

5. CONFIRMATION OF MINUTES

5.1 Adopt Ordinary Meeting of Council Minutes 15 February 2023

The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Wednesday, 15 February 2023

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby

Seconded By Cr. A. N. Smith

That this Report be received and that:

1. The Unconfirmed Minutes of the Ordinary Meeting of Council held on 15 February 2023, copies of which have been circulated to Members, be taken as read and confirmed.

CARRIED



Ordinary Meeting of Council Minutes

Date: Wednesday, 15 February 2023

Time: 9:30am

Location: Western Downs Regional Council - Corporate Office
30 Marble Street, Dalby QLD 4405

Councillors: Cr. P. M. McVeigh (Chairperson)

Cr. A. N. Smith
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
B. Bacon, General Manager (Corporate Services)
D. Fletcher, General Manager (Community & Liveability)
G. K. Cook, General Manager (Infrastructure Services)
C. Craig, Senior Executive Officer
S. Volker, Senior Executive Communications Advisor
A. Lyell, Executive Services Administration Officer
E. Kendal, Communications & Marketing Manager

1. DECLARATION OF MEETING OPENING

The Chairperson declared the Meeting open at 9.33AM.

It is noted that notice of the ordinary meeting, scheduled for 9.30am, Wednesday 15 February 2023, at Wandoan, was provided to councillors in accordance with section 4.1 of Council's *Meetings - Council Policy*. Due the bushfire incidents across the region, it was determined that it would be prudent to relocate the meeting to Dalby. Notice of the alternative venue was provided to Councillors by the Chief Executive Officer as soon as practicable, being 14 February 2023.

Moved By Cr. I. J. Rasmussen

Seconded By Cr. K. A. Maguire

That Council approves the attendance of Cr. A. N. Smith, and Cr. M. J. James by Teleconference. Councillors joined the meeting at 9.35am

CARRIED

2. OPENING PRAYER AND MINUTE SILENCE

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

3. APOLOGIES

Moved By Cr. C. T. Tillman

Seconded By Cr. P. T. Saxelby

That Council accept the apology for non-attendance from Cr. K. A. Bourne

CARRIED

4. CONGRATULATIONS

Cr Moore would like to extend a special mention to our Emergency Services for their ongoing service to the Western Downs in particular this past month.

5. CONFIRMATION OF MINUTES

5.1 Adopt Ordinary Meeting of Council Minutes 18 January 2023

The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Wednesday, 18 January 2023

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby

Seconded By Cr. I. J. Rasmussen

That this Report be received and that:

1.The Unconfirmed Minutes of the Ordinary Meeting of Council held on 18 January 2023, copies of which have been circulated to Members, be taken as read and confirmed.

CARRIED

6. BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETINGS

Nil

7. DECLARATIONS OF CONFLICTS OF INTEREST

14.1 Corporate Services Report Land Development to Extend the Leasing Area at Dalby Aerodrome

Cr. M. J. James

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

1. she is a close personal friend of two of the Directors of Helismart, Ben and Steph Smart.

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

Cr. P. M. McVeigh

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

1. The owners of Helismart Pty Ltd are also the owners and operators of Smart Air Services who contract agricultural air services to our family farming properties

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

8. PRESENTATION OF PETITIONS BY COUNCILLORS

Nil

9. MAYORAL UPDATE

9.1 Executive Services Mayoral Report January 2023

The purpose of this Report is to provide Council with significant meetings, forums and delegations attended by the Mayor during the month of January 2023.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. C. T. Tillman

That this Report be received and noted

CARRIED

10. CONFIDENTIAL ITEMS

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

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

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

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

(a) the appointment, discipline or dismissal of the chief executive officer;

(b) industrial matters affecting employees;

(c) the local government's budget;

(d) rating concessions;

(e) legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government;

(f) matters that may directly affect the health and safety of an individual or a group of individuals;

(g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government;

(h) negotiations relating to the taking of land by the local government under the Acquisition of Land Act 1967;

(i) a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

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

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

(a) state the matter mentioned in subsection (3) that is to be discussed; and

(b) include an overview of what is to be discussed while the meeting is closed.

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

Moved By Cr. I. J. Rasmussen

Seconded By Cr. K. A. Maguire

COUNCIL RESOLUTION - CLOSE MEETING

That Council resolve to close the Meeting in accordance with Sections 275 (1) (A-H) of the *Local Government Regulation 2012* at 10.17AM to discuss the following Confidential Reports:

10.2.1 - Corporate Services Confidential Report Quarterly Liability Update as at 31 December 2022

10.3.1 - Community and Liveability Confidential Report Results of Winfield Rd Landfill Cell 1B Tender

10.4.1 - Infrastructure Services Confidential Report Russell Park Mountain Bike Trail Project Update and Budget Adjustment

CARRIED

Moved By Cr. P. T. Saxelby

Seconded By Cr. C. T. Tillman

COUNCIL RESOLUTION - REOPEN MEETING

That Council resolve to reopen the Meeting at 10.38AM.

