

## **Ordinary Meeting of Council**

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

**On Wednesday, 19 April 2023**

Commencing at 9:30am

**J. Taylor**  
**CHIEF EXECUTIVE OFFICER**

**19 April 2023**

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# Ordinary Meeting of Council Agenda

Location: **Jandowae Customer Service Centre**  
**22 George Street, Jandowae**

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**2. OPENING PRAYER AND MINUTE SILENCE**

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**5. CONFIRMATION OF MINUTES**

**5.1 Adopt Ordinary Meeting of Council Minutes 15 March 2023**

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

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

**7. DECLARATIONS OF CONFLICTS OF INTEREST**

**8. PRESENTATION OF PETITIONS BY COUNCILLORS**

**9. MAYORAL UPDATE**

**9.1 Executive Services Mayoral Report March 2023**

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

**10. CONFIDENTIAL ITEMS**

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

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

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

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

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

*(b) industrial matters affecting employees;*

*(c) the local government's budget;*

*(d) rating concessions;*

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

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

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

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

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

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

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

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

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

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

10.1	EXECUTIVE SERVICES	
10.2	CORPORATE SERVICES	
10.3	COMMUNITY AND LIVEABILITY	
10.4	INFRASTRUCTURE SERVICES	
11.	DEPUTATION	
12.	PLANNING	
12.1	<b>(030.2022.582.001) Community and Liveability Report Development Application Material Change of Use for a Transport Depot on Lot 44 on LY575 Jahnkes Road Baking Board Specialised Field and Plant Services Pty Ltd C/- Danya Cook Town Planning</b> The purpose of this Report is for Council to decide the proposed development for Material Change of Use to establish a Transport Depot on land described as Lot 44 on LY575 and situated at Jahnkes Road, Baking Board.	29
12.2	<b>(030.2022.637.001) Community and Liveability Report Development Application for Material Change of Use for a Transport Depot at Lot 608 on BWR817 22 Marian Street Miles CRC Electrical C/- Swep Consulting</b> The purpose of this Report is for Council to decide the application for a Material Change of Use to establish a Transport Depot on land described as Lot 608 on BWR817, situated at 22 Marian Street, Miles.	60
12.3	<b>(030.2022.646.001) Community and Liveability Report Development Application for Material Change of Use for Low Impact Industry (Mechanical Workshop) at Lot 2 on RP194185 126 Windmill Road Chinchilla Tatum C/- Swep Consulting</b> The purpose of this Report is for Council to decide the development application for a Material Change of Use for Low Impact Industry (Mechanical Workshop) on land described as Lot 2 on RP194185, located at 126 Windmill Road, Chinchilla.	81
12.4	<b>(050.2022.623.001) Community and Liveability Report Development Application Other Change to Existing Material Change of Use Approval for Industry at 6 Auburn Road and Forrest Street Chinchilla CNH Transportable Homes C/- Swep Consulting</b> The purpose of this Report is for Council to decide an Other Change Application for the Development Approval for a Material Change of Use for Industry on land described as Lot 1 on LY347 and Lots 21, 22 and 23 on RP14934, located at 6 Auburn Road, Auburn Road and Forrest Street, Chinchilla.	112
13.	EXECUTIVE SERVICES	



<b>13.1</b>	<b>Executive Services Chief Executive Officer Report March 2023</b>	<b>173</b>
	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 March 2023.	

<b>13.2</b>	<b>Executive Services Report Formation of Regional Organisation of Council (ROC)</b>	<b>176</b>
	The purpose of this Report is to seek Council's support for the formation of a Regional Organisation of Council with membership from Goondiwindi; Southern Downs; Toowoomba and Western Downs Regional Councils.	

<b>13.3</b>	<b>Executive Services Report Outstanding Actions March 2023</b>	<b>181</b>
	The purpose of this Report is to provide Council with an updated on the status of outstanding Council Meeting Action Items to 15 March 2023.	

#### **14. CORPORATE SERVICES**

<b>14.1</b>	<b>Corporate Services Report Audit Committee Meeting 16 March 2023</b>	<b>184</b>
	The purpose of this Report is to provide Council with the report of the Western Downs Regional Council Audit Committee Meeting held on 16 March 2023.	

<b>14.2</b>	<b>Corporate Services Financial Report March</b>	<b>195</b>
	The purpose of this Report is to provide Council with the Financial Report for the period ending 31 March 2023 and seek approval for the inclusion of five new fees to be included in the 2022-23 fees and charges register. These fees relate to the Lake Broadwater Hall hire fees and refundable security deposits for the Tara Showgrounds and Wandoan Mar Memorial to be effective from 19 April 2023.	

#### **15. INFRASTRUCTURE SERVICES**

<b>15.1</b>	<b>Infrastructure Services Report Capital Works March 2023</b>	<b>207</b>
	The purpose of this Report is for the Works Department to provide an update to Council regarding the 2022/23 Capital Works Program for the month of March 2023.	

#### **16. COMMUNITY AND LIVEABILITY**

<b>16.1</b>	<b>Community and Liveability Report Temporary Closure Chinchilla Weir Boat Ramp</b>	<b>210</b>
	The purpose of this Report is to seek Council's approval to temporarily close the Chinchilla Weir Boat Ramp to facilitate scheduled upgrades to be conducted by Marine Safety Queensland.	

<b>16.2</b>	<b>Community and Liveability Report Destination Events Program 2023</b>	<b>225</b>
	The purpose of this Report is to provide Council with the Unconfirmed Minutes of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 3 April 2023 in relation to the Assessment of the 2022/2023 Destination Events Program and to seek adoption of the recommendations contained in those Unconfirmed Minutes.	
<b>16.3</b>	<b>Community and Liveability Report Recycle Market Enviro Grants Program 2023</b>	<b>233</b>
	The purpose of this report is to inform Council of the outcome of the funding round for the Recycle Market Enviro Grants Program funded by Iolar Operational Services which closed on 7 February 2023.	
<b>16.4</b>	<b>Community and Liveability Report Waiving of Building and Plumbing Application Fees for Bushfire Rebuilds</b>	<b>235</b>
	The purpose of this Report is to seek approval to waive application fees for Building and Plumbing Applications for replacement Dwelling Houses or Domestic Outbuildings or Structures that were damaged during the February 2023 bushfires.	
<b>17.</b>	<b>NOTICES OF MOTION</b>	
<b>17.1</b>	<b>CONSIDERATION OF NOTICES OF MOTION/BUSINESS</b>	
	17.1.1 Notice of Motion - Cr. M. J. James Closed Circuit Television Information Session	238
<b>17.2</b>	<b>RECEPTION OF NOTICES OF MOTION FOR NEXT MEETING</b>	
<b>18.</b>	<b>URGENT GENERAL BUSINESS</b>	
<b>19.</b>	<b>MEETING CLOSURE</b>	

**Title** **Adopt Ordinary Meeting of Council Minutes 15 March 2023**

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**Date** 13 April 2023

**Responsible Manager** J. Taylor, CHIEF EXECUTIVE OFFICER

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### **Summary**

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

### **Link to Corporate Plan**

Nil

### **Material Personal Interest/Conflict of Interest**

Nil

### **Officer's Recommendation**

That this Report be received and that:

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

### **Human Rights Considerations**

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

There are no human rights implications associated with this report.

### **Attachments**

1. Copy of Unconfirmed Minutes of the Ordinary Meeting of Council held on Wednesday, 15 March 2023.

**Authored by:** A. Lyell, EXECUTIVE SERVICES ADMINISTRATION OFFICER



## **Ordinary Meeting of Council Minutes**

**Date:** Wednesday, 15 March 2023  
**Time:** 9:30am  
**Location:** Western Downs Regional Council  
Miles Customer Service Centre 29 Dawson Street, Miles 4415

**Councillors:**

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

**Officers:**

J. Taylor, Chief Executive Officer  
B. Bacon, General Manager (Corporate Services)  
G. Cook, General Manager (Infrastructure Services)  
D. Fletcher, General Manager (Community & Liveability)  
C. Craig, Senior Executive Officer  
A. G. Lyell, Executive Services Administration Officer

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**1. DECLARATION OF MEETING OPENING**

The Chairperson declared the Meeting open at 9.31AM.

**2. OPENING PRAYER AND MINUTE SILENCE**

Glen Perkins from the Miles Presbyterian Church delivered the opening prayer. This was followed by the observance of a minute silence.

**3. APOLOGIES**

Nil

**4. CONGRATULATIONS**

Cr. M. J. James requested that congratulations be extended to Georgina Rackemann, a former Chinchilla local, who was named in the 2023 Painaway Australian Emus Open Women's touch football team to play in the Trans-Tasman Test Series vs New Zealand in April.

Cr. M. J. James requested that congratulations be extended to Macauley (Mac) Nolan, Dalby local, named in the 2023 Painaway Australian Emus Touch 18 years Mixed football Team to play in the Asia Pacific Youth Touch Cup in May.

Cr. M. J. James requested that congratulations be extended to Tiffany Ham, 15-year-old Dalby local, who has been selected in the 2023 under 19 Volleyball Australia National Development Program volleyball team to play in Thailand in April.

Cr. K. A. Maguire requested that congratulations be extended to Tara Customer Contact Centre staff and all WDRC staff to be recognised for their support during the recent bushfires.

Cr. K. A. Maguire requested that congratulations be extended to Kennedy Stenzel - Miss Tara Showgirl and Most Raised Funds Showgirl.

Cr. K. A. Bourne requested that congratulations be extended to Chinchilla Melon Festival Committee and community in hosting a successful Chinchilla Melon Festival. The Committee and Festival volunteers are to be commended on their commitment, dedication, and management in delivering such a wonderful major event for community and visitors. It was certainly exciting to see the return of the Chinchilla Melon Festival once again in the line-up of outstanding events hosted across the Western Downs.

**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**

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

**COUNCIL RESOLUTION**

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

In relation 10.4.1. Russell Park Mountain Bike Trail, that council be provided a report detailing additional provision of funding for Cultural Heritage Budget expenditure.

**CARRIED**

**7. DECLARATIONS OF CONFLICTS OF INTEREST**

**8. PRESENTATION OF PETITIONS BY COUNCILLORS**

**8.1 Miles Disabled Parking - CEO Jodie Taylor**

**COUNCIL RESOLUTION**

**Moved By** Cr. K. A. Bourne  
**Seconded By** Cr. M. J. James

That the petition be received, and a report be brought back to Council.

**CARRIED (8 to 1)**

## **9. MAYORAL UPDATE**

### **9.1 Executive Services Mayoral Report February 2023**

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

#### **COUNCIL RESOLUTION**

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

**Seconded By** Cr. I. J. Rasmussen

That this Report be received and noted.

**CARRIED**

## **11. DEPUTATION**

Queensland Police Service (QPS) - Miles Sergeant Werner Crous

Sergeant Crous addressed council in regard to Local Government and QPS work together with installation of Closed-circuit Television (CCTV) Installation for Town on Miles.

#### **COUNCIL RESOLUTION - ADJOURN MEETING**

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

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

That Council resolve to adjourn the Meeting.

*The Meeting adjourned at 10.27am.*

*The Meeting resumed at 10.49am.*

**CARRIED**

## 10. CONFIDENTIAL ITEMS

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

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

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*(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;*

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

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

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

That Council resolve to close the Meeting in accordance with Sections 254J (3) (e-g) of the *Local Government Regulation 2012* at 10.49AM to discuss the following Confidential Reports:

10.1.1 - Executive Services Confidential Report Legal Proceedings

10.4.1 - Infrastructure Services Confidential Report Bundi Road Bridge Replacement Project  
Update and Budget Adjustment

**CARRIED**

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

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

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

That Council resolve to reopen the Meeting at 10.54am.

