

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, 19 January 2022

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

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 19 January 2022, copies of which have been circulated to Members, be taken as read and confirmed.

CARRIED



Ordinary Meeting of Council Minutes

Date: Wednesday, 19 January 2022

Time: 9.30am

Location: Chinchilla Cultural Centre
80-86 Heeney Street,
Chinchilla Qld 4413

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

S. M. Peut, General Manager (Corporate Services)

G. K. Cook, General Manager (Infrastructure Services)

A. Yardley, Acting General Manager (Community and Liveability)

A. G. Lyell, Executive Services Administration officer

E. Kendall, Communications and Marketing Manager

H. Wex, Executive Officer to the Mayor

1. DECLARATION OF MEETING OPENING

The Chairperson declared the Meeting open at 9.30AM.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. O. G. Moore

That Council approves the attendance of Cr. K. A. Bourne by teleconference

CARRIED

2. OPENING PRAYER AND MINUTE SILENCE

Pastor Lee Dallmann from the Country Hope Church, delivered the opening prayer. This was followed by the observance of a minute silence.

3. APOLOGIES

Nil.

4. CONGRATULATIONS

Nil.

UNCONFIRMED

5. CONFIRMATION OF MINUTES

5.1 Adopt Ordinary Meeting of Council Minutes 8 December 2021

The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Wednesday, 8 December 2021

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

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

CARRIED

6. BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETINGS

Nil.

7. DECLARATION OF CONFLICT OF INTEREST

Corporate Services Report Land Disposal Part Lot 9 SP254412 Carmichael Street Chinchilla Ison Haulage

In accordance with Chapter 6, Part 2, Division 5A 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:

1. her daughter and son-in-law own a property in close proximity to the property in this matter.

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

Corporate Services Report Sale of Lot 4 Drew Street, Dalby

In accordance with Chapter 6, Part 2, Division 5A of the *Local Government Act 2009*, GM Cook informed the meeting of a prescribed conflict of interest in respect to this matter due to:

1. his wife works for Elders Real Estate Dalby

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

UNCONFIRMED

8. PRESENTATION OF PETITIONS BY COUNCILLORS

8.1 State Government COVID-19 Mandate - CEO J Taylor

Moved By Cr. I. J. Rasmussen

Seconded By Cr. A. N. Smith

COUNCIL RESOLUTION

That the Petition be received and no further action be taken

CARRIED (8 to 1)

9. MAYORAL UPDATE

9.1 Executive Services Mayoral Report December 2021

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

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. P. T. Saxelby

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. P. T. Saxelby

Seconded By Cr. A. N. Smith

That Council resolve to close the Meeting in accordance with Sections 254J (3) (c,g) of the *Local Government Regulation 2012* at 9:56am to discuss the following Confidential Reports:

1. Corporate Services Confidential Report Amendment Management Agreement Swim Fit (c);
2. Infrastructure Services Confidential Tender Evaluation Report Tender No MM10-21-22 Dalby Corporate Office Solar Upgrade (g);
3. Infrastructure Services Confidential Tender Evaluation Report Tender No MM05-21-22 Boyd St Chinchilla Sewage Pump Station 1 Upgrade (g);
4. Infrastructure Services Confidential Report Russell Park Mountain Bike Trail Project - MM08-21-22 Trailhead Contract Award, Project Update and Budget Increase Request (g).

COUNCIL RESOLUTION - REOPEN MEETING

Moved By Cr. C. T. Tillman

Seconded By Cr. A. N. Smith

That Council resolve to reopen the Meeting at 10:09am

CARRIED

10.1 EXECUTIVE SERVICES

Nil.

10.2 CORPORATE SERVICES

10.2.1 Corporate Services Confidential Report Amendment Management Agreement Swim Fit

The purpose of this report is to seek approval to adjust the current terms of the Swim Fit Management Agreement.

COUNCIL RESOLUTION

Moved By Cr. M. J. James

Seconded By Cr. C. T. Tillman

That this Report be received and that Council approve:

1. a budget adjustment of \$38,589 (ex GST) for 2021-22, and \$49,969 in subsequent years, plus indexation, to accommodate the proposed increases to the Management Agreement fees.
2. the extension of the current Swim Fit Management Agreement for a further two (2) years beyond the current expiry date of June 2023, therefore extending until June 2025.

CARRIED

10.3 COMMUNITY AND LIVEABILITY

Nil.

10.4 INFRASTRUCTURE SERVICES

10.4.1 Infrastructure Services Confidential Tender Evaluation Report Tender No MM10-21-22 Dalby Corporate Office Solar Upgrade

The purpose of this Report is to provide Council with an assessment of the tenders received for Tender MM10-21-22 Dalby Corporate Office Solar Upgrade and to consider awarding the Contract.

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. M. J. James

That this Report be received and that Council;

1. awards Contract MM10-21-22 for the design and construction of the Dalby Corporate Office Solar System Upgrade to Photon Energy Engineering Australia Pty Ltd for a tender price of \$658,480 (including gst).
2. resolve to delegate authority to the Chief Executive Officer to negotiate, make, vary, and discharge the contract associated with the MM10-21-22 Solar, Dalby capital project.

CARRIED

10.4.2 Infrastructure Services Confidential Tender Evaluation Report Tender No MM05-21-22 Boyd St Chinchilla Sewage Pump Station 1 Upgrade

The purpose of this Report is to provide Council with an assessment of the tenders received for Tender MM05-21-22 Boyd St Chinchilla Sewage Pump Station (SPS) 1 Upgrade and to consider awarding the contract.

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby

Seconded By Cr. O. G. Moore

That this Report be received and that Council;

1. awards Contract MM05-21-22 for the Boyd St, Chinchilla - SPS 1 Upgrade to Moffat Engineering Pty Ltd t/a Hallco Engineering (ABN 89 603 050 371) for a tender price of \$ 1,546,930 (Excluding GST).
2. Approves an increase in budget for the Boyd Street Sewerage Pump Station 1 Upgrade of \$608,500 for a total budget of \$1,908,500, to be sourced from existing approved Utilities Project No. 55100.0075.0115.
3. Delegates authority to the Chief Executive Officer to negotiate, make, vary, and discharge the contract associated with the MM05-21-22 Boyd Street, Chinchilla Capital project.

CARRIED

10.4.3 Infrastructure Services Confidential Report Russell Park Mountain Bike Trail Project - MM08-21-22 Trailhead Contract Award, Project Update and Budget Increase Request

The purpose of this Report is to provide an update on the Russell Park Mountain Bike Trail project and seek Council's approval to award MM08-21-22 contract for the trailhead construction component of the project.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. O. G. Moore

That this Report be received and that Council:

1. enter into a large-sized contractual arrangement, for the construction of the Trailhead component of the Russell Park Mountain Bike Trail project, under contract no. MM08-21-22 with Boyds Bay Landscaping Pty Ltd (ABN 84 109 913 082) for their lump sum price submitted of \$601,565.19 (ex GST).
2. delegate authority to the Chief Executive Officer to make, amend or discharge the MM08-21-22 contract with Boyds Bay Landscaping Pty Ltd, as required.
3. increase the Russell Park Mountain Bike Trail Head Construction budget from \$555,156 to \$809,268 to enable delivery of the full scope of the Trail Head project to be funded from savings identified in the adopted 2021/22 Infrastructure Services Capital Budget.

