be noted that a Councillor's failure to follow this Administrative Support Guideline contravenes the behavioural standards set out in the Code of Conduct for Councillors in Queensland and is considered inappropriate conduct.

6.3 Administrative Support Staff Responsibilities

Administrative support staff will at all times treat Councillors with respect, honesty and fairness and in accordance with the Employee Code of Conduct. Administrative support staff should raise concerns about administrative support requests or directions made by a Councillor to the CEO in the first instance.

A request or direction purportedly given by a Councillor is of no effect if the request or direction does not comply with this Policy.¹⁰

¹⁰ Local Government Act 2009 - 170AA(3)

Acceptable Request Guidelines- Council Policy

Effective Date	Ordinary Meeting of Council - 17 August 2016
Policy Owner	Customer Support and Governance
Link to Corporate Plan	Financial Sustainability
Review Date	2026
Related Legislation	<i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i>
Related Documents	Code of Conduct for Councillors in Queensland Employee Code of Conduct Confidentiality - Council Policy Complaints Management - Council Policy Investigation - Council Policy

Policy Version	Approval Date	Adopted/Approved
1	17/08/2018	Ordinary Meeting of Council - 17 August 2016

This policy may not be current as Council regularly reviews and updates its policies. The latest controlled version can be found in the policies section of Council's intranet or Website. **A hard copy of this electronic document is uncontrolled.**

Acceptable Request Guidelines -Council Policy

1. PURPOSE

This Policy establishes guidelines for Councillors and local government employees about the provision of advice to assist Councillors make decisions and the provision of information to Councillors in accordance with the *Local Government Act 2009* (the LG Act).

2. SCOPE

This policy applies to the Councillors and staff of Western Downs Regional Council.

3. POLICY

3.1 Introduction

The Mayor and Councillors will from time to time require advice, assistance and information from employees of Council to assist Councillors carry out their responsibilities.

Pursuant to section 170A(7) of the LG Act, Council is required to adopt by resolution, Acceptable Request Guidelines about -

- a. the way in which a Councillor may ask a local government employee for advice to help the Councillor carry out their responsibilities under the LG Act; and
- b. reasonable limits on requests that a Councillor may make.

3.2 Legislative Context

This policy forms guidelines as referred to in section 170A (Requests for assistance or information) of the *Local Government Act*, which pursuant to section 170A(7) are adopted by Council resolution.

4. ACCEPTABLE REQUEST GUIDELINES

4.1 Councillor Responsibilities

The underpinning principles and Councillors' responsibilities under the LG Act are set out in sections 4 and 12 respectively. The provisions of these sections require Councillors to act in the interests of the residents of the whole local government area, to ensure effective service delivery and to be accountable to the community for the performance of the local government. Councillors are, at all times, required to comply with the Code of Conduct for Councillors in Queensland.

In order to fulfil their responsibilities as Councillors under section 12 of the LG Act, Councillors may request assistance, advice, information and administrative support from Council employees.

The Mayor may give a direction to the CEO¹, however a direction must not be given if the direction:-

- a. is inconsistent with a resolution, or a document adopted by resolution, of Council; or
- b. relates to the appointment of a local government employee under section 196(3) of the LG Act; or
- c. relates to disciplinary action by the CEO in relation to a local government employee under section 197 of the LG Act; or
- d. it would result in the Chief Executive Officer contravening a provision of an Act.²

No Councillor, including the Mayor, may give a direction to any other Council employee, except in the provision of administrative support.³

¹ *Local Government Act 2009* - section 170(1)

² *Local Government Act 2009* - section 170(2)

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ACCEPTABLE REQUEST GUIDELINES - COUNCIL POLICY

Councillors may ask local government employees to provide advice to assist the Councillor carry out their responsibilities in accordance with these guidelines. The request must be made via the CEO or relevant General Manager. Councillors may ask the CEO to provide information or a document relating to Council that Council has access to, with the following exceptions:-

- a. a record of the conduct tribunal; or
- b. a record of a former conduct review body; or
- c. if disclosure of the information or document to the Councillor would be contrary to an order of a court or tribunal; or
- d. information or a document which would be privileged from production in a legal proceeding on the grounds of legal professional privilege.⁴

A request or direction purportedly given by a Councillor is of no effect if the request or direction does not comply with this Policy.⁵

When requesting advice, assistance or information in relation to a matter for which the Councillor may participate, or is participating in a decision about the matter, and the Councillor is aware the Councillor has a conflict of interest in the matter, the Councillor must be mindful of their obligations under Chapter 5B of the LG Act.

4.2 Chief Executive Officer Responsibilities

The CEO must keep and make available a record of each direction given by the Mayor.⁶

The CEO or delegate must comply with a request for advice or information made in accordance with these Acceptable Request Guidelines within ten (10) business days after receiving the request. If the CEO or delegate reasonably believes it is not practicable to comply with the request within ten (10) business days, the CEO (or delegate) must comply with the request within twenty (20) business days, providing notice to the Councillor to that effect within ten (10) business days of the request.⁷

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Communications by employees with Councillors must:

- a. be conducted in accordance with the Local Government Principles prescribed in section 4(2) of the LG Act;
- b. be conducted in accordance with the Employee Code of Conduct;
- c. comply with the law, Council policies, guidelines and procedures;
- d. be conducted in good faith; and
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- a. explain any issues in the advice which relate to confidentiality or other sensitive matters and if appropriate, provide any other advice necessary to place the advice being accessed, in context.
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⁴ Local Government Act 2009 - section 170A(4)

⁵ Local Government Act 2009 - section 170A(5)

⁶ Local Government Act 2009 - section 170(4)

⁷ Local Government Act 2009 - section 170A(9)(10)



ACCEPTABLE REQUEST GUIDELINES - COUNCIL POLICY

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Councillors should inform the CEO if they believe the CEO or delegate has not appropriately responded to their request.

4.5 Reasonable Limits on Requests

Councillors should consider the likely cost implications in making requests for advice or information and should also be mindful of operational workloads and priorities. Councillors and staff are encouraged to work collaboratively to ensure that requests do not significantly impact on resources and priorities.

The following are considered reasonable limits on requests:-

- a. where the CEO or delegate has confidentiality obligations under legislation and must not disclose documents or information in the circumstances provided by specific obligations under other legislation eg. section 65 of the *Public Interest Disclosure Act 2010*; or
- b. where the CEO reasonably believes the request is not in accordance with this Policy.

Where the CEO reasonably believes that:-

- i. the request is not in accordance with this Policy; or
- ii. the request will take a significant amount of resources; or
- iii. where costs cannot be justified as being in the public interest

the CEO will advise the requesting Councillor and the Mayor of the grounds for this belief and seek Council's direction at the next Council meeting in relation to the matter.

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⁸ Local Government Act 2009 - section 268(2)

6. ADMINISTRATIVE SUPPORT TO COUNCILLORS (CEO ADMINISTRATIVE SUPPORT GUIDELINES)

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Councillors may seek the support of a Council employee (administrative support staff) in relation to the provision of administrative support where the employee is a member of the Executive Services Support staff ie. the Senior Executive Officer, Executive Officer to the Mayor and Executive Services Administration Officer.

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Councillors should be aware that administrative support staff provide support to multiple Councillors and Executive staff and have other duties outside of providing Councillors administrative support and therefore this work may at times take priority. Staff will be guided by the CEO when prioritising their work, including support requirements for Councillors.

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- c. other Council appointed or directed tasks allocated to Councillors and for which adhoc support is needed;
- d. answering and returning telephone calls;
- e. scheduling and managing appointments, meetings and invitations using electronic calendar;
- f. photocopying, printing and ordering stationery;
- g. liaising with other Council departments about car or IT maintenance or health and safety issues etc on behalf of the Councillor;
- h. conference, accommodation and/or travel bookings, booking meeting rooms etc;
- i. logging customer requests and complaints from the community;
- j. locating information for Councillors such as legislation, information from Council's website or other sources; and
- k. managing correspondence and preparation of speech notes etc.

Except in exceptional circumstances, and if approved and arranged in advance, any administrative support will be –

- a. provided within standard working hours; and
- b. shared between multiple Councillors.

⁹ Local Government Act 2009 - section 170(2)(b), (3)

ACCEPTABLE REQUEST GUIDELINES - COUNCIL POLICY

6.2 Councillor Responsibilities

Councillors cannot ask administrative support staff to carry out tasks not directly related to Council business, nor should they be asked to attend any internal or external meetings or events as a Councillor representative. Administrative support staff cannot assist with the Councillor's re-election or other 'campaigning' tasks.

Should Councillors require administrative support outside of business hours or tasks in addition to the abovementioned tasks, Councillors should discuss with, or email their request to, the CEO.

Councillors should direct any concerns about the performance of administrative support staff to the CEO and not direct criticism to employees.

It should be noted that a Councillor's failure to follow this Administrative Support Guideline contravenes the behavioural standards set out in the Code of Conduct for Councillors in Queensland and is considered inappropriate conduct.

6.3 Administrative Support Staff Responsibilities

Administrative support staff will at all times treat Councillors with respect, honesty and fairness and in accordance with the Employee Code of Conduct. Administrative support staff should raise concerns about administrative support requests or directions made by a Councillor to the CEO in the first instance.

A request or direction purportedly given by a Councillor is of no effect if the request or direction does not comply with this Policy.¹⁰

¹⁰ Local Government Act 2009 - 170AA(3)



Title	Corporate Services Financial Report June 2022 Interim
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Date	6 July 2022
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Responsible Manager	JP Delofski, ACTING CHIEF FINANCIAL OFFICER
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Summary

This Report provides Council with the interim Financial Report for the year ending 30 June 2022.

A final report will be provided to the October 2022 Council meeting after the Queensland Audit Office (QAO) has audited and provided their opinion. It will include a report on the business unit outcomes and the finalised capital works program.

Link to Corporate Plan

Strategic Priority: Sustainable Organisation

- We are recognised as a financially intelligent and responsible Council.
- We focus on proactive, sustainable planning for the future.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received, and that:

1. Council notes the interim Financial Report as of 30 June 2022;
2. Council resolves to amend printing fees to be in line with the library printing charges listed on the 2021-22 Fees & Charges register to be effective from 20 July 2022; and
3. Council resolves to amend the AVDATA Standpipe Water charges to be in line with the 'Sale of Water - all other standpipes - Bell and Warra' charge listed on the 2022-23 Fees & Charges register to be effective from 20 July 2022.

Background Information

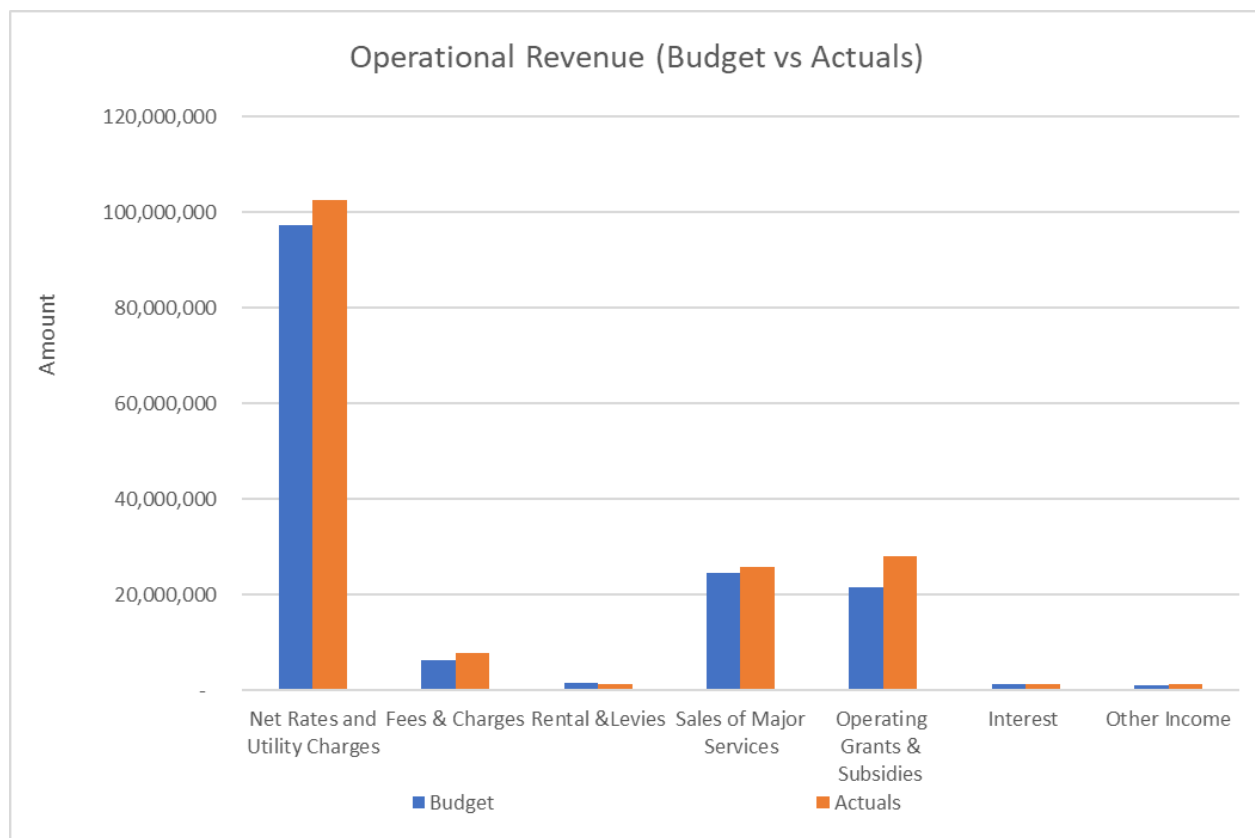
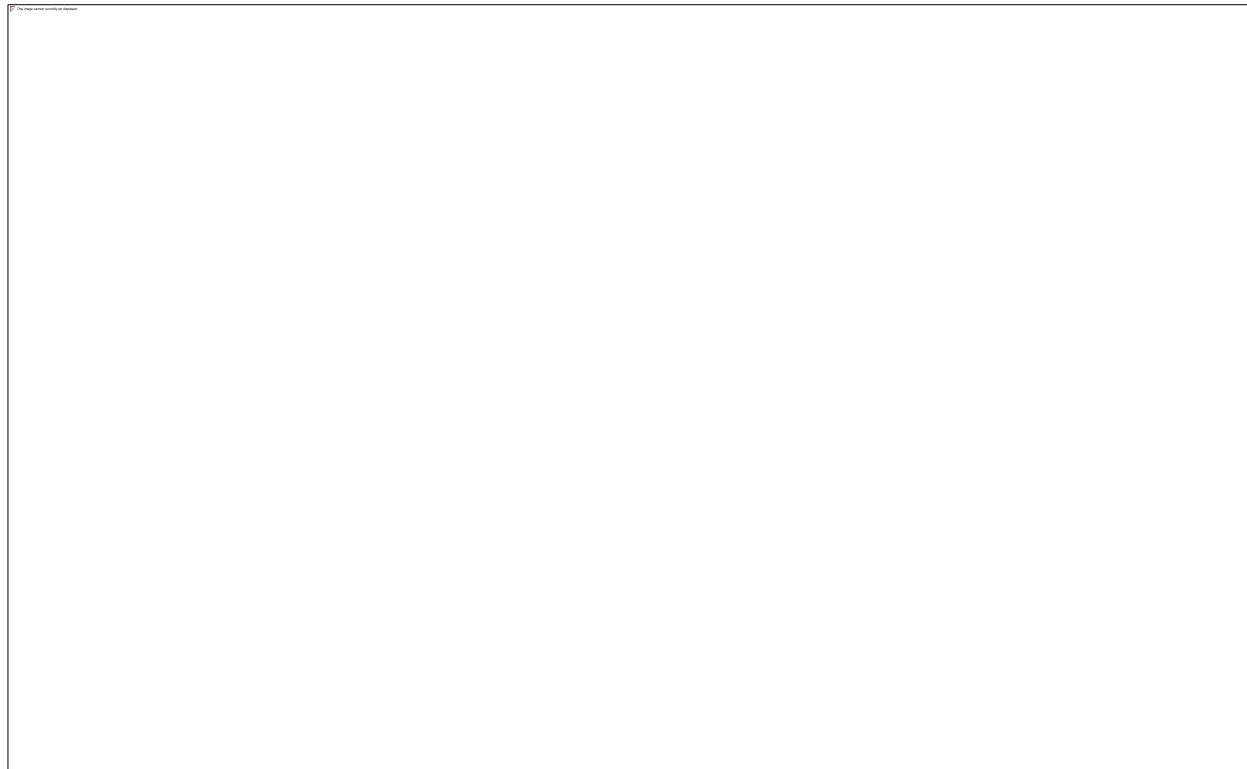
The Chief Executive Officer is required by the Local Government Regulation 2012 (LGR 2012) section 204 (2) to present the Financial Report at each meeting of the local government if each meeting is held less frequently than monthly, or monthly. The Financial Report must state the progress that has been made in relation to the local government's budget for the period of the financial year up to a day as near as practicable to the end of the month before the meeting is held (LGR 2012 section 204 (3)).