CARRIED

10.1 EXECUTIVE SERVICES

10.2 CORPORATE SERVICES

10.2.1 Corporate Services Confidential Report Quarterly Liability Update as at 31 December 2022

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

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. O. G. Moore

That Council resolve to receive the *Corporate Services Confidential Report Quarterly Liability Update as at 31 December 2022*.

CARRIED

10.3 COMMUNITY AND LIVEABILITY

10.3.1 Community and Liveability Confidential Report Results of Winfield Rd Landfill Cell 1B Tender

This report is to present the results of tender MM07-22-23 for construction of the Winfield's Road Landfill Cell1B liner and for Council to resolve to award the tender and enter into a contract.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. A. N. Smith

That Council resolves:

1. To increase the budget allocation for the approved 2022-23 Winfield's Road Cell 1b project by \$947,468 GST inclusive, for a total budget allocation of \$2,090,289 GST inclusive. This additional budget will be phased over two financial years, 2022-23 and 2023-24 with \$500,000 GST inclusive to be spent in the 2023-24 financial year, and

2. To award Contract MM07-22-23 for the Winfield's Road Landfill Cell1B construction to Durack Civil Pty Ltd for the lump sum amount of \$1,958,988.90 GST inclusive, and
3. To delegate authority to the Chief Executive Officer to:
 - a. finalise negotiations and execute the formal contract between the parties, and
 - b. approve contract variations up to 10% of the Lump Sum amount.

CARRIED

10.4 INFRASTRUCTURE SERVICES

10.4.1 Infrastructure Services Confidential Report Russell Park Mountain Bike Trail Project Update and Budget Adjustment

The purpose of this report is to provide a project status update for the Russell Park Mountain Bike Trails project and to adjust the project budget in accordance with the 2022/23 Budget - Council Policy.

COUNCIL RESOLUTION

Moved By Cr. C. T. Tillman
Seconded By Cr. M. J. James

That this Report be received and that;

1. The Russell Park Mountain Bike Trails project budget be increased to \$4,500,000 to accommodate the additional cultural heritage and phytosphora management costs associated with its construction.

CARRIED

COUNCIL RESOLUTION - ADJOURN MEETING

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

That Council resolve to adjourn the Meeting.

The Meeting adjourned at 10.42am

The Meeting resumed at 11.03am

11. DEPUTATION

Nil.

12. PLANNING

- 12.1 (030.2022.369.001) Community and Liveability Report Development Application for Material Change of Use for Animal Keeping (Dog Breeding) on Lot 10 on SP193880 at 88 Hedge Road Dalby Huntley

The purpose of this Report is for Council to decide the development application for a Material Change of Use for Animal Keeping (Dog Breeding) on land described as Lot 10 on SP193880, located at 88 Hedge Road, Dalby.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

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 Animal Keeping (Dog Breeding) on land described as Lot 10 on SP193880 and situated at 88 Hedge Road, 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.	Plan Title	Dated
10226	Site Plan	1.8.2022

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

APPROVED DEVELOPMENT

3.The approved development is a Material Change of Use for Animal Keeping (Dog Breeding) as shown on the Approved Plan.

4.No more than six (6) breeding dogs are to be kept in the development at any given time.

5.All kennels used for housing and whelping of dogs are to have floors and walls constructed of an impervious material.

6.Whelping of dogs is to occur as part of the approved development on the property. Whelping of dogs is not permitted on a property that is not subject to this approval, with the exception of a licensed Veterinary Clinic.

COMPLIANCE, TIMING AND COSTS

7.All conditions of this approval shall be complied with within three (3) months of the approval taking effect 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.

9.Four (4) pre-announced compliance inspections will be undertaken by Council per calendar year.

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.

INFRASTRUCTURE CHARGES

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

MAINTENANCE

12.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.

VISUAL AND GENERAL AMENITY

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

NOISE EMISSIONS

14.Breeding dogs is to be kept within roofed buildings or structures at all times and between the hours of 6.00pm and 7.00am.

The walls and ceiling of the approved dog breeding building are to have an effective acoustic treatment installed to effectively limit noise emissions. The selected acoustic treatment is to be reviewed and endorsed by Council's Planning and Environment Manager or an authorised delegate prior to commencement of use.

15.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*.

AIR EMISSIONS

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

LIGHTING

17.All lighting is to enhance the security of the site and surrounds without creating unnecessary glare or overspill to the detriment of surrounding activities. Direct lighting or lighting must not exceed 8.0 lux at 1.5 metres beyond the boundary of the site.

ANIMAL BREEDING LEGISLATIVE REQUIREMENTS

18.The Operator of the Animal Keeping Facility must hold a current Supply Number (Breeder Identification Number or equivalent) under the Queensland Dog Breeder Register in accordance with the *Animal Management (Cats and Dogs) Act 2008*. A copy of the Notice of Registration is to be supplied to Council upon commencement of the use and ongoing Registration Renewal Notices are to be supplied to Council annually.