CARRIED

11. DEPUTATION

Nil.

12. PLANNING

12.1 (030&040.2021.500.001) Community and Liveability Report Development Application Material Change of Use Extractive Industry Operational Work Lot 42 on AG3324 5610 Bunya Highway Cooranga Pickering C/- SVR Environmental & Town Planning

The purpose of this Report is for Council to decide the development application for a Material Change of Use to establish an Extractive Industry (Quarry up to 100,000 tonnes per annum) and Operational Work (Roadworks, Earthworks and Drainage) on land described as Lot 42 on AG3324, located at 5610 Bunya Highway, Cooranga.

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. K. A. Maguire

That this Report be received and that:

1. The application for a Material Change of Use to establish an Extractive Industry (Quarry up to a maximum of 100,000 tonnes per annum) and Operational Work (Roadworks, Earthworks and Drainage) on land described as Lot 42 on AG3324 and situated at 5610 Bunya Highway, Cooranga, be approved, subject to the following conditions:

M A T E R I A L C H A N G E O F U S E

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:ZA00771.PO5

Description:Overall Site Plan, prepared by Downes Group, dated 29/04/2021

Plan No:ZA00771.PO5

Description:Quarry Site Extent, prepared by Downes Group, not dated

Plan No:SO-01

Description:Site Office, prepared by SVR, dated 22/10/2021

Plan No.:SC-01

Description:Storage Container, prepared by SVR, dated 22/10/2021

Document:Environmental Management Plan, prepared by Downes Group Pty Ltd, Version 1, dated 11/06/2021

Document:Bell Quarry: Stormwater Management Plan, prepared by Groundwork Plus, Issue 3, dated May 2021

Document:Noise Impact Assessment, Version 1, prepared by Range Environmental Consultants, dated 22/10/2021

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

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

3.1 Building Work; and

3.2 Plumbing Works.

APPROVED DEVELOPMENT

4. The approved development is a Material Change of Use for an Extractive Industry (Quarry up to a maximum of 100,000 tonnes per annum) 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. 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.

8.1 Material extracted from the site must not exceed an output of 100,000 tonnes per annum.

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

APPLICATION DOCUMENTATION

10. 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

11. 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.

12. 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

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

Monday to Friday: 7:00am to 6:00pm

Saturday: 8:00am to 2:00pm

Sunday and Public Holidays: No operation

14. Drilling and blasting must only occur between the following hours:

Monday to Friday: 9:00am to 3:00pm

Saturday: Not permitted

Sunday and Public Holidays: Not permitted

ENVIRONMENTAL MANAGEMENT PLAN

15. The approved use must be carried out in accordance with the Approved Environmental Management Plan, prepared by Downes Group Pty Ltd, Version 1, dated 11 June 2021, except as altered by conditions of this development approval.

16. The Environmental Management Plan must be implemented, maintained and modified where necessary, to maintain compliance with the requirements of this Development Approval at all times.

NOISE EMISSIONS

17. Noise emissions from the development shall not cause environmental harm or nuisance to adjoining properties or "Sensitive Land Uses".

18. Construct and maintain a 6 metre high earthen or rock bund around the northern portion of the fixed crushing plant areas as shown in Figure 3 of the Noise Impact Assessment prepared by Range Environmental Consultants, Version 1, dated 22 October 2021.

AIR EMISSIONS

19. 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*.

WASTE MANAGEMENT

20. 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*.

21. 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

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

23. 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

24. 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.

25. Repair damage to any Council and public utility services infrastructure and assets where damage is a result of the proposed development.

26. 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 work associated with the development.

ROADWORKS AND SAFETY

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

STORMWATER MANAGEMENT

28. Provide Stormwater management generally in accordance with the Approved Stormwater Management Plan prepared by Groundwork Plus, Issue 3, dated May 2021 subject to detailed design and except as altered by conditions of this Development Approval.

29. Design and construct stormwater drainage to ensure that the development will achieve "no worsening" as described in the Queensland Urban Drainage Manual (QUDM).

30. Provide overland flow paths that do not adversely alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.

VEHICLE ACCESS

31. Design and construct the proposed crossover between the property boundary and the edge of the Bunya Highway road pavement to the Department of Transport and Main Roads' standards.

32. Design and construct the access internal to the site in accordance with Approved Plan No. 013-013-300, Revision A, prepared by Bax Engineering Pty Ltd, dated 14 June 2021.

33. Measures shall be implemented to mitigate gravel being tracked onto the Bunya Highway.

FUEL STORAGE

34. 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 MANOEUVRING

35. The premises shall be provided with adequate on-site car parking spaces for employees, customers and manoeuvring for a minimum of a 26 metre B-double.

PONDING OF STORMWATER

36. 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.

EROSION AND SEDIMENT CONTROL

37. Undertake erosion and sediment control in accordance with the Erosion and Sediment Control Plan, prepared by Bax Engineering, Revision A, dated 20 June 2021.

ON-SITE WASTEWATER DISPOSAL

38. Connect the development to an on-site wastewater disposal system, in accordance with AS1547 and the Queensland Plumbing and Waste Water Code.

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

WATER SUPPLY

40. Provide a potable water supply for staff and visitors. Monitor water quality continuously to ensure compliance with the Australian Drinking Water Guidelines - current edition 2011 and enHealth Guidance of Use of Standards for Potable Water.

ENVIRONMENTAL

41. 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

42. Rehabilitate the site at the time of decommissioning the extraction operations generally in accordance with Section 7 Rehabilitation Management Plan included in the Approved Environmental Management Plan, prepared by Downes Group Pty Ltd, Version 1, dated 11 June 2021.

OPERATIONAL WORK

1. Undertake all approved work at no cost to Council and in accordance with the Approved Plans, approval conditions and Western Downs Regional Council's Planning Scheme Policy 1 Design and Construction Standards.
2. This approval extends to drainage work, access driveway, internal roads, erosion and sediment control and design vehicle manoeuvring as detailed.

Comment: Works proposed within the State-controlled road reserve do not form a part of this approval.

1. The approval is subject to construction being undertaken in accordance with the Approved Plans listed below:

Plan No: 013-013-100, Revision A

Description: Overall Layout Plan, prepared by Bax Engineering Pty Ltd, dated 14.06.21

Plan No: 013-013-250, Revision A

Description: Sediment and Erosion Control Plan Sheet 1 of 2, prepared by Bax Engineering Pty Ltd, dated 14.06.21

Plan No: 013-013-251, Revision A

Description: Sediment and Erosion Control Plan Sheet 2 of 2, prepared by Bax Engineering Pty Ltd, dated 14.06.21

Plan No: 013-013-252, Revision A

Description:Sediment and Erosion Detail Sheet 1 of 3, prepared by Bax Engineering Pty Ltd, dated 14.06.21

Plan No:013-013-253, Revision A

Description:Sediment and Erosion Detail Sheet 2 of 3, prepared by Bax Engineering Pty Ltd, dated 14.06.21

Plan No:013-013-254, Revision A

Description:Sediment and Erosion Detail Sheet 3 of 3, prepared by Bax Engineering Pty Ltd, dated 14.06.21

Plan No:013-013-300, Revision A

Description:Roadworks Layout Plan - Sheet 1 of 4, prepared by Bax Engineering Pty Ltd, dated 14.06.21