Report

1. Operating Result

The provisional operating profit as at the end of June is \$4.36 million compared to a budgeted profit of \$4.4 million which is \$0.04 million behind budget. End of year adjustments are still being finalised with accruals, prepayments and provisioning to be finalised. Most of the revenue has been finalised, with only expenditure outstanding. It is not expected that Council will reach budget for the year, however a surplus will still be attained. Council's final position for the 2021-22 financial year has been more favourable than originally forecast, with positive outcomes listed below.

Graphs and a summary of major variances for revenue and expenses are provided below.



Operational Revenue exceeds budget by \$14.88 million, due to:

- ↑ \$5.37 million Rates and Utility Charges revenue greater than budget due to the timing of sale of resource sector properties back to rural owners not progressing to date (budget was reduced for this). To date any sales or amalgamations have been offset with new leases coming on. Volumetric water consumption was

less than budget by \$0.19 million due to abnormally high rainfall. Discounts & Pensioner Remissions (a contra-revenue item) have exceeded budget by \$0.25 million for the year due to additional rates revenue being received (more discounts applied than forecast).

- ↑ \$1.71 million Fees and Charges revenue exceeds budget due to:
- \$0.63 million town planning, building application and rates search fees greater than budget due to low interest rates, coupled with a tight rental market and a boom in the building market.
 - \$0.32 million additional income received across multiple areas of council for impounding fees, health licences and permits, community facility fees and stock route fees.
 - \$0.3 million additional income received for Washdown Bay fees due to higher patronage, as well as higher than expected stock sale numbers at the Saleyards.
 - \$0.27 million additional income for fines and penalties, caused by Council focusing on enforcement and improvement in community behaviour.
 - \$0.19 million additional income received at the standpipes for water sales due to higher consumption caused by higher-than-expected economic activity across the region.

- ↓ \$0.25 million Rental and Levies behind budget due to Health Services transitioning on 1 April 2022 and three months of expected income not received.

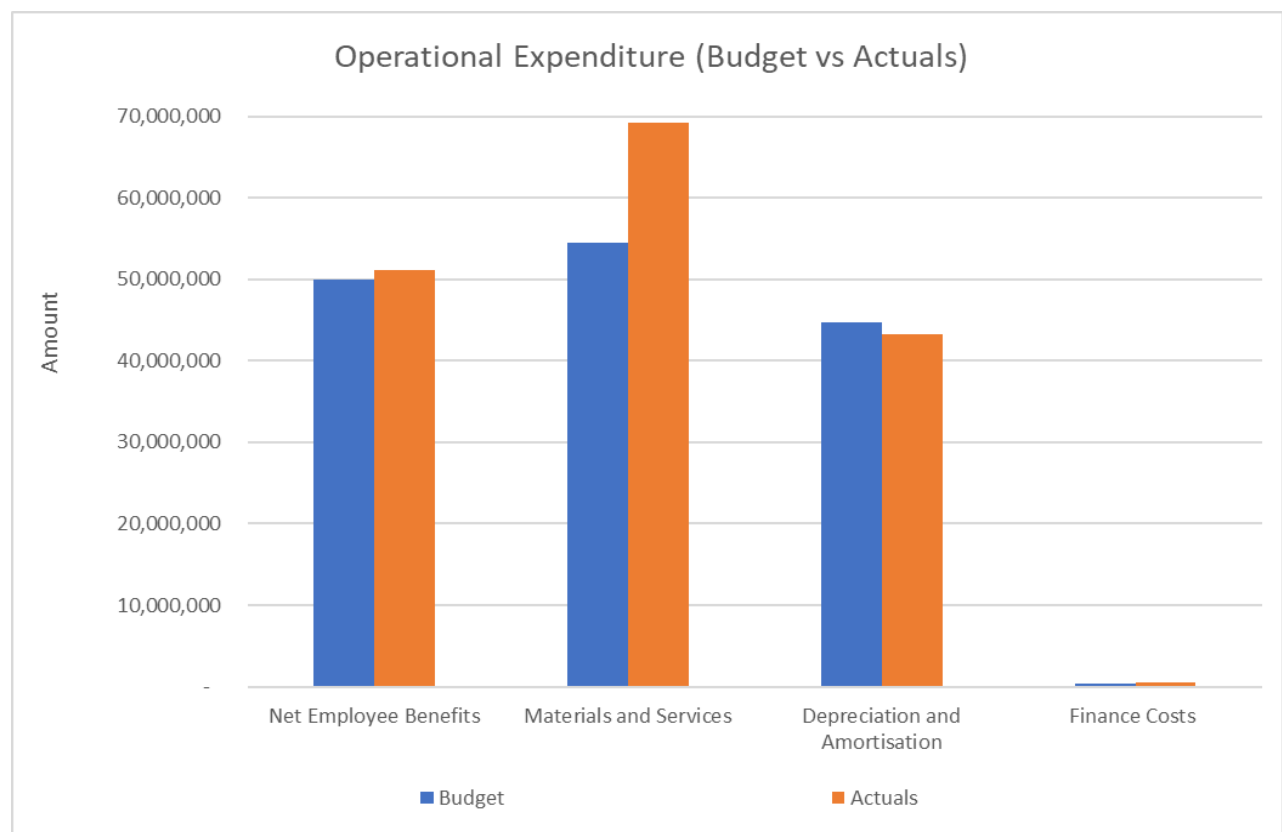
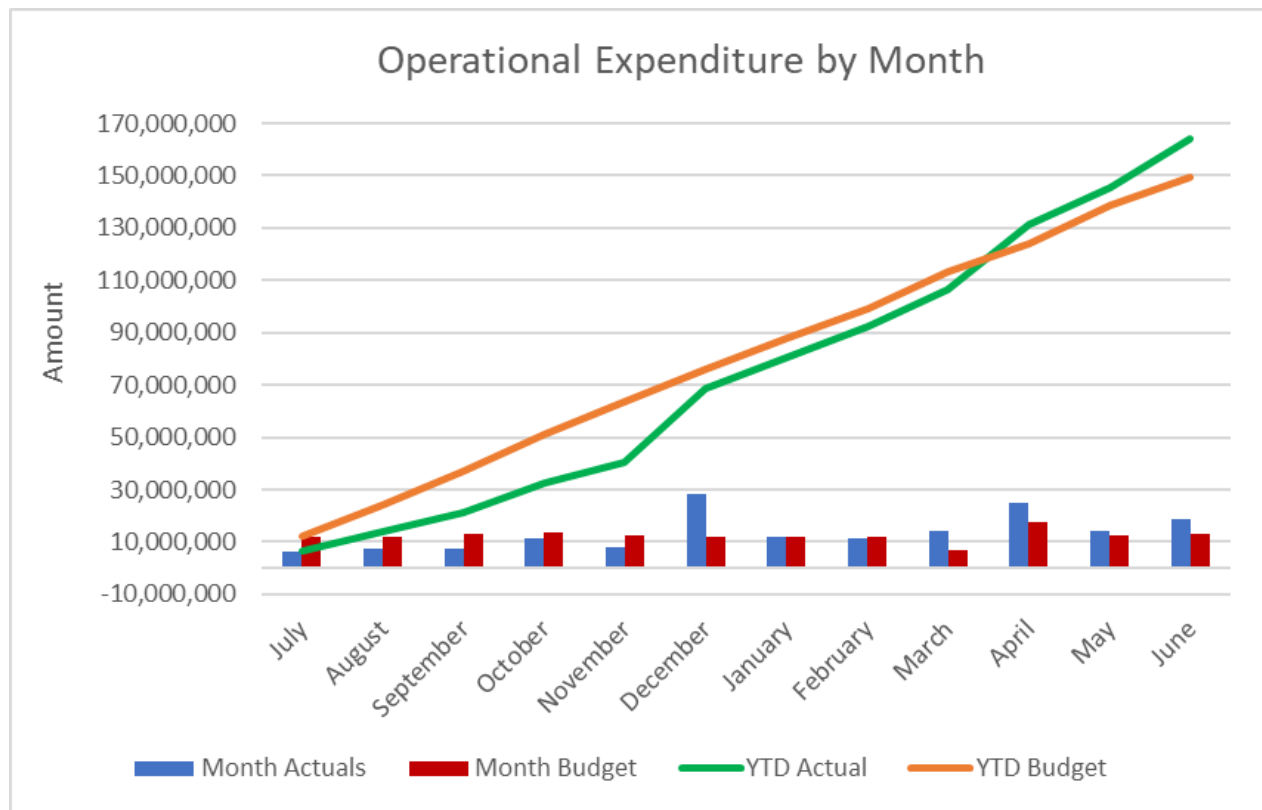
- ↑ \$1.13 million Sales of Major Services is greater than budget mainly due to:
- \$0.86 million additional income received for Commercial Works due to additional works being performed.
 - \$0.34 million additional income for Gas sales due to higher consumption, caused by lower than average winter temperatures driving domestic consumption, as well as wetter than expected seasons leading to gin customers requiring additional consumption.
 - \$0.34 million increased revenue at the Saleyards due to higher stock sale numbers.

This is offset with the Quarry being behind budget by \$0.45 million due to wet weather and deferral of projects.

- ↑ \$6.56 million Operating Grants and Subsidies exceeded budget due to:
- 125% of the 2022/23 Financial Assistance Grant allocation being received in the 2021-22 financial year. Normally only 100% is received, however this year a 75% prepayment was made instead of the normal 50%, increasing revenue by \$5.26 million.
 - \$1.35 million was received for the Myall 107 Cultural Precinct project. As the project is no longer an asset all expenditure and income impacts the operational budget.
 - \$0.79 million additional revenue was received for Trainee/Apprentice Program and other numerous grants across council. Health Services revenue is behind budget \$0.828 million due to three months of revenue not received.

- ↑ \$0.11 million Interest Revenue exceeds budget because interest on overdue rates and utility charges was ahead of budget by \$0.13 million. Bank interest revenue is behind budget \$0.02 million due to budgeting to receive a 1% return, however on average only receiving 0.65%. The rate received as of June 2022 was 0.75%.

- ↑ \$0.26 million Other Income is greater than budget due to disposal proceeds (sale of equipment not on the asset register), legal fees recovered and reimbursements being ahead of budget.