**CARRIED**

## **10.1 EXECUTIVE SERVICES**

### **10.1.1 Executive Services Confidential Report Legal Proceedings**

The purpose of this Report is to seek Council's direction to commence legal proceedings to enforce the Settlement Deed if non-compliance is not resolved within in a reasonable time.

#### **COUNCIL RESOLUTION**

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

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

That this Report be received and that Council:

1. resolves to commence legal proceedings against Kenneth Leigh Castle and Shirley Janet Castle to enforce compliance with the Settlement Deed dated 11 March 2021 if non-compliance is not resolved within a reasonable time.
2. delegates authority to the Chief Executive Officer to manage and sign all documents necessary to conduct the legal proceedings.

**CARRIED**

## **10.2 CORPORATE SERVICES**

## **10.3 COMMUNITY AND LIVEABILITY**

## **10.4 INFRASTRUCTURE SERVICES**

### **10.4.1 Infrastructure Services Confidential Report Bundi Road Bridge Replacement Project Update and Budget Adjustment**

The purpose of this report is to provide a project status update for the Bundi Road Bridge Replacement project and to adjust the budget in accordance with the 2022/23 Budget - Council Policy.

#### **COUNCIL RESOLUTION**

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

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

That this Report be received and that Council:

Increase the Bundi Road Bridge Replacement project budget to \$4,418,866.15 to accommodate cost increases associated with abnormal wet weather and exceptional inflationary pressures during the project delivery period.

**CARRIED**

## 12. PLANNING

### 12.1 (030.2022.686.001) Community and Liveability Report Development Application for Material Change of Use Short-term Accommodation Lots 0, 2 and 3 on GTP100450 56 Bunya Street Dalby Walman Pty Ltd atf Robin Cameron Family Trust C/- Precinct Urban Planning

The purpose of this Report is for Council to decide the proposed development for a Material Change of Use to establish Short-term Accommodation on land legally described as Lots 0, 2 and 3 on GTP100450, located at 56 Bunya Street, Dalby.

#### **COUNCIL RESOLUTION**

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

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

That this Report be received and that:

1. The application for a Material Change of Use to establish Short-term Accommodation on land described as Lots 0, 2 and 3 on GTP100450, located at 56 Bunya Street, Dalby, 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.	Description	Dated
Project No. 2022-418, Sheet No. 1, Rev No. A	Site Plan, prepared by Precinct Urban Planning	-
001	Floor Plan Unit 2, prepared by Precinct Urban Planning, as amended in red by Council on 20/02/23	-
002	Floor Plan Unit 3, prepared by Precinct Urban Planning, as amended in red by Council on 20/02/2023	-

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 Permit must be obtained prior to commencement of any work associated with the process:
  - 3.1 Building Work.

**Note:** Please be advised that the use of the existing Dwelling Units for the purpose of Short-term Accommodation will change the Classification of the building and will therefore require a Building Approval form an appropriately qualified Private Certifier.

#### **APPROVED DEVELOPMENT**

4. The approved development is a Material Change of Use for Short-term Accommodation as shown on the Approved Plans.

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

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

#### **FEES AND CHARGES**

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

#### **MAINTENANCE**

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

#### **INFRASTRUCTURE CHARGES**

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

11. Any graffiti on the buildings must be removed.
12. The buildings and the site must be maintained in a clean and tidy manner at all times.
13. All plant, air-conditioning equipment and the like shall be visually screened from the street.
14. 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**

15. 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*.
16. 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**

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.

## **NOISE EMISSIONS**

18. 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**

19. 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**

20. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant Australian Standards.
21. 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**

22. 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.
23. 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.

## **VEHICLE ACCESS**

24. Maintain the existing concrete crossover throughout the life of the use.

## **PARKING AND ACCESS - GENERAL**

25. Provide a minimum of four (4) car parking spaces to service the development and in accordance with the Approved Plans.
26. Construct all driveway and parking areas with a bitumen surface.

## **STORMWATER MANAGEMENT**

27. 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.
28. Ensure that adjoining properties and roadways are protected from ponding as a result of any site works undertaken.
29. Do not concentrate post-development flows to adjoining properties.

## EROSION AND SEDIMENT CONTROL - GENERAL

30. 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.
31. 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

32. Undertake operations and construction work associated with this development to the requirements of Council, including the following:
  - 32.1 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
  - 32.2 remove immediately, any material spilled or carried onto existing roads to avoid dust nuisance and ensure traffic safety.
33. 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:
  - 33.1 uncontaminated overland stormwater flow; and
  - 33.2 uncontaminated stormwater to the stormwater system.

## ADVISORY NOTES

### NOTE 1 - 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 2 - Aboriginal Cultural Heritage

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

### NOTE 3 - General Environmental Duty

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

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

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

**NOTE 5 - Property Note (Audit of Conditions)**

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

**NOTE 6 - Duty to Notify of Environmental Harm**

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

**NOTE 7 - Infrastructure Charges**

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

**APPEAL RIGHTS**

**"Chapter 6 Dispute Resolution**

**Part 1 Appeal Rights**

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

**(1) Schedule 1 states -**

**(a) matters that may be appealed to -**

- (i) either a tribunal or the P&E Court; or**
- (ii) only a tribunal; or**
- (iii) only the P&E Court; and**

**(b) the person -**

- (i) who may appeal a matter (the **appellant**); and**
- (ii) who is a respondent in an appeal of the matter; and**
- (iii) who is a co-respondent in an appeal of the matter; and**
- (iv) who may elect to be a co-respondent in an appeal of the matter.**

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

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

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

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

**CARRIED**



### 13. EXECUTIVE SERVICES

#### 13.1 Executive Services Chief Executive Officer Report February 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 February 2023.

##### **COUNCIL RESOLUTION**

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

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

That this Report be received.

**CARRIED**

#### 13.2 Executive Services Report Outstanding Actions February 2023

The purpose of this Report is to provide Council with an updated on the status of outstanding Council Meeting Action Items to 15 February 2023

##### **COUNCIL RESOLUTION**

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

**Seconded By** Cr. M. J. James

That this Report be received.

**CARRIED**

## 14. CORPORATE SERVICES

### 14.1 Corporate Services Report Auction Results Sale of Land for Rates Arrears 2022 and Proposed Process for 2023

The purpose of this Report is to provide Council with the results of the sale of land for rates arrears process for 2022, which concluded with a public auction conducted 4 November 2022. A write-off of uncollected rates will be required for one property. Support is also sought for the 2023 process, with one property currently identified for this process also requiring a write-off of uncollected rates and charges as the property is unable to be sold.

#### **COUNCIL RESOLUTION**

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

**Seconded By** Cr. I. J. Rasmussen

That Council resolves to:

1. write-off the remaining balance of \$339,778.50 for rating assessment number 20320; and
2. write-off the balance of \$4,577.41 (plus any additional interest accrued from 21 February to date of Council decision) for rating assessment number 8274.

Cr. A. N. Smith with the support of seconder Cr. I. J. Rasmussen withdrew his motion.

#### **PROCEDURAL MOTION**

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

That council change the order of the meeting and advance to 14.2 whilst more information is obtained relating to 14.1.

The **PROCEDURAL MOTION** was **PUT** and **CARRIED (8 to 1)**

## 14.2 Corporate Services Draft Investment Policy and Draft Financial Management and Investment Strategy 2022-23

The purpose of this report is to seek Council's support and endorsement of the attached draft policies which will enable Council to consider additional investment products for its cash balances.

### **COUNCIL RESOLUTION**

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

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

That Council resolves to:

1. support the draft *Investment Policy - Council Policy* and draft *Financial Management and Investment Management Strategy 2022-2032* with the intention to adopt the documents subject to in-principle approval from the State Treasurer for approval to invest in Queensland Investment Corporation products outlined in this report; and
2. support the future investment in a mix of Queensland Investment Corporation products to a maximum of fifty (50) per cent of Council's available investment funds as outline in the *Investment Policy - Council Policy*.

### **FORESHADOWED MOTION**

Cr. A. N. Smith foreshadowed that if the motion on the floor failed, he would move:

1. support the draft *Investment Policy - Council Policy* and draft *Financial Management and Investment Management Strategy 2022-2032*, as amended to enable investment in a mix of Queensland Investment Corporation products up to a maximum of 100 per cent of Council's available investment funds, with the intention to adopt the documents subject to in-principle approval from the State Treasurer for approval to invest in Queensland Investment Corporation products outlined in this report; and
2. support the future investment in a mix of Queensland Investment Corporation products up to a maximum of 100 per cent of Council's available investment funds.

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

**For:** Cr. P. T. Saxelby, Cr. K. A. Maguire, Cr. I. J. Rasmussen, Cr. M. J. James, Cr. O. G. Moore, and Cr. C. T. Tillman

**Against:** Cr. P. M. McVeigh, Cr. A. N. Smith, and Cr. K. A. Bourne

#### **14.1 Corporate Services Report Auction Results Sale of Land for Rates Arrears 2022 and Proposed Process for 2023**

The purpose of this Report is to provide Council with the results of the sale of land for rates arrears process for 2022, which concluded with a public auction conducted 4 November 2022. A write-off of uncollected rates will be required for one property. Support is also sought for the 2023 process, with one property currently identified for this process also requiring a write-off of uncollected rates and charges as the property is unable to be sold.

##### **COUNCIL RESOLUTION**

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

**Seconded By** Cr. I. J. Rasmussen

That Council resolves to:

1. write-off the remaining balance of \$339,778.50 for rating assessment number 20320; and
2. write-off the balance of \$4,577.41 (plus any additional interest accrued from 21 February to date of Council decision) for rating assessment number 8274.

**CARRIED**

#### **14.3 Corporate Services Financial Report February**

The purpose of this Report is to provide Council with the Financial Report for the period ending 28 February 2023.

##### **COUNCIL RESOLUTION**

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

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

That Council resolves to receive the Financial Report and approve:

1. the budget increase for the 120 Cunningham Street Capital Project with an increase of \$894,538 (exclusive of goods and services tax) in expenditure and \$400,000 in capital revenue to be allocated in the 2022-23 year;
2. the budget increase for the Tara Pool Replacement Capital Project with an increase in expenditure of \$382,000 (exclusive of goods and services tax) allocated in the 2022-23 year;
3. the removal of capital projects in the 2022-23 capital works programme to the value of \$224,791, and;
4. to defer \$91,350 of capital expenditure to the 2024-25 year.

**CARRIED (8 to 1)**

#### **14.4 Corporate Services Report Early Career Programme 2023**

The purpose of this Report is to provide Council with an update on the Early Career Programme.

##### **COUNCIL RESOLUTION**

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

**Seconded By** Cr. M. J. James

That Council resolve to receive this report.

**CARRIED**

UNCONFIRMED

## 15. INFRASTRUCTURE SERVICES

### 15.1 Infrastructure Services Report - Bundi Road Bridge Naming Consideration

This report requests Council's direction regarding formal naming of the newly constructed bridge over Wandoan Creek on Bundi Road, Wandoan.

#### **COUNCIL RESOLUTION**

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

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

That this Report be received and that Council:

Move that the bridge over Wandoan Creek on Bundi Road, Wandoan, be formally named in accordance with the *Naming Public Assets - Council Policy*.

