

**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**

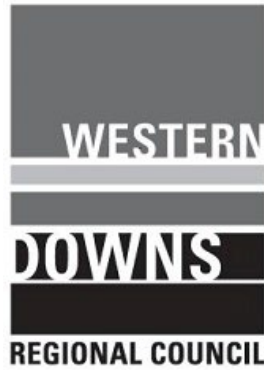
**Moved By** Cr. I. J. Rasmussen

**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**



## **Minutes of the Ordinary Meeting of Council**

**Date:** Wednesday, 18 May 2022  
**Time:** 9:30am  
**Location:** Tara Soldiers Memorial Hall  
19 Fry Street, Tara QLD 4421

**Councillors:**

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

**Officers:**

- J. K. Taylor, Chief Executive Officer
- G. K. Cook, General Manager (Infrastructure Services)
- D. Fletcher, General Manager (Community and Liveability)
- P. Greet, Acting General Manager (Corporate Services)
- T. Summerville, Planning and Environment Manager
- C. Craig, Senior Executive Officer
- A. G. Lyell, Executive Services Administration Officer
- H. Wex, Executive Officer to the Mayor

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## 1. DECLARATION OF MEETING OPENING

The Chairperson declared the Meeting open at 9.30AM.

Cr. C. T. Tillman was not present at the commencement of the meeting.

## COUNCIL RESOLUTION

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

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

That Council approves the attendance of Cr. I. J. Rasmussen by teleconference.

**CARRIED**

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

## 2. OPENING PRAYER AND MINUTE SILENCE

Pastor Ron Evans from the Community Church, delivered the opening prayer. This was followed by the observance of a minute silence.

## 3. APOLOGIES

Nil.

Cr C. T. Tillman joined the meeting at 9:36am.

## 4. CONGRATULATIONS

Cr. C. T. Tillman requested that congratulations be extended to the Dalby Arts Council for the fundraising display of Dulcie Mason Vintage Ballgown Collection.

Cr. P. T. Saxelby requested that congratulations be extended to Nick Budden for being selected to represent Australia in the Cricket Australia National Deaf Squad for the 2022 International Inclusion Series.

Cr. O. G. Moore requested that congratulations be extended to Murilla Garden Club and their host Kylie and Stephen Bourne for hosting a very successful Garden Group Biggest Morning Tea to raise money for Queensland Cancer Council. Over 200 people attended and raised over \$8000.

Cr. O. G. Moore requested that congratulations be extended to Alan Bougoure for being selected in the Australian Over 60's Cricket.

Cr. M. J. James requested that congratulations be extended to Brock Sankey, Corey Nolan and Mac Nolan from Dalby who competed and won the National Touch League Under 20 Grand Final.

Cr. M. J. James requested that Council acknowledge Wear Orange Wednesday and say thank you to all SES volunteers who generously give their time to help communities during flood and storm emergencies. It's been an incredibly demanding time for our emergency volunteers during the recent weather events.

**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, 13 April 2022

**COUNCIL RESOLUTION**

**Moved By** Cr. O. G. Moore

**Seconded By** Cr. A. N. Smith

That this Report be received and that:

1. The Unconfirmed Minutes of the Ordinary Meeting of Council held on 13 April 2022, copies of which have been circulated to Members, be taken as read and confirmed, with the following amendment:

**11. DEPUTATION**

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

**CARRIED**

**6. BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETINGS**

Nil.

## 7. DECLARATIONS OF CONFLICTS OF INTEREST

### **Item 10.2.2 - Corporate Services Confidential Report One Twenty Cunningham Street Tender**

#### **Cr. P. M. McVeigh**

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

1. McVeigh family have engaged New State Builders to do work on one of their properties.

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

### **Item 13.1 - Executive Services Report Dalby Aerodrome Evaporation Pond**

#### **Cr. P. M. McVeigh**

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

1. His daughter in law's family own and operate an agricultural aviation business from the Dalby airport.

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

## 8. PRESENTATION OF PETITIONS BY COUNCILLORS

Nil.

**9. MAYORAL UPDATE**

**9.1 Executive Services Mayoral Report April 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. P. T. Saxelby

**Seconded By** Cr. C. T. Tillman

That this Report be received and noted.