Operational Expenditure exceeds budget by \$14.91 million due to:

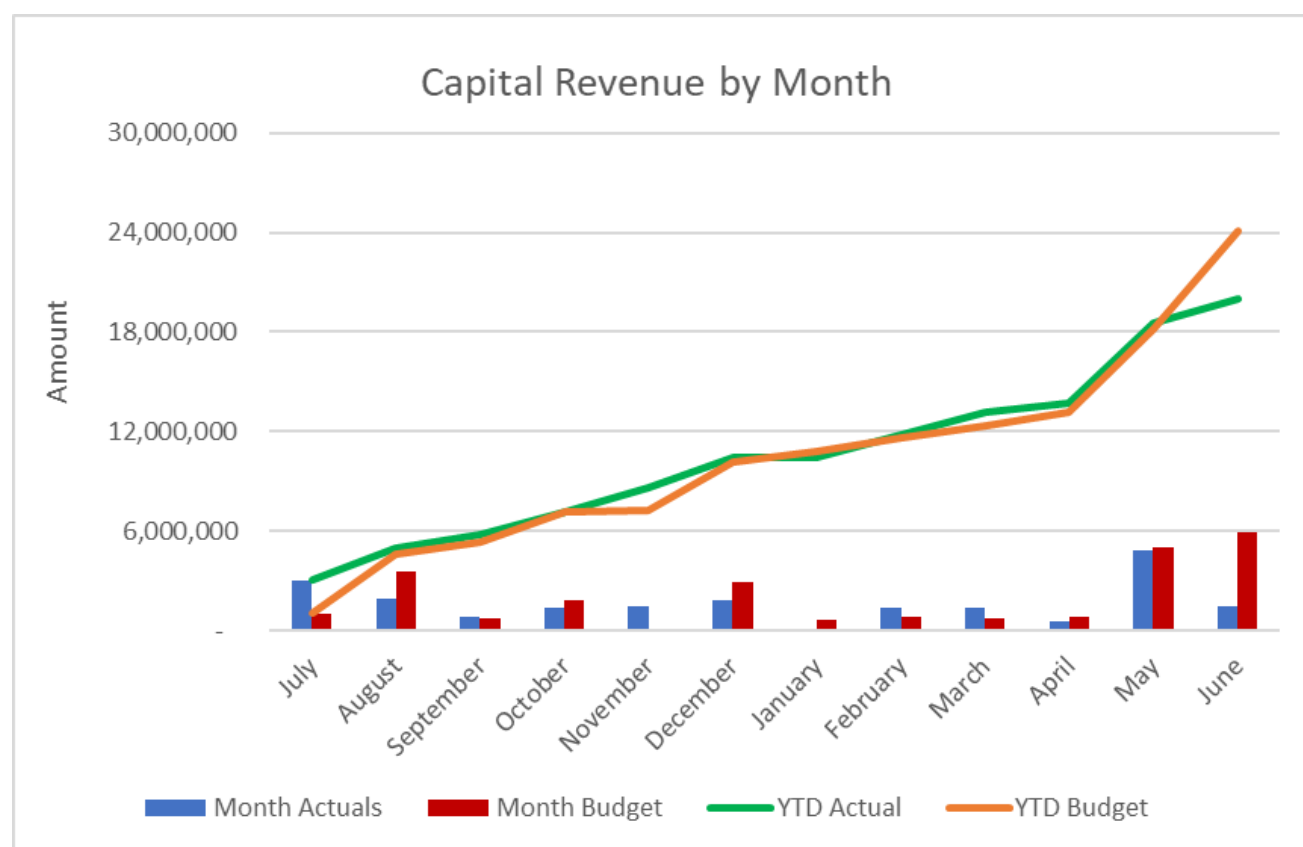
- ↑ \$1.21 million Net Employee Benefits are over budget due to capitalised employee benefits being behind budget \$1.03 million. Capitalised wages are behind budget due to projects coming under budget or being deferred and crews mobilised to post flood event clean ups (operational).

- ↑ \$15.06 million Materials and Services over budget due to the Health Services payment to Southern Cross Care (Qld) Ltd of \$11.88 million and Myall 107 Cultural Precinct expenditure of \$2.66 million. As the latter is no longer an asset all income & expenditure is recognised under the operational budget.
- ↑ \$1.5 million Depreciation under budget due to the write-off of assets (road assets) and indexation being lower than budget for roads, bridges and footpath assets. These assets were budgeted to increase by 2.75% but have decreased by 1.0%, meaning a positive effect of 3.75%. The Health Services assets transitioned to Southern Cross Care (Qld) Ltd 1 April 2022, with no depreciation for three months. Myall 107 was also written off, leading to depreciation savings.
- ↑ \$0.14 million Finance costs are over budget due to bank charges now being costed to finance costs and not offset with interest revenue.

2. Capital Revenue and Expenditure

Capital Revenue

\$20 million has been received in Capital Revenue for the year, \$4.11 million behind budget when compared to the expected \$24.11 million.

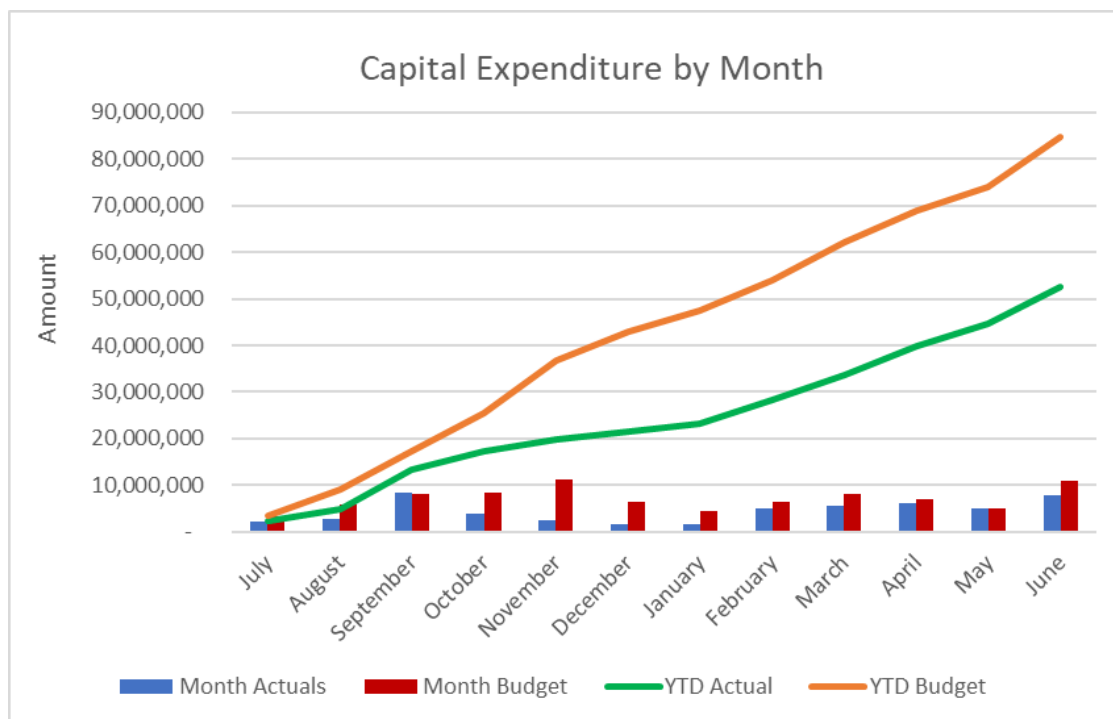


- ↓ Capital Grants & Subsidies was behind budget \$5.11 million due to projects being deferred, significantly the flood recovery and Chinchilla Cultural Precinct project. Income for these projects is dependent on completion milestones. This income will be carried over to 2022-23.
- ↑ Capital Contributions exceeded budget due to additional income received throughout the year for resource sector projects.
- ↓ Contributed Assets was under budget for the year with nothing received. When this budget was formed it was based on best estimate of what would be contributed throughout the year.
- ↑ Contributions from Developers has exceeded budget by \$0.3 million for road and utility assets. When this budget was formed it was based on best estimate of what will be contributed.

- ↑ Disposal of Non-Current Assets has exceeded budget by \$0.63 million mainly due to the sale of council owned land (only Fleet sales were budgeted, not land sales).

Capital Expenditure

The final cost of capital works for 2021-22 is estimated to be around \$56.22 million. This is an underspend of \$29.91 million on the budgeted \$86.13 million.



- ↑ **\$10.16 million** of savings in the capital works program. Major projects savings include the Regional Aquatic Centre Engineering Review, Myall 107 Cultural Precinct Development, Thomas Jack Park and the Regional Resheet budget.
- ↑ **\$3.62 million** of projects not delivered. Major projects include Stormwater Refurbishment & Reline, Myall Creek Linear Park Footpath Extension, Dalby Evaporation Ponds Capacity Increase, Treatment Plant Increase and the Replacement Raw Water Pump Raise Weir Condamine project.
- ↑ **\$13.88 million** for carry over projects to 2022-23. Major projects include Russell Park Mountain Bike Trail, Bundi Rd Bridget Upgrade, Kleinschmidt's Road Creek Crossing, Regional Flood Reconstruction projects, Halliford Road, Clifford Road, White Fleet Replacement, Boyd Street Upgrade & Dalby Car Park Solar.
- ↑ **\$2.24 million** for carry over projects to 2023-24. Major projects include Waterloo Plains Environmental Park Wandoan, Chinchilla VIC Parking Bay, Yaralla Wheat Road, Richard Best Warra irrigation installation, Chinchilla Creative Centre Outdoor Area Extension (Disability Access ramp) and Chinchilla Cultural Precinct projects (aircon, fire panel & refurb).

A full list of the capital program will be provided in the final June report presented at the October 2022 Council meeting.

3. Cash and Investments

Council's Cash and Investments as of 30 June 2022 totalled \$230.94 million, representing 18.53 months of operating expenses, including depreciation. The balance as of 30 June 2021 was \$201.04 million. This balance has exceeded the estimated \$215 million mainly due to advance payment amounts received in the last half of June being \$3.35 million for four years upfront payment of Waste Levy and \$14 million from the Queensland Reconstruction Authority (QRA) for approved flood funding.

4. Amendments to the 2022-23 Fees and Charges Register

The Local Government Act 2009 (LGA 2009) section 98 requires Council to maintain a register of its cost recovery fees. Unlike Rates and Charges, Cost Recovery Fees and Commercial Charges can be amended by Council during the year, per the LGA 2009 section 97 and 98.

There have been some errors picked up in the 2022-23 Fees & Charges register. These errors and their correcting amendments are listed below.

Printing Fees

There used to be two sets of printing fees, one for the Library, the other for the Customer Contact Centres. Through the 2022-23 budget process these fees were combined so there was only one set of fees. When the fees were combined the significantly higher 2021/22 Customer Contract Centre printing prices were used as the starting review price in error, as opposed to the Library prices. The cost of this service is substantially less than what we are charging, so we are more than covering our costs by charging the Library prices. It is requested that Council resolve to amend these fees, based on the 2021/22 Library prices. The fees to be amended as listed in the below table.

Line No.	Facility/ Service/ Product Type	Subject	Description	Commercial (C)/ Cost Recovery (CR)	2022-23 Fee/Charge (GST inc where applicable)	Revised 2022-23 Fee/Charge (GST inc where applicable)
298	Photocopying/ Scanning/ Printing	Photocopying/ Scanning/ Printing	Photocopying/Scanning/Printing - A4 (Black) - (per copy). Self Service Scanning is not chargeable	C	\$0.50	\$0.20
299	Photocopying/ Scanning/ Printing	Photocopying/ Scanning/ Printing	Photocopying/Scanning/Printing - A4 (Black) - Double Sided - (per sheet). Self Service Scanning is not chargeable	C	\$0.50	\$0.40
302	Photocopying/ Scanning/ Printing	Photocopying/ Scanning/ Printing	Photocopying/Scanning/Printing - A3 (Black) - (per copy). Self Service Scanning is not chargeable	C	\$0.60	\$0.40
303	Photocopying/ Scanning/ Printing	Photocopying/ Scanning/ Printing	Photocopying/Scanning/Printing - A3 (Black) - Double Sided - (per sheet). Self Service Scanning is not chargeable	C	\$0.80	\$0.60

AVDATA Fees

Three AVDATA figures need to be updated for consistency with other AVDATA fees. This is to be consistent with the Fee listed per line number 808 "Sale of Water - all other standpipes - Bell and Warra". The fees to be amended as listed in the below table.

Line No.	Facility/ Service/ Product Type	Subject	Description	Commercial (C)/ Cost Recovery (CR)	2022-23 Fee/Charge (GST incl where applicable)	Revised 2022-23 Fee/Charge (GST inc where applicable)
809	Water	Sale of Water Standpipe - Chinchilla, Miles, Tara, Dalby, Wandoan and Jandowae	Sale of Water from Standpipes at Chinchilla, Miles, Tara, Dalby, Wandoan and Jandowae:- 'Note: All water standpipe requests out of normal business hours will incur a call out fee based on the equivalent wages incurred by Council for a call out. Sales in excess of 1,000 kl per annum subject to written application and approval by Engineering Services General Manager. STRICTLY FOR DOMESTIC AND STOCK WATERING USE ONLY.	C	\$18.60per kL with a minimum charge of \$10.30 per load for manual systems. \$18.40 per kL for AVDATA systems	\$18.60per kL with a minimum charge of \$10.30 per load for manual systems. \$18.60 per kL for AVDATA systems

810	Water	Sale of Water Standpipe - Chinchilla, Miles, Tara, Dalby, Wandoan and Jandowae for development approved Accommodation Camps up to approved Potable (treated) water entitlement	Sale of Water from Standpipe at Chinchilla, Miles, Tara, Dalby, Wandoan and Jandowae for Accommodation Camps that have paid Infrastructure Charges to access Council Water network up to their approved water entitlement.	C	\$4.70 discount per kL on Charge Sale of Water from Standpipe at Chinchilla, Miles, Tara, Dalby, Wandoan and Jandowae (i.e. \$18.40 - \$4.60 = \$13.80 charge per KL for manual and AVDATA systems with a minimum charge of \$10.30 for manual systems)	\$4.70 discount per kL on Charge Sale of Water from Standpipe at Chinchilla, Miles, Tara, Dalby, Wandoan and Jandowae (i.e. \$18.60 - \$4.70 = \$13.80 charge per KL for manual and AVDATA systems with a minimum charge of \$10.30 for manual systems)
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Consultation (Internal/External)

Nil

Legal/Policy Implications (Justification if applicable)

Nil

Budget/Financial Implications

Council adopted the 2021-22 Financial Year Budget on 23 June 2021. The attached One-Page report details the interim actual result achieved against it, noting that some end of year adjustments are still to be finalised. The outcome for 2021-22 has been positive in terms of the operating profit and cash balance, considering the large payment made to Southern Cross Care (Qld) Ltd.

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) (the Human Rights Act) requires public entities 'to act and make decisions in a way compatible with human rights'.

There are no human rights implications associated with this report.

Conclusion

Council is currently reporting a \$4.36 million surplus as at 30 June 2022, with end of year adjustments still to be finalised. Council is not expected to meet budget, however a surplus is still forecast. A final report for the 2021-22 Financial Year will be provided at the October 2022 Council meeting.