**CARRIED (8 to 1)**

**For:** Cr. P. M. McVeigh, Cr. A. N. Smith, Cr. K. A. Bourne, Cr. P. T. Saxelby,  
Cr. K. A. Maguire, Cr. M. J. James, Cr. O. G. Moore, and Cr. C. T. Tillman

**Against:** Cr. I. J. Rasmussen

### 15.2 Infrastructure Services Works 2022/23 Capital Works Progress Update - January - February 2023

The purpose of this Report is for the Works Department to provide an update to Council regarding the 2022/23 Capital Works Program for the months of January and February 2023.

#### **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 Community Projects Program Round Two 2022.2023

The purpose of this Report is to provide Council with the Unconfirmed Minutes of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 15 February 2023. This is in relation to the assessment and proposed adoption of Round Two of the 2022/2023 Community Projects Program

#### **COUNCIL RESOLUTION**

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

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

That this Report be received and that:

1. Council note the Unconfirmed Minutes of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 15 February 2023.

2. The Recommendations of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 15 February 2023 be adopted as follows:

a. Apologies

That the Western Downs Regional Council Community Grants Assessment Reference Group accept the apology for non-attendance from Cr. K. A. Bourne.

b. Confirmation of Minutes of Previous Meeting

That the Unconfirmed Minutes of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 21 September 2022, copies of which have been circulated to Members, be taken as read and confirmed.

c. That the applicants for Round Two of the 2022/2023 Community Projects Program be advised as follows:

	<b>Applicant</b>	<b>Project Description</b>	<b>Total Project Cost</b>	<b>Applicant Contribution</b>	<b>Amount Requested</b>	<b>Amount Approved (Excl. G.S.T.)</b>	<b>Justification/ Conditions</b>	<b>Suggestions</b>
1	Lions Club of Dalby Inc	Lions Den Upgrade	\$8,420.00	\$1,420.00	\$7,000.00	<b>\$4,210.00</b>	<b>Conditional upon applicant confirming they will provide 50% funding with no reduction of scope</b>	
							<b>FOR:</b> Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman <b>AGAINST:</b> <b>DID NOT VOTE:</b> Cr. K.A. Bourne	
2	Miles & District Historical Society Inc	Lapidary Building Air Conditioning	\$14,957.00	\$5,987.00	\$8,970.00	<b>\$4,000.00</b>		
							<b>FOR:</b> Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman <b>AGAINST:</b> <b>DID NOT VOTE:</b> Cr. K.A. Bourne	
3	Southern Queensland Cutting Horse Association Inc	Ramp upgrade	\$10,595.20	\$2,145.00	\$8,450.20	<b>\$5,297.00</b>	<b>Conditional upon applicant confirming they will provide 50% funding with no reduction of scope</b>	
							<b>FOR:</b> Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman <b>AGAINST:</b> <b>DID NOT VOTE:</b> Cr. K.A. Bourne	
4	Chinchilla Polocrosse Club Incorporated	Public Address System Upgrade	\$22,523.00	\$12,523.00	\$10,000.00	<b>\$10,000.00</b>		
							<b>FOR:</b> Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman <b>AGAINST:</b> <b>DID NOT VOTE:</b> Cr. K.A. Bourne	
<b>TOTAL</b>						<b>\$23,507.00</b>		

**CARRIED**



## **16.2 Community and Liveability Report Local Events Program Round Two 2022.2023**

The purpose of this Report is to provide Council with the Unconfirmed Minutes of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 15 February 2023 in relation to the Assessment of Round Two of the 2022/2023 Local Events Program and to seek adoption of the recommendations contained in those Unconfirmed Minutes.

### **COUNCIL RESOLUTION**

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

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

That this Report be received and that:

1. Council note the Unconfirmed Minutes of the Western Downs Regional Council Community Grants

Assessment Reference Group Meeting held on 15 February 2023.

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

Reference Group Meeting held on 15 February 2023 be adopted as follows:

a. Apologies

That the Western Downs Regional Council Community Grants Assessment Reference Group accept the apology for non-attendance from Cr. K. A. Bourne.

b. Confirmation of Minutes of Previous Meeting

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

Assessment Reference Group Meeting held on 21 September 2022 copies of which have been

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

c. That the applicants for Round Two of the 2022/2023 Local Events Program be advised as follows:

	Applicant	Project Description	Total Project Cost	Applicant Contribution	Amount Requested	Amount Approved (Excl. G.S.T.)	Justification/ Conditions	Suggestions
1	Tara Race Club	Tara Races	\$14,800.00	\$4,000.00	\$2,000.00 cash \$1,925.00 In Kind	<b>\$2,000.00 cash</b> <b>\$1,925.00 In Kind</b>		
						<b>FOR:</b> Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman <b>AGAINST:</b> <b>DID NOT VOTE:</b> Cr. K.A. Bourne		
2	Dalby State School P&C Creekside Markets	30 years - Dalby State School P&C Creekside Markets	\$20,000.00	\$20,000.00	\$5,000.00	<b>\$0.00</b>		
						<b>FOR:</b> Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman <b>AGAINST:</b> <b>DID NOT VOTE:</b> Cr. K.A. Bourne		
3	Miles and District Show Society	Miles Show	\$13,500.00	\$6,000.00	\$5,000.00	<b>\$5,000.00</b>		
						<b>FOR:</b> Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman <b>AGAINST:</b> <b>DID NOT VOTE:</b> Cr. K.A. Bourne		
4	Jandowae Race Club Inc.	Jandowae Races 2023	\$30,000.00	\$8,500.00	\$2,000.00 cash \$1,040.00 In Kind	<b>\$2,000.00 cash</b> <b>\$1,040.00 In Kind</b>		
						<b>FOR:</b> Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman <b>AGAINST:</b> <b>DID NOT VOTE:</b> Cr. K.A. Bourne		
5	St Joseph's P&F Association	St Joseph's Centenary Celebrations	\$22,000.00	\$8,000.00	\$5,000.00	<b>\$5,000.00</b>		
						<b>FOR:</b> Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman <b>AGAINST:</b> <b>DID NOT VOTE:</b> Cr. K.A. Bourne		
6	Hannaford/ The Gums Campdraft Committee	Hannaford/ The Gums Campdraft	\$28,400.00	\$10,665.43	\$2,000.00 cash \$770.00 In Kind	<b>\$2,000.00 cash</b> <b>\$770.00 In Kind</b>		
						<b>FOR:</b> Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman <b>AGAINST:</b> <b>DID NOT VOTE:</b> Cr. K.A. Bourne		
7	Wandoan And District Kindergarten Association	Wandoan Camel Races 2023	\$98,500.00	\$10,000.00	\$4,000.00	<b>\$2,000.00</b>		
						<b>FOR:</b> Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman <b>AGAINST:</b> <b>DID NOT VOTE:</b> Cr. K.A. Bourne		
8	Jandowae and District Show Society	Jandowae and District Show 75th Anniversary	\$64,351.00	\$20,000.00	\$3,000.00	<b>\$3,000.00</b>		
						<b>FOR:</b> Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman <b>AGAINST:</b> <b>DID NOT VOTE:</b> Cr. K.A. Bourne		
	<b>TOTAL FUNDED</b>					<b>\$21,000.00 cash plus \$3,735.00 In Kind</b>		

**CARRIED**

**17. NOTICES OF MOTION**

**17.1 CONSIDERATION OF NOTICES OF MOTION/BUSINESS**

**17.2 RECEPTION OF NOTICES OF MOTION FOR NEXT MEETING**

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

Request an information session on ***Western Downs Regional Council's role in public safety***, including the cost of and funding opportunities for, the installation and operation of CCTV networks, to inform Council on how it can best work in collaboration with community, businesses, State and federal governments, and local police to continue to deliver safe and liveable communities.

**18. URGENT GENERAL BUSINESS**

**19. MEETING CLOSURE**

The Meeting concluded at 12.49PM.

**Title** **Executive Services Mayoral Report March 2023**

**Date** 6 April 2023

**Responsible Manager** J. Taylor, CHIEF EXECUTIVE OFFICER

## Summary

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

## Link to Corporate Plan

Strategic Priority: Active Vibrant Communities

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

## Material Personal Interest/Conflict of Interest

Nil

## Officer's Recommendation

That this Report be received and noted

## Background Information

Nil

## Report

Meetings, delegations and forums attended by the Mayor during the month of March 2023:

1 March 2023	<ul style="list-style-type: none"> <li>Councillor Information Sessions</li> </ul>	Dalby
2 March 2023	<ul style="list-style-type: none"> <li>Extraordinary Local Disaster Management Group Meeting</li> <li>Meeting with the Assistant Police Commissioner, Southern Police Region</li> <li>Meeting with Myall Medical</li> </ul>	Teleconference Dalby Dalby
3 March 2023	<ul style="list-style-type: none"> <li>Extraordinary Local Disaster Management Group Meeting</li> <li>Dalby Showgrounds Shed opening</li> </ul>	Teleconference Dalby
4 March 2023	<ul style="list-style-type: none"> <li>ABC Radio Interview</li> <li>Bell Show</li> </ul>	Phone Bell
6 March 2023	<ul style="list-style-type: none"> <li>EU Delegation Round Table</li> <li>Darling Downs Solar Farm Tour</li> </ul>	Dalby Western Downs region
7 March 2023	<ul style="list-style-type: none"> <li>Meeting with Gasfields Commission and Department of Resources Representatives</li> </ul>	Dalby
8 March 2023	<ul style="list-style-type: none"> <li>Dulacca State School Year 6 Badge Presentation</li> </ul>	Dulacca

10 March 2023	<ul style="list-style-type: none"> <li>Meeting with Bryson Head, Member, Transport and Resources Committee</li> </ul>	Dalby
11 March 2023	<ul style="list-style-type: none"> <li>Schooners and Stories</li> </ul>	Kaimkillenbun
13 March 2023	<ul style="list-style-type: none"> <li>Planning &amp; Pre-Agenda Meeting</li> <li>Councillor Information Sessions</li> </ul>	Dalby Dalby
14 March 2023	<ul style="list-style-type: none"> <li>Pre-briefing ahead of Mike Kaiser Meeting</li> <li>Meeting with Mike Kaiser</li> </ul>	Brisbane Brisbane
15 March 2023	<ul style="list-style-type: none"> <li>Ordinary Meeting of Council</li> </ul>	Miles
16 March 2023	<ul style="list-style-type: none"> <li>Meeting Dr Colin Russo</li> <li>Audit Committee Meeting</li> <li>Meeting with Inspector General of Water Compliance</li> </ul>	Dalby Dalby Dalby
20 March 2023	<ul style="list-style-type: none"> <li>Meeting with CS Energy</li> <li>Development Assessment Panel Meeting</li> <li>Local Disaster Management Group Meeting</li> <li>ABC Southern Queensland Interview</li> </ul>	Dalby Dalby Dalby Phone
22 March 2023	<ul style="list-style-type: none"> <li>Toowoomba Surat Basin Enterprise Protein Conference</li> </ul>	Dalby
23 March 2023	<ul style="list-style-type: none"> <li>Southern and Darling Downs Regional Water Assessment - Stakeholder Advisory Group Meeting</li> <li>Meeting with Goondiwindi, Southern Downs &amp; Toowoomba Regional Council</li> </ul>	Toowoomba  Toowoomba
24 March 2023	<ul style="list-style-type: none"> <li>Western Downs Regional Council Rural Residential Living Roundtable</li> <li>Meeting with Queensland Reconstruction Authority</li> <li>Books and Bubbles - Words Out West</li> </ul>	Brisbane Brisbane  Dalby
25 March 2023	<ul style="list-style-type: none"> <li>Words out West Festival Day</li> </ul>	Dalby
27 March 2023	<ul style="list-style-type: none"> <li>Meeting with WestWind Energy</li> <li>Meeting with Within Energy</li> </ul>	Dalby Dalby
28 March 2023	<ul style="list-style-type: none"> <li>Interview with Australian Community Media</li> <li>Premier's Housing Round Table</li> </ul>	Phone Brisbane
30 March 2023	<ul style="list-style-type: none"> <li>Meeting with Southern Cross Care</li> <li>Meeting with Lifechanger</li> </ul>	Brisbane Brisbane
31 March 2023	<ul style="list-style-type: none"> <li>Meeting with Director General and Regional Director for Department of Transport and Main Roads</li> <li>Meeting with BE Power</li> </ul>	Brisbane  Brisbane

Consultation (Internal/External)

Nil

Legal/Policy Implications (Justification if applicable)

Nil

Budget/Financial Implications

Nil

Human Rights Considerations

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

There are no human rights implications associated with this report.