**CARRIED**

## 10. CONFIDENTIAL ITEMS

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

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

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

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

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

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

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

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

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

### **COUNCIL RESOLUTION - CLOSE MEETING**

**Moved By** Cr. A. N. Smith

**Seconded By** Cr. K. A. Bourne

That Council resolve to close the Meeting in accordance with Section 254J (3)(c)(e)(g) of the *Local Government Regulation 2012* at 10:03am to discuss the following Confidential Reports:

1. Item 10.1.1 Executive Services Confidential Report to commence legal proceedings against Stella Investments (Qld) Pty Ltd and ors
2. Item 10.1.2 Executive Services Confidential Report 69 Drayton Street Dalby Library Lease Renewal
3. Item 10.2.1 Corporate Services Confidential Report Proposed Edward Street Chinchilla Special Rate Charge
4. Item 10.2.2 Corporate Services Confidential Report One Twenty Cunningham Street Tender.
5. Item 10.2.3 Corporate Services Confidential Report Quarterly Liability Update as at 31 March 2022
6. Item 10.4.1 Infrastructure Services Confidential Report Request for Extension to Purchase Order for Cultural Heritage Monitoring of the Russell Park Mountain Bike Trails Project

**CARRIED**

### **COUNCIL RESOLUTION - REOPEN MEETING**

**Moved By** Cr. C. T. Tillman

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

That Council resolve to reopen the Meeting at 10:34am

**CARRIED**

**11. DEPUTATION**

Mr Frank Drinan addressed Council in relation to the Dalby Aerodrome Evaporation Pond. Mr Drinan discussed options in relation to chemical waste disposal at the Dalby Aerodrome.

**COUNCIL RESOLUTION - ADJOURN MEETING**

**Moved By** Cr. P. T. Saxelby

**Seconded By** Cr. K. A. Bourne

That Council resolve to adjourn the Meeting.

*The Meeting adjourned at 10:41am*

*The Meeting resumed at 11:02am*

**CARRIED**

### **COUNCIL RESOLUTION - CLOSE MEETING**

**Moved By** Cr. O. G. Moore

**Seconded By** Cr. K. A. Bourne

That Council resolve to close the Meeting in accordance with Sections 254J (3)(c)(e)(g)) of the *Local Government Regulation 2012* at 11:02 to discuss the following Confidential Reports:

1. **Item 10.1.1** - Executive Services Confidential Report to commence legal proceedings against Stella Investments (Qld) Pty Ltd
2. **Item 10.1.2** - Executive Services Confidential Report 69 Drayton Street Dalby Library Lease Renewal
3. **Item 10.2.1** - Corporate Services Confidential Report Proposed Edward Street Chinchilla Special Rate Charge
4. **Item 10.2.2** - Corporate Services Confidential Report One Twenty Cunningham Street Tender
5. **Item 10.2.3** - Corporate Services Confidential Report Quarterly Liability Update as at 31 March 2022
6. **Item 10.4.1** - Infrastructure Services Confidential Report Request for Extension to Purchase Order for Cultural Heritage Monitoring of the Russell Park Mountain Bike Trails Project

**CARRIED**

### **COUNCIL RESOLUTION - REOPEN MEETING**

**Moved By** Cr. C. T. Tillman

**Seconded By** Cr. K. A. Maguire

That Council resolve to reopen the Meeting at 11:04am

**CARRIED**

## 10.1 EXECUTIVE SERVICES

### 10.1.1 Executive Services Confidential Report to commence legal proceedings against Stella Investments (Qld) Pty Ltd and ors

The Purpose of this Report is to seek Council's direction to commence legal proceedings to enforce the Enforcement Notice issued under the *Planning Act 2016*.

#### **COUNCIL RESOLUTION**

**Moved By** Cr. A. N. Smith

**Seconded By** Cr. C. T. Tillman

That this Report be received and that Council;

1. commence legal proceedings in the Magistrates Court against Stella Investments (Qld) Pty Ltd and its directors to prosecute for non-compliance of an enforcement notice, and
2. delegates authority to the Chief Executive Officer to manage, and sign all documents necessary, to conduct the legal proceedings.