Plan No:013-013-301, Revision A

Description:Roadworks Layout Plan - Sheet 2 of 4, prepared by Bax Engineering Pty Ltd, dated 14.06.21

Plan No:013-013-302, Revision A

Description:Roadworks Layout Plan - Sheet 3 of 4, prepared by Bax Engineering Pty Ltd, dated 14.06.21

Plan No:013-013-303, Revision A

Description:Roadworks Layout Plan - Sheet 4 of 4, prepared by Bax Engineering Pty Ltd, dated 14.06.21

Plan No:013-013-304, Revision A

Description:Road Typical Details, prepared by Bax Engineering Pty Ltd, dated 14.06.21

Plan No:013-013-310, Revision A

Description:Roadworks Longitudinal Section - Sheet 1 of 5, prepared by Bax Engineering Pty Ltd, dated 14.06.21

Plan No:013-013-311, Revision A

Description:Roadworks Longitudinal Section - Sheet 2 of 5, prepared by Bax Engineering Pty Ltd, dated 14.06.21

Plan No:013-013-312, Revision A

Description:Roadworks Longitudinal Section – Sheet 3 of 5, prepared by Bax Engineering Pty Ltd, dated 14.06.21

Plan No:013-013-313, Revision A

Description:Roadworks Longitudinal Section - Sheet 4 of 5, prepared by Bax Engineering Pty Ltd, dated 14.06.21

Plan No:013-013-314, Revision A

Description:Roadworks Longitudinal Section - Sheet 5 of 5, prepared by Bax Engineering Pty Ltd, dated 14.06.21

Plan No:013-013-330, Revision A

Description:Roadworks Cross Sections - Sheet 1 of 7, prepared by Bax Engineering Pty Ltd, dated 14.06.21

Plan No:013-013-331, Revision A

Description:Roadworks Cross Sections - Sheet 2 of 7, prepared by Bax Engineering Pty Ltd, dated 14.06.21

Plan No:013-013-332, Revision A

Description:Roadworks Cross Sections - Sheet 3 of 7, prepared by Bax Engineering Pty Ltd, dated 14.06.21

Plan No:013-013-333, Revision A

Description:Roadworks Cross Sections - Sheet 4 of 7, prepared by Bax Engineering Pty Ltd, dated 14.06.21

Plan No:013-013-334, Revision A

Description:Roadworks Cross Sections - Sheet 5 of 7, prepared by Bax Engineering Pty Ltd, dated 14.06.21

Plan No:013-013-335, Revision A

Description:Roadworks Cross Sections - Sheet 6 of 7, prepared by Bax Engineering Pty Ltd, dated 14.06.21

Plan No:013-013-336, Revision A

Description:Roadworks Cross Sections - Sheet 6 of 7, prepared by Bax Engineering Pty Ltd, dated 14.06.21

Plan No:013-013-340, Revision A

Description:Roadworks Typical Details, prepared by Bax Engineering Pty Ltd, dated 14.06.21

Plan No:013-013-400, Revision A

Description:Sight Distance Layout Plan, prepared by Bax Engineering Pty Ltd, dated 14.06.21

Plan No:013-013-410, Revision A

Description:Sight Distance Longitudinal Sections, prepared by Bax Engineering Pty Ltd, dated 14.06.21

Plan No:013-013-500, Revision A

Description:Manoeuvring Plans - Sheet 1 of 6, prepared by Bax Engineering Pty Ltd, dated 14.06.21

Plan No:013-013-501, Revision A

Description:Manoeuvring Plans - Sheet 2 of 6, prepared by Bax Engineering Pty Ltd, dated 14.06.21

Plan No:013-013-502, Revision A

Description:Manoeuvring Plans - Sheet 3 of 6, prepared by Bax Engineering Pty Ltd, dated 14.06.21

Plan No:013-013-503, Revision A

Description:Manoeuvring Plans - Sheet 4 of 6, prepared by Bax Engineering Pty Ltd, dated 14.06.21

Plan No:013-013-504, Revision A

Description:Manoeuvring Plans - Sheet 5 of 6, prepared by Bax Engineering Pty Ltd, dated 14.06.21

Plan No:013-013-505, Revision A

Description:Manoeuvring Plans - Sheet 6 of 6, prepared by Bax Engineering Pty Ltd, dated 14.06.21

1. Pay to Council, applicable inspection fees based on Council's Fees and Charges current at the time of inspection. The fee must be calculated based on the estimated project cost.
2. Provide proof that the Queensland State Government Portable Long Service Leave and other associated charges have been paid, prior to commencement of any work as applicable.
3. Adhere to the following hours of construction unless otherwise approved in writing by Council:

Monday to Saturday:6.30am to 6.30pmwork permitted

Monday to Sunday:6.30pm to 6.30amNo work permitted

Sunday and Public Holidays:No work permitted

Do not conduct work or business that causes audible noise from or on the site outside the above hours.

1. Be responsible to carry out Work Health and Safety legislative requirements.
2. Ensure all work sites are maintained in a clean, orderly state at all times.
3. 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.
4. 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.
5. 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.
6. Submit to Council, certification from a suitably qualified Engineer (RPEQ) that the work has been undertaken in accordance with the Approved Plans, Documents and specifications and to Council's requirements, prior to commencement of the use.
7. 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.

8. Be responsible for the protection of nearby properties from dust pollution arising from construction and maintenance of the work required by this approval and comply with any lawful instructions from the Assessment Manager if, in their opinion, a dust nuisance exists.
9. Undertake any work for the safety or health of the community or protection of infrastructure where Council deems it necessary.

WORKS-ON-COMPLETION INSPECTION

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

REFERRAL AGENCY RESPONSE

1. The applicant be advised of the attached Concurrence Agency response from the Department of State Development, Infrastructure, Local Government and Planning dated 11 August 2021.

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 Periods

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

Material Change of Use

(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.

Operational Work

(c) for any other part of the development approval—if the development does not substantially start within—

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

(ii) if no period is stated—2 years after the approval starts to take 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 is attached to the 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

COUNCIL RESOLUTION - ADJOURN MEETING

Moved By Cr. P. T. Saxelby

Seconded By Cr. M. J. James

That Council resolve to adjourn the Meeting.

The Meeting adjourned at 10:32am

The Meeting resumed at 10:48am

12.2 (030.2021.519.001) Community and Liveability Report Development Application Material Change of Use Low Impact Industry (Metal Fabrication Business) Lot 7 on RP840797 5 Watt Street Dalby McNeale

The purpose of this Report is for Council to decide the development application seeking a development approval for a Material Change of Use for Low Impact Industry (Metal Fabrication Business) on land legally described as Lot 7 on RP840797, located at 5 Watt Street, Dalby.

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. P. T. Saxelby

That this Report be received and that:

1. The development application for a Material Change of Use to establish a Low Impact Industry (Metal Fabrication Business) on land described as Lot 7 on RP840797, located at 5 Watt Street, 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:001

Description: Site Plan, prepared by S McNeale, dated 6/7/21, as amended in red by Council on 15 December 2021

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 a Material Change of Use for Low Impact Industry (Metal Fabrication Business) as shown on the Approved Plan.

COMPLIANCE, TIMING AND COSTS

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

MAINTENANCE

5. 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.

APPLICATION DOCUMENTATION

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

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.