It is recommended that Council approves the revision of the fees and charges register by decreasing printing fees and increasing the AVDATA fees, to take effect 20 July 2022.

Attachments


1. One Page Report June 2022 (interim)

Authored by: C. Prain, FINANCIAL PLANNING & ANALYSIS SUPERVISOR



Western Downs Regional Council
One Page Result
Period Ending: 30 June 2022 (interim)

	Council Consolidated				Council Net				Commercial Works			
	Original Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	YTD Budget	YTD Actuals	YTD Variance
Operating Revenue												
Rates and Utility Charges	(96,237,784)	(96,237,784)	(102,043,015)	(5,805,231)	(74,892,215)	(74,892,215)	(80,525,104)	(5,632,889)	-	-	-	-
Volumetric	(6,344,978)	(6,344,978)	(6,153,866)	191,112	-	-	-	-	-	-	-	-
Less: Discounts & Pensioner Remissions	5,236,660	5,236,660	5,482,997	246,337	3,950,046	3,950,046	4,191,404	241,358	-	-	-	-
Net Rates and Utility Charges	(97,346,102)	(97,346,102)	(102,713,884)	(5,367,782)	(70,942,169)	(70,942,169)	(76,333,700)	(5,391,531)	-	-	-	-
Fees and Charges	(6,248,579)	(6,248,579)	(7,953,962)	(1,705,383)	(2,873,943)	(2,873,943)	(4,183,323)	(1,309,380)	-	-	-	-
Rental and Levies	(1,652,968)	(1,652,968)	(1,400,999)	251,969	(1,587,968)	(1,587,968)	(1,328,042)	259,926	-	-	-	-
Sales of Major Services	(24,659,198)	(24,659,198)	(25,785,154)	(1,125,956)	-	-	-	-	(12,017,500)	(12,017,500)	(12,874,722)	(857,222)
Operating Grants & Subsidies	(21,648,998)	(21,648,998)	(28,210,177)	(6,561,179)	(21,648,998)	(21,648,998)	(28,210,177)	(6,561,179)	-	-	-	-
Interest	(1,374,442)	(1,374,442)	(1,484,277)	(109,835)	(1,337,442)	(1,337,442)	(1,375,826)	(38,384)	-	-	-	-
Other Income	(1,001,376)	(1,001,376)	(1,258,508)	(257,132)	(941,376)	(941,376)	(1,210,837)	(269,461)	-	-	-	-
Total Operating Revenue	(153,931,663)	(153,931,663)	(168,806,960)	(14,875,297)	(99,331,896)	(99,331,896)	(112,641,905)	(13,310,009)	(12,017,500)	(12,017,500)	(12,874,722)	(857,222)
Operating Expenses												
Employee Benefits	56,773,001	56,773,001	56,959,455	186,454	47,080,037	47,080,037	46,319,575	(760,462)	2,146,710	2,146,710	2,465,703	318,993
Less Capitalised Employee Benefits	(6,814,413)	(6,814,413)	(5,788,445)	1,025,968	(6,392,288)	(6,392,288)	(5,063,963)	1,328,325	-	-	-	-
Net Employee Benefits	49,958,588	49,958,588	51,171,010	1,212,422	40,687,749	40,687,749	41,255,612	567,863	2,146,710	2,146,710	2,465,703	318,993
Materials and Services	54,489,395	54,489,395	69,548,488	15,059,093	25,441,001	25,441,001	40,283,132	14,842,131	8,069,856	8,069,856	8,918,549	848,693
Depreciation and Amortisation	44,708,456	44,708,456	43,204,925	(1,503,531)	36,277,815	36,277,815	34,894,312	(1,383,503)	-	-	-	-
Finance Costs	376,841	376,841	520,313	143,472	292,095	292,095	520,313	228,218	-	-	-	-
Corporate Overhead	-	-	-	-	(3,914,600)	(3,914,600)	(3,914,600)	-	435,173	435,173	435,173	-
Total Operating Expenses	149,533,280	149,533,280	164,444,736	14,911,456	98,784,060	98,784,060	113,038,769	14,254,709	10,651,739	10,651,739	11,819,425	1,167,686
Operating (surplus)/deficit	(4,398,383)	(4,398,383)	(4,362,224)	36,159	(547,836)	(547,836)	396,864	944,700	(1,365,761)	(1,365,761)	(1,055,297)	310,464
Capital Revenue												
Capital Grants & Subsidies	(19,692,779)	(19,692,779)	(14,584,185)	5,108,594	(19,489,799)	(19,489,799)	(14,242,981)	5,246,818	-	-	-	-
Contributions	(2,441,335)	(2,441,335)	(2,757,694)	(316,359)	(2,411,335)	(2,411,335)	(2,757,694)	(346,359)	-	-	-	-
Contributions - Contributed Assets	(250,000)	(250,000)	-	250,000	(250,000)	(250,000)	-	250,000	-	-	-	-
Contributions from Developers - Cash	(250,000)	(250,000)	(551,913)	(301,913)	(250,000)	(250,000)	(483,130)	(233,130)	-	-	-	-
Disposal of Non-Current Assets	(1,480,000)	(1,480,000)	(2,107,293)	(627,293)	(1,480,000)	(1,480,000)	(2,107,293)	(627,293)	-	-	-	-
Total Capital Revenue	(24,114,114)	(24,114,114)	(20,001,085)	4,113,029	(23,881,134)	(23,881,134)	(19,591,098)	4,290,036	-	-	-	-
Capital Expenses												
Loss of Revaluation of Inventory	-	-	-	-	-	-	-	-	-	-	-	-
Restoration of Land Provision	-	-	50,786	50,786	-	-	-	-	-	-	-	-
Capital Expense Write-Off	8,200,000	8,200,000	21,833,301	13,633,301	7,500,000	7,500,000	21,032,647	13,532,647	-	-	-	-
Total Capital Expenses	8,200,000	8,200,000	21,884,087	13,684,087	7,500,000	7,500,000	21,032,647	13,532,647	-	-	-	-
Net Result (surplus)/deficit	(20,312,497)	(20,312,497)	(2,479,222)	17,833,275	(16,928,970)	(16,928,970)	1,838,413	18,767,383	(1,365,761)	(1,365,761)	(1,055,297)	310,464
Capital Funding Applications												
Capital Expenditure - New Assets	17,829,227	17,829,227	13,402,418	(4,426,809)	15,917,644	15,917,644	12,738,428	(3,179,216)	-	-	-	-
Capital Expenditure - Upgrade Assets	13,641,331	13,641,331	5,586,052	(8,055,279)	11,991,235	11,991,235	5,381,424	(6,609,811)	-	-	-	-
Capital Expenditure - Replacement Assets	53,382,761	53,382,761	33,638,123	(19,744,638)	46,767,448	46,767,448	29,155,399	(17,612,049)	-	-	-	-
Loan Principal	-	-	-	-	-	-	-	-	-	-	-	-
Land Rehab	-	-	-	-	-	-	-	-	-	-	-	-
Total Capital Funding Applications	84,853,319	84,853,319	52,626,593	(32,226,726)	74,676,327	74,676,327	47,275,251	(27,401,076)	-	-	-	-

	<div>Western Downs Regional Council</div> <div>One Page Result</div> <div>Period Ending: 30 June 2022 (interim)</div>											
	Gas				Water				Sewerage			
	Original Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	YTD Budget	YTD Actuals	YTD Variance
Operating Revenue												
Rates and Utility Charges	-	-	-	-	(6,180,459)	(6,180,459)	(6,173,980)	6,479	(9,393,219)	(9,393,219)	(9,508,749)	(115,530)
Volumetric	-	-	-	-	(6,344,978)	(6,344,978)	(6,153,866)	191,112	-	-	-	-
Less: Discounts & Pensioner Remissions	-	-	52,494	52,494	581,928	581,928	579,409	(2,519)	436,506	436,506	419,813	(16,693)
Net Rates and Utility Charges	-	-	52,494	52,494	(11,943,509)	(11,943,509)	(11,748,437)	195,072	(8,956,713)	(8,956,713)	(9,088,936)	(132,223)
Fees and Charges	(31,000)	(31,000)	(35,093)	(4,093)	(770,000)	(770,000)	(956,551)	(186,551)	-	-	(14,454)	(14,454)
Rental and Levies	-	-	-	-	(65,000)	(65,000)	(72,957)	(7,957)	-	-	-	-
Sales of Major Services	(2,924,488)	(2,924,488)	(3,263,465)	(338,977)	(12,070)	(12,070)	(63,516)	(51,446)	(12,500)	(12,500)	(5,021)	7,479
Operating Grants & Subsidies	-	-	-	-	-	-	-	-	-	-	-	-
Interest	-	-	-	-	(20,000)	(20,000)	(49,398)	(29,398)	(12,000)	(12,000)	(40,228)	(28,228)
Other Income	-	-	-	-	-	-	-	-	-	-	-	-
Total Operating Revenue	(2,955,488)	(2,955,488)	(3,246,064)	(290,576)	(12,810,579)	(12,810,579)	(12,890,859)	(80,280)	(8,981,213)	(8,981,213)	(9,148,638)	(167,425)
Operating Expenses												
Employee Benefits	291,903	291,903	265,604	(26,299)	3,850,200	3,850,200	4,164,703	314,503	1,383,177	1,383,177	1,510,476	127,299
Less Capitalised Employee Benefits	-	-	-	-	-	-	(114,765)	(114,765)	-	-	(5,498)	(5,498)
Net Employee Benefits	291,903	291,903	265,604	(26,299)	3,850,200	3,850,200	4,049,938	199,738	1,383,177	1,383,177	1,504,978	121,801
Materials and Services	1,074,712	1,074,712	1,137,733	63,021	4,321,922	4,321,922	4,494,980	173,058	1,540,734	1,540,734	1,624,330	83,596
Depreciation and Amortisation	280,351	280,351	284,837	4,486	4,666,386	4,666,386	4,579,451	(86,935)	2,565,082	2,565,082	2,532,705	(32,377)
Finance Costs	49,467	49,467	-	(49,467)	6,075	6,075	-	(6,075)	-	-	-	-
Corporate Overhead	244,237	244,237	244,237	-	1,380,218	1,380,218	1,380,218	-	840,977	840,977	840,977	-
Total Operating Expenses	1,940,670	1,940,670	1,932,411	(8,259)	14,224,801	14,224,801	14,504,587	279,786	6,329,970	6,329,970	6,502,990	173,020
Operating (surplus)/deficit	(1,014,818)	(1,014,818)	(1,313,653)	(298,835)	1,414,222	1,414,222	1,613,728	199,506	(2,651,243)	(2,651,243)	(2,645,648)	5,595
Capital Revenue												
Capital Grants & Subsidies	-	-	-	-	-	-	-	-	-	-	-	-
Contributions	-	-	-	-	-	-	-	-	-	-	-	-
Contributions - Contributed Assets	-	-	-	-	-	-	-	-	-	-	-	-
Contributions from Developers - Cash	-	-	-	-	-	-	(52,904)	(52,904)	-	-	(15,879)	(15,879)
Disposal of Non-Current Assets	-	-	-	-	-	-	-	-	-	-	-	-
Total Capital Revenue	-	-	-	-	-	-	(52,904)	(52,904)	-	-	(15,879)	(15,879)
Capital Expenses												
Loss of Revaluation of Inventory	-	-	-	-	-	-	-	-	-	-	-	-
Restoration of Land Provision	-	-	-	-	-	-	-	-	-	-	-	-
Capital Expense Write-Off	-	-	3,942	3,942	500,000	500,000	316,109	(183,891)	100,000	100,000	433,871	333,871
Total Capital Expenses	-	-	3,942	3,942	500,000	500,000	316,109	(183,891)	100,000	100,000	433,871	333,871
Net Result (surplus)/deficit	(1,014,818)	(1,014,818)	(1,309,711)	(294,893)	1,914,222	1,914,222	1,876,933	(37,289)	(2,551,243)	(2,551,243)	(2,227,656)	323,587
Capital Funding Applications												
Capital Expenditure - New Assets	-	-	-	-	1,100,000	1,100,000	67,626	(1,032,374)	-	-	-	-
Capital Expenditure - Upgrade Assets	-	-	-	-	1,637,112	1,637,112	201,401	(1,435,711)	12,984	12,984	3,227	(9,757)
Capital Expenditure - Replacement Assets	-	-	-	-	3,192,371	3,192,371	2,373,938	(818,433)	2,896,597	2,896,597	1,812,474	(1,084,123)
Loan Principal	-	-	-	-	-	-	-	-	-	-	-	-
Land Rehab	-	-	-	-	-	-	-	-	-	-	-	-
Total Capital Funding Applications	-	-	-	-	5,929,483	5,929,483	2,642,965	(3,286,518)	2,909,581	2,909,581	1,815,701	(1,093,880)



Western Downs Regional Council
One Page Result
Period Ending: 30 June 2022 (interim)