### **Conclusion**

The forgoing represents activities undertaken by the Mayor during the month of March 2023.

### **Attachments**

Nil

**Authored by:** Hailey Wex, Executive Assistant

**Title** (030.2022.582.001) Community and Liveability Report Development Application Material Change of Use for a Transport Depot on Lot 44 on LY575 Jahnkes Road Baking Board Specialised Field and Plant Services Pty Ltd C/- Danya Cook Town Planning

**Date** 28 March 2023

**Responsible Manager** T. Summerville, PLANNING AND ENVIRONMENT MANAGER

## Summary

The purpose of this Report is for Council to decide the proposed development for Material Change of Use to establish a Transport Depot on land described as Lot 44 on LY575 and situated at Jahnkes Road, Baking Board.

## Link to Corporate Plan

Strategic Priority: Strong Diverse Economy

- We aggressively attract business and investment opportunities.
- Our region is a recognised leader in agribusiness, energy, and manufacturing.
- We deliver water security to enable future economic growth.
- We proactively advance our region as a tourism destination.
- Our business and industry actively live and buy local.

## Material Personal Interest/Conflict of Interest

Nil

## Officer's Recommendation

That this Report be received and that:

1. The application for Material Change of Use to establish a Transport Depot on land described as Lot 44 on LY575 and situated at Jahnkes Road, Baking Board 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:

Job No.	Title and Details	Dated
2022-89	Site Plan, prepared by Danya Cook Town Planning	4/10/2022
-	Aerial Site Plan, as amended in red by Council on 31/03/2023	-
-	Shed Floor Plan, as amended in red by Council on 31/03/2023	-
-	Shed Elevation 1, prepared by Roys sheds, as amended in red by Council on 31/03/2023	-
-	Shed Elevation 2, prepared by Roys sheds, as amended in red by Council on 31/03/2023	-
-	Shed Elevation 3, prepared by Roys sheds, as amended in red by Council on 31/03/2023	-

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 Approved Plans are to be amended in accordance with the conditions of this approval and as outlined below:

- 3.1 Provide a floor plan and elevations of the proposed 6m x 3m Office building to be located at the site.
- 4. The following further Development Permit must be obtained prior to commencement of any work associated with the process:
  - 4.1 Building Work.

#### **APPROVED DEVELOPMENT**

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

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

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

#### **FEES AND CHARGES**

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

#### **INFRASTRUCTURE CHARGES**

- 9. 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**

- 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.

#### **LANDSCAPING – GENERAL**

- 11. 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.
- 12. The Landscape Plan must detail:
  - 12.1 a minimum 2 metre wide landscaping strip to the site's frontages, exclusive of vehicular access points;
  - 12.2 the typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on-site;
  - 12.3 the number and size of plants; and
  - 12.4 the typical planting detail including preparation, backfill, staking and mulching.



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

#### **FENCING**

15. The applicant shall install a chain wire fence with a minimum height of 1.8 metres along the boundaries of the property.
16. Fencing material shall be compatible with that used within the locality.
17. 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**

18. 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**

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.

#### **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*.

#### **ACOUSTIC AMENITY - NOISE LIMITS**

22. 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**

23. 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**

24. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant Australian Standards.
25. 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**

26. 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.
27. 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**

28. 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.
29. Ensure that works undertaken as a part of the development would not cause any actionable nuisance to all adjoining properties.
30. Ensure that adjoining properties and roadways are protected from ponding as a result of any site works undertaken.

## **WATER SUPPLY**

31. Provide a suitable water supply for the development independent of Council's water reticulation system. Monitor water quality continuously to ensure compliance with Australian Drinking Water Guidelines - current edition 2011 and enHealth Guidance of Use of Standards for Potable Water.

## **ON-SITE WASTEWATER DISPOSAL**

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

## **PARKING AND ACCESS - GENERAL**

34. Design and construct all driveway and parking areas with a dust suppressive gravel.
35. Provide a minimum of five (5) car parking spaces for staff and visitors.
36. Maintain dust suppression treatment to all internal roadways, and vehicle manoeuvring areas ensuring not to have an adverse impact on adjoining properties.

## **PARKING AND ACCESS - SERVICING**

37. 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**

38. Design and construct a vehicle turnout in accordance with Council's Standard Drawing No. R-007. Ensure the splays are designed to accommodate the largest expected vehicle.

## **ELECTRICITY**

39. Connect the development to electricity services.

## EROSION AND SEDIMENT CONTROL - GENERAL

40. 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.
41. 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

42. Undertake operations and construction work associated with this development to the requirements of Council, including the following:
  - 42.1 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;
  - 42.2 remove immediately, any material spilled or carried onto existing roads to avoid dust nuisance and ensure traffic safety; and
  - 42.3 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.

43. 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:
  - 43.1 uncontaminated overland stormwater flow; and
  - 43.2 uncontaminated stormwater to the stormwater system.

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

## REFERRAL AGENCY RESPONSE

The application is subject to the following Referral Agency requirements:

1. State Assessment and Referral Agency's Concurrence Agency response dated 6 December 2022.

## ADVISORY NOTES

### NOTE 1 - Currency Period

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

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

**NOTE 2 - Aboriginal Cultural Heritage**

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

**Background Information**

The relevant background information to this application is as follows:

Application No: 030.2022.582.001	Assessment No: 12784	Keywords Index: AD6.6.2 & LG7.6.1
Assessing Officer:	Kym Bannerman PLANNING OFFICER DEVELOPMENT ASSESSMENT	
PART 1: APPLICATION		
Applicant:	Specialised Field and Plant Services Pty Ltd C/- Danya Cook Town Planning	
Owner:	M R Kell	
Site Address:	Jahnkes Road, Baking Board	
Site Area:	2.276ha	
Real Property Description:	Lot 44 on LY575	
Proposed Development:	Transport Depot	
Level of Assessment:	Impact	
Type of Application:	Material Change of Use	
Relevant Planning Scheme:	Western Downs Planning Scheme 2017 incorporating Amendment 1	
Zone:	Rural	
Precinct:	N/A	

<b>Overlays:</b>	<ul style="list-style-type: none"><li>• Extractive Industry</li><li>• Infrastructure</li><li>• Scenic Amenity</li><li>• Road Hierarchy</li></ul>	<ul style="list-style-type: none"><li>- Authority to Prospect (ATP747)</li><li>- Exploration Permit (EPC873)</li><li>- Noise Corridor (Mandatory Category 1)</li><li>- High Landscape Value Area</li><li>- Access (The Peak Road, Sturgess Baking Board Road)</li></ul>
<b>Pre-lodgement Meeting:</b>	No	Date: N/A
<b>Application Lodgement Date:</b>	18/10/2022	
<b>Properly Made Application:</b>	Yes	Date: 18/10/2022
<b>Confirmation Notice Issued:</b>	Yes	Date: 01/11/2022
<b>PART 2: REFERRALS</b>		
<b>State Assessment and Referral Agency (SARA)</b>	<ul style="list-style-type: none"><li>• 09/11/2022 - SARA issued a Confirmation Notice to the applicant.</li><li>• 06/12/2022 - SARA issued a Referral Agency response advising no requirements.</li></ul>	
<b>PART 3: INFORMATION REQUEST</b>		
<b>Information Request Issued:</b>	Yes	Date: 15/11/2022
<b>Applicant's Response:</b>	Yes	Date: 23/02/2023
<b>PART 4: PUBLIC NOTIFICATION</b>		
<b>Date Commenced:</b>	Yes	Date: 03/03/2023
<b>Notice of Compliance Received:</b>	Yes	Date: 27/03/2023
<b>Submissions Received:</b>	One (1)	
<b>PART 5: DECISION PERIOD</b>		
<b>Date Commenced:</b>	13/04/2023	
<b>Decision Due Date:</b>	19/05/2023	

## Report

### 1. Background - Site

The subject site, described as Lot 44 on LY575 is located at Jahnkes Road, Baking Board. The site has an area of 2.276ha with road frontages to Stanke Road along the northern boundary, Sturgess Baking Board Road along the eastern boundary and The Peak Road along the western boundary.

The property is located approximately 12km to the north-west of Chinchilla and is included in the Rural Zone of the Western Downs Planning Scheme 2017 incorporating Amendment 1 (the Planning Scheme). The Extractive Industry, Infrastructure, Scenic Amenity and Road Hierarchy Overlays impact the land.

The subject site is currently vacant of permanent structures, however, has in the past, accommodated temporary shipping containers for storage. The site is located outside Council's reticulated water and sewer areas, whilst electricity supply is available to the site. Stormwater from the site discharges to the Sturgess Baking Board Road road reserve, which flows to the south.

### 2. Proposal

The applicant has submitted a development application for a Material Change of Use to establish a Transport Depot use on the subject site. The site is intended to be utilised as a Transport Depot, consisting of outdoor storage of vehicles and equipment and a 144m<sup>2</sup> Shed and 18m<sup>2</sup> Office. The applicant has advised that no welding or fabrication will occur on-site.

The applicant anticipates that one (1) to two (2) trucks and two (2) cars are likely to access the site daily, with a maximum of three (3) employees expected to be on-site at any one time. Access to the site will be via the site's The Peak Road frontage. Parking provisions for employees are provided internal to the property with five (5) on-site car parking spaces proposed.

The applicant has advised that a suitable water supply will be provided on-site for staff and visitors. The development will be connected to a reticulated supply of electricity, while connection to a reticulated supply of telecommunications is not necessary due to the nature of the proposed use.