**CARRIED**

### 10.1.2 Executive Services Confidential Report 69 Drayton Street Dalby Library Lease Renewal

The purpose of this Report is to seek Council direction in relation to the negotiation and execution of a two year lease renewal (plus one year option) for the ongoing temporary relocation of the Dalby Library.

#### **COUNCIL RESOLUTION**

**Moved By** Cr. K. A. Maguire

**Seconded By** Cr. A. N. Smith

That this Report be received and that :

1. pursuant to section 235(a) of the *Local Government Regulation 2012* (Qld), Council is satisfied that there is only one supplier who is reasonably available;
2. Council enter into a two-year lease renewal (with a one year option) to accommodate the Dalby Library for part of the first floor of the building at 69 Drayton Street, Dalby, known as U2 and U3 on Lot 3 on SP189619, on the terms as outlined in this Report; and
3. Council delegate authority to the Chief Executive Officer to make, vary, amend, negotiate, and execute all documents necessary, to affect the lease renewal.

**CARRIED**

## 10.2 CORPORATE SERVICES

### 10.2.1 Corporate Services Confidential Report Proposed Edward Street Chinchilla Special Rate Charge

The purpose of this report is to provide Council with details on the proposed special charge for the recovery of road upgrade/construction costs for Edward St, Chinchilla.

#### **COUNCIL RESOLUTION**

**Moved By** Cr. A. N. Smith

**Seconded By** Cr. K. A. Bourne

That this Report be received and that:

1. the proposed Edward Street, Chinchilla Special Rate Charge be considered for inclusion in the 2022-23 budget.

**CARRIED (8 to 1)**

### 10.2.2 Corporate Services Confidential Report One Twenty Cunningham Street Tender

The purpose of this Report is to seek Council's approval to award New State Builders Pty Ltd (ABN 70 140 266 575) the Tender MM11-21-22 for the One Twenty Cunningham Street project and to commission QBuild (ABN 65 266 806 703) to provide project superintendent services.

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

1. *McVeigh family have engaged New State Builders to do work on one of their properties.*

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

Cr. P. M. McVeigh left the meeting for the discussion at 10:25am

Cr. P. M. McVeigh re-joined the meeting at 10:33am

Cr. P. M. McVeigh left the meeting for the vote at 11:12am

#### **COUNCIL RESOLUTION**

**Moved By** Cr. P. T. Saxelby

**Seconded By** Cr. C. T. Tillman

That this Report be received and that Council

1. award the contract for Tender MM11-21-22 for the construction of the One Twenty Cunningham Street project to New State Builders Pty Ltd (ABN 70 140 266 575) and increase the budget allocation to \$3,460,462 (GST Excl.) amount noted in this report;
2. commission QBuild (ABN 65 266 806 703) to provide project superintendent services for \$54,767 (GST Excl.); and
3. delegate authority to the Chief Executive Officer to make, amend or discharge the contracts for construction and superintendent services associated with the tender.

**CARRIED**

**Absent Did Not Vote:** Cr. P. M. McVeigh

Cr. P. M. McVeigh re-joined the meeting at 11:14am

### **10.2.3 Corporate Services Confidential Report Quarterly Liability Update as at 31 March 2022**

The purpose of this Report is to provide Council with a quarterly update on liability matters as at 31 March 2022.

#### **COUNCIL RESOLUTION**

**Moved By** Cr. O. G. Moore

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

That this Report be received, and Council note the liability matters.

**CARRIED**

### **10.3 COMMUNITY AND LIVEABILITY**

Nil.

### **10.4 INFRASTRUCTURE SERVICES**

#### **10.4.1 Infrastructure Services Confidential Report Request for Extension to Purchase Order for Cultural Heritage Monitoring of the Russell Park Mountain Bike Trails Project**

The purpose of this report is to provide an update on the Russell Park Mountain Bike Trails Project and seek Council's approval to award a variation to Cultural Heritage Solutions for additional Cultural Heritage monitoring services required due to extended work durations on this project.