19.All **breeding dogs** contained in the Animal Keeping Facility are to be implanted with a Prescribed Permanent Identification Device (PPID) (microchip) in accordance with the *Animal Management (Cats and Dogs) Act 2008*. Evidence of microchipping of all breeding dogs contained within the Facility is to be supplied to Council.

20.All **puppies** bred in the Animal Keeping Facility are to be implanted with a PPID (microchip) prior to their sale in accordance with the *Animal Management (Cats and Dogs) Act 2008*. Evidence of microchipping of all puppies bred in the Facility is to be supplied to Council.

21. All **dogs over the age of 12 weeks** contained in the Animal Keeping Facility are to be registered with Western Downs Regional Council and fitted with a collar displaying their registration tag.

WASTE DISPOSAL

22. Faecal waste is to be stored on the property in a waste bin for collection by a licensed waste contractor.

ENGINEERING WORKS

23. Be responsible for the full cost of any alterations necessary, to easements and/or other public utility installations in connection with the development.

PARKING AND ACCESS - GENERAL

24. Construct all driveway and parking areas with a gravelled surface.

25. Provide adequate car parking spaces.

VEHICLE ACCESS

26. Maintain the existing gravel crossover during the life of the use.

STORMWATER MANAGEMENT

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

28. Ensure that adjoining properties and roadways are protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.

29. Discharge all minor storm flows that fall or pass onto the site to the lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM).

ADVISORY NOTES

NOTE 1 -Flood Hazard

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

NOTE 2 -Duty of Care under the *Animal Protection and Care Act 2001*

It is advised that as a Dog Breeder, you as the Operator, have a duty of care to all dogs on the property in accordance with the *Animal Protection and Care Act 2001*. It is advised that you are required to operate the development in compliance with the standards for dog breeding under the *Animal Protection and Care Regulation 2012* to ensure that you meet the duty of care.

NOTE 3 -Currency Period

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

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

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

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

NOTE 4 -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 5 -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 6 -Property Note (Audit of Conditions)

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

NOTE 7 -Duty to Notify of Environmental Harm

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

NOTE 8 -Commencement of Use

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

(ii) Upon receipt of confirmation from Council that all conditions of this Development Permit are considered compliant, the applicant is to notify Council within 20 business days, that this approved use has lawfully commenced.

NOTE 9 -Infrastructure Charges

An Infrastructure Charges Notice is attached to this approval.

NOTE 10 -Animal Management (Protecting Puppies) and Other Legislation Amendment Act 2016

In accordance with the *Animal Management (Protecting Puppies) and Other Legislation Amendment Act 2016* and Condition 18 of this approval **Animal Breeding Legislative Requirements**, any Breeder of dogs must have a Supply Number if they give away, supply, sell or advertise a dog or puppy.

The Supply Number can be any one of the following:

(i) a Breeder Identification Number (BIN) - available on-line when registering as a Breeder;

(ii) a Breeder's Membership Number provided by a Breeder Organisation that accredits Dog Breeders, and is approved by the Minister as an "Approved Entity";

(iii)a Breeder Permit Number provided by a Local Government issuing Permits/Registrations to Dog Breeders and approved by the Minister as an “Approved Entity”;

(iv)a unique number that identifies a person as a recognised interstate Breeder and is provided within their State; or

(v)a Breeder Exemption Number (BEN) – available to certain eligible persons who qualify for a Breeder Exemption.

You must not give away, supply, sell or advertise a dog or puppy without a Supply Number that identifies the Breeder or provides an Exemption. The Supply Number must be displayed whenever a dog or puppy is advertised for give away, supply or sale. All suppliers, including Pet Shops, must display the Supply Number when selling, advertising or otherwise supplying dogs and puppies.

NOTE 11 -Excess Dog Permit

It is advised that all dogs not subject to this approval for a Material Change of Use for Animal Keeping (Dog Breeding), will need to be registered under an Excess Dog Permit issued by Western Downs Regional Council's Environmental Health Department.

It is advised that an Excess Dog Permit requires all dogs not subject to the Development Approval for a Material Change of Use for Animal Keeping (Dog Breeding) to be desexed.

CARRIED

12.2 (030.2022.494.001) Community and Liveability Report Development Application MCU Short-term Accommodation 9 Coolibah Street Dalby Gough

The purpose of this Report is for Council to decide the development application for a Material Change of Use for Short-term Accommodation (3 Dwelling Units) on land described as Lot 25 on SP189632 and located at 9 Coolibah Street, Dalby.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. A. N. Smith

That this Report be received and that:

1.The development application for a Material Change of Use to establish Short-term Accommodation (3 Dwelling Units) on land described as Lot 25 on SP189632, situated at 9 Coolibah Street, Dalby, be approved, subject to the recommended conditions of approval.