OPERATING HOURS

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

Monday to Friday (except public holidays):7:30am to 4:00pm

Saturday and Sunday:No operation

NOISE EMISSIONS

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

10.In the event that Council receives a valid complaint of unreasonable noise emissions as a consequence of the operations of the approved use, Council may require that the applicant undertake works on the and/or implement management practices to ensure that noise emissions comply with the requirements of the *Environmental Protection (Noise) Policy 2019*.

AIR EMISSIONS

11.Air emissions (dust) from sensitive land uses shall not cause environmental harm or nuisance to adjoining properties or " Sensitive Land Uses" in accordance with the *Environmental Protection (Air) Policy 2019*.

LIGHTING

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

VISUAL AND GENERAL AMENITY

13.Any graffiti on the building must be immediately removed.

14.The building and property must be maintained in a clean and tidy manner at all times.

15.All plant, air-conditioning equipment and the like must be visually screened from the street.

16.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 works and any ensuing defects liability period.

REFUSE STORAGE AREAS

17.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

18. 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*.

19. 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*.

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

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

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

HAZARDOUS CHEMICAL STORAGE

22. Ensure all hazardous chemicals are stored and handled in accordance with the *Work Health and Safety Act 2011*.

WATER SUPPLY

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

ELECTRICITY AND TELECOMMUNICATIONS

24. Connect the development to electricity and telecommunication services.

VEHICLE ACCESS

25. No access is permitted to the Warrego Highway road reserve.

PARKING AND ACCESS - GENERAL

26. Design and construct all driveway and parking areas with a dust suppressive gravel surface.

27. Provide a minimum of five (5) car parking spaces including a minimum of 1 Person with Disability (PWD) parking space.

28. 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.

29. Provide vehicle bollards or tyre stops to control vehicular access and protect landscaping or pedestrian areas where appropriate.

30. Maintain dust suppression treatment to all internal roadways, and vehicle manoeuvring areas ensuring not to have an adverse impact on adjoining properties.

31. In the event that Council receives a bonafide 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 all vehicle manoeuvring areas.

STORMWATER MANAGEMENT

32. Design and construct stormwater drainage to ensure that there is no nuisance to the current use or potential future use of all downstream properties including road reserves and the like.

33. 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.

34. Ensure that adjoining properties and roadways are protected from ponding as a result of any site works undertaken.

35. Do not concentrate post-development flows to adjoining properties.

EROSION AND SEDIMENT CONTROL - GENERAL

36.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.

37.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

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

38.1do 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;

38.2remove immediately, any material spilled or carried onto existing roads to avoid dust nuisance and ensure traffic safety; and

38.3do not carry out work on Sundays or Public Holidays (unless approved otherwise by Council).

39.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:

39.1uncontaminated overland stormwater flow; and

39.2uncontaminated stormwater to the stormwater system.

40. *Toilet Facilities: By 31 May 2022:*

- *the portable toilet facility located on site must be discontinued and removed from the premise; and*
- *a permanent toilet facility must be provided at the premise within or attached to the workshop building.*

REFERRAL AGENCY RESPONSE

The Department of State Development, Infrastructure, Local Government and Planning (Department of Transport and Main Roads) provided a Concurrence Agency response on 11 November 2021 which is attached.

ADVISORY NOTES

NOTE 1:Relevant Period

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

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

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

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

NOTE 2:Aboriginal Cultural Heritage

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

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

NOTE 3:General Environmental Duty

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

NOTE 4:General Safety of Public During Construction

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

NOTE 5:Property Note (Audit of Conditions)

An inspection of the property to ascertain compliance with conditions will be undertaken 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.

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

"Chapter 6Dispute Resolution

Part 1Appeal Rights

229Appeals to Tribunal or P&E Court

(1)Schedule 1 states -

(a)matters that may be appealed to -

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

(ii)only a tribunal; or

(iii)only the P&E Court; and

(b)the person -

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

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

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

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

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

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

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

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

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

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

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

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

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

CARRIED

12.3 (030.2021.610.001) Community and Liveability Report Development Application Material Change of Use Undefined Use (Micro Brewery) and Extension to Tourist Park (10 Cabins) 1 Braithwaite Street Chinchilla JFW Enterprises T/A Australian Agricultural and Envi

The purpose of this Report is for Council to decide the proposed development for Material Change of Use to establish an Undefined Use (Micro Brewery) and extension to Tourist Park (10 Cabins) on land described as Lot 3 on SP227690, located at 1 Braithwaite Street, Chinchilla.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

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 Undefined Use (Micro Brewery) and Extension to Tourist Park (10 Cabins) on land described as Lot 3 on SP227690, located at 1 Braithwaite Street, Chinchilla, be approved, subject to the following conditions:

APPROVED PLANS

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

Plan No:AAES-01, Sheet 1 of 2

Description:Location Plan, prepared by O'Donohue Hanna & Associates Pty Ltd, dated 31st August 2021

Plan No:AAES-01, Sheet 2 of 2

Description:Floor Plans & Elevations, prepared by O'Donohue Hanna & Associates Pty Ltd, dated 31st August 2021

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

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

3.1 Operational Work;

3.2 Building Work; and

3.3 Plumbing Works.

APPROVED DEVELOPMENT

4. The approved development is a Material Change Use for an Undefined Use (Micro Brewery) and Extension to Tourist Park (10 x Cabins) as shown on the Approved Plans.

5. The development is to occur sequentially in the following Stages as shown on the Approved Plans:

Stage 1: Micro Brewery and undercover entertainment area, internal roadway and car parking

Stage 2: Ancillary Food Outlet (Tourist Tasting Facility)

Stage 3: 10 Cabins

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 the change occurs (prior to commencement of the use) and while the use continues, unless otherwise noted within these conditions.

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

FEES AND CHARGES

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

MAINTENANCE

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

11. The site shall be maintained in a clean and orderly state at all times, to Council's satisfaction.

INFRASTRUCTURE CHARGES

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

HOURS OF OPERATION – STAGES 1 AND 2

13. The Micro Brewery, Food Outlet (Tourist Tasting Facility) and associated activities must only operate during the following hours:

Monday to Thursday: 12:00pm to 7:00pm

Friday: 12:00pm to 8:00pm

Saturday and Sunday: 9:00am to 6:00pm

OUTDOOR LIGHTING - IMPACT MITIGATION

14. Outdoor lighting of the development shall mitigate adverse lighting and illumination impacts by:

14.1 providing outdoor lighting that is designed, installed and regulated in accordance with the parameters outlined in Australian Standard 1158.1.1 – Control of Obtrusive Effects of Outdoor Lighting; and

14.2 installation of outdoor lighting that:

14.2.1 provides graduated intensity lighting with lower level brightness at the perimeter of the subject land and higher intensities at the centre of the subject land;

14.2.2 is directed onto the subject land and away from neighbouring properties; and

14.2.3 uses shrouding devices to preclude light overspill onto surrounding properties where necessary.

LANDSCAPING – GENERAL

15. The developer must submit to Council's Planning and Environment Manager or authorised delegate for endorsement, a Landscape 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.

16. The Landscape Plan must detail:

16.1 the typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on-site;

16.2 the number and size of plants; and

16.3 the typical planting detail including preparation, backfill, staking and mulching.

17. 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.

18. Landscaping areas illustrated on the Approved Landscaping Plan are to be retained on-site and maintained at all times.

FENCING

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

20. 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.