#### **COUNCIL RESOLUTION**

**Moved By** Cr. M. J. James

**Seconded By** Cr. K. A. Bourne

That this report be received and that Council:

1. authorise the unavoidable variation for cultural heritage monitoring and test pitting during the final stage of trail construction vegetation preclearing works; and
2. delegate to the Chief Executive Officer the power to make, amend or discharge this variation within the limit of the approved Capital Works Budget.

#### **PROCEDURAL MOTION**

**Moved By** Cr K.A. Maguire

That the motion be put.

**The PROCEDURAL MOTION was PUT and CARRIED**

**The ORIGINAL MOTION was PUT and CARRIED**

## 12. PLANNING

### 12.1 (030.2021.483.001) Community and Liveability Report Development Application for Material Change of Use for Extractive Industry (50,000 tonnes per annum) Lot 7 on RG58 Humbug Road The Gums Campbell Family Trust C/- Danya Cook Town Planning

The purpose of this Report is for Council is to decide the application for a Material Change of Use for an Extractive Industry (50,000 tonnes per annum) on land described as Lot 7 on RG58 at Humbug Road, The Gums.

#### **COUNCIL RESOLUTION**

**Moved By** Cr. O. G. Moore

**Seconded By** Cr. C. T. Tillman

That this Report be received and that:

1. The application for a Material Change of Use to establish an Extractive Industry (50,000 tonnes per annum) on land described as Lot 7 on RG58 and situated at Humbug Road, The Gums, be approved, subject to the following conditions:

#### **APPROVED PLANS AND DOCUMENTS**

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

**Plan No:** 210616\_001\_MIS

**Description:** Site Plan of Lot 7 on RG58, prepared by Bennett + Bennett, dated 31/05/2021

**Plan No:** Figure 1

**Description:** Site Plan, prepared by Attexo Group Pty Ltd, dated 7/03/2022

**Document No:** CAM -001, Revision 0

**Description:** Ashby Gravel Pit Site-Based Management Plan, prepared by Attexo Group Pty Ltd, dated 19 July 2021

**Project No:** 211137, Version DA 01

**Description:** Traffic Engineering Report, prepared by Hayes Traffic Engineering, dated February 2022

2. Where there is any conflict between the conditions of this development approval and the details shown on the Approved Plans and Documents, the conditions of this development approval must prevail.
3. The Approved Plans are to be amended in accordance with the conditions of approval as outlined below:
  - 3.1 Provide details of the approved buildings and structures associated with the approval. Building Floor Plans and Elevation Plans must be submitted to Council.

**Note:** Once the submitted Elevation and Floor Plans of the building proposed for the development are endorsed by Council, these plans will become Approved Plans.

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

4.1 Building Work; and

4.2 Plumbing Works.

#### **APPROVED DEVELOPMENT**

5. The approved development is a Material Change of Use for an Extractive Industry (Quarry up to a maximum of 50,000 tonnes per annum) as shown on the Approved Plans and Documents.

#### **COMPLIANCE, TIMING AND COSTS**

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

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

#### **FEES AND CHARGES**

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

#### **MAINTENANCE**

9. A record of each year's output must be kept on-site and be available for review at the request of Council's Planning and Environment Manager or authorised delegate, within 48 hours of such request.

9.1 Material extracted from the site must not exceed an output of 50,000 tonnes per annum.

10. 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.

#### **APPLICATION DOCUMENTATION**

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

#### **CONTOUR PLANS**

12. Prior to commencement of any extraction, Council must be provided with an initial Contour Plan of the general extraction area shown on the Approved Plans. The Plan is to be prepared by a Licensed Surveyor.

13. On the first anniversary of this Development Permit taking effect, and every twelve (12) months thereafter, a new Contour Plan of the active Extraction Pit/s must be prepared by a Licensed Surveyor and must be submitted to Council for review.

#### **HOURS OF OPERATION/LOADING AND UNLOADING**

14. Quarrying operations and transport haulage must operate between the following hours only:

Monday to Friday: 6am to 6pm

Saturday: 8am to 2pm

Sunday and Public Holidays: No operation

#### **ENVIRONMENTAL MANAGEMENT PLAN**

15. The approved use must be carried out in accordance with Approved Document, Ashby Gravel Pit Site-Based Management Plan, prepared by Attexo Group Pty Ltd, dated 19 July 2021, except as altered by conditions of this development approval.
16. The approved Environmental Management Plan must be implemented, maintained and modified where necessary, to maintain compliance with the requirements of this Development Approval at all times.