### 3. Assessment

The following are the benchmarks applying to this development:

ASSESSMENT MATTERS	
<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>▪ Western Downs Planning Scheme 2017 incorporating Amendment 1 <ul style="list-style-type: none"> <li>• Rural Zone Code</li> <li>• Infrastructure Overlay Code</li> <li>• Scenic Amenity Overlay Code</li> <li>• Infrastructure Services Code</li> <li>• Transport, Access and Parking Code</li> </ul> </li> </ul>	
<p>The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below:</p>	
Assessment Benchmark	Reasons for the Approval Despite Non-compliance with Benchmark
Rural Zone Code	
<p><b>Inconsistent use in the Rural Zone -</b></p> <p>Transport Depot</p>	<p>Despite the proposal being identified as an Inconsistent use within the Zone, the proposed development is considered suitable based on the following:</p> <ul style="list-style-type: none"> <li>- The proposed development will not impact on the amenity of the Rural Zone. Conditions to protect the rural amenity of the area relating to dust, noise, and site management are recommended. A 2m wide landscaping strip is proposed to all site frontages to soften the visual appearance of the development.</li> <li>- The site is unproductive rural land, does not currently comprise agricultural activities and is not suitable for viable rural production. The site is not mapped as being Agricultural Land Class A or B, therefore the development will not result in the loss or fragmentation of agricultural land.</li> <li>- The site is separated from sensitive land uses and having regard to the nature of the use, will not generate off-site impacts on surrounding land uses.</li> <li>- The site is in close proximity to other existing non-rural uses including a Solar Farm, Waste Facility, Transport Depot and Storage Facility. We Kando Waste Facility and Cypress Pine Holdings Truck and Storage Depot are located directly opposite the site on the Warrego Highway. The allotment opposite the site to the west on The Peak Road was granted approval by Council and currently contains a Storage Facility use.</li> <li>- The use is consistent with the character of the area and is suitably located in close proximity to other non-rural uses.</li> <li>- The visual appearance of the development is compatible with the surrounding area.</li> <li>- The use is consistent with the fragmented rural character of the area and is appropriately located on unproductive rural land with compromised rural amenity.</li> </ul>

### 3.1 Assessment against the Western Downs Planning Scheme 2017 incorporating Amendment 1 (the Planning Scheme)

#### 3.1.1 Strategic Plan

The key provision of the Strategic Framework where the application has conflict, is Land Use Strategy 3.3.9.2(9) which states:

*"Industrial uses will not be supported where to be established on Rural Land that is considered to be non-productive agricultural land or of an allotment size that is economically unviable for agricultural production. Should development be proposed on allotments as described above, overriding community need will need to be provided to justify and demonstrate that there is no suitably zoned land available for the use to operate."*

#### Officer's Comments

The proposed development is for an Industrial use on Rural Land. The Planning Scheme allows for industrial uses in the Rural Zone, provided that overriding community need and valid planning justification can be demonstrated for the use. In this instance, the proposed development is considered suitable, as:

- The subject site cannot be viably farmed, primarily due to the size and soil profiles. The site is not identified as Agricultural Land, therefore the development will not result in the loss or fragmentation of agricultural land.
- The proposed development will not result in unacceptable impacts on the amenity of the surrounding area and the visual appearance of the development is compatible with the surrounding area.
- The nature of the proposed use is consistent with other non-rural uses already established in the area. Numerous non-rural uses are already established within the immediate vicinity of the subject site. As a result, the rural amenity of the site has been compromised. The use is consistent with the fragmented rural character of the area and is appropriately located on low value rural land with compromised rural amenity.

The proposed development is considered to comply with the following Outcomes sought in the Strategic Plan as outlined below.

#### **"Strategic Outcome 3.3.9 - Industrial Land Use and Development**

- (2) *The location of industrial activities avoids or is appropriately separated from sensitive land uses to protect waterway health and the health, wellbeing, amenity and safety of the community from the impacts of air, noise and odour emissions and hazardous materials."*

#### Officer's Comments

Based on the nature and scale of the development, it is considered unlikely that any activities on-site will generate air, noise or odour emissions that will impact on adjoining properties. Truck movements generated by the development are not considered likely to cause an unreasonable impact in terms of dust and air pollution generated by vehicles. The development is separated from sensitive land uses and suitably located in close proximity to other non-rural uses.

### **3.2 Zone Code**

#### **3.2.1 Rural Zone Code**

A Transport Depot is identified as Inconsistent development within the Rural Zone. Despite the proposal being identified as an Inconsistent development within the Zone, the proposed development is considered suitable as discussed in the Assessment Table above.

The development complies with the requirements of the Rural Zone Code in relation to building height and setbacks.

Although not shown on the proposed Site Layout Plan, the applicant has advised that the proposed development has been designed to allow for a 2m wide landscaping strip to be provided along all road frontages. A condition has been recommended requiring the provision of on-site landscaping.

Subject to conditions, the proposed development complies with the Rural Zone Code.

### **3.3 Overlay Codes**

#### **3.3.1 Infrastructure Overlay Code**

A portion of the subject site towards the Stanke Road frontage is included on the Noise Corridor Overlay Mapping as Mandatory Category 1. The Performance Outcome of the Infrastructure Overlay Code relating to the Noise Corridor relates only to sensitive land uses. As the development does not involve the development of a sensitive land use, Performance Outcome 8 of the Code is not applicable.

#### **3.3.2 Scenic Amenity Overlay Code**

The entire site is identified as being located within a High Landscape Value Area. The proposed Shed and Office are less than 8.5m in height and the site has been historically cleared of vegetation.

The applicant has proposed a 2m wide landscape strip to be provided along the frontages of the site to contribute to the amenity of the area and provide screening of the development.

On this basis, it is considered that the development complies with the relevant Performance Outcomes of the Scenic Amenity Overlay Code.

### **3.4 Development Codes**

#### **3.4.1 Infrastructure Services Code**

The applicant has advised that a suitable water supply will be provided on-site for staff and visitors. A condition has been recommended requiring the applicant to provide a suitable water supply for the development independent from Council's water reticulation system.

The applicant has stated that due to the nature of the proposed use, in that staff and visitors will not frequent the site regularly for long durations, the need for an on-site wastewater disposal system is not required to facilitate the use.

The applicant has advised that a maximum of three (3) employees will be on-site at any one time and the use is not expected to require employees to frequent the site regularly or for long durations, or generate customers visiting the site.



It is noted that an on-site office is proposed to be located adjacent to the proposed Shed. As an on-site Office is proposed, it is anticipated for staff to be on the site and therefore an on-site wastewater disposal system is considered necessary. A condition has been recommended requiring the provision of an on-site wastewater disposal system.

Subject to conditions, the proposed development complies with the Infrastructure Services Code.

#### **3.4.2 Transport Access and Parking Code**

The proposed development will be accessed via the site's Stanke Road frontage. Council's Consultant Development Engineer has assessed the application and recommended conditions of approval requiring the vehicle access to be designed and constructed in accordance with Council's standards with the splays designed to accommodate the largest expected vehicle. All driveway and parking areas are also required to be constructed with a dust suppressive seal.

Table 9.4.5.2 of the Transport Access and Parking Code does not specify a parking rate for a Transport Depot. It is up to the applicant to demonstrate that the number of parking spaces provided, is suitable to service the expected demand generated by the use.

The applicant is proposing to provide five (5) on-site car parking spaces. Based on the nature of the use and the number of staff, it is considered that the parking arrangements are suitable for the expected demand generated by the use.

Subject to conditions, the development is consistent with the Transport Access and Parking Code.

### **4. Other Relevant Matters**

#### **4.1 Referral**

The application triggered referral to the State Assessment and Referral Agency (SARA) as a Concurrence Agency, with the Department of Transport and Main Roads (DTMR) as Technical Agency. The Referral Agency response issued by SARA contained no requirements.

#### **4.2 Public Notification**

As a Transport Depot is identified as an Inconsistent use in the Rural Zone, the development application is Impact Assessable and required public notification.

Public Notification was undertaken in accordance with the requirements of the *Planning Act 2016* and Development Assessment Rules 1.3.

The applicant:

- published a notice in the Western Downs Town and Country on 2 March 2023;
- placed a notice on each frontage of the land on 2 March 2023; and
- notified the adjoining land owners on 28 February 2023.

At the conclusion of the Public Notification Period, Council had received one (1) properly made submission.

The submission was provided to the applicant and the applicant has provided a response to the submission received. Council's Assessing Officer has considered the matters raised in the submission received and the applicant's response to the submissions in the Table of Submissions (Attachment 5) attached to this Report.

#### 4.3 Infrastructure Charges

The proposed development is defined as Industry under Council's Infrastructure Charges Resolution (No. 7.1) 2017 (the Resolution).

The subject land is located within Infrastructure Charge Area A and the property is serviced by Council's transport and parks networks. The proposed development will not result in an increase in the impervious area on the site, as the property has historically been cleared.

The development of industry is charged at a rate of \$42.50 per m<sup>2</sup> of additional gross floor area (GFA). As the site is not serviced by Council's water, sewer or stormwater networks, the adopted charges are decreased by 70% in accordance with Table 5.1, Column 2. Infrastructure charges have been calculated and an Infrastructure Charges Notice shall be attached to the Development Permit.

The infrastructure charges for the development will be offset by a credit of \$7,560.00 for the existing rural allotment in accordance with Part 3.4(1)(e)(i) of the Resolution, resulting in a nil infrastructure charge.

#### Consultation (Internal/External)

##### **Internal**

Council's Consultant Development Engineer has assessed the development application and provided conditions of approval where relevant.

Council's Planning and Environment Manager and Principal Planner have reviewed this Report and provided comments where necessary.

##### **External**

The application triggered referral to the State Assessment and Referral Agency as a Concurrence Agency (Department of Transport and Main Roads as Technical Agency). The Referral Agency response is included as an attachment to this Report.

#### Legal/Policy Implications (Justification if applicable)

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

#### **"Chapter 6 Dispute Resolution**

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

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

(1) *Schedule 1 states -*

(a) *matters that may be appealed to -*

- (i) *either a tribunal or the P&E Court; or*
- (ii) *only a tribunal; or*
- (iii) *only the P&E Court; and*

(b) *the person -*

- (i) *who may appeal a matter (the **appellant**); and*
- (ii) *who is a respondent in an appeal of the matter; and*
- (iii) *who is a co-respondent in an appeal of the matter; and*

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

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

#### Budget/Financial Implications

Nil

#### Human Rights Considerations

There are no human rights implications associated with this report.

#### **Conclusion**

The proposed development has been assessed against the requirements of the Western Downs Planning Scheme 2017 incorporating Amendment 1. The assessment of the development against the Purpose and Overall Outcomes of the Rural Zone Code has identified that the use does not conflict with the provisions, despite being identified as an Inconsistent use in the Zone. It is considered that this conflict can be justified by other relevant matters. These matters reaffirm the planning merits of the proposal, notwithstanding any conflict with the provisions of the Planning Scheme, and are identified as follows:

- The proposed use is located on unproductive rural land.
- The design, layout and scale of the development allows potential sources of nuisance and impact to be appropriately managed to ensure the development will not adversely affect the surrounding amenity or cause environmental harm.
- The proposed use is consistent with the character of the area and is suitably located in proximity to other non-rural uses.

It is considered that the proposed development is consistent with the intent of the Western Downs Planning Scheme 2017 incorporating Amendment 1, subject to the recommended conditions of approval.