VISUAL AND GENERAL AMENITY

21. Any graffiti on the buildings must be removed.

22. The buildings and the site must be maintained in a clean and tidy manner at all times.

23. All plant, air-conditioning equipment and the like shall be visually screened from the street.

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

REFUSE STORAGE AREA AND COLLECTION

25. Refuse bin storage areas must be provided on the premises within an enclosed structure or behind a building so that they are screened from public view with a minimum 1.5 metre high solid fence or wall.

26. The developer must provide a sufficient number of general waste bins with a sufficient capacity throughout the development footprint for the disposal of waste and rubbish associated with the use.

27. The size and capacity of the refuse storage areas must be sufficient to accommodate the level of waste likely to be generated from the development having regard to the frequency of refuse collection.

28. Waste collection must be undertaken in a manner that complies with the following requirements:

28.1 the bins must be located in a manner that allows the refuse vehicle to pick them up automatically without the driver or any other person having to relocate them;

28.2 the collection of putrescible waste arising from any activities undertaken on this development must be collected and removed at periods not exceeding seven days;

28.3 the collection of waste must be undertaken so as to minimise, so far as reasonable and practical, excessive noise to neighbouring occupants;

28.4 the collection method must ensure that waste is adequately managed to prevent escape of contamination; and

28.5 waste removal is to be conducted between the hours of 7am and 6pm from Monday to Friday and between 8am and 6pm Saturdays and Sundays.

29. Refuse bin collection areas must be maintained in a manner that complies with the following requirements:

29.1 waste containers must be kept in a clean state and in good repair;

29.2 waste containers are to be provided with tight-fitting lid assemblies designed to prevent ingress of pests and water;

29.3 all waste containers supplied must be kept within the boundaries of the premises; and

29.4 unobstructed access must be provided to all waste containers for the removal of waste.

WASTE MANAGEMENT

30. 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*.

31. All waste generated on-site must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.

NOISE EMISSIONS

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

33. In the event that Council receives a bonafide complaint regarding noise emissions produced from the site, Council reserves the right to review the approved operating and loading/unloading hours and to require the applicant to re-assess site management procedures already in place. In this instance, the applicant may be required to undertake an assessment of noise impacts through a third party and implement any recommendations in relation to noise attenuation by a date agreed to by Council.

AIR EMISSIONS

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

ENGINEERING WORKS

35. Submit to Council, an Operational Work application for earthworks, stormwater, roadworks, access and parking, and erosion and sediment control.

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

37. 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

38. 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.

39. 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

40. 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.

41. Provide overland flow paths that do not alter the characteristics of existing overland flows or create an increase in flood damage on other properties.

42. Ensure that adjoining properties and roadways are protected from ponding as a result of any site works undertaken.

43. Discharge post-development stormwater from the development at a lawful point of discharge.

FLOODING - GENERAL

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

45. Construct all buildings and structures generally in the locations shown in the Approved Plans and outside the mapped flood extent of the Planning Scheme.

RISK MANAGEMENT PLAN

46. Submit to Council, a Flood Risk Management Plan prepared by a suitably qualified person (Registered Professional Engineer of Queensland). As a minimum, the Plan is to address and document in detail, the following in relation to the proposed development and property:

46.1 Awareness and preparation in the event of a flood event -

- knowing the risk,

- understanding the vulnerability,
- preparation requirements for the wet season,
- documentation and planning, and
- provision of an emergency kit;

46.2 Trigger criteria and evacuation response -

- when to leave,
- when to stay,
- risk management of property and people,
- services management, eg turn off solar panels, gas, water, power, evacuation destination/s;

46.3 Post event action planning -

- steps to reoccupy after an event/move back,
- management of clearances required, eg electrical services inspection, water quality in tanks; and

46.4 Familiarisation, review and updating of the plan.

- Procedures for change of ownership/tenancy.
- Procedures for seeking advice/changes/approvals from Council's Planning and Environment Manager.

47. Ensure a copy of the Council Approved Flood Risk Management Plan is available on-site to customers, staff and Council at all times.

48. Implement recommendations of the Risk Management Plan.

WATER SUPPLY

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

WATER SUPPLY - FIRE FIGHTING SUPPLY

50. Provide adequate water supply to meet the peak demands of the development, and fire fighting pressures/flows to Council's requirements. Any upgrades to Council's network shall be carried out further to an Operational Work Permit.

SEWERAGE

51. 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.

52. Actual connection to Council's live sewerage infrastructure must be undertaken by or under the supervision of Council.

53. Do not undertake building 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).

54. Maintain a minimum of a 3 metre wide corridor to be maintained for maintenance/upgrade purposes.

55. 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.

56. 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

57. All driveways, car parking, delivery, and manoeuvring areas shall be sealed. Design and construct all sealed areas with concrete, asphalt or a two-coat bitumen seal.

58. Provide forty (40) car parking spaces for customers and guests as shown in the Approved Plans of the development.

59. Provide two (2) person with disability (PWD) car parking spaces designed and constructed in accordance with AS2890.6 Off-Street Parking for People with Disabilities.

60. Provide vehicle bollards or tyre stops to control vehicular access and to protect landscaping or pedestrian areas where appropriate.

61. Provide directional signage to enable all vehicles to enter and leave the site in a forward gear.

62. 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.

Timing: Prior to commencement of the use of Stage 1.

VEHICLE ACCESS

63. Access for the development shall be taken from the "Main Entry" as shown on the plans of development. The existing access to the property shall only be used for the existing residence.

64. Prior to commencement of the use of Stage 1, construct a commercial standard crossover between the property boundary and the edge of the Braithwaite Street road pavement for the main access driveway, having a minimum width of 6 metres, generally in accordance with Council's Standard Drawing No. R-006, Revision C. Ensure that crossover splay is designed to accommodate turning movements of a Medium Rigid Vehicle.

65. 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 service infrastructure (eg power pole, telecommunications pit), road infrastructure (eg street sign, street tree, etc).

66. Prior to commencement of the use of Stage 1, construct a sealed (bitumen, asphalt or concrete) driveway with a minimum width of 6 metres along the full length of the access handle.

67. During construction, all site access shall be via the "Main Entry" location.

ROADWORKS - FRONTAGE WORKS

68. Prior to commencement of the use of Stage 1, design and construct the area of Braithwaite Street along the frontage of the proposed development as an Urban Access

(B) in accordance with Council's Standard Drawing No.R-003, relevant Austroads' Standards and Council's Planning Scheme. More specifically, include the following:

68.1 Extend Braithwaite Street from the end of the existing bitumen seal to the western boundary of the "Main Entry".

68.2 Construct the road extension to a minimum carriageway width to match the existing seal and formation width on Braithwaite Street. The pavement shall be unbound granular, with a Double/Double bitumen seal. The road shall be designed and constructed under a further Development Permit for Operational Work;

68.3 Concrete kerb and channel on the northern side of Braithwaite Street to match the type and alignment of the kerb adjacent to the east; and

68.4 Provision for stormwater drainage, tapers to existing/new road pavements, signage, associated with the required road works and road reserve transitions between existing and proposed roads.

ELECTRICITY AND TELECOMMUNICATIONS

69. Connect the development to electricity and telecommunication services.

EARTHWORKS - GENERAL

70. Do not undertake any earthworks without a further approval from Council except for the works ancillary to building works.