#### **VISUAL AND GENERAL AMENITY**

17. The site shall be maintained in a clean and tidy manner at all times.

#### **FENCING**

18. The applicant shall provide a chain wire security fence with a minimum height of 1.8 metres around the proposed Quarry pit or an alternative fencing as approved by Council's Planning and Environment Manager or authorised delegate, as illustrated on the Approved Plans.

#### **LANDSCAPING - MISCELLANEOUS**

19. All declared weeds and pests must be removed from the subject land and the subject land kept clear of such nuisance.

#### **NOISE EMISSIONS**

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

#### **AIR EMISSIONS**

21. Air emissions (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*.

#### **LIGHTING**

22. Fixed site lighting associated with the development is to comply with Australian Standard AS4282 Control of the Obtrusive Effects of Outdoor Lighting.

#### **WASTE MANAGEMENT**

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

#### **ENGINEERING WORKS**

25. Submit to Council, an Operational Work development application for road safety improvement works, traffic signage, access crossover and driveway, and design vehicle manoeuvring at the site access.
26. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant Australian Standards.
27. The applicant is responsible for the full cost of any alterations necessary, to any infrastructure services and/or other public utility installations resulting from the development or from road and drainage works required in connection with the development.

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

28. 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.
29. Repair damage to any Council and Public Utility Services infrastructure and assets where damage is a result of the proposed development.
30. Repair any damage to infrastructure assets immediately where it creates a hazard to the community, including a pedestrian or vehicular safety hazard and all other instances repair immediately upon completion of the works associated with the development.

#### **ROADWORKS AND SAFETY**

31. Undertake works to improve safety and install traffic signage in accordance with the recommendations provided in Section 7 of the Approved Document, Traffic Engineering Report prepared by Hayes Traffic Engineering, Version DA 01, dated February 2022.
32. Submit to Council, an application for any road or lane closures and ensure all conditions of that approval are complied with during construction of the works.
33. Install signage for all works on or near roadways in accordance with the "Manual for Uniform Traffic Control Devices – Part 3, Works on Roads".

#### **VEHICLE ACCESS**

34. Design a crossover between the property boundary and the edge of the Humbug Road road pavement, having a width as determined at Operational Work and generally in accordance with Council's Standard Drawing No. R-007, modified to provide a 2 coat bitumen seal or asphalt concrete seal crossover. Ensure that crossover splay is designed to accommodate turning movements of a B-double.
35. Design a 25 metre driveway section measured from the front property boundary, to provide a 2 coat bitumen seal or asphalt concrete seal.
36. No access from the property is permitted for heavy vehicles used for the transportation of Quarry materials from the frontage of the property to McCaskers Road and Suttens Road.

#### **ANNUAL OPERATIONAL REPORT**

37. Submit to Council, an annual operations report detailing, but not limited to the following.

- General operational summary:
  - total staff employed;
  - maximum staff employed;
  - maximum staff on-site (including contractors)
  - days and hours of operation;
  - overall quantities of material mined, processed and stockpiled;
  - overall operational performance summary;
  - safety and environmental incidents; and
  - copy of any reports and monitoring supplied to the Department of Environment and Science.
- Weighbridge details including:
  - total annual tonnages;
  - peak daily tonnages;
  - peak hourly tonnages; and
  - detailed Log of all material leaving the site with date, time and tonnage.

#### **EROSION AND SEDIMENT CONTROL**

38. Undertake erosion and sediment control in accordance with the International Erosion Control Association (Australasia) Best Practice Erosion and Sediment Control Guidelines.

#### **STORMWATER**

39. Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any activities undertaken as part of the proposed development.

#### **ON-SITE WASTEWATER DISPOSAL**

40. 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.
41. Obtain a Development Permit for Plumbing Work for the on-site sewerage treatment system.