	Quarry				Waste				Saleyards				Washdown Bays			
	Original Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	YTD Budget	YTD Actuals	YTD Variance
Operating Revenue																
Rates and Utility Charges	-	-	-	-	(5,771,891)	(5,771,891)	(5,835,182)	(63,291)	-	-	-	-	-	-	-	-
Volumetric	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Less: Discounts & Pensioner Remissions	-	-	-	-	268,180	268,180	239,877	(28,303)	-	-	-	-	-	-	-	-
Net Rates and Utility Charges	-	-	-	-	(5,503,711)	(5,503,711)	(5,595,305)	(91,594)	-	-	-	-	-	-	-	-
Fees and Charges	-	-	(468)	(468)	(2,008,989)	(2,008,989)	(1,896,690)	112,299	-	-	-	-	(564,647)	(564,647)	(867,383)	(302,736)
Rental and Levies	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sales of Major Services	(7,452,640)	(7,452,640)	(7,003,782)	448,858	-	-	-	-	(2,240,000)	(2,240,000)	(2,574,648)	(334,648)	-	-	-	-
Operating Grants & Subsidies	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Interest	-	-	-	-	(5,000)	(5,000)	(18,825)	(13,825)	-	-	-	-	-	-	-	-
Other Income	-	-	(3,474)	(3,474)	(60,000)	(60,000)	(44,196)	15,804	-	-	-	-	-	-	-	-
Total Operating Revenue	(7,452,640)	(7,452,640)	(7,007,724)	444,916	(7,577,700)	(7,577,700)	(7,555,016)	22,684	(2,240,000)	(2,240,000)	(2,574,648)	(334,648)	(564,647)	(564,647)	(867,383)	(302,736)
Operating Expenses																
Employee Benefits	1,142,950	1,142,950	1,088,021	(54,929)	397,258	397,258	576,909	179,651	382,163	382,163	437,251	55,088	98,603	98,603	131,213	32,610
Less Capitalised Employee Benefits	(422,125)	(422,125)	(464,850)	(42,725)	-	-	(99,385)	(99,385)	-	-	(39,984)	(39,984)	-	-	-	-
Net Employee Benefits	720,825	720,825	623,171	(97,654)	397,258	397,258	477,524	80,266	382,163	382,163	397,267	15,104	98,603	98,603	131,213	32,610
Materials and Services	4,522,304	4,522,304	4,384,280	(138,024)	7,872,602	7,872,602	7,289,548	(583,054)	1,305,264	1,305,264	910,997	(394,267)	341,000	341,000	504,939	163,939
Depreciation and Amortisation	21,842	21,842	20,752	(1,090)	441,702	441,702	444,621	2,919	424,174	424,174	413,315	(10,859)	31,104	31,104	34,932	3,828
Finance Costs	-	-	-	-	24,844	24,844	-	(24,844)	1,120	1,120	-	(1,120)	3,240	3,240	-	(3,240)
Corporate Overhead	316,671	316,671	316,671	-	461,927	461,927	461,927	-	180,702	180,702	180,702	-	54,695	54,695	54,695	-
Total Operating Expenses	5,581,642	5,581,642	5,344,874	(236,768)	9,198,333	9,198,333	8,673,620	(524,713)	2,293,423	2,293,423	1,902,281	(391,142)	528,642	528,642	725,779	197,137
Operating (surplus)/deficit	(1,870,998)	(1,870,998)	(1,662,850)	208,148	1,620,633	1,620,633	1,118,604	(502,029)	53,423	53,423	(672,367)	(725,790)	(36,005)	(36,005)	(141,604)	(105,599)
Capital Revenue																
Capital Grants & Subsidies	-	-	-	-	(202,980)	(202,980)	(341,204)	(138,224)	-	-	-	-	-	-	-	-
Contributions	-	-	-	-	-	-	-	-	(30,000)	(30,000)	-	30,000	-	-	-	-
Contributions - Contributed Assets	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Contributions from Developers - Cash	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Disposal of Non-Current Assets	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Capital Revenue	-	-	-	-	(202,980)	(202,980)	(341,204)	(138,224)	(30,000)	(30,000)	-	30,000	-	-	-	-
Capital Expenses																
Loss of Revaluation of Inventory	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Restoration of Land Provision	-	-	2,119	2,119	-	-	48,667	48,667	-	-	-	-	-	-	-	-
Capital Expense Write-Off	-	-	17,414	17,414	-	-	6,918	6,918	100,000	100,000	22,400	(77,600)	-	-	-	-
Total Capital Expenses	-	-	19,533	19,533	-	-	55,585	55,585	100,000	100,000	22,400	(77,600)	-	-	-	-
Net Result (surplus)/deficit	(1,870,998)	(1,870,998)	(1,643,318)	227,680	1,417,653	1,417,653	832,984	(584,669)	123,423	123,423	(649,967)	(773,390)	(36,005)	(36,005)	(141,604)	(105,599)
Capital Funding Applications																
Capital Expenditure - New Assets	-	-	-	-	803,083	803,083	593,428	(209,655)	-	-	-	-	8,500	8,500	2,936	(5,564)
Capital Expenditure - Upgrade Assets	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital Expenditure - Replacement Assets	-	-	-	-	64,500	64,500	16,919	(47,581)	416,845	416,845	241,393	(175,452)	45,000	45,000	38,000	(7,000)
Loan Principal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Land Rehab	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Capital Funding Applications	-	-	-	-	867,583	867,583	610,347	(257,236)	416,845	416,845	241,393	(175,452)	53,500	53,500	40,936	(12,564)

Title	Corporate Services Report Annual Closure Arrangements Christmas New Year 2022/2023
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Date	11 July 2022
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Responsible Manager	L. Mear, CHIEF HUMAN RESOURCES OFFICER
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Summary

The purpose of this Report is to seek Council's approval to the proposed closure arrangements for the Christmas/New Year for 2022/2023 for Council Officers.

Link to Corporate Plan

Strategic Priority: Sustainable Organisation

- We are recognised as a financially intelligent and responsible Council.
- We focus on proactive, sustainable planning for the future.
- Our people are skilled and values driven to make a real difference.
- Our agile and responsive business model enables us to align our capacity with service delivery.
- Our effective asset management ensures that we responsibly maintain our community assets.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and that the proposed closure arrangements for the 2022/2023 Christmas/New Year period be adopted as follows:

1. All Council Customer Service Centres close from Friday, 23 December 2022 at 5:00 pm and reopen Tuesday, 3 January 2023 at 8:00 am.
2. All field (Works Department) based staff will compulsorily conclude on Thursday, 22 December 2022 at 3:00pm for a period of three (3) weeks returning on Monday, 16 January 2023;
3. Utilities and Parks and Open Space staff will continue to operate during this close down period. Any leave during this period will be approved by the relevant Supervisor/Coordinator.
4. On call arrangements for emergency works will be established.

Background Information

The Christmas/New Year period is traditionally a time when the majority of firms and government departments close for an extended time. In previous years, employees have also taken advantage of the public holidays at this time and applied for additional leave.

Report

Internal Arrangements

It is proposed that all Council Customer Service Centres will close from Friday, 23 December 2022 at 5:00pm and reopen Tuesday, 3 January 2023 at 8:00 am.

During this period staff will be required to use accrued leave (including Annual, Long Service Leave, RDOs and TOIL) for this period, which are not Public Holidays.

The Customer Contact Centre will have a recorded message during this period stating Council is closed for the Christmas break and to press "0" for an emergency which will then transfer to Council's emergency after hours service.

Arrangements will also be made for public notices to be issued, advertising on Council's website, social media and messages for when customers are on hold to the Call Centre advising of the closedown arrangements and emergency contact details.

External Arrangements

It is proposed that all field (Works Department) based staff will compulsorily conclude on Thursday, 22 December 2022 at 3:00pm for a period of three (3) weeks returning on Monday, 16 January 2023.

During this period staff will be required to use accrued leave (including Annual, Long Service Leave, RDOs and TOIL) for this period, which are not Public Holidays. Any additional leave to this compulsory period will be at the discretion of the relevant Works Coordinator.

A minimal workforce will continue to operate during this close down period as determined by the relevant Managers. On call arrangements for emergency works will be established.

Utilities and Parks and Open Space staff will continue to operate during this close down period. Any leave during this period will be approved by the relevant Supervisor/Coordinator.

Consultation (Internal/External)

Communication & Marketing Manager
Acting Customer Support & Governance Manager
Acting General Manager (Corporate Services)
Chief Executive Officer
Chief Human Resources Officer
General Manager (Community & Liveability)
General Manager (Infrastructure Services)
Facilities Manager
Senior Works Manager
Utilities Manager

Legal/Policy Implications (Justification if applicable)

Nil

Budget/Financial Implications

Nil

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) (the Human Rights Act) requires public entities 'to act and make decisions in a way compatible with human rights'.

There are no human rights implications associated with this report.

Conclusion

This proposal is in line with the 2021/2022 Christmas / New Year close down arrangements.

Attachments

Nil

Authored by: E. McGovern, SENIOR HR ADVISOR

Title	Corporate Services Report Rescind Aged Care Prudential Standards Council Policy
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Date	4 July 2022
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Responsible Manager	P. Greet, CUSTOMER SUPPORT AND GOVERNANCE MANAGER
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Summary

The purpose of this report is to seek Council's approval to rescind the Aged Care Prudential Standards - Council Policy.

Link to Corporate Plan

Strategic Priority: Quality Lifestyle

- Our residents are provided with modern infrastructure and quality essential services across our region.
- Our recreational spaces and community facilities are attractive, safe, and accessible.
- We invest in safe, well maintained road networks to connect our region and support economic activities.
- We attract families to live, work, prosper, and play in our region.
- We take pride in our natural assets, environment, and heritage.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and that:

1. Council resolves to rescind the Aged Care Prudential Standards - Council Policy.

Background Information

At the Ordinary Meeting of Council on 8 December 2021, Council resolved to approve the transfer of its Aged and Community Care Services to Southern Cross Care (QLD) Ltd from 1 April 2022.

Report

At the Ordinary Meeting of Council on 8 December 2021, Council resolved to approve the transfer of its Aged and Community Care Services to Southern Cross Care (QLD) Ltd from 1 April 2022. Consequently, Aged Care Prudential Standards - Council Policy is no longer required and should be formally rescinded under Council approval.

Consultation (Internal/External)

The proposed request to rescind the Aged Care Prudential Standards - Council Policy was endorsed at the Executive Leadership Team meeting held on Thursday 9 June 2022.

Chief Executive Officer
 General Manager (Infrastructure Services)
 General Manager (Community & Liveability)
 Chief Human Resource Officer
 Acting Chief Financial Officer
 Acting General Manager (Corporate Services)

General Counsel
Business Systems Team Leader
Communication & Marketing Manager
Facilities Manager

Legal/Policy Implications (Justification if applicable)

Nil

Budget/Financial Implications

Nil

Human Rights Considerations

There are no human rights implications associated with this report.

Conclusion

The Aged Care Prudential Standards - Council Policy has been reviewed and it is recommended that the Policy be rescinded due to the transfer of Council's Aged and Community Care Services to Southern Cross Care (QLD) Ltd from 1 April 2022.

Attachments

1. Aged Care Prudential Standards - Council Policy

Authored by: K. Sutton, EXECUTIVE OFFICER

Aged Care Prudential Standards - Council Policy

Effective Date	17 February 2016
Policy Owner	Health Services
Link to Corporate Plan	Strategic Theme 3: Healthy Living
Review Date	February 2020
Related Legislation	<i>Aged Care Act 1997</i> <i>Local Government Act 2009</i> <i>Fees and Payments Principles 2014 (No.2)</i> <i>Privacy Act 1988 (Com)</i>
Related Documents	WDRC Delegations Register Definitions Dictionary

Policy Version	Approval Date	Adopted/Approved
1	17/02/16	Ordinary Meeting of Council

This policy may not be current as Council regularly reviews and updates its policies. The latest controlled version can be found in the policies section of Council's intranet or Website. **A hard copy of this electronic document is uncontrolled.**

Doc Set No: E210632

1. PURPOSE

Western Downs Regional Council as an approved aged care provider is required to comply with four (4) prudential standards, which are set out in the Fees and Payments Principles 2014 (No.2) (the Principles).

The standards are:-

1. The **Liquidity Standard** - An approved provider must maintain sufficient liquidity to ensure the approved provider can refund any refundable deposit balances, accommodation bond balances or entry contribution balances that can be expected to fall due in the following 12 months in accordance with the *Aged Care Act 1997* and the Principles, Part 5 Division 2.
2. The **Records Standard** - An approved provider must establish and maintain a register (the refundable deposit register) as required by the Principles Part 5 Division 3.
3. The **Disclosure Standard** - An approved provider must disclose information about refundable deposits and accommodation bonds held to the Department of Social Services and to the resident or the resident's representative as by the Principles Part 5 Division 5.
4. The **Governance Standard** - An approved provider that holds one or more refundable deposit balances or accommodation bond balances must implement and maintain a governance system as required by the Principles Part 5 Division 4.

This Policy outlines Council's process for implementing each component of the required Standards as outlined in the Prudential Standards - Part 5 in the Fees and Payments Principles 2014 (No.2).

2. SCOPE

This policy applies to Western Downs Regional Council Aged Care facilities, being Tarcoola Hostel (Tara) and Carinya Aged Persons Hostel (Miles).

3. POLICY

3.1. LEGISLATIVE FRAMEWORK

The principle objectives of the above prudential standards are to assist the financial management practices, enhance financial sustainability and reduce the risk of default on the refund of refundable deposits and accommodation bond balances or bonds used for other than permitted uses.

The Aged Care Act 1997 and the Principles set out the requirements for approved providers holding refundable deposits, accommodation bonds or pre-1997 entry contributions.

3.2. GOVERNANCE STANDARD

3.2.1. Purpose

The Governance Standard requires approved providers who hold refundable deposits and accommodation bonds to have in place a governance system for refundable deposits and accommodation bonds. It does not prescribe the particular type of system, instead it describes the key outcomes that need to be achieved. They are designed to assist approved providers develop sound governance systems to ensure refundable deposits and accommodation bonds are only used for permitted uses and are refunded in accordance with the timeframes required by the Aged Care Act 1997 and sound business practices.

The Governance Standard also requires approved providers that invest in particular financial products to implement and maintain an Investment Management Strategy (IMS).

3.2.2. Requirements

Requirements of the Governance Standard are outlined in Part 5 Division 4 of the Principles.

3.2.3. Organisational Approval Processes and Permitted Uses

Legislative reference: s49 and s63 and s64 the Principles; s52N-1 of the Aged Care Act 1997 (the Act):-

- i) Who can negotiate Refundable Deposits and Accommodation Bonds
- ii) Who can sign resident agreements
- iii) Permitted Uses for Refundable Deposits and Accommodation Bonds
- iv) Review Process.



The Officers authorised to negotiate Refundable Deposits and Accommodation Bonds and to sign resident agreements will be listed in the WDRC Delegations Register.

Council's key personnel in relation to Refundable Deposits and Accommodation Bonds are:-

1. Chief Executive Officer
2. Community and Liveability General Manager
3. Health Services Manager

3.2.4. Permitted Uses for Refundable Deposits and Accommodation Bonds

Western Downs Regional Council holds all refundable deposits and accommodation bonds in Council's Trust Fund or Trust Investment account.

3.2.5. Investment Management Strategy (IMS)

Legislative reference: s50 of the Principles & s52N-1(3)(b) to (e) of the *Aged Care Act 1997*:-

This strategy, if required identifies key personnel allocated responsibility in relation to development and management of IMS and includes delegated authority required to undertake each action.