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

EROSION AND SEDIMENT CONTROL - GENERAL

72. 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.

73. 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

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

74.1 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;

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

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

75. 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:

75.1 uncontaminated overland stormwater flow; and

75.2 uncontaminated stormwater to the stormwater system.

WORKS-ON-COMPLETION INSPECTION

76. Upon completion of the work and prior to commencement of the use, submit to Council, a written request stating that all approved work has been completed and ready for Council inspection.

77. Prior to commencement of the use, undertake any rectification work as directed by a Council Officer further to the works-on-completion inspection.

ADVISORY NOTES

NOTE 1 -Relevant Periods

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

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

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

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

NOTE 2 -Aboriginal Cultural Heritage

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

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

NOTE 3 -General Environmental Duty

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

NOTE 4 -General Safety of Public During Construction

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

NOTE 5 -Property Note (Audit of Conditions)

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

NOTE 6 -Duty to Notify of Environmental Harm

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

NOTE 7 - Infrastructure Charges

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

CARRIED (8 to 1)

12.4 (030.2021.95.001) Community and Liveability Report Development Application Material Change of Use Tourist Park at 210 Halliford Road Ducklo MD Al-Amin Mahmud Khan C/- BPlanned and Surveyed Pty Ltd

The purpose of this report is for Council to decide the proposed development for a Material Change of Use to establish a Tourist Park on land described as Lot 12 on RP850451 situated at 210 Halliford Road, Ducklo.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. A. N. Smith

That this report be received and that:

1. The application for a Material Change of Use to establish a Tourist Park on land described as Lot 12 on RP850451 and situated at 210 Halliford Road, Ducklo, be approved, subject to the following conditions:

APPROVED AND AMENDED 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:DA-02, Issue 01

Description:Ducklo Tourist Park, Site Layout, prepared by Reddog Architects, dated 15.09.21

Plan No:DA-03, Issue 01

Description:Ducklo Tourist Park, Stage 1 Plan, prepared by Reddog Architects, dated 15.09.21

Plan No:DA-04, Issue 01

Description:Ducklo Tourist Park, Stage 2 Plan, prepared by Reddog Architects, dated 15.09.21

Plan No:DA-05, Issue 01

Description:Ducklo Tourist Park, 2 Bed Cabin Floor Plan and Elevations, prepared by Reddog Architects, dated 15.09.21

Plan No:DA-06, Issue 01

Description:Ducklo Tourist Park, Amenities Floor Plan and Elevations, prepared by Reddog Architects, dated 15.09.21

Plan No:DA-07, Issue 01

Description:Ducklo Tourist Park, BBQ Blocks 1 & 2 Floor Plan and Elevations, prepared by Reddog Architects, dated 15.09.21

Plan No:DA-08, Issue 01

Description:Ducklo Tourist Park, Function Centre and Café/Administration Building Floor Plan and Roof Plan, prepared by Reddog Architects, dated 15.09.21

Plan No:DA-09, Issue 01

Description:Ducklo Tourist Park, Function Centre and Café/Administration Building Elevations, prepared by Reddog Architects, dated 15.09.21

Plan No:DA-11, Issue 01

Description:Ducklo Tourist Park, Manager's Residence Floor Plan and Elevations, prepared by Reddog Architects, dated 15.09.21

2. Provide Elevation Plans for the proposed Staff Accommodation building which clearly illustrates the maximum height of the building above natural ground level, for Council's review and endorsement.

3. 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.

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

4.1 Operational Work;

4.2 Building Work; and

4.3 Plumbing Works.

APPROVED DEVELOPMENT

5. The approved development is a Material Change of Use for a Tourist Park as shown on the Approved Plans. No occupation of the premises by permanent residents or non-resident workforce accommodation is permitted (apart from staff members or their family members housed in in the Staff Accommodation or Manager's Residence).

6. The development is to occur sequentially in the following Stages as shown on the Approved Plans:

Stage 1:48 Cabins, 10 Camp Sites, Manager's Residence, Function Facility, Café/Administration Building, and Recreation Area.

Stage 2:62 Cabins, 10 Camp Sites, Staff Accommodation and Recreation Area.

7. Conditions within this approval are applicable to each Stage of the development, unless otherwise specified.

COMPLIANCE, TIMING AND COSTS

8. 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.

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

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 (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.

12. The site shall be maintained in a clean and orderly state at all times, to Council's satisfaction.

INFRASTRUCTURE CHARGES

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

OUTDOOR LIGHTING - IMPACT MITIGATION

14. Outdoor lighting of the development shall mitigate adverse lighting and illumination impacts by:

14.1 providing outdoor lighting that is designed, installed and regulated in accordance with the parameters outlined in Australian Standard 1158.1.1 – Control of Obtrusive Effects of Outdoor Lighting; and

14.2 installation of outdoor lighting that:

14.2.1 provides graduated intensity lighting with lower level brightness at the perimeter of the subject land and higher intensities at the centre of the subject land;

14.2.2 is directed onto the subject land and away from neighbouring properties; and

14.2.3 uses shrouding devices to preclude light overspill onto surrounding properties where necessary.

LANDSCAPING

15. The developer must prepare and landscape the site incorporating all landscaping areas (including all open/green space areas) as shown on the Approved Site Plan.

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 times during the course of the development work 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.

FENCING

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

19. 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.

VISUAL AND GENERAL AMENITY

20. Any graffiti on the buildings must be removed.

21. The buildings and the site must be maintained in a clean and tidy manner at all times.

22. All plant, air-conditioning equipment and the like shall be visually screened from the street.

REFUSE STORAGE AREA AND COLLECTION

23. Refuse bin storage areas must be provided on the premises within an enclosed structure so that they are screened from public view with a minimum 1.5 metre high solid fence or wall.

24. The developer must provide a sufficient number of general waste bins with a sufficient capacity throughout the development footprint for the disposal of waste and rubbish associated with the use.

25. The size and capacity of the refuse storage areas must be sufficient to accommodate the level of waste likely to be generated from the development having regard to the frequency of refuse collection.

26. Waste collection must be undertaken in a manner that complies with the following requirements:

26.1 the bins must be located in a manner that allows the refuse vehicle to pick them up automatically without the driver or any other person having to relocate them; and

26.2 the collection of putrescible waste arising from any activities undertaken on this development must be collected and removed at periods not exceeding seven days.

27. Refuse bin collection areas must be maintained in a manner that complies with the following requirements:

27.1 waste containers must be kept in a clean state and in good repair;

27.2 waste containers are to be provided with tight-fitting lid assemblies designed to prevent ingress of pests and water;

27.3 all waste containers supplied must be kept within the boundaries of the premises; and

27.4 unobstructed access must be provided to all waste containers for the removal of waste.

28. Collected waste is not to be taken to the Ducklo Waste Facility as per the Waste Facility's displayed signage.

WASTE MANAGEMENT

29. 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*.

30. All waste generated on-site must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.

NOISE EMISSIONS

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

32. In the event that Council receives a bonafide noise complaint regarding noise emissions produced from the site, Council reserves the right to review the approved operating and loading/unloading hours and to require the applicant to re-assess site management procedures already in place. In this instance, the applicant may be required

to undertake an assessment of noise impacts through a third party and implement any recommendations in relation to noise attenuation by a date agreed to by Council.

AIR EMISSIONS

33. 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*.