**Timing:** Prior to commencement of the use and to be maintained for the period of the use of the development site.

#### **ELECTRICITY**

42. Connect the development to the reticulated electricity network.

#### **WATER SUPPLY**

43. Provide a potable water supply for the development independent of Council's water reticulation system. Monitor water quality continuously to ensure compliance with

Australian Drinking Water Guidelines - current edition 2011 and enHealth Guidance of Use of Standards for Potable Water.

**Timing:** Prior to commencement of the use.

## ENVIRONMENTAL

44. The operations and construction work associated with this development shall be carried out to the requirements of Council. Where material is spilled or carried onto existing roads by vehicles emanating from the Quarry, it is to be removed forthwith so as to restrict dust nuisance and ensure traffic safety.

## REHABILITATION

45. Submit to Council, a "Rehabilitation Management Plan" outlining the works to be undertaken to rehabilitate the site at the time of decommissioning of the extraction operations in conjunction with a development application for Operational Work.

## REFERRAL AGENCY RESPONSE

1. The applicant be advised of the attached Concurrence Agency response from the State Assessment and Referral Agency dated 4 April 2022.

## ADVISORY NOTES

### NOTE 1 - Special Rates

In lieu of levying infrastructure charges payable in conjunction with this Development Permit in accordance with the *Planning Act 2016*, road maintenance and depreciation costs associated with the Extractive Industry operations will be recouped by levying an annual special rate on the land on which the Extractive Industry is located.

### 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 work, and to ensure safe traffic control and safe public access in respect of work 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 work is completed prior to this time, please contact Council for an earlier inspection. A property note to this effect will be placed on Council's records.

**NOTE 7 - Duty to Notify of Environmental Harm**

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

**NOTE 8 - Referral Agency Response**

The Referral Agency response dated 4 April 2022 is attached to this approval.

**NOTE 9 - Commencement of Use**

Prior to commencement of this use, the applicant is to request a Compliance Inspection be undertaken by Council to confirm that all conditions of this Development Permit are considered compliant.

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.

**CARRIED**

### 13. EXECUTIVE SERVICES

#### 13.1 Executive Services Report Dalby Aerodrome Evaporation Pond

The purpose of this Report is to obtain Council's direction in relation to a proposal for an alternative wastewater disposal system at the Dalby Aerodrome.

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

1. *His daughter in law's family own and operate an agricultural aviation business from the Dalby airport.*

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

Cr. P. M. McVeigh left the meeting at 11:27am

#### **PROCEDURAL MOTION**

**Moved By** Cr. M. J. James

That the matter lay on the table to allow Councillors to seek further information about the required remediation, long term environmental risks, cost of constructing and maintaining a evaporation pond and water use of aviation spraying businesses.

The **PROCEDURAL MOTION** was **PUT** and **CARRIED (7 to 1)**  
**Absent Did Not Vote:** Cr. P. M. McVeigh

Cr. P. M. McVeigh re-joined the meeting at 11.31am

**13.2 Executive Services Chief Executive Officer Report April 2022 and Communications and Marketing Quarterly Report January to March 2022**

The purpose of this Report is to provide Council with:

1. Significant meetings, forums and delegations attended by the Chief Executive Officer during the month of April 2022.
2. An update on the activities of the Communication and Marketing team during the months of January to March 2022.

**COUNCIL RESOLUTION**

**Moved By** Cr. P. T. Saxelby

**Seconded By** Cr. C. T. Tillman

That this Report be received and noted.

**CARRIED**

**13.3 Executive Services Report Outstanding Actions April 2022**

The purpose of this Report is to provide Council with an update on the status of outstanding Council Meeting Action Items to 13 April 2022

**COUNCIL RESOLUTION**

**Moved By** Cr. M. J. James

**Seconded By** Cr. K. A. Bourne

That this Report be received and noted.

**CARRIED**

## 14. CORPORATE SERVICES

### 14.1 Corporate Services Report Proposed Sale of Land for Arrears of Rates

The purpose of this Report is to seek Council's direction in relation to the proposed sale of land for arrears of rates.