Council holds all refundable deposits and Accommodation bonds in Council's Trust Fund or Trust Investment account and therefore does not require an IMS to be developed.

3.2.6. Responsible Personnel Training

Legislative reference: s49 of the Principles:-

Existing staff receive refundable deposit and accommodation bond related training when the need is triggered by a change in legislation affecting refundable deposit and accommodation bond management, or a change in position or responsibility for existing staff members occurs. Refresher/reinduction training will also be provided on an ongoing basis.

3.2.7. Review of Governance System

Legislative reference: s49 of the Principles:-

Key compliance (and non-compliance) requirements are able to be identified through an effective review process of the provider's governance system. The following governance framework has been implemented by Western Downs Regional Council:-

- i. Policy template review process - SWP for Policy Development, Review and Amendment available on Council Intranet
- ii. Compliance and Governance - Health Services Management Team working closely with WDRC Governance Team
- iii. Delegated Authority - monitoring and controlling - WDRC Delegations Register reviewed regularly in line with legislation changes affecting delegations of authority; and changes in responsibilities of Officers with delegated authority.

3.2.8. Delegations of Authority under this Policy

1. Chief Executive Officer
2. Community and Liveability General Manager
3. Chief Financial Officer
4. Chief Technology Officer
5. Health Services Manager

3.3. DISCLOSURE STANDARD

3.3.1. Compliance with Disclosure Standard

Legislative reference: s51 - 60 the Principles:-

Approved providers will be required to confirm that they comply with the Governance Standard as part of annual reporting to the Department of Social Services through the completion of Annual Prudential Compliance Statement.



Council complies with this standard ensuring all disclosures are given to care recipients and the completion of an audited annual compliance statement.

3.4. LIQUIDITY STANDARD

3.4.1. Purpose

To apply a systematic approach to determine the level of funding that will be required to meet expected refundable deposits and accommodation bond balance refunds as they fall due. This should include a nominated minimum level of funding that will be maintained in liquid form.

The key purpose of the Liquidity Standard is to ensure that Western Downs Regional Council has access to sufficient liquidity to allow Western Downs Regional Council to meet expected refundable deposits and accommodation bond and entry contribution refunds (exclusive of retention amounts and any outstanding interest liabilities) as they fall due over the next 12 months.

3.4.2. Requirements for Sufficient Liquidity

Maintain sufficient liquidity to ensure that Western Downs Regional Council can refund balances as they fall due over the following 12 months.

3.4.3. Western Downs Regional Council Requirements

Maintain at all times access to all refundable deposits and bond monies required to be refunded. The minimum amount to be held at all times is \$40,000.00.

To comply with this Standard Western Downs Regional Council holds all refundable deposits and accommodation bonds in Council's Trust Fund or Trust Investment account.

The organisation has key personnel responsible for managing refundable deposits and accommodation bonds and staff with delegated responsibilities for managing refundable deposits and accommodation bonds for the organisation has been documented through:

3.4.4. Delegations of Authority under this policy:

1. Chief Executive Officer
2. Community and Liveability General Manager
3. Chief Financial Officer
4. Chief Technology Officer
5. Health Services Manager

3.5. RECORDS STANDARD

3.5.1. Purpose

The purpose of the Records Standard is to ensure that accurate, comprehensive and up to date information of refundable deposits and accommodation bond holdings (including pre-1997 entry contributions) is collected and maintained. This record will be in the form of a 'Refundable Deposits Register'.

The Refundable Deposits Register provides a powerful management reporting tool and also provides the basis for compliance based monitoring and reporting as well as reporting to residents on refundable deposits and accommodation bond balances.

3.5.2. Requirements

All providers must establish and maintain a Refundable Deposits Register as outlined in Part 5 Division 3 - the Principles.

Council's Refundable Deposits Register is maintained on-site for each of its Aged Care facilities and the registers are available electronically in Council's Shared Drive.



Title	IS Report Variation to Road Management Performance Contract Vegetation Management Works
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Date	5 July 2022
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Responsible Manager	S. Fitzgerald, WORKS MANAGER MAINTENANCE
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Summary

This report requests endorsement of a variation to the Road Maintenance Performance Contract (RMPC) vegetation management works with Cardiff Field Service Pty Ltd (CFS) ABN 12 631 808 314, originally committed under Purchase Order 6153788.

Link to Corporate Plan

Strategic Priority: Sustainable Organisation

- We are recognised as a financially intelligent and responsible Council.
- Our agile and responsive business model enables us to align our capacity with service delivery.
- Our effective asset management ensures that we responsibly maintain our community assets.

Strategic Priority: Quality Lifestyle

- Our residents are provided with modern infrastructure and quality essential services across our region.
- Our recreational spaces and community facilities are attractive, safe, and accessible.
- We invest in safe, well maintained road networks to connect our region and support economic activities.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and that Council:

1. Resolves to endorse the variation to works committed under Purchase Order 6153788, to a total committed value of \$294,910 GST Inclusive.

Background Information

Council is engaged in a Road Maintenance Performance Contract (RMPC) with the Department of Transport and Main Roads (DTMR) to perform maintenance on the state-controlled road network within the Western Downs region.

Council officers had identified a requirement for vegetation management, specifically tree mulching, in the road corridor of the state-controlled roads.

A Request for Quote (RFQ) was sent to five local suppliers that provided this tree mulching service on 22 February 2022. Cardiff Field Services (CFS) were awarded this work under Purchase Order 6153788 to the value of \$197,230 (incl. GST) and commenced in April 2022.

This vegetation management works was approved by the Department of Transport and Main Roads (DTMR) for use of discretionary funding available under the 21/22 RMPC. The hours required to complete the full scope of works was estimated at the time of awarding these works.

Report

Due to a lack of renewals the state controlled road network is in poor condition, with limited funding available to Council to perform maintenance on these road assets. To ensure there is sufficient budget to complete high priority works throughout the entire year, WDRC programs and allocates budget across the 12 month period.

Due to the significant wet weather experienced in the 2021/22 financial year, Council performed urgent temporary works on the state controlled network as 'emergent works'. Emergent works are eligible for reimbursement through the Queensland Reconstruction Authority's (QRA) Disaster Recovery Funding Arrangement (DRFA) program. These emergent works were initially booked to the RMPC for the work to be programmed and completed whilst DTMR lodged these eligible costs under the DRFA program.

In June 2022, it was identified that DTMR had claimed these emergent works under the DRFA program and the RMPC funding was available. However, due to contractor availability and wet weather, only certain work activities could be completed before end of financial year.

In late June 2022 it was determined that to fulfill Council's obligations under the 21/22 RMPC, additional vegetation management works would be required.

For the convenience of Council, a variation to Purchase Order 6153788 to continue vegetation management to complete the entire original scope was approved, for \$97,680 GST Inclusive.

The original estimated hours were not sufficient to complete the entire scope of works as intended and an additional 185 hours was estimated to be needed. It is intended that this variation will allow for CFS to complete the full scope of works through June and into July utilising funds from both the 2021/22 and 2022/23 RMPC budget. If these works were not continued, Council would have defaulted on its RMPC obligations as well as incurred stand down rates from the contractor until works could have recommenced.

CFS have indicated that they quoted on completion of the full scope of works as requested, and failing this variation, Council may incur additional charge due to a reduced scope. The funds required for this variation are available in the 21/22 RMPC (until EOFY) and then the additional RMPC funding (2022/23 RMPC) will be available from 1 July. This additional work will help Council achieve expenditure targets and includes 10% profit margin.

The variation was the first to this Purchase Order and was raised in accordance with Council's *Managing Variations* guidelines.

Consultation (Internal/External)

JP Delofski, Chief Procurement officer, assisted in the management of the variation process.

Legal/Policy Implications (Justification if applicable)

Procurement - Council Policy. Version 108, Version Date: 04/11/2019
Local Government Act 2009 (QLD)
Local Government Regulation 2012 (QLD)

Budget/Financial Implications

Council is engaged in a Road Maintenance Performance Contract (RMPC) with the Department of Transport and Main Roads (DTMR) to perform maintenance on the state controlled road network within the Western Downs region.

The variation and original purchase order values are both within the RMPC funding allocation.

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) (the Human Rights Act) requires public entities 'to act and make decisions in a way compatible with human rights'.

All activities will be undertaken in accordance with Council's human rights obligations.

Conclusion

That this Report be received and that Council:

1. Resolves to endorse the variation to works committed under Purchase Order 6153788, to a total committed value of \$294,910 GST Inclusive.

Attachments

1. Purchase Order 6153788.
2. CEO Memorandum - Approval of PO 6153788 Commitment.

Authored by: Sam Robertson, SENIOR PROJECT MANAGER MAINTENANCE

Title	Infrastructure Services Report Works June 2021/2022 Capital Works Progress Update
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Date	4 July 2022
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Responsible Manager	D. Dibley, WORKS MANAGER CONSTRUCTION
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Summary

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 June 2022.

Link to Corporate Plan

Strategic Priority: Strong Diverse Economy

- Our business and industry actively live and buy local.

Strategic Priority: Quality Lifestyle

- Our residents are provided with modern infrastructure and quality essential services across our region.
- Our recreational spaces and community facilities are attractive, safe, and accessible.
- We invest in safe, well maintained road networks to connect our region and support economic activities.

Strategic Priority: Sustainable Organisation

- We are recognised as a financially intelligent and responsible Council.
- Our agile and responsive business model enables us to align our capacity with service delivery.
- Our effective asset management ensures that we responsibly maintain our community assets.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and noted.

Background Information

On 21 July 2021, Council adopted the 2021/22 Budget including Council's Capital Works Program.

Report

To ensure Council are well informed with key infrastructure projects, monthly reports will be presented outlining recently completed projects, projects in progress and upcoming projects.

RECENTLY COMPLETED PROJECTS

- Gill Weir Access Road, Gill Weir Ch: 0.200 - 1.25 - Upgrade Project gravel pavement to bitumen seal
- Moreton Street, Dalby Ch: 0.462-0.925 - Reconstruction Project including a kerb and channel upgrade
- Sandalwood Avenue South Ch: 0.76-1.083 - Upgrade Project gravel pavement to bitumen seal
- Bowen, Coxen, Foster and Kennedy Streets, Condamine - Upgrade Project gravel pavement to bitumen seal
- Glasson Street, Chinchilla - Parking Lanes Upgrade - gravel pavement to bitumen seal
- Windermere Gravel Resheet 10kms (delivered by local contractor)
- Windermere Road - Dust Suppressions x 3

PROJECTS IN PROGRESS

- Bundi Road, Bundi Ch: 33.7 - 39.2 Road Upgrade Project gravel pavement to bitumen seal
- Halliford Road, Ducklo Ch: 0.00 - 6.44 - Upgrade Project gravel pavement to bitumen seal
- Glenern Road, Glenmorgan Ch: 7.75 - 13.75 - Road Widening Project
- Albert Street, Jandowae Ch: 1.2 - 1.74 - Upgrade Project gravel pavement to bitumen seal
- Robinson Lane, Jandowae Ch: 0.29 - 0.365 - Upgrade Project gravel pavement to bitumen seal
- Creek Street, Meandarra - Upgrade Project gravel pavement to bitumen seal
- Bundi Road Ch 1.3km Bridge Replacement / Upgrade
- Mary Street Precinct Stormwater Infrastructure Upgrade Project - Stage 1 (supply and delivery of pre-cast componentry)
- QRA REPA Flood Damage Restoration Package #10 (Giligulgul area)
- QRA REPA Flood Damage Restoration Package #9 (Bell and Jimbour area)
- QRA REPA Flood Damage Restoration Package #12 (Miles and Dulacca)

UPCOMING PROJECTS

- QRA REPA Flood Damage Restoration Packages 13, 14 & 15 (Jandowae, Tara, Miles and Wandoan areas) awarded and waiting for works to begin
- Gill Weir Access Road, Gill Weir Ch: 0.00 - .200 - Intersection Upgrade Project

21/22 PROJECTS DESIGN STATUS UPDATE

Technical Services' Design Department have completed the following number of civil designs for the 2021/2022 Capital Works Program:

- 95% - Roadworks Design Program (49/52) projects Issued for Construction (IFC)
 - 3 Projects awaiting DTMR approval
- 100% - Footpath Design Program (14/14) projects Issued for Construction
- 100% - Stormwater Design Program (1/1) Issued for Construction

22/23 PROJECTS DESIGN STATUS UPDATE

- 31% - Roadworks Design Program (10/32) projects Issued for Construction (IFC)
- 90% - Footpath Design Program (9/10) projects Issued for Construction
- 100% - Stormwater Design Program (1/1) Issued for Construction

COMMERCIAL WORKS RECENTLY COMPLETED

- Macalister Bell Pavement Rehabilitation Project - Stage 1 (TIDS funded)

COMMERCIAL WORKS PROJECTS IN PROGRESS

- DTMR Reseal Prior Works Program (various state-controlled roads within the Western Downs)
- Emergency repairs to flood damage on the State Road Network

UPCOMING COMMERCIAL WORKS

- Dalby Cooyar Road Rehabilitation Stage 2 (Ch. 0 to 4)
- Pavement repairs in sections - Warrego Highway between Macalister and Warra
- Macalister Bell Road, Macalister - Rehabilitation Project Stage 2 (TIDS and TMR funded)

Consultation (Internal/External)

Following Council's resolution to receive the report, updates will be posted on Council's social media platforms to inform Western Downs Regional Council's community.

Legal/Policy Implications (Justification if applicable)

Nil

Budget/Financial Implications

Local Expenditure for the Works - Capital Works Projects for the month of June not available at time of report.

Local Expenditure for the Works - Capital Works Projects for 2021/2022 financial year year-to-date not available at time of report. Will be included as an update in the next report.

The Transport Infrastructure Capital Program has been delivered under budget with savings identified.

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) (the Human Rights Act) requires public entities 'to act and make decisions in a way compatible with human rights'.

All activities will be undertaken in accordance with Council's human rights obligations.

Conclusion

The 2021/22 Capital Works Program for Transport Infrastructure has been impacted by the significant wet weather experienced through the financial year. Whilst the majority of the projects have been completed, the remaining projects are in progress or carried over into 2022/23 and programmed for delivery as soon as practical.