REGIONAL INFRASTRUCTURE CORRIDOR - STOCK ROUTE

34. Boundary fencing is to be maintained to the road boundary adjoining the Stock Route (Halliford Road).

35. Any new access from a road servicing a Stock Route (Halliford Road) must include a gate or grid to prevent stock entry to premises.

ENGINEERING WORKS

36. Submit to Council, an Operational Work application for all civil works including earthworks, roadworks, access and parking, and design vehicle manoeuvring.

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

38. 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, prior to commencement of the use.

39. 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

40. 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.

41. 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.

CONSTRUCTION AND NUISANCE MANAGEMENT PLAN

42. Prior to commencement of works, submit to Council for endorsement, a Construction and Nuisance Management Plan for the approved development work for the site. The Plan is to cover where applicable, the following:

- air quality management;
- noise and vibration management;
- storm water quality 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.

43. Implement the approved Construction Management Plan at all times during construction of the development.

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

STORMWATER MANAGEMENT

45. Submit to Council, simultaneously with the Operational Work application, a revised, final and detailed Stormwater Management Plan for approval. This Stormwater Management Plan must include, but not be limited to the following:

45.1 demonstration 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;

45.2 details of stormwater drainage and mitigation measures;

45.3 the lawful point of discharge;

45.4 impacts to overland flow paths and mitigation measures;

45.5 external catchment flow.

46. Provide overland flow paths that do not alter the characteristics of existing overland flows or create an increase in flood damage on other properties.

47. Ensure that adjoining properties and roadways are protected from ponding as a result of any site works undertaken.

WATER SUPPLY

48. Provide a potable water supply for the development, and 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.

49. Stage 1 of the development shall have a minimum potable water storage capacity of 150kl.

50. Stage 2 of the development shall have a minimum potable water storage capacity of 3 x (Peak Day – Mean Day Maximum Month) based on the usage of Stage 1, with a minimum of 150kl.

Comment: Water supply from Council sources, including standpipes, cannot be assumed to be available at all times. Council reserves the right to restrict supply partially or completely depending on Council's requirements, and the developer should make provision for alternate sources of water.

WATER SUPPLY - FIRE FIGHTING SUPPLY

51. Dedicated on-site fire fighting equipment must include a minimum of 5,000 litres of water provided in a mobile tank. The tank must be equipped with a 50mm male camlock fitting for rural fire fighting connections.

52. The volume of fire fighting water supply must be separate from the potable water supply.

Comment: Additional fire fighting storage and capability may be required to meet building standards.

ON-SITE WASTEWATER DISPOSAL

53. On-site wastewater treatment and disposal shall be carried out in accordance with the "Land Suitability Assessment for Onsite Effluent Disposal" prepared by Urban Catalyst 3 dated 23 August 2021.

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

Note: Any on-site effluent disposal system servicing more than 21 Equivalent Persons (EP) requires an Environmentally Relevant Activity (ERA) 63 from the Queensland Department of Environment and Science.

TRADE WASTE DISPOSAL (COMMERCIAL KITCHEN)

55. Obtain a Plumbing Approval from Council, and the relevant inspections are to be undertaken prior to commencement of construction.

56. Do not release contaminants or contaminated water directly or indirectly from the premises or to the ground or groundwater at the premises, except for:

56.1 uncontaminated overland stormwater flow;

56.2 uncontaminated stormwater to the stormwater system;

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

56.4 Releases to water must not cause any visible oil slick or other visible evidence of oil or grease, nor contain visible grease, scum, litter or floating oil.

PARKING AND ACCESS - GENERAL

57. Design and construct all driveway and parking areas to provide a dust suppressive gravel.

58. Provide on-site car parking spaces as shown on the Approved Plans with a minimum of:

58.1 one (1) car parking space per cabin;

58.2 ten (10) staff car parking spaces;

58.3 thirty-two (32) car parking spaces, including a minimum of two (2) person with disability (PWD) spaces for the Function Centre, plus thirty (30) overflow car parks.

59. Provide vehicle bollards or tyre stops to control vehicular access and to protect landscaping or pedestrian areas where appropriate.

60. 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.

61. Maintain dust suppression treatment to all internal roadways, and vehicle manoeuvring areas ensuring not to have an adverse impact on adjoining properties.

Comment: Car parking and manoeuvring areas are subject to approval as part of a future Operational Work Permit.

PARKING AND ACCESS - SERVICING

62. Design along the route to and from all loading bay facilities and the external road network, all access driveways, circulation driveways, parking aisles and the like with a layout that accommodates the turning movements of the largest expected vehicle, and ensure that all vehicles are able to enter and exit the site in a forward direction.

63. Provide AUTO TURN (or an equivalent) plots to demonstrate design vehicle turning movements for all proposed service vehicles on any drawings or plans submitted to Council as part of a Development Application for Operational Work.

64. Provide AUTO TURN (or an equivalent) plots to demonstrate design vehicle turning movements including entering/exiting from/to Halliford Road for an Articulated Vehicle on any drawings or plans submitted to Council as part of a Development Application for Operational Work. Indicate clearly, the Halliford Road centre line on drawings.

65. Ensure loading and unloading operations are conducted wholly within the site and vehicles enter and exit the site in a forward direction.

VEHICLE ACCESS - TURNOUT

66. Design and construct a vehicle turnout in accordance with Council's Standard Drawing No. R-007.

ROAD UPGRADING

Stage 1

67. Carry out a maintenance grade, and add gravel where necessary, on Halliford Road between the Moonie Highway and the site entrance to achieve a road profile to a Rural Access 1 standard (no bitumen seal) in accordance with Western Downs Regional Council's Standard Drawing R-002, Rev F. This work shall be carried out under an Operational Work Permit. The pavement shall be monitored for deterioration and maintenance grade carried out where deemed necessary by Council.

Stage 2

68. Upgrade Halliford Road between the Moonie Highway and the site entrance in accordance with the design for the upgrade of Halliford Road prepared by Western Downs Regional Council's Job No. W228-012. This work shall be carried out under an Operational Work Permit.

ELECTRICITY

69. Connect the development to electricity services.

EARTHWORKS - GENERAL

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

71. Submit to Council, detailed Engineering drawings and information with the Operational Work application, including, but not limited to the following:

- 71.1 long and cross-sections of proposed cut/fill and retaining walls as applicable;
- 71.2 existing and proposed surface levels;
- 71.3 proposed drainage work to accommodate existing overland flows;
- 71.4 proposed haulage route(s) that will be used; and
- 71.5 details identifying the source/disposal site(s) for material imported/exported. The site(s) must have a current development approval enabling them to export/accept any material.

EROSION AND SEDIMENT CONTROL - GENERAL

72. Implement an Erosion and Sediment Control Program including, but not limited to the following:

- 72.1 construction of sediment fences, earth berms, temporary drainage, temporary sediment basins and stormwater filtering devices designed to prevent sediment or sediment laden water from being transported to adjoining properties, roads and/or stormwater drainage systems;
 - 72.2 measures to prevent site vehicles tracking sediment and other pollutants onto adjoining streets during the construction period;
 - 72.3 identification of areas to be utilised on the site for stockpiling of materials capable of being moved by the action of wind or running water; the materials shall be stored clear of drainage paths, and appropriate measures implemented to prevent the entry of such materials into either the road or drainage system;
 - 72.4 inspection regime of sediment and erosion controls; and
 - 72.5 response times to events where controls have been damaged or are inadequate, and erosion or the release of sediment or sediment laden stormwater has occurred from the site or associated work.
73. Implement the approved Erosion and Sediment Control Plan and modify as necessary, to maintain compliance with the approval.
74. Undertake work to reinstate or clean up the road and/or drainage system damaged/blocked as a result of erosion and/or sedimentation from the site, at no cost to Council. Undertake such work immediately where there is a potential hazard to pedestrians and/or passing traffic.