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:

Job No.	Description	Dated
00024-09	Site Plan and Staging Plan, prepared by AG Martin Design & Drafting, as amended by Deborah and Warren Gough on 24.01.2023	30-01-09
00024-09	Ground Floor Plan - Stage 1, prepared by AG Martin Design & Drafting, as amended by Deborah and Warren Gough on 24.01.2023	30-01-09
00024-09	First Floor Plan - Stage 1, prepared by AG Martin Design & Drafting, as amended by Deborah and Warren Gough on 24.01.2023	30-01-09
00024-09	Floor Plans - Stage 2, prepared by AG Martin Design & Drafting, as amended by Deborah and Warren Gough on 24.01.2023	30-01-09
00024-09	Elevations Plan - Stage 1, prepared by AG Martin Design & Drafting, as amended by Deborah and Warren Gough on 24.01.2023	30-01-09
00024-09	Elevations - Stage 2, prepared by AG Martin Design & Drafting, as amended by Deborah and Warren Gough on 24.01.2023	30-01-09

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

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

3.1 Building Work; and

3.2 Plumbing Works.

APPROVED DEVELOPMENT

4. The approved development is a Material Change of Use for Short-term Accommodation (3 Dwelling Units) 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: Dwelling Units 1 and 2

Stage 2: Dwelling Unit 3

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

COMPLIANCE, TIMING AND COSTS

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

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

FEES AND CHARGES

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

MAINTENANCE

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

11. The site shall be 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 Sewer, Water, Stormwater, Transport and Parks Networks are now levied under the *Planning Act 2016*. As required under Section 119 of the *Planning Act 2016*, a separate **Infrastructure Charges Notice** is attached.

VISUAL AND GENERAL AMENITY

13. Any graffiti on the buildings must be removed.

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

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

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.

WASTE MANAGEMENT

17. 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*.

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

REFUSE STORAGE AREAS

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

NOISE EMISSIONS

20. 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*.

OUTDOOR LIGHTING

21. Outdoor lighting must be designed, installed and regulated in accordance with the parameters outlined in Australian Standard 1158.1.1 – Control of Obtrusive Effects of Outdoor Lighting.

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.Be responsible for the full cost of any alterations necessary to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and/or other public utility installations resulting from the development or from road and drainage works required in connection with the development.

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 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.

WATER SUPPLY

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

SEWERAGE

27.Connect the development to Council's existing reticulated sewerage system via a single connection under the supervision of Council.

ELECTRICITY AND TELECOMMUNICATIONS

28.Provide the development with electricity and telecommunication services.

VEHICLE ACCESS

29.Maintain the existing concrete crossover during the life of the use.

PARKING AND ACCESS - GENERAL

30.Provide a minimum of 6 car parking spaces to service the development and in accordance with the Approved Plans.

31.Construct all driveway and parking areas with a gravelled surface.

FLOODING - GENERAL

32.Ensure that the minimum habitable floor level of Dwelling Unit 3 is elevated 300mm above Council's defined flood level for the property current at the time of construction.

EARTHWORKS - GENERAL

33.Any building pad for proposed Dwelling Unit 3 is limited to 300mm above the existing natural ground level of the development footprint unless otherwise approved in writing by Council's Planning and Environment Manager or authorised delegate.

STORMWATER MANAGEMENT

34. 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.

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

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

EROSION AND SEDIMENT CONTROL - GENERAL

37. 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.

38. 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

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

39.1 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; and

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

40. 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:

40.1 uncontaminated overland stormwater flow; and

40.2 uncontaminated stormwater to the stormwater system.

REFERRAL AGENCY RESPONSE

The application is subject to the following Referral Agency requirements:

1. The State Assessment and Referral Agency issued a Concurrence Agency response dated 25 November 2022.

ADVISORY NOTES

NOTE 1 - Flood Hazard

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

NOTE 2 -Currency 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 3 -Aboriginal Cultural Heritage

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

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

NOTE 4 -General Environmental Duty

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

NOTE 5 -General Safety of Public During Construction

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

NOTE 6 -Property Note (Audit of Conditions)

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

NOTE 7 -Duty to Notify of Environmental Harm

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

NOTE 8 -Infrastructure Charges

An Infrastructure Charges Notice for each Stage of the development is attached to this approval.

NOTE 9 -Referral Agency Response

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

CARRIED

12.3 (030.2022.517.001) Community and Liveability Report Development Application for Material Change of Use for Extractive Industry (Quarry up to 100,000 tonnes per annum) at 234 Gulera Road Kumbarilla Tierney Crushing & Transport C/- Precinct Urban Planning

The purpose of this Report is for Council to decide the application for Material Change of Use for an Extractive Industry (Quarry up to 100,000 tonnes per annum) on land legally described as Lot 38 on RP196685 and located at 234 Gulera Lane, Kumbarilla.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. I. J. Rasmussen

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) on land described as Lot 38 on RP196685 and situated at 234 Gulera Lane, Kumbarilla, be approved, subject to the following conditions:

APPROVED PLANS AND DOCUMENT

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

Plan/Document No./Reference	Description	Dated
1313, Sheet D.02	Site Plan, prepared by Duke Building Design	2/12/2021
1313, Sheet D.04	Site Development Setout Plan, prepared by Duke Building Design	2/12/2021
1313, Sheet D.05	Site Office Plan, prepared by Duke Building Design	2/12/2021
Project No. J000627	Site Based Management Plan, prepared by Range Environmental Consultants	20/04/2022

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

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

3.1Building Work;

3.2Operational Work; and

3.3Plumbing 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 and Document.