Attachments

Nil

Authored by: Debbie Dibley, WORKS MANAGER CONSTRUCTION

Title	Community and Liveability Report Request Motions Local Government Association Queensland Annual Conference
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Date	11 July 2022
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Responsible Manager	L. Koene, ECONOMIC DEVELOPMENT MANAGER
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Summary

The purpose of this Report is to seek Council's endorsement of attached motions for the Local Government Association Queensland (LGAQ) National Conference held on 17 - 19 October 2022 in Cairns.

Link to Corporate Plan

Strategic Priority: Strong Diverse Economy

- Our region is a recognised leader in agribusiness, energy, and manufacturing.
- We deliver water security to enable future economic growth.

Strategic Priority: Quality Lifestyle

- Our residents are provided with modern infrastructure and quality essential services across our region.
- We invest in safe, well maintained road networks to connect our region and support economic activities.
- We attract families to live, work, prosper, and play in our region.

Strategic Priority: Sustainable Organisation

- We focus on proactive, sustainable planning for the future.
- Our agile and responsive business model enables us to align our capacity with service delivery.
- Our effective asset management ensures that we responsibly maintain our community assets.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this report be approved and the five motions, as detailed within this report, be endorsed.

Background Information

The 126th LGAQ Conference will be held on 17 - 19 October 2022 at the Cairns Convention Centre. An Annual General Meeting will be held where our sector's future policy priorities will be debated.

Western Downs Regional Council advocates for the below items, as included in the Corporate Plan:

1. For a long term domestic and industrial water supply for our region;
2. For childcare that incentives are created to attract and train qualified childcare staff that works regionally;
3. For health and social services that ensure 'Whole of Life' care for our residents;
4. For a safe and well-maintained state and federal road network; and
5. For telecommunications and digital connectivity to support and advance our region.

Report

Council's Economic Development team recently prepared four (5) discussion papers in collaboration with Infrastructure Services, which were all discussed with Council in Councillor Information Sessions held on Wednesday 4 May and Wednesday 8 June 2022. During the Councillor Information Sessions, the below desired outcomes were prioritised.

Topic	Desired Outcome
Connectivity	For our multi-billion-dollar agriculture sector to have access to fast and reliable connectivity to conduct their business and implement digital solutions.
Child Care	To create incentives to attract and train qualified Childcare staff that works regionally.
Health Care	To develop a strategy including actions and incentives to grow a qualified Health workforce in regional Australia by enabling regions 'to grow their own' as well as attracting qualified staff to work regionally.
Roads	To allocate more funding for asset maintenance and renewal of State-Controlled Roads and National Highways, as well as increased longevity of constructed roads
Water	To conduct economic impact assessments to assess which proposed water developments will provide the greatest benefit by supplying reliable and long-term water supply for industry and population growth in regional areas.

In addition, to the above advocacy items as discussed in the Councillor Information Sessions, a draft motion has been added to advocate for incentives to further attract qualified child carers to regional areas.

Submitting motions are a targeted measure to address the above advocacy priorities and to seek support from LGAQ to advocate for these to State and Federal governments.

Consultation (Internal/External)

Councillor Information Sessions
CEO
GM Community & Liveability
GM Corporate Services
GM Infrastructure Services

Legal/Policy Implications (Justification if applicable)

NIL

Budget/Financial Implications

NIL

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) (the Human Rights Act) requires public entities 'to act and make decisions in a way compatible with human rights'.

There are no human rights implications associated with this report.

Conclusion

It is recommended for the report to be approved and the attached motions are endorsed, so they can be submitted in lieu of the LGAQ Annual Conference.

Attachments

1. Draft Motion - Additional Funding Required for National Highways and State-Controlled Roads
2. Draft Motion - Enable Connectivity for Agricultural Sectors
3. Draft Motion - Grow Regional Child Care Workforce
4. Draft Motion - Grow Regional Health Workforce
5. Draft Motion - Priority for Economic Impact Assessments to determine which proposed water developments will provide the greatest benefit by supplying reliable and long-term water supply for industry and population growth in regional areas.

Authored by: Lidewij Koene, Economic Development Manager

2022 LGAQ Annual Conference – Motions template

Please use this template to prepare your motion.

Please use text only – no images or tables.

Who is the key contact for this motion? (required)	Jodie Taylor, Chief Executive Officer
Do you have a contact at the LGAQ for this motion? (optional)	Councillor George Moore, spokesperson for Works and Technical Services (Civil Works, Fleet, Quarries, Asset Management, Design)
Submitting council (required)	Western Downs Regional Council
Supporting organisation (if applicable)	
Council resolution # (required)	
Date of council resolution (required)	20/07/2022
<input type="checkbox"/> Does this motion have state-wide relevance? (This is a required field) YES	
Title of motion (required)	Additional Funding for National Highways and State-Controlled Roads
Motion (required)	The LGAQ calls on the State and Federal governments to allocate more funding for asset maintenance and renewal of state-controlled roads and national highways, as well as increased longevity of constructed roads.
What is the desired outcome sought? (required) 200 word limit	<p>Regional areas in Australia contribute significantly to the economy.</p> <p>The Regional Australian Institute estimates that regional Australia accounts for around 40 per cent of national economic output and employs around one third of Australia's workforce.</p> <p>The agriculture, manufacturing and mining, industries have traditionally been the driving force of economic growth, with health care and construction more recently contributing to the success of regions.</p> <p>Australia relies heavily on regional areas for the production of commodities and the road network should serve this heavy freight task. The</p>

	<p>significant economic contribution of regional areas and the heavy freight task should be included in the criteria for the distribution of funds, in addition to the volume of road users.</p> <p>The Desired Outcome sought is to allocate more funding for asset maintenance and renewal of state-controlled roads and national highways, as well as increased longevity of constructed roads.</p> <p>It is expected that more investment on state and federal roads across Australia will provide a safe, well-maintained, and connective road network.</p>
<p>Background (required) 350-word limit</p>	<p>The National Road Safety Strategy 2021-30 focuses on improving road safety through safe roads, safe vehicles, and safe road use.</p> <p>This action plan focuses on safety improvements however action also needs to remain on effective asset management of these assets.</p> <p>Recent programs, such as the Warrego Highway Upgrade Program (WHUP), has addressed some of these concerns, but has focused predominantly on metropolitan areas, with a lower proportion of funding spent in regional and remote communities. Further, the works completed by this program in regional areas has focused on improvements such as wide centre line treatments and flattening of batter slopes, while many areas of road in poor condition remain unaddressed and continue to present a threat to road user safety.</p> <p>The risk to road user safety is also predominantly borne by Local Government as the Network Steward for the state and national highway road networks within their respective regions. This risk is compounded by a lack of sufficient maintenance funding in these regions, for example:</p> <p>(i) In the 2021/22 Financial Year the Western Downs RMPC allocated \$1.45M to the National Highways within this region to address a recorded defect backlog value \$6.023M as of 30 June 2021;</p> <p>(ii) For Other State Controlled Roads (OSCR) Western Downs RMPC allocated \$3.87 million in its 2021/22 Financial Year against an OSCR backlog of \$40.07 million.</p> <p>The National Road Safety Strategy identifies that there are significantly more road deaths per 100,000 people on regional and remote areas of Australia than major cities 10.0 (regional), 25.1 (remote) and 2.2. (major cities) and require investment to ensure roads in these areas are fit-for-purpose.</p>

Investment in road infrastructure should consider the heavy freight task in regional areas. The significant economic contribution of regional areas and the heavy freight task should be included in the criteria for the distribution of funds, in addition to the volume of road users.

Regional areas in Australia rely on safe and well-maintained state and federal road networks to enable industries' heavy freight task.

It is expected that more investment on state and federal roads across Australia will provide a safe, well-maintained, and connective road network.

The LGAQ calls on the State and Federal governments to allocate more funding for asset maintenance and renewal of state-controlled roads and national highways, as well as increased longevity of constructed roads.

2022 LGAQ Annual Conference – Motions template

Please use this template to prepare your motion.
Please use text only – no images or tables.

Who is the key contact for this motion? (required)	Jodie Taylor, Chief Executive Officer
Do you have a contact at the LGAQ for this motion? (optional)	Councillor Paul McVeigh, Mayor, and spokesperson for Executive Services (Disaster Management, Economic Development, Internal Audit, Communications and Marketing)
Submitting council (required)	Western Downs Regional Council
Supporting organisation (if applicable)	
Council resolution # (required)	
Date of council resolution (required)	20/07/2022
<input type="checkbox"/> Does this motion have state-wide relevance? (This is a required field) YES	
Title of motion (required)	
Motion (required)	The LGAQ calls on the State and Federal governments to increase funding for Connectivity in regional areas, in particular regions covering widespread agricultural land.

<p>What is the desired outcome sought? (required) 200 word limit</p>	<p>"The 2011-12 Regional Telecommunications Review identified a lack of adequate mobile voice and broadband coverage as the issue of greatest concern for regional communities" (Australian Government Department of Communications, Mobile Coverage Programme Discussion Paper, 16 December 2013).</p> <p>Inadequate mobile phone coverage remains a significant issue as regional, rural, and remote areas in Australia. These communities face significant challenges accessing reliable communication services.</p> <p>One of the main reasons for this is that telecommunication providers will only increase coverage in areas when demand reaches a level to be financially attractive. This issue is faced by all regional and remote areas across Australia that have a low population which is not financially attractive to Telecommunications providers, and in particular by Agricultural enterprises which often span significant areas of land.</p> <p>The Desired Outcome sought is to have access to fast and reliable connectivity allowing our multi-billion-dollar agriculture sector to conduct their business and implement digital solutions on a level playing field with urban and metropolitan areas.</p>
<p>Background (required) 350 word limit</p>	<p>Regional areas in Australia contribute significantly to the economy. The Regional Australian Institute estimates that regional Australia accounts for around 40 per cent of national economic output and employs around one third of Australia's workforce.</p> <p>Agricultural industries have traditionally been the driving force of economic growth across regional areas and continue to hold a strong place in Australia's economy, covering 12% of goods and services exported in 2020-21. Contemporary Agri-businesses utilise technology that is reliant on connectivity to enable them to stay competitive and build capacity, as well as being reliant on the mobile phone network for communication in emergency situations and farm accidents.</p>

In the modern world Australia participates in, fast and reliable connectivity is a prerequisite to enable economic development and liveability.

Even more so in regional Australia, fast and reliable digital and mobile connectivity is a requirement to attracting investment; for existing businesses to run day-to-day operations and to improve productivity and reach markets anywhere in the world.

"Economic modelling from the Accelerating Precision Agriculture to Decision Agriculture project indicates that digital agriculture could increase the gross value of Australian agricultural production by \$20.3 billion, (25% increase). The greatest gains are expected to come from remote monitoring, automation, better tailoring of inputs such as fertilizer and seed, and environmental benefits such as efficiencies in water and pest management."

Next to businesses, nearly 7 million people (28% of Australia's population) live in rural and remote areas. Equitable access to connectivity is fast becoming a Human Right expectation as it enables communities in remote areas to have access to educational, social and health services that might otherwise not be possible. Connectivity can enable people living in regional and rural Australia to have access to many critical services not available in their areas such as Telehealth.

COVID-19 has accelerated opportunities for Australians to study and work remotely, providing a great opportunity for regional areas to attract and retain our population. The Regional Australian Institute estimates that 1 out of 5 households in metropolitan areas is considering moving regionally. Without suitable access to cost-effective telecommunications, towns are finding it very difficult to retain and attract residents.

The Federal Government has set aside \$380 million over six rounds under the Mobile Blackspots Program. Whilst this investment is welcomed, the program is nearing its last round and there is still a significant part of regional Australia that faces connectivity issues. Whilst existing programs and policy measures are welcomed, additional funding is required for regional areas.

2022 LGAQ Annual Conference – Motions template

Please use this template to prepare your motion.
Please use text only – no images or tables.

Who is the key contact for this motion? (required)	Jodie Taylor, Chief Executive Officer
Do you have a contact at the LGAQ for this motion? (optional)	Councillor Kaye Maguire, spokesperson for Community and Cultural Development.
Submitting council (required)	Western Downs Regional Council
Supporting organisation (if applicable)	
Council resolution # (required)	
Date of council resolution (required)	20/07/2022
<input type="checkbox"/> Does this motion have state-wide relevance? (This is a required field) YES	
Title of motion (required)	Growing a Qualified Child Care Workforce in Regional Australia
Motion (required)	The LGAQ calls on the State and Federal governments to create incentives to attract and train qualified childcare staff that works regionally.
What is the desired outcome sought? (required) 200 word limit	<p>Regional and remote areas in Australia face unique challenges in the provision of childcare services.</p> <p>According to a survey from Australia Talks (2021) 57% of rural families struggle to access early childhood education and care (ECEC) services, equating to six out of ten regional families. In some instances, families have to travel over 100km to the nearest childcare centre. In metropolitan areas this is 4 out of 10 families.</p> <p>The Australian Children's Education and Care Quality Authority predicts the sector will need an extra 39,000 staff across Australia by 2023. This workforce gap further exacerbates challenges for regional and remote child care centres to attract and retain staff.</p> <p>Gaps in these critical services have a negative impact on the liveability Australia Wide and the</p>

	<p>ability to attract and retain families in regional and remote areas.</p> <p>The Desired Outcome sought is to create incentives to attract and train qualified childcare staff that works regionally.</p>
<p>Background (required) 350 word limit</p>	<p>Regional and remote areas in Australia face unique challenges in the provision of childcare services. Despite the high demand for services, existing Childcare centres and family Day care are unable to increase their capacity due to the difficulty in attracting qualified staff.</p> <p>This is exacerbated by stringent staff-child ratios and floorspace requirements. These requirements make services for children aged 0 – 3 years old less profitable compared to kindergarten arrangements in which staff members can supervise a higher number of children, therefore generating a higher profit. As family daycares are limited in the number, the spaces available for children aged 0 – 3 years old are even more limited.</p> <p>As a result of the gaps in childcare services, many families in Australia struggle to access early childhood education and care. Gaps in these critical services have a negative impact on the liveability and ability of regional areas to attract and retain families.</p> <p>The lack of access to childcare poses significant challenges for parents wishing to return to work and parents who wish to access these services for other reasons, including the social development of their children.</p> <p>Child Care is a foundational requirement for addressing the skills shortages across all industries. The Federal Government should act to ensure that parents who wish to return to work can do so.</p> <p>The LGAQ calls on the State and Federal Governments to create incentives to attract and train qualified childcare workers that work regionally.</p> <ul style="list-style-type: none"> • Increased wages to attract more staff to the industry; • Increase child care subsidies to ensure more places and affordability of care; • Local training facilities in regional Australia; • Rural rotations; • Distribution Priority Areas to attract skilled workers from overseas to regional and remote locations.