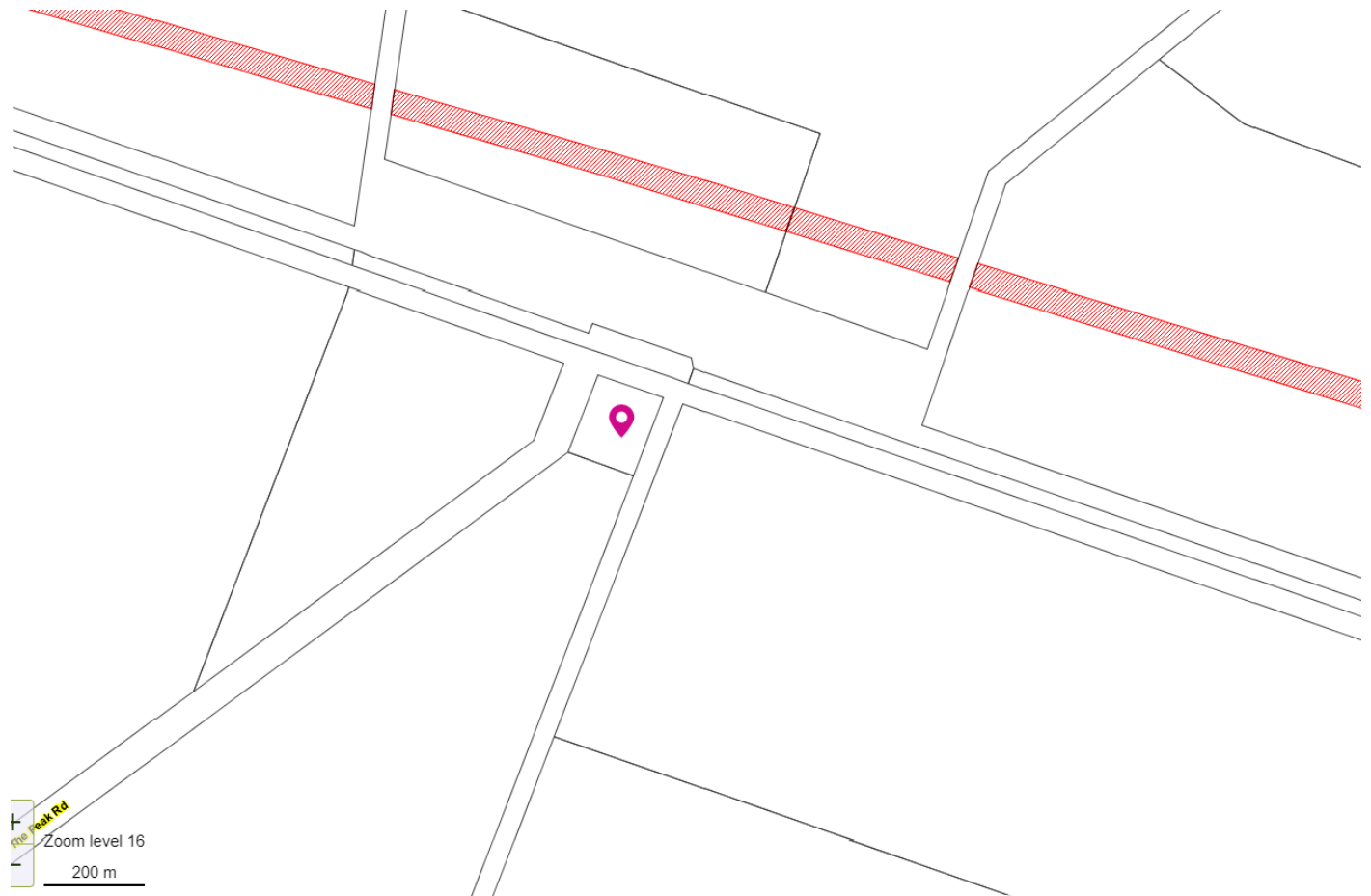
**Attachments**

1. Locality Plans
2. Proposal Plans
3. Referral Agency Response
4. Infrastructure Charges Notice
5. Table of Submission

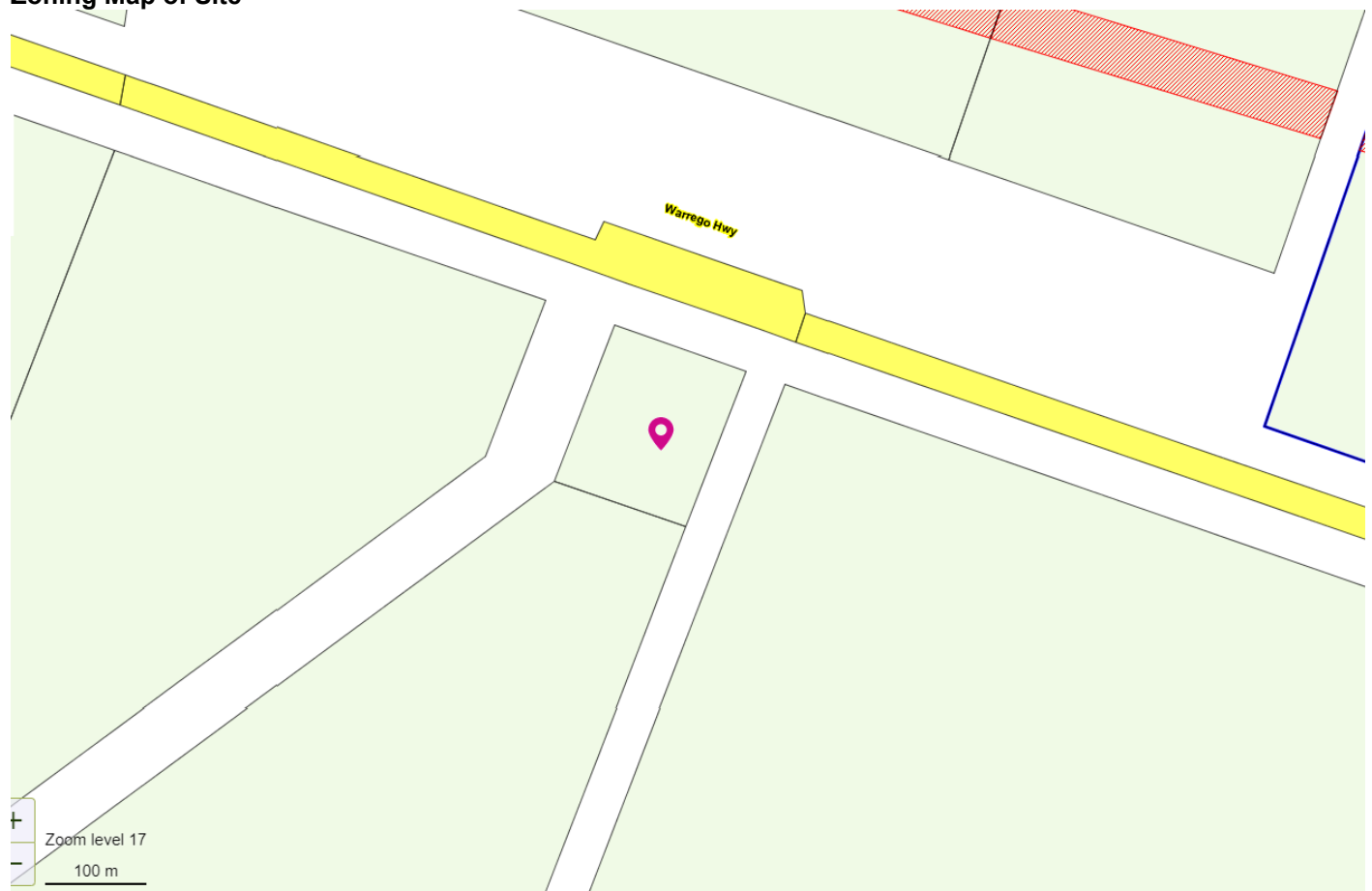
**Authored by:** Kym Bannerman, PLANNING OFFICER DEVELOPMENT ASSESSMENT

## Attachment 1 - Locality Plans



















### Location of Site



## Zoning Map of Site

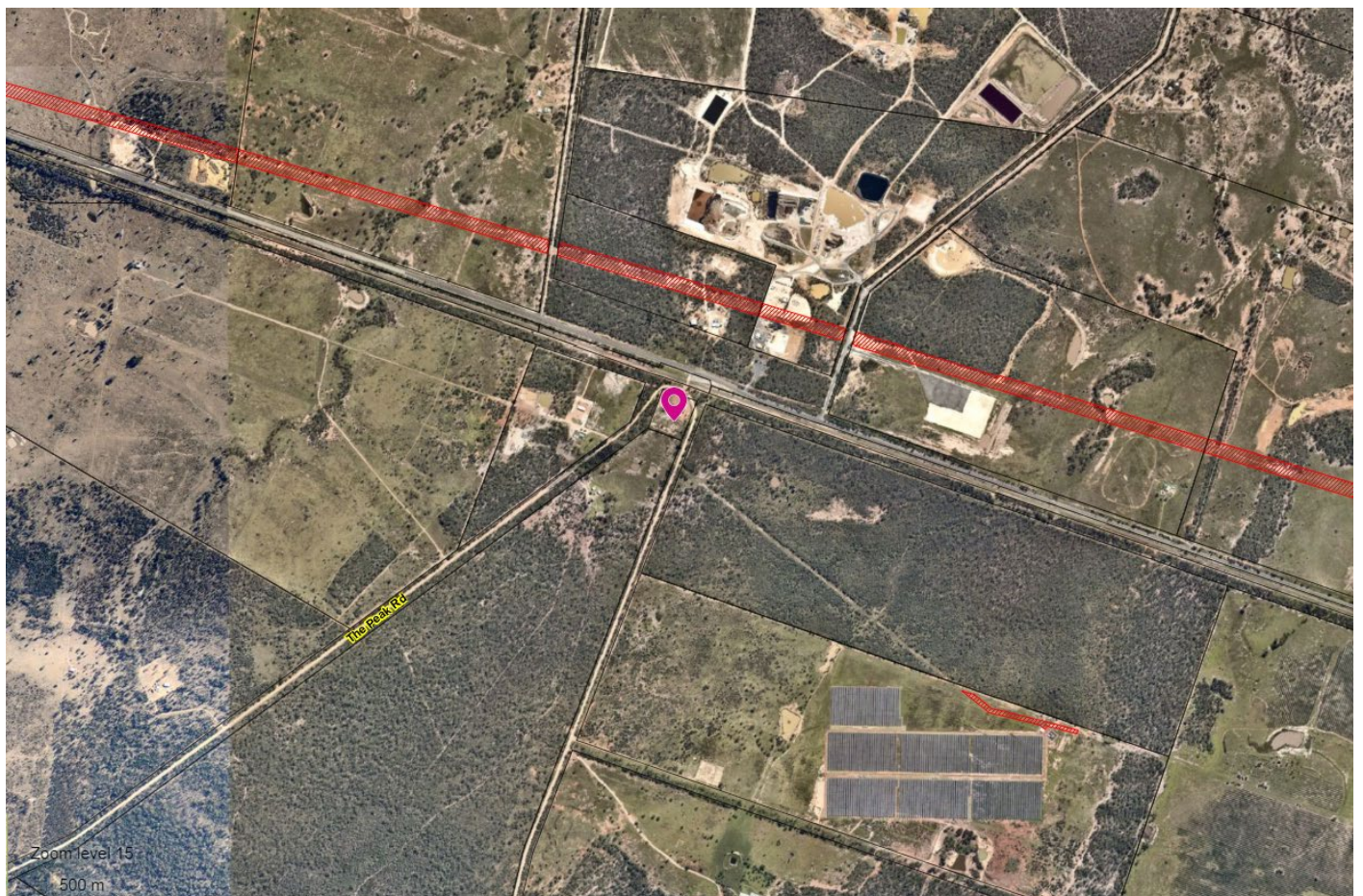
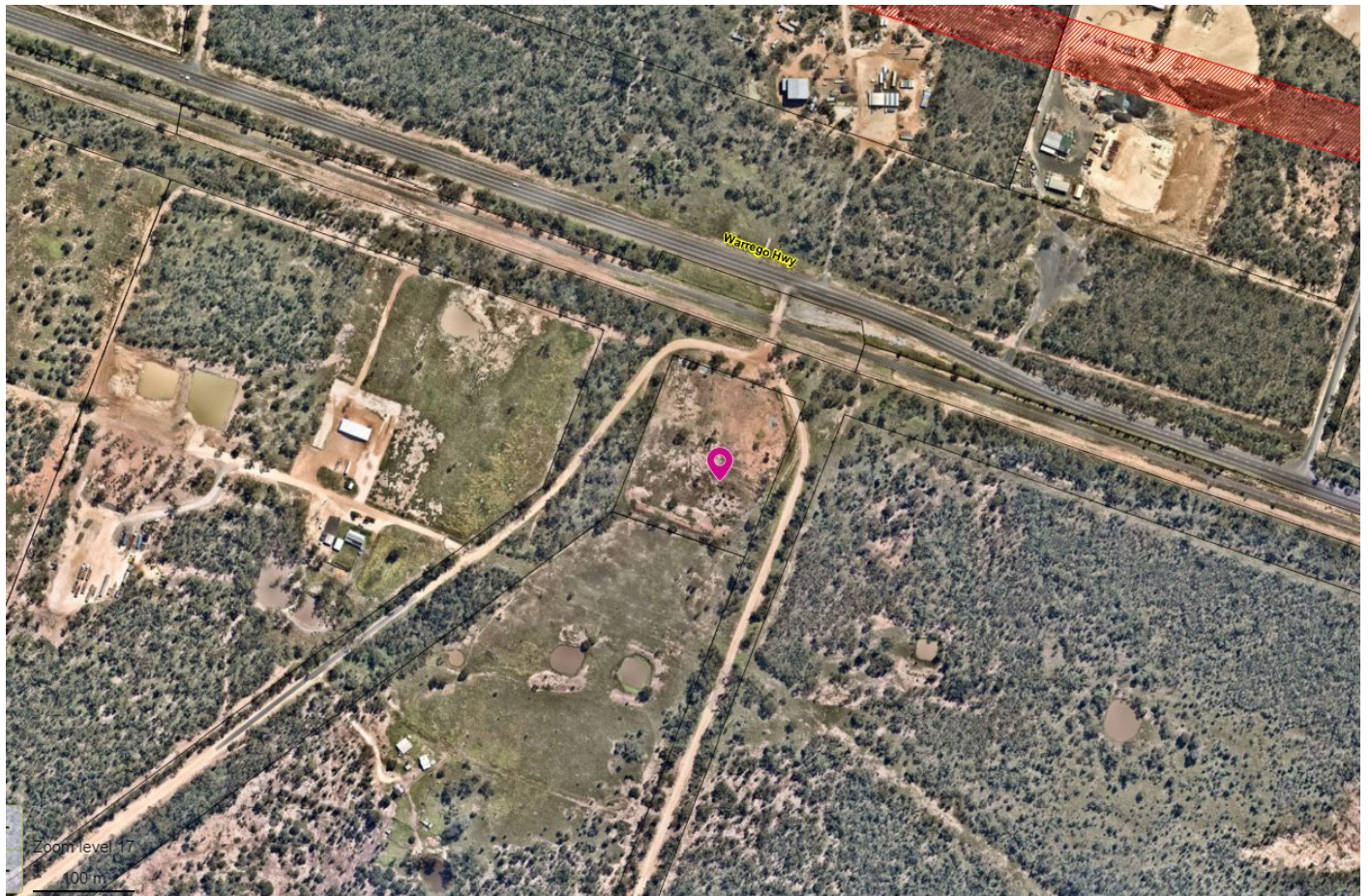