#### **COUNCIL RESOLUTION**

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

**Seconded By** Cr. A. N. Smith

That this report be received and that:

1. Council, pursuant to the *Local Government Regulation 2012 (Qld) Chapter 4, Part 12 Overdue Rates and Charges*, sell the properties listed in Attachment 1 for overdue rates and charges; and
2. that Council delegate to the Chief Executive Officer power to take all further steps under *Chapter 4, Part 12, Division 3 of the Local Government Regulation 2012* to effect sale of the land (including, for avoidance of doubt, the power to end sale procedures).

**CARRIED**

### 14.2 Corporate Services Report Warra Yarning Circle

The purpose of this report is to seek Council approval to provide the Warra Progress and Heritage Society with a letter of support for a new Yarning Circle and fire pit at Warra.

#### **COUNCIL RESOLUTION**

**Moved By** Cr. C. T. Tillman

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

That this Report be received and that:

1. Council approve the construction of a new Yarning Circle and fire pit at Warra as outlined in the report.

**CARRIED**

#### **14.3 Corporate Services Report Q3 2021-22 Enterprise Risk Management and Operational Plan Review**

The purpose of this Report is to provide Council with:

1. the status of the strategic risks which Council manages under its Enterprise Risk Management Framework; and
2. third quarter progress towards achieving the 2021-22 Operational Plan outcomes.

##### **COUNCIL RESOLUTION**

**Moved By** Cr. A. N. Smith

**Seconded By** Cr. O. G. Moore

That this Report be received and noted, and Council approve the removal all Health Services actions from the 2021/22 Operational Plan effective 1 April 2022 due to the transfer of all Council's Health Services to Southern Cross Care Queensland as of 1 April 2022.

**CARRIED**

#### **14.4 Corporate Services Financial Report April 2022**

The purpose of this Report is to provide Council with the Financial Report for the period ending 30 April 2022.

##### **COUNCIL RESOLUTION**

**Moved By** Cr. I. J. Rasmussen

**Seconded By** Cr. K. A. Bourne

That this Report be received, and that:

1. Council notes the Financial Report as of 30 April 2022.

**CARRIED**

#### **14.5 Corporate Services Quarterly Report January to March 2022**

The purpose of this Report is to provide Council with an update in relation to the Corporate Services Departments during the third quarter of the 2021-2022 financial year.

##### **COUNCIL RESOLUTION**

**Moved By** Cr. M. J. James

**Seconded By** Cr. O. G. Moore

That this Report be received and noted.

**CARRIED**

**15. INFRASTRUCTURE SERVICES**

**15.1 Infrastructure Services Quarterly Report January to March 2022**

The purpose of this Report is to provide Council with a quarterly update in relation to the Infrastructure Services' Works, Utilities and Technical Services departments performance.

**COUNCIL RESOLUTION**

**Moved By** Cr. O. G. Moore

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

That this Report be received and noted.

**CARRIED**

## 16. COMMUNITY AND LIVEABILITY

### 16.1 Community and Liveability Report Health Services Transition Report

The purpose of this Report is to provide Council with a Final Report on the Transfer of Health Services to Southern Cross Care (Qld) Ltd and to seek direction in relation to resolving the Native Title issues on the Tarcoola site.

#### **COUNCIL RESOLUTION**

**Moved By** Cr. K. A. Maguire

**Seconded By** Cr. K. A. Bourne

That this report be received and noted and that in the event Council is unable to satisfy the Queensland State Government that the native title, on part of the land upon which the Tarcoola Residential Aged Care Facility at Tara is located, through prior operational use is extinguished, Council directs and authorises the CEO to:

1. negotiate an indigenous land use agreement ("ILUA") with the relevant native title parties with the aim to achieve a grant of freehold title, with the final agreed draft ILUA to be approved by Council resolution prior to execution, or if that is not possible;
2. commence and conduct a non-claimant application in the Federal Court to seek a determination that native title does not exist in the area covered by the application.

**CARRIED**

### 16.2 Community and Liveability Quarterly Report January to March 2022

The purpose of this Report is to provide Council with an update in relation to the Community and Liveability Division for the third quarter of the 2021 / 2022 Financial Year.

#### **COUNCIL RESOLUTION**

**Moved By** Cr. K. A. Maguire

**Seconded By** Cr. K. A. Bourne

That this Report be received and noted.

**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 12:40pm

UNCONFIRMED