It is expected that the above federal incentives will attract more staff to work in early childhood education and care industry, and more staff to work in regional and remote locations to meet the demand for care.

2022 LGAQ Annual Conference – Motions template

Please use this template to prepare your motion.

Please use text only – no images or tables.

Who is the key contact for this motion? (required)	Jodie Taylor, Chief Executive Officer
Do you have a contact at the LGAQ for this motion? (optional)	Councillor Ian Rasmussen, spokesperson for Finance, Corporate Services & Business Strategy
Submitting council (required)	Western Downs Regional Council
Supporting organisation (if applicable)	
Council resolution # (required)	
Date of council resolution (required)	20/07/2022
<input type="checkbox"/> Does this motion have state-wide relevance? (This is a required field) YES	
Title of motion (required)	Growing a Qualified Health Workforce in Regional Australia
Motion (required)	The LGAQ calls on the State and Federal governments to develop a strategy including actions and incentives to grow a qualified health workforce in regional Australia by enabling regions 'to grow their own' as well as attracting qualified staff to work regionally.
What is the desired outcome sought? (required) 200 word limit	<p>Regional and remote areas in Australia face unique challenges affecting equity in the provision of health services. According to the Australian Institute of Health and Welfare, the lack of access to quality health care in rural and remote areas contributes to shorter lives and higher levels of disease and injury.</p> <p>Next to poorer health outcomes, gaps in critical health services have a negative impact on the liveability and ability to attract and retain families for regional areas.</p> <p>Allied Health Professions Australia estimated in 2019 that there were 195,000 registered allied health clinicians in Australia with only 15,000 professionals (7.6% of the total) working in rural</p>

	<p>and remote areas of Australia. This can be placed in sharp contrast when considering that approximately 7 million Australians live in rural and remote areas (equalling 28% of the population).</p> <p>This undersupply and maldistribution significantly limit access to quality allied health services for many Australians.</p> <p>The Desired Outcome sought is to develop a two-prong strategy to grow a qualified health workforce in regional Australia by enabling regions 'to grow their own' as well as attracting qualified staff to work regionally.</p>
<p>Background (required) 350 word limit</p>	<p>Regional and remote areas in Australia often have limited or no access to critical health services locally because of workforce shortages. Whilst regions often experience staff shortages for doctors, GPs and nurses, they significantly lack availability of allied health services.</p> <p>Allied Health Professions Australia estimated in 2019 that there were 195,000 registered allied health clinicians in Australia with only 15,000 professionals (7.6% of the total) working in rural and remote areas of Australia. This can be placed in sharp contrast when considering that approximately 7 million Australians live in rural and remote areas (equalling 28% of the population).</p> <p>As a result of these gaps many regional Australians are unable to access the health care they require. Distance often excludes many residents from attending appointments due to the inability to access transport and the costs associated with longer stays if required. In addition, when residents must travel and stay elsewhere for treatment they are often having to do so without support.</p> <p>Whilst some might consider telehealth as a solution for this issue, poor mobile and phone connectivity (quality and speed) in regional and remote areas limit this opportunity.</p> <p>Gaps in these critical services result in poorer health outcomes of the population, as well as have a negative impact on the liveability and ability to attract and retain families to regional and remote areas.</p> <p>The National Rural Health Commissioner suggests developing a regional, rural, and remote holistic 'grow your own' health training system in order to overcome the current maldistribution of allied health professionals across Australia.</p>

The LGAQ calls on the State and Federal Government to collaborate with Local Government Areas and develop a strategy to grow a qualified health workforce in regional Australia by enabling regions 'to grow their own' as well as attracting qualified staff to work regionally.

2022 LGAQ Annual Conference – Motions template

Please use this template to prepare your motion.

Please use text only – no images or tables.

Who is the key contact for this motion? (required)	Jodie Taylor CEO
Do you have a contact at the LGAQ for this motion? (optional)	Councillor Peter Saxelby, spokesperson for Utilities (Water, Wastewater and Gas)
Submitting council (required)	Western Downs Regional Council
Supporting organisation (if applicable)	
Council resolution # (required)	
Date of council resolution (required)	20/07/2022
<input type="checkbox"/> Does this motion have state-wide relevance? (This is a required field) Yes	
Title of motion (required)	
Motion (required)	<p>The LGAQ calls on the State and Federal governments conduct economic impact assessments to assess which proposed water developments will provide the greatest benefit by supplying reliable and long-term water supply for industry and population growth in regional areas.</p>
What is the desired outcome sought? (required) 200 word limit	<p>Regional areas in Australia contribute significantly to the economy. The Regional Australian Institute estimates that regional Australia accounts for around 40 per cent of national economic output and employs around one third of Australia's workforce. The mining, agriculture and manufacturing industries have traditionally been the driving force of economic growth, with health care and construction more recently contributing to the success of regions.</p> <p>The Regional Australian Institute estimates that 1 out of 5 households living in metropolitan areas is considering moving regionally. Investment in long-term bulk water sources will make the regions</p>

	<p>more attractive to live and work. This will assist with de-urbanising metropolitan areas.</p> <p>Whilst the current supply is fully allocated and at risk, demand for water in regions is growing due to forecasted industry and population growth.</p> <p>The Desired Outcome sought is for the State and Federal Government to conduct economic impact assessments to assess which proposed water developments will provide the greatest benefit by supplying reliable and long-term water supply for industry and population growth in regional areas.</p> <p>Delivery of long-term bulk water source for regional communities will support operations and further enable economic growth.</p>
<p>Background (required) 350 word limit</p>	<p>Regional areas in Australia contribute significantly to the economy. The Regional Australian Institute estimates that regional Australia accounts for around 40 per cent of national economic output and employs around one third of Australia's workforce. The mining, agriculture and manufacturing industries have traditionally been the driving force of economic growth, with health care and construction more recently contributing to the success of regions.</p> <p>The Regional Australian Institute estimates that 1 out of 5 households living in metropolitan areas is considering moving regionally. Investment in long-term bulk water sources will make the regions more attractive to live and work. This will assist with de-urbanising metropolitan areas.</p> <p>A reliable and long-term water supply is of vital importance to improve and sustain the liveability of regions and to meet the growing requirements of industry and population. Water is a vital source for human life and wellbeing, critical for food production, and is part of many industrial processes like manufacturing and mining. In addition to the consumption of water, water ecosystems support a range of other economic activities such as recreation and tourism and are critical in the sustainability of biodiversity. Agriculture is by far globally the largest industry consuming water, currently accounting for 70% of water withdrawals and growing. By 2050, world agriculture will need to produce 60% more food globally. Industry and energy sectors together consume another 20% of the global water withdrawals, residential use of water accounts for the last 10% globally.</p> <p>There is increased pressure on freshwater resources which is exacerbated by the effects of</p>

climate change. Globally, the rate of groundwater withdrawals has increased by 1% per year since the 1980s, whilst the global population is expected to increase from seven to nine billion between 2011 and 2050.

The largest challenge is to enable economic and social development, whilst protecting the environment. This is captured by the Sustainable Development Goals (known as the SDG's) #6 *"Ensure availability and sustainable management of water and sanitation for all"*.

Whilst the current supply is fully allocated and at risk, demand for water in regions is growing due to forecasted industry and population growth.

Title **Community and Liveability Report Nomination Special Holidays 2023**

Date 12 July 2022

Responsible Manager L. Tyrrell, ACTING COMMUNITIES MANAGER

Summary

The purpose of this Report is to seek Council's endorsement of the proposed nominated Show Holidays in 2023 in line with the *Holidays Act 1983*.

Link to Corporate Plan

Strategic Priority: Active Vibrant Community

- We are a happy, inclusive community, proud of where we live.
- Our people of diverse backgrounds and ages are united by social, cultural, and sporting activities.
- Our parks, open spaces, and community facilities are alive with activities and connect our communities.
- We are a strong sustainable community supported by volunteers.
- We empower communities to develop local initiatives and events.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and that:

In accordance with the *Holidays Act 1983*, Council submit the following dates to be appointed as 2023 gazetted Show Holidays: -

Chinchilla	26 May 2023
Dalby	14 April 2023
Miles	23 May 2023
Tara	14 August 2023
Wandoan	14 April 2023

Background Information

In accordance with the *Holidays Act 1983* (the Act), the Chief Executive Officer of the local government for the district concerned, may request a special holiday within a district whether it be a day, or the forenoon or afternoon of a day. Holidays of this nature are usually appointed in conjunction with an annual agricultural, horticultural or industrial show or other event which would be of significance to a particular district. In previous years the five (5) major Shows within the Western Downs Regional Council area (Chinchilla, Dalby, Miles, Tara, and Wandoan) have each had a Public Holiday declared on the day nominated by the relevant Show Society.

Report

Correspondence has been received from the Executive Director, Industrial Relations, Office of Industrial Relations, advising that requests for the appointment of special holidays for 2023, in accordance with the *Holidays Act 1983*, must be submitted no later than Friday, 30 July 2022.

Due to the significance of the annual agricultural shows within the Western Downs Regional Council area, the five (5) major Show Societies were requested to submit a proposed date for consideration.

Public holiday nominated by each Show Society:

Chinchilla	26 May 2023
Dalby	14 April 2023
Miles	23 May 2023
Tara	14 August 2023
Wandoan	14 April 2023

The appointment of the holidays will be published in the Queensland Government Gazette.

Consultation (Internal/External)

Chinchilla Agricultural & Pastoral Show Society
Dalby & District Show Society
Miles & District Show Society
Tara Pastoral Agricultural & Horticultural Show Society
Wandoan Show Society

Legal/Policy Implications (Justification if applicable)

Under section 4 of the *Holidays Act 1983*, a holiday shall not be appointed in respect of a district unless the Minister has received, by a specified date, a notice signed by the Chief Executive Officer of the local government for the area in which the district is situated requesting that the holiday be appointed.

A special holiday for an annual agricultural, horticultural, or industrial show (show day) will also be a public holiday. On a public holiday industrial relations laws require that employees are given a paid day off or payment of penalty rates if work is performed on the day.

Budget/Financial Implications

On a public holiday industrial laws require that employees are given a paid day off or payment of penalty rates if work is performed on the day.

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) (the Human Rights Act) requires public entities 'to act and make decisions in a way compatible with human rights'.

There are no human rights implications associated with this report.

Conclusion

It is recommended that Council submit a request for the appointment of special holidays for 2023 as detailed in the Report.

Attachments

1. Correspondence received from the Executive Director, Industrial Relations, Office of Industrial Relations, dated 15 June 2022.

Authored by: K. Wood, Community Grants Officer

From: "Jacqui McGuire" <Jacqui.McGuire@oir.qld.gov.au>
Sent: Wed, 15 Jun 2022 15:45:50 +1000
To: "Jacqui McGuire" <Jacqui.McGuire@oir.qld.gov.au>
Cc: "Nathaniel Hully" <Nathaniel.Hully@oir.qld.gov.au>
Subject: ATTENTION CEO - 2023 special holiday requests
Attachments: FormSH-Request for Special Holidays.pdf, Request letter 2023.pdf

Dear Chief Executive Officer,

The *Holiday's Act 1983* provides for the granting and observance of special holidays which includes show days. Each year local governments are invited to request special and show holidays for the following year (please see attached letter).

Requests are made via the attached form which is 'signed or endorsed' by the Chief Executive Officer and submitted via email to info@oir.qld.gov.au. Should you have any enquiries regarding the request/appointment process please contact me on the number below.

Should you wish to make a request for special holiday/s for 2023, please complete the attached form at your earliest convenience. If for some reason, you are unable to make a request at this time, please advise via return email or contact me on telephone (07) 3406 9854 to discuss further.

I would also appreciate your advice should Council choose not to make a request.

Once we have received all requests, they will be prepared for Ministerial approval, gazettal and publishing on the website. A confirmation letter will be emailed to Councils advising of the Ministerial approval of appointed holidays for their area.

Please contact me if you have any questions.

Kind regards,



Jacqui McGuire
Senior Industrial Officer
Industrial Relations Regulation and Compliance
Office of Industrial Relations
P: 07 3406 9854 E: jacqui.mcguire@oir.qld.gov.au

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Office of
Industrial Relations

Department of Education

15 June 2022

Dear Chief Executive Officer,

As you may be aware, each year in accordance with the *Holidays Act 1983* local governments are invited to request special holidays to be observed during the following year for districts in their area.

If you wish to request special holidays to be observed during 2023 for districts in your local government area, please complete the attached request form and submit via email to info@oir.qld.gov.au by no later than **Friday, 29 July 2022**.

A local council requested special holiday is a public holiday only if it is in respect of an agricultural, horticultural or industrial show. Under federal industrial relations legislation, on a public holiday employees are, without loss of ordinary pay, entitled to be absent from work or refuse to work in reasonable circumstances. Employees who work on a public holiday are entitled to penalty rates in accordance with their award or agreement.

A special holiday for any other reason is not a public holiday but is a bank holiday only and under the *Trading (Allowable Hours) Act 1990*, is only a holiday for banks and insurance offices and under a directive of the *Public Service Act 2008*, a holiday for public service employees unless otherwise determined by a chief executive.

Upon receiving Ministerial approval, the holidays will be published in the Queensland Government Gazette. Confirmation of the approved special holidays together with a link to the Queensland Government Gazette will be emailed to your office.

Should you require further information regarding this process, please contact Ms Jacqui McGuire, Office of Industrial Relations on (07) 3406 9854 or email jacqui.mcguire@oir.qld.gov.au.

Yours sincerely

Tony Schostakowski
Acting Executive Director – Industrial Relations
Office of Industrial Relations

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