## Planning Zones

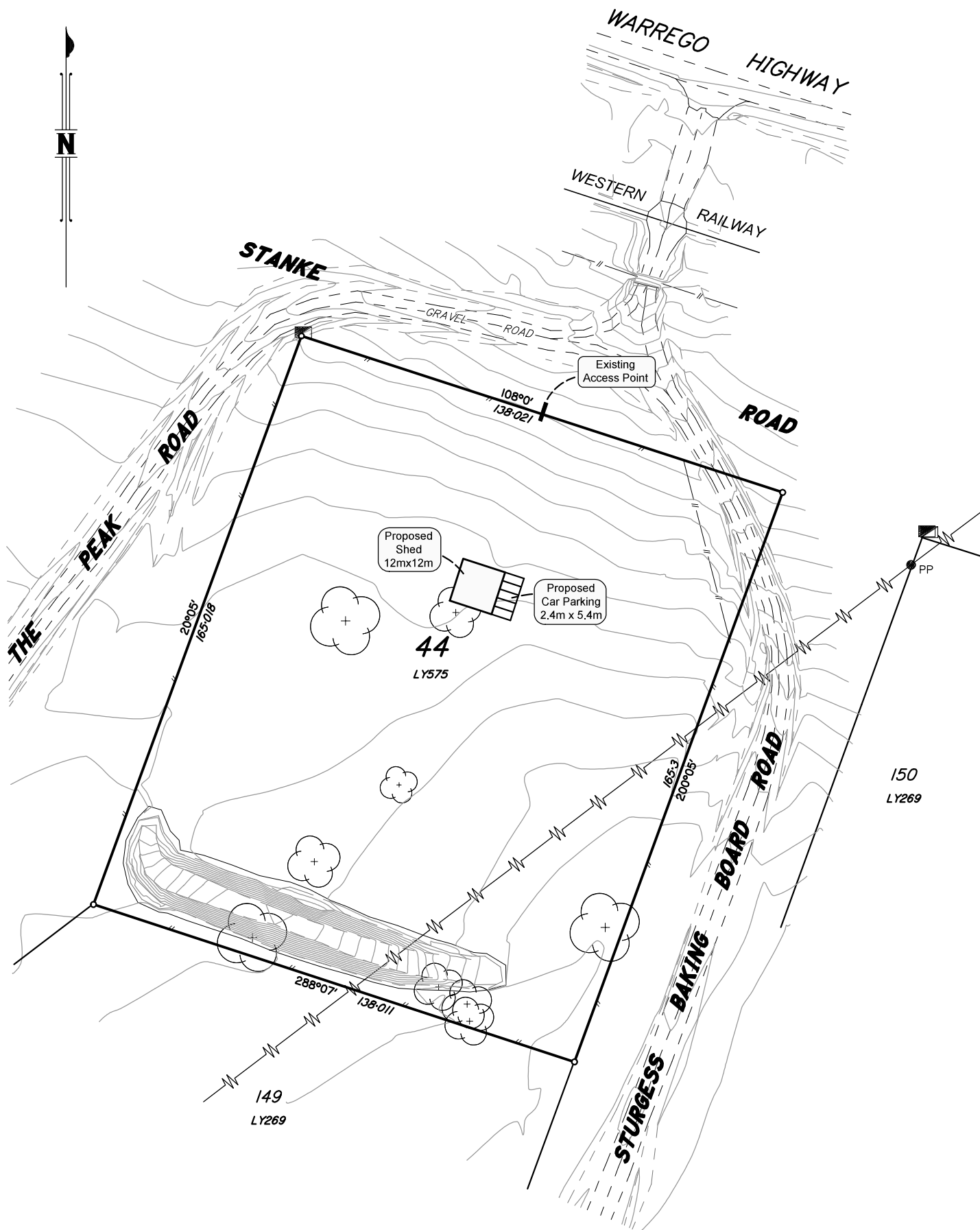
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	Local Centre Zone		Rural Residential Zone / Rural Residential 4000 P...
	District Centre Zone		Rural Residential Zone / Rural Residential 8000 P...
	Major Centre Zone		Rural Zone
	Low Density Residential Zone		Rural Zone / Rural 10 Precinct
	Medium Density Residential Zone		Rural Zone / Rural 100 Precinct
	Low Impact Industry Zone		Township Zone
	Medium Impact Industry Zone		Township Zone / Mowbullen - Bunya Mountains T...
	High Impact Industry Zone		
	Recreation and Open Space Zone		



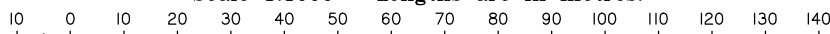
## Aerial Maps







Scale 1:1000 - Lengths are in metres.



# **SITE PLAN**

over Lot 44 on LY575

44 Sturgess Baking Board Road



Danya Elizabeth Cook  
Mobile: 0422 051 263  
Email: danyacook@danyacooktownplanning.com.au

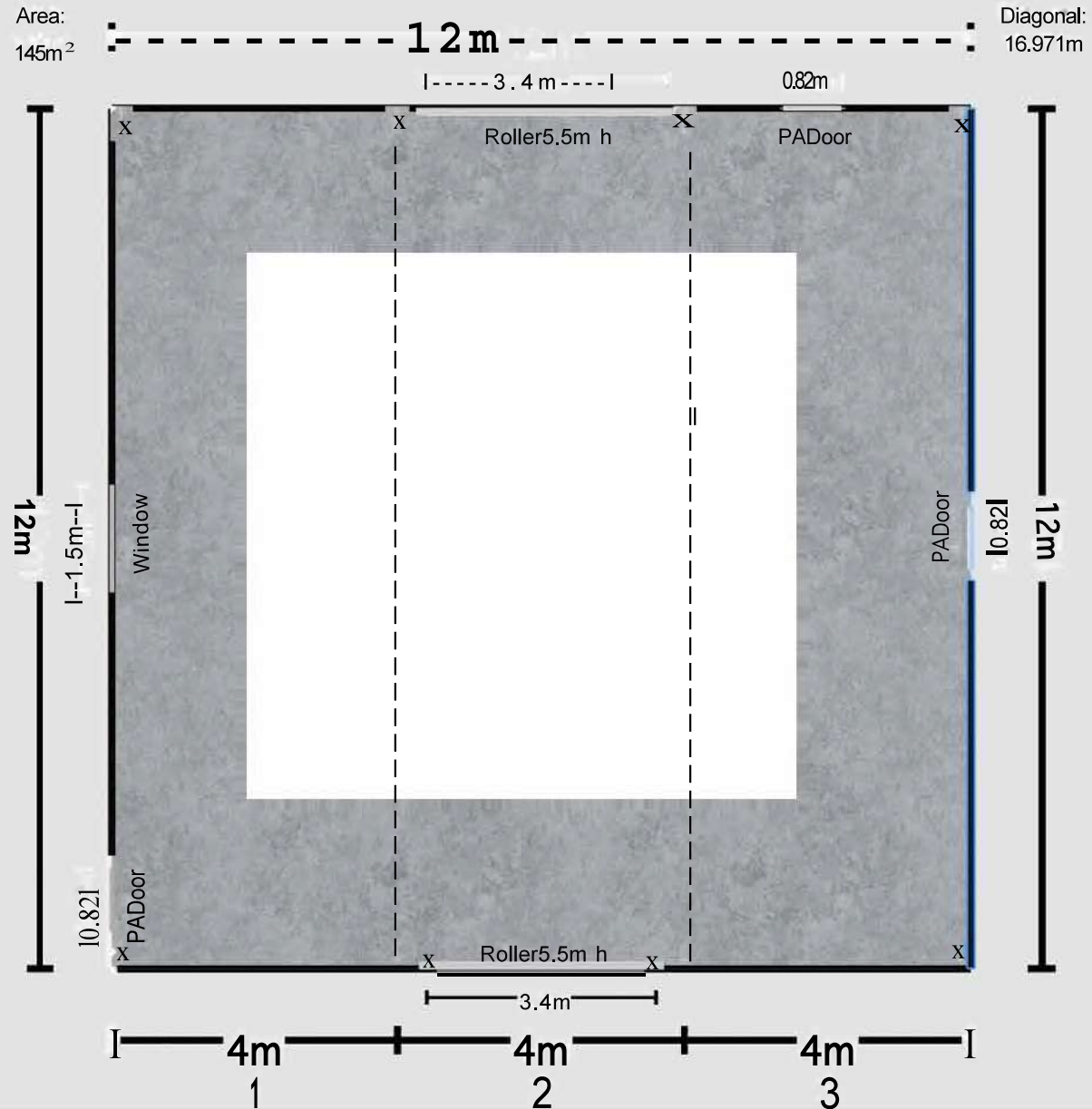
Page 46 of 238  
LOCALITY: WESTERN DOWNS  
AUTHORITY: REGIONAL COUNCIL