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 upon the request of Council's Planning and Environment Manager or authorised delegate, within 48 hours of such request.

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

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

CONTOUR PLANS

10.Prior to the 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.

11.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

12.Quarrying operations including crushing, screening, loading, haulage and the operation or maintenance of plant equipment, must operate between the following hours:

Monday to Friday: 6am to 6pm

Saturday: 8am to 2pm

Sunday and Public Holidays: No operation

13.Blasting operations are to occur between the following hours:

Monday to Friday: 9am to 5pm

Saturday: Not permitted

Sunday and Public Holidays: Not permitted

ENVIRONMENTAL MANAGEMENT PLAN

14.The approved use must be carried out in accordance with the Approved Document entitled Site Based Management Plan, prepared by Range Environmental Consultants, dated 20 April 2022, except as altered by conditions of this development approval.

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

VISUAL AND GENERAL AMENITY

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

LANDSCAPING - MISCELLANEOUS

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

NOISE EMISSIONS

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

AIR EMISSIONS

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*.

LIGHTING

20.Fixed site lighting associated with the development is to comply with Australian Standard 4282 Control of the Obtrusive Effects of Outdoor Lighting.

WASTE MANAGEMENT

21. 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*.

22. 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

23.Submit to Council for approval, a development application for Operational Work for road safety improvement works, traffic signage, access crossover and driveway and road upgrade works at each trigger for Gulera Road at the site access.

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

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 all 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.

ROAD SIGNAGE

27.Install "Truck Warning" signage on Gulera Road on both approaches to the proposed access location.

HAUL ROUTE

28.The approved haul route for the Extractive Industry is from the site entrance to Moonie Highway.

29. The section of Gulera Road between Moonie Highway and the site entrance to the use, is not currently an approved route for 36.5 metre Road Trains (ie A-Double and B-Triple vehicles). Obtain an approval for the route to be used by multi-combination vehicles, from the National Heavy Vehicle Regulator prior to allowing access for the above multi-combination vehicles or higher, via the above road section.

ROAD UPGRADES – GULERA ROAD

30. Road upgrades are required to Gulera Road based on the scale of extraction of the approved Quarry as follows:

30.1 Trigger: 0 – 20,000t in any 12 month period

No upgrades to Gulera Road are required, however, the road maintenance costs for the haul route are to be recouped from the applicant by way of a special rate charge. This is a charge that is calculated based on the maintenance costs incurred by Council for the upkeep of the haul route.

30.2 Trigger: Over 20,000t in any 12-month period.

The applicant shall undertake the upgrade to the approved haul route to Western Downs Regional Council standards, prior to commencement of the use. The road upgrade works shall be from the intersection of Gulera Road and Moonie Highway, to 50 metres north of the proposed site access point.

Summary of Works Required

- Haul Route: Provide a 7-metre-wide gravel pavement on an 8-metre formation (Rural Access 1 without bitumen seal).
- Provide a gravel re-sheet to the road comprising a minimum of 150mm gravel.
- Council shall be contacted to confirm that the proposed gravel type is suitable.

Timing: Within 6 months of 20,000t being exceeded in any 12-month period.

Advice: A development application for Operational Work for roadworks is required for each trigger level. A maintenance period of 2 years will apply to each Operational Work approval, and the applicant will be required to maintain the road during this period.

It is noted that the requirement for maintenance, after the 2 year maintenance period, on the section of roadworks to be constructed under this approval, is not addressed under the conditions forming part of this approval.

Where applicable, maintenance costs are to be recouped by the levying of an annual special rate on the land or in some circumstances, by agreement between a major road user and Council.

These approaches allow for charges to be based on actual maintenance required, rather than preliminary estimates. It also allows for an equitable apportionment of costs where there are a number of major road users on a particular section of road.

STORMWATER

31. 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.

VEHICLE ACCESS

32. Design a crossover between the property boundary and the edge of the Gulera Road pavement generally in accordance with Council's Standard Drawing No. R-007. Ensure that crossover splay is designed to accommodate turning movements of the largest expected design vehicle and meets the following requirements:

32.1 Construct the access driveway to provide a minimum 6 metre wide all-weather gravel access.

32.2 Ensure that any driveway access works would not re-direct any existing overland flow onto adjoining properties or the road reserve.

32.3 Provide "Left Turn Only" signage for all heavy vehicles exiting the site.

ANNUAL OPERATIONAL REPORT

33. Submit to Council, an annual Operations Report detailing, but not limited to the following:

33.1 General operational summary including:

- total staff employed;
- maximum staff employed;
- maximum staff on-site;
- days and hours of operation;
- overall quantities of material mined, processed and stockpiled;
- overall operational performance summary;
- safety and environmental incidents; and
- a copy of any reports and monitoring supplied to relevant State Government Department/s.

33.2 Weighbridge details including:

- total annual tonnages;
- peak daily tonnages;
- peak hourly tonnages; and
- detailed Log of all material leaving the site with date, time and tonnage.

EROSION AND SEDIMENT CONTROL

34.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.

35.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.

WATER SUPPLY

36.Provide a potable water supply for the development.

ON-SITE WASTEWATER DISPOSAL

37. Connect the development to an on-site wastewater disposal system in accordance with AS1547 and the Queensland Plumbing and Wastewater Code.

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

ELECTRICITY

39.Connect the development to the reticulated electricity network.

ENVIRONMENTAL

40.The operations and construction work associated with this development are to be carried out to the requirements of Council. In particular, no nuisance is to be caused to adjoining residents by the way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours. Where material is spilled or carried onto existing roads, it is to be removed forthwith so as to restrict dust nuisance and to ensure traffic safety.

REHABILITATION

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

REFERRAL AGENCY RESPONSE

1.The applicant is to be advised of the attached Concurrence Agency response from the State Assessment and Referral Agency dated 24 November 2022.

ADVISORY NOTES

NOTE 1 -Special Rates

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

NOTE 2 -Currency 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 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

12.4 (030.2022.587.001) Community and Liveability Report Development Application Material Change of Use for a Warehouse on Lot 5 on SP171829 Bennie Street Dalby Dalby Business Park Pty Ltd C/- Precinct Urban Planning

The purpose of this Report is for Council to decide the proposed development for Material Change of Use to establish a Warehouse on land described as Lot 5 on SP171829 and situated at Bennie Street, Dalby.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. C. T. Tillman

That this Report be received and that:

1.The application for Material Change of Use to establish a Warehouse on land described as Lot 5 on SP171829 and situated at Bennie Street, Dalby be approved, subject to the following conditions:

APPROVED PLAN AND DOCUMENT

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

Plan/Document No./Reference	Title and Details	Dated
C100, Version A	Site Layout Plan, prepared by Burchills Engineering Solutions	05-10-22
22020305_R01_V01	Stage 1 - Hydraulic Impact Assessment For 5 Bennie Street, Dalby, prepared by Water Technology Pty Ltd	1 August 2022

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

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

3.1Operational Work

APPROVED DEVELOPMENT

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

COMPLIANCE, TIMING AND COSTS

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

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

FEES AND CHARGES

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

INFRASTRUCTURE CHARGES

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

MAINTENANCE

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

LANDSCAPING – GENERAL

10.The developer must submit to Council's Planning and Environment Manager or authorised delegate for endorsement, a detailed Landscape Plan for all landscaping associated with the development, prior to commencement of the development.

11.The Landscape Plan must detail:

11.1a minimum 2-metre-wide landscaped buffer to the site's Darlow Street and Bennie Street frontages, exclusive of vehicular access points;

11.2the typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on-site;

11.3the number and size of plants; and

11.4the typical planting detail including preparation, backfill, staking and mulching.

12.The developer must prepare and landscape the property in accordance with the Approved Landscape Plan, or as otherwise approved in writing by Council's authorised delegate. Any amendments approved by Council's authorised delegate are taken to be a part of the Approved Landscape Plan.

13.All approved landscaping treatments for the development are to be maintained on the property at all times.

FENCING

14.The applicant shall install a chain wire fence with a minimum height of 1.8 metres along the boundaries of the property.

15.Fencing material shall be compatible with that used within the locality.

16. Boundary fences are not to be erected in a parallel arrangement with existing fences erected along the same boundary. That is, any existing fence shall be completely removed.

LIGHTING

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

REFUSE STORAGE AREAS

18. 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

19. 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*.

20. 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*.

ACOUSTIC AMENITY - NOISE LIMITS

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

AIR QUALITY AND AMENITY - AIR RELEASE LIMITS

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

ENGINEERING WORKS

23. Submit to Council, a development application for Operational Work for all civil works including earthworks and roadworks.

24. Complete all works approved and works required by conditions of this development approval and/or any related approvals at no cost to Council, prior to commencement of the use unless stated otherwise.

25. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, standards, relevant design guidelines, and Australian Standards.

26. Be responsible for the full cost of any alterations necessary, to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and/or other public utility installations resulting from the development or from road and drainage works required in connection with the development.

27. Submit to Council, certification from a suitably qualified Engineer (RPEQ) that the works have been undertaken in accordance with the Approved Plan and to Council's requirements, prior to commencement of the use.

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

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

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

FLOODING AND STORMWATER MANAGEMENT

30. Provide flooding and stormwater management generally in accordance with the report Stage 1 - Hydraulic Impact Assessment For 5 Bennie Street, Dalby prepared by Water Technology, Revision R01_V01, dated 1 August 2022.

31. 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.

32. Ensure that adjoining properties and roadways are protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.

WATER SUPPLY

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

SEWERAGE

34. Connect the development to Council's existing reticulated sewerage system via a single connection.

VEHICLE ACCESS

35. Construct a commercial crossover between the property boundary and the edge of the Bennie Street road pavement, having a minimum width of 6 metres, generally in accordance with Council's Standard Drawing IPWEAQ Std Dwg RS-051, Rev F. Ensure that crossover splay is designed to accommodate turning movements of an Articulated Vehicle.

36. Construct any new crossovers such that the edge of the crossover is no closer than 1 metre to any existing or proposed infrastructure, including any stormwater gully pit, manhole, service infrastructure (eg power pole, telecommunications pit), road infrastructure (eg street sign, street tree, etc).

ROADWORKS - FRONTAGE WORKS

37. Design and construct a 2-metre bitumen sealed pavement widening along the Bennie Street frontage of the proposed development. Design and construct the widening in accordance with Council's Standards, relevant Austroads' Standards and Council's Planning Scheme.

ROADWORKS AND PEDESTRIAN SAFETY

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

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

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

ELECTRICITY

41. Connect the development to electricity services.

EARTHWORKS - GENERAL

42. Earthworks per site involving cut or fill with a nett quantity of material greater than 20m³, requires an Operational Work Development Permit.

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

44. Earthworks shall be constructed in accordance with Approved Document No. 22020305_R01_V01, entitled Stage 1 - Hydraulic Impact Assessment For 5 Bennie Street, Dalby, prepared by Water Technology, dated 1 August 2022.

EROSION AND SEDIMENT CONTROL - GENERAL

45. 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.

46. 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

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

47.1 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;

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

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

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

48. 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:

48.1 uncontaminated overland stormwater flow; and

48.2 uncontaminated stormwater to the stormwater system.

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

REFERRAL AGENCY RESPONSE

The application is subject to the following Referral Agency requirements:

1.State Assessment and Referral Agency's Concurrence Agency response dated 18 November 2022.

ADVISORY NOTES

NOTE 1 -Currency Period

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

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

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

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

NOTE 2 -Aboriginal Cultural Heritage

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

<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

13. EXECUTIVE SERVICES

13.1 Executive Services Chief Executive Officer Report January 2023

The purpose of this Report is to provide Council with significant meetings, forums and delegations attended by the Chief Executive Officer during the month of January 2023.

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby

Seconded By Cr. M. J. James

GM Cook left the meeting at 11.31am.

GM Cook re-joined the meeting at 11.32am.

That this Report be received.

CARRIED

13.2 Executive Services Report Outstanding Actions January 2023

The purpose of this Report is to provide Council with an updated on the status of outstanding Council Meeting Action Items to 18 January 2023

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. I. J. Rasmussen

That this Report be received.

CARRIED

13.3 Executive Services Quarterly Report October to December 2022

The purpose of this Report is to provide Council with an update in relation to the Executive Services Division for the second quarter of the 2022 / 2023 Financial Year.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. O. G. Moore

That this Report be received.

CARRIED

14. CORPORATE SERVICES

14.1 Corporate Services Report Land Development to Extend the Leasing Area at Dalby Aerodrome

This report concerns the land development of five new commercial land allotments at the Dalby Aerodrome to facilitate a recently approved lease proposal for a new hangar site and to prepare for future demand.

Cr. M. J. James declared a conflict on this item. (In accordance with Chapter 5B of the Local Government Act 2009, Cr. M. J. James informed the meeting of a declarable conflict of interest in respect to this matter due to: she is a close personal friend of two of the Directors of Helismart, Ben and Steph Smart. Having given due consideration to her position she determined that she would leave the Meeting while the matter is considered and voted on).

Cr. P. M. McVeigh declared a conflict (In accordance with Chapter 5B of the Local Government Act 2009, Cr. P. M. McVeigh informed the meeting of a declarable conflict of interest in respect to this matter due to: The owners of Helismart Pty Ltd are also the owners and operators of Smart Air Services who contract agricultural air services to our family farming properties. Having given due consideration to his position he determined that he would leave the Meeting while the matter is considered and voted on)

Cr. P. M. McVeigh and Cr. M. J. James left the meeting at 11.36am.

Cr A. N. Smith assumed the chair.

Cr. P. M. McVeigh and Cr. M. J. James re-joined the meeting at 11.51am

GM D Fletcher left the meeting at 11.52am.

Acting GM T Summerville joined the meeting at 11.52am.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. K. A. Maguire

This report be received and noted and a meeting between Executive and Council be held to discuss this report, prior to any further reports on this matter being brought to council.

CARRIED

14.2 Corporate Services Report Dalby Aquatic Centre Outdoor Pool Heating

The purpose of this Report is to provide advice to Council in response to a petition which was received by Council at its Ordinary Meeting of 26 October 2022, in respect of heating for the outdoor swimming pool at the Dalby Aquatic Centre.

COUNCIL RESOLUTION

Moved By Cr. M. J. James

Seconded By Cr. O. G. Moore

That Council resolves to note the issues raised in the petition received at its Ordinary Meeting of 26 October 2022 regarding heating for the outdoor swimming pool at the Dalby Aquatic Centre and advise the authors of the petition that the matter will be addressed as part of the Aquatic Centres strategy currently under development and due for completion in the 2022-2023 financial year.

CARRIED

14.3 Corporate Services Report Continuation of Tara Amateur Swimming Club Support Measures

The purpose of this report is to seek an adjustment to the support measures approved for the Tara Amateur Swimming Club while the Tara Pool Construction project progresses.

COUNCIL RESOLUTION

Moved By Cr. C. T. Tillman

Seconded By Cr. M. J. James

That Council resolves to approve the extension of the terms for the Tara Amateur Swimming Club subsidy of \$14,000 in 2022-23, approved at its Ordinary Meeting of 7 December 2022, to include club members travelling to and from any aquatic centre located within the Western Downs region, until the new Tara pool has opened.

CARRIED

14.4 Corporate Services Report Consideration Voting Method 2024 Western Downs Local Government Election

The purpose of this Report is to seek Council's direction regarding the preferred voting method for the 2024 Western Downs Local Government Election.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire
Seconded By Cr. P. T. Saxelby

That Council resolve pursuant to section 45AA(1) of the *Local Government Electoral Act 2011* to make application to the Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning for the poll to be conducted by full postal ballot for all of the Western Downs Regional Council local government area for the 2024 quadrennial election.

CARRIED

14.5 Corporate Services Report 2022-23 Quarter Two Enterprise Risk Management and Operational Plan Review

The purpose of this report is to provide Council with the status of the strategic risks which Council manages under the *Enterprise Risk Management Framework* and the second quarter progress towards achieving the *2022-23 Operational Plan*.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen
Seconded By Cr. K. A. Maguire

That Council resolves to:

1. receive the Quarter Two *2022-23 Operational Plan* and *Enterprise Risk Management* review; and
2. amend the *2022-23 Operational Plan*, as outlined in Attachment One.

CARRIED

14.6 Corporate Services Financial Report January

The purpose of this Report is to provide Council with the Financial Report for the period ending 31 January 2023.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen
Seconded By Cr. K. A. Maguire

That Council resolves to receive the Financial Report as of 31 January 2023.

CARRIED

14.7 Corporate Services Quarterly Report October to December 2022

The purpose of this Report is to provide Council with a summary of the Corporate Services Division's strategic and operational activities for the second quarter of the 2022-2023 financial year.

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby
Seconded By Cr. M. J. James

That Council resolve to receive the Corporate Services Quarterly Report for the period October to December 2022.

CARRIED

15. INFRASTRUCTURE SERVICES

15.1 Infrastructure Services Quarterly Report October to December 2022

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

COUNCIL RESOLUTION

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

That this Report be received.

CARRIED

16. COMMUNITY AND LIVEABILITY

16.1 Community and Liveability Report Amendment to the Housing and Land Development Incentives Council Policy

The purpose of this Report is to seek approval to amend the Housing and Land Development Incentives - Council Policy.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore
Seconded By Cr. A. N. Smith

That this report be received and that the attached "Amended Housing and Land Development Incentives - Council Policy" be approved.

CARRIED

16.2 Community and Liveability Report Economic Development Strategy 2023 - 2028

The purpose of this report is to seek Council's endorsement of the new Economic Development Strategy 2023 - 2028.

COUNCIL RESOLUTION

Moved By Cr. M. J. James

Seconded By Cr. O. G. Moore

That this report be received and the new Economic Development Strategy 2023 - 2028 endorsed.

CARRIED

16.3 Community and Liveability Report Tourism & Destination Events Strategy 2023 - 2028

The purpose of this report is to seek Council's endorsement of the new Tourism & Destination Events Strategy 2023 - 2028,

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. K. A. Maguire

That this report be received and the new Tourism & Destination Events Strategy 2023 - 2028 endorsed.

CARRIED

16.4 Community and Liveability Quarterly Report (Q2) October to December 2022

The purpose of this Report is to provide Council with an update in relation to the Community and Liveability Division for the second quarter of the 2022 / 2023 Financial Year.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. M. J. James

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 12.31pm

I hereby certify that the foregoing is a true record of the Minutes of the Proceedings of the Ordinary Meeting of Council held this 15 February 2023

Submitted to the Ordinary Meeting of Council held this Wednesday, 15 March 2023.

Signed:

Cr. P.M. McVeigh

MAYOR OF WESTERN DOWNS REGIONAL COUNCIL

UNCONFIRMED