

**5. CONFIRMATION OF MINUTES**

**5.1 Adopt Minutes Ordinary Meeting of Council**

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

**COUNCIL RESOLUTION**

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

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

That this Report be received and that:

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

**CARRIED**

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



## 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)

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**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, Zavier 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**

UNCONFIRMED

**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**

UNCONFIRMED

## 10. CONFIDENTIAL ITEMS

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

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

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

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

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

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

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

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

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



**COUNCIL RESOLUTION - CLOSE MEETING**

**Moved By** Cr. 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 6 Dispute Resolution**

#### **Part 1 Appeal Rights**

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

(1) Schedule 1 states -

(a) matters that may be appealed to -

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

(ii) only a tribunal; or

(iii) only the P&E Court; and

(b) the person -

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

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

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

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

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

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

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

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

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

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

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

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

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

**CARRIED**

**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 20m<sup>3</sup>, 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.

**FEEES 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](http://www.datsip.qld.gov.au)

**NOTE 3 -General Environmental Duty**

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

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

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

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 6 Dispute Resolution**

**Part 1 Appeal Rights**

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

- (1) *Schedule 1 states -*
  - (a) *matters that may be appealed to -*
    - (i) *either a tribunal or the P&E Court; or*
    - (ii) *only a tribunal; or*
    - (iii) *only the P&E Court; and*
  - (b) *the person -*

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

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

**CARRIED**

**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](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.

**APPEAL RIGHTS**

**"Chapter 6 Dispute Resolution**

**Part 1 Appeal Rights**

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

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

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

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

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

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

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

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

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

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

#### **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 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.

**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		
						<b>FOR:</b> Cr. K.A. Maguire, Cr. P.T. Saxelby and Cr. C.T. Tillman <b>AGAINST:</b> <b>DID NOT VOTE:</b> 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		
						<b>FOR:</b> Cr. K.A. Maguire, Cr. P.T. Saxelby and Cr. C.T. Tillman <b>AGAINST:</b> <b>DID NOT VOTE:</b> Cr. K.A. Bourne and Cr. O.G. Moore		
<b>TOTAL FUNDED</b>						<b>\$9,280.35</b>		

**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.	
						<p><b>FOR:</b> Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. O.G. Moore and Cr. P.T. Saxelby</p> <p><b>AGAINST:</b></p> <p><b>DID NOT VOTE:</b> Cr. C.T. Tillman</p>		
<b>TOTAL FUNDED</b>						<b>\$0.00</b>		

**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:

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	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	<b>\$2,500.00 plus In-Kind Assistance at no cost to Council</b>		
							<b>FOR:</b> Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. P.T. Saxelby and Cr. C.T. Tillman  <b>AGAINST:</b> <b>DID NOT VOTE:</b> 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	<b>\$5,000.00</b>		
							<b>FOR:</b> Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. P.T. Saxelby and Cr. C.T. Tillman  <b>AGAINST:</b> <b>DID NOT VOTE:</b> 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	<b>\$2,000.00 plus In Kind Kind Assistance of \$994.24</b>		
							<b>FOR:</b> Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. P.T. Saxelby and Cr. C.T. Tillman  <b>AGAINST:</b> <b>DID NOT VOTE:</b> Cr. O.G. Moore	
<b>TOTAL FUNDED</b>						<b>\$9,500.00 cash plus \$994.24 In Kind Assistance</b>		

**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	
							<b>FOR:</b> Cr. K.A. Bourne, Cr. K.A. Maguire and Cr. P.T. Saxelby <b>AGAINST:</b> Cr. C. T. Tillman <b>DID NOT VOTE:</b> Cr. O.G. Moore
			<b>TOTAL FUNDED</b>			<b>\$4,648.00</b>	

**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