CLIENT Specialised Field and Plant Services Pty Ltd		
LOCALITY Baking Board	MAP REF. 9044-433/3	
DATE 4/10/2022	LEVEL DATUM	AHD
FILE 2022-89.dwg		
DRAWN LF	CHECKED DEC	CT 16300038
SCALE 1:1000	JOB No 2022-89	

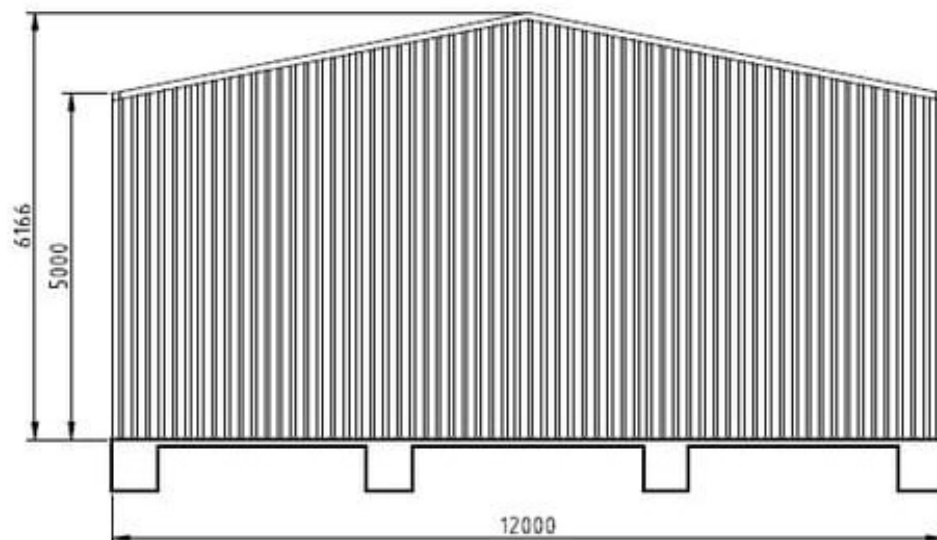
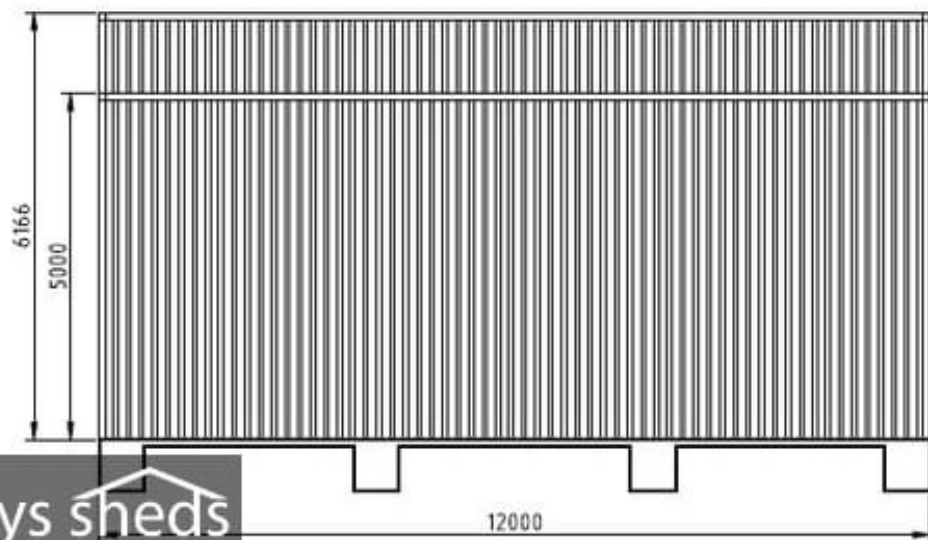
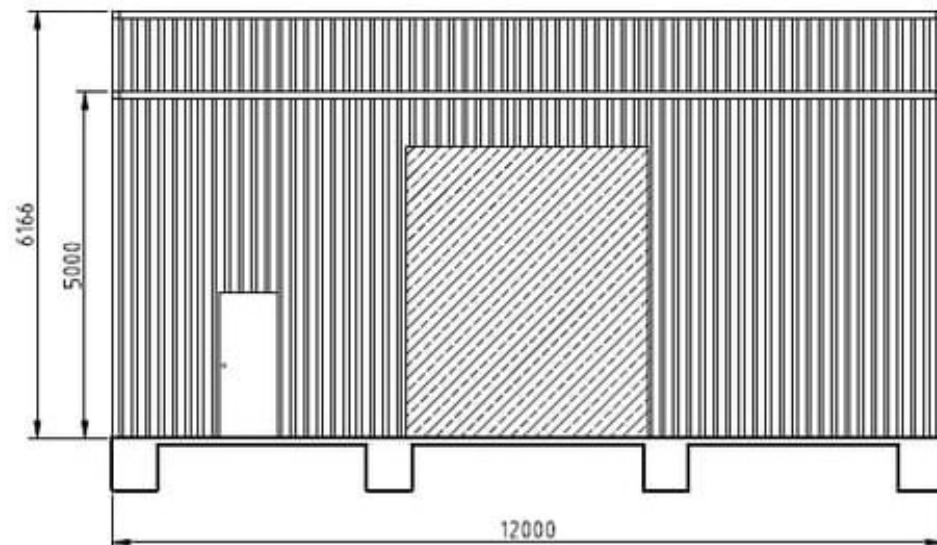
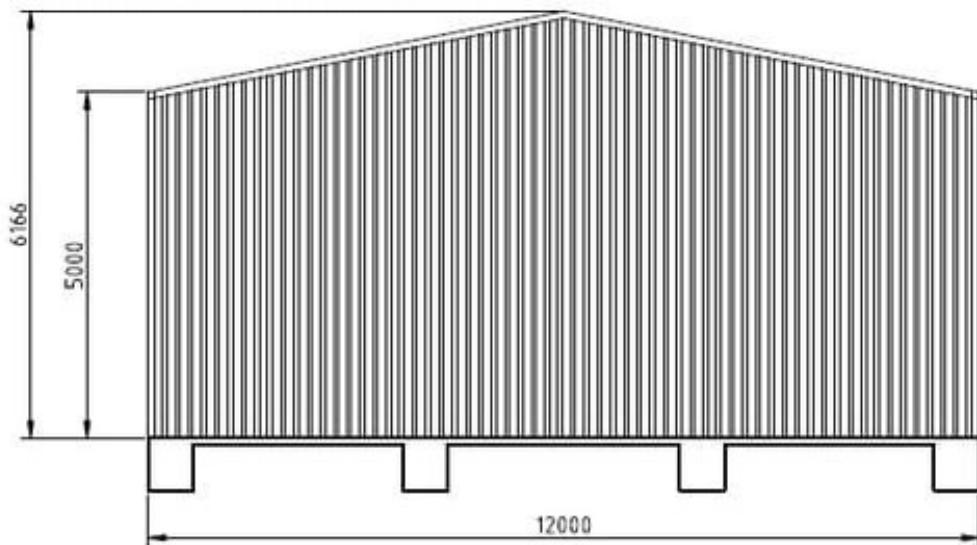


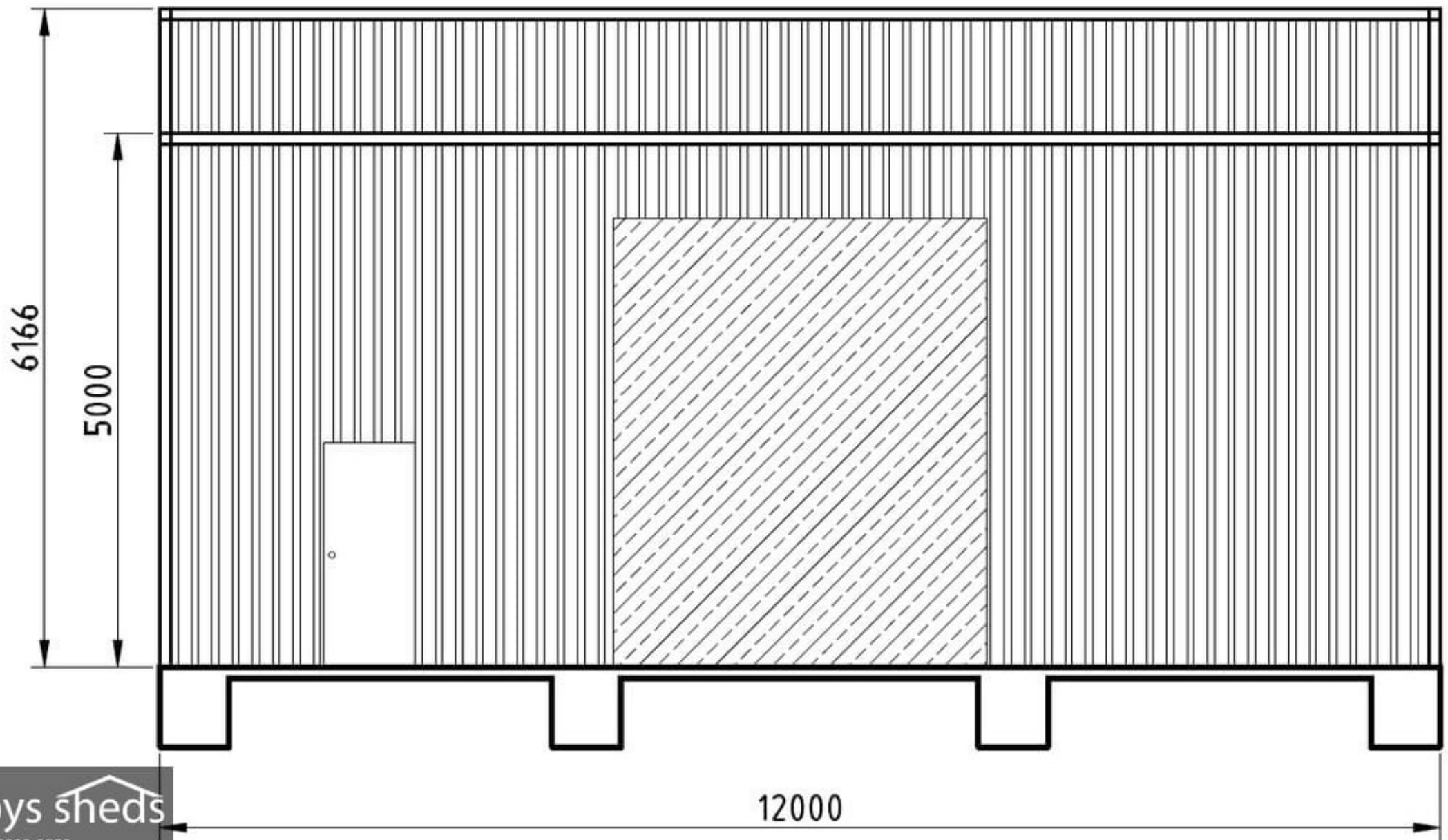