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

ENVIRONMENTAL HEALTH

75. Undertake operations and construction work associated with this development to the requirements of Council, including the following:
- 75.1 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;
 - 75.2 remove immediately, any material spilled or carried onto existing roads to avoid dust nuisance and ensure traffic safety; and
 - 75.3 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.

76. 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:

76.1 uncontaminated overland stormwater flow; and

76.2 uncontaminated stormwater to the stormwater system.

REFERRAL AGENCY RESPONSE

1. The Department of State Development, Infrastructure, Local Government and Planning as Concurrence Agency, dated 17 November 2021.

THIRD PARTY ADVICE

2. The development shall comply with the conditions contained within the Third Party Advice from Ergon Energy, dated 12 November 2021.

ADVISORY NOTES

NOTE 1 -Relevant Periods

Material Change of Use

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

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

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

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

NOTE 2 -Aboriginal Cultural Heritage

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

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

NOTE 3 -General Environmental Duty

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

NOTE 4 -General Safety of Public During Construction

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

NOTE 5 -Property Note (Audit of Conditions)

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

NOTE 6 -Duty to Notify of Environmental Harm

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

CARRIED (6 to 3)

UNCONFIRMED

12.5 (030.2021.571.001) Community and Liveability Report Request for Negotiated Decision Development Application Material Change of Use Undefined Use (Data Services Facility) at Warrego Highway Columboola Genesis Data Pty Ltd

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

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. K. A. Maguire

That this report be received and that:

1. The applicant be advised that the Request for a Negotiated Decision Notice for Development Approval 030.2021.571.001 for Material Change of Use to establish an Undefined Use (Data Services Facility) on land described as Lot 68 on BWR179 and Easement D on AP7606 situated at Warrego Highway, Columboola has been considered, and Council has decided the following with regard to the representations:

(a) Condition 8 is amended as follows:

8. *The Data Services Facility use cannot commence until **one of the following approved uses within the Development Permits below, have commenced:***

- **2018.251.001** dated 25 October 2018 to establish a Renewable Energy Facility (100MW Solar Farm);
- **2021.388.001** dated 6 September 2021 to establish a Major Electricity Infrastructure (Battery Storage Facility);
- **2021.490.001** dated 6 September 2021 to establish a Major Electricity Infrastructure (Battery Storage Facility); **or**
- **2021.509.001** dated 6 September 2021 to establish a Major Electricity Infrastructure (33kV Substation and 275kV Underground Cable).

(b) All other conditions remain unchanged.

CARRIED

14. EXECUTIVE SERVICES

14.1 Executive Services Chief Executive Officer Report December 2021

The purpose of this Report is to provide Council with the significant meetings, forums and delegations attended by the Chief Executive Officer during the month of December 2021.

COUNCIL RESOLUTION

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

That this Report be received and noted.

CARRIED

14.2 Executive Services Report Outstanding Actions December 2021

The purpose of this Report is to provide Council with an updated on the status of outstanding Council Meeting Action Items to 8 December 2021.

COUNCIL RESOLUTION

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

That this Report be received and noted.

CARRIED

14. CORPORATE SERVICES

14.1 Corporate Services Report Land Disposal Part Lot 9 SP254412 Carmichael Street Chinchilla Ison Haulage

The purpose of this Report is to seek Council's direction regarding the proposed disposal of Part of Lot 9 SP254412, Carmichael Street Chinchilla, to the adjoining landholder, Ison Haulage.

Cr. K. A. Maguire declared a conflict on this item. (In accordance with Chapter 6, Part 2, Division 5A 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) My daughter and son-in-law own a property in close proximity to the property in this matter.

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

Cr. K. A. Maguire left the meeting at 11:13am

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby

Seconded By Cr. C. T. Tillman

That this Report be received and that Council:

1. Apply the exceptions for valuable non-current asset disposals contained in the *Local Government Regulation 2012* (Qld), section 236(1)(c)(iv) and (2); and
2. Approve the disposal of Part of Lot 9 on Survey Plan 254412, known as Carmichael Street Chinchilla, to Ison Enterprises Pty Ltd A.C.N. 612 737 452 for the amount as outlined in this Report; and
3. Delegate authority to the Chief Executive Officer to sign and do all things necessary for disposal of the Part of Lot 9 on Survey Plan 254412 to Ison Enterprises Pty Ltd A.C.N. 612 737 452 as outlined in this Report.

FORESHADOWED MOTION

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

That this report be received and that Council;

1. subdivide lot 9 to form a new lot, or lots, that satisfies the zoning requirements for Medium Impact Industrial Zone land, having regard to the land required for drainage.
2. offer the new lot/s for sale by auction or tender, pursuant to the *Local Government Regulation 2012*.

The ORIGINAL MOTION was PUT and LOST (1 to 7)

For: Cr. P. T. Saxelby

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

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

FORESHADOWED MOTION MOVED

Moved By Cr. O. G. Moore

Seconded By Cr. K. A. Bourne

That this report be received and that Council;

1. subdivide lot 9 to form a new lot, or lots, that satisfies the zoning requirements for Medium Impact Industrial Zone land, having regard to the land required for drainage.
2. offer the new lot/s for sale by auction or tender, pursuant to the *Local Government Regulation 2012*.

CARRIED (6 to 2)

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

Cr. K. A. Maguire re-joined the meeting at 11:44am

14.2 Corporate Services Report Sale of Lot 4 Drew Street, Dalby

The purpose of this report is to seek Council's direction regarding the proposed sale of Lot 4 Drew Street, Dalby.

In accordance with Chapter 6, Part 2, Division 5A of the Local Government Act 2009, GM 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

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

GM Cook left the meeting at 11:44am

COUNCIL RESOLUTION

Moved By Cr. M. J. James

Seconded By Cr. I. J. Rasmussen

That this Report be received and that Council:

1. apply the exception contained in the *Local Government Regulation 2012* (Qld), section 236(1)(a)(i), (ii) and (2); and
2. approve the sale of Lot 4 on Crown Plan SP251966 being Lot 4 Drew Street, Dalby, to Entec Resources Pty Ltd as trustee for Entec Resources Trading Trust or nominee for the contract offer price; and
3. delegate authority to the Chief Executive Officer to sign the contract of sale as listed above and all necessary documents to affect the settlement of Lot 4 Drew Street Dalby.

CARRIED

GM Cook re-joined the meeting at 11:48am

14.3 Corporate Services Financial Report December 2021

The purpose of this Report is to provide Council with the Financial Report for the period ending 31 December 2021.

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. I. J. Rasmussen

That this Report be received, and that:

1. Council notes the Financial Report as of 31 December 2021.

CARRIED

15. INFRASTRUCTURE SERVICES

15.1 Infrastructure Services Report Capital Works December 2021/2022 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 December 2021.

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 Health Services Governance Report

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

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. A. N. Smith

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 12:02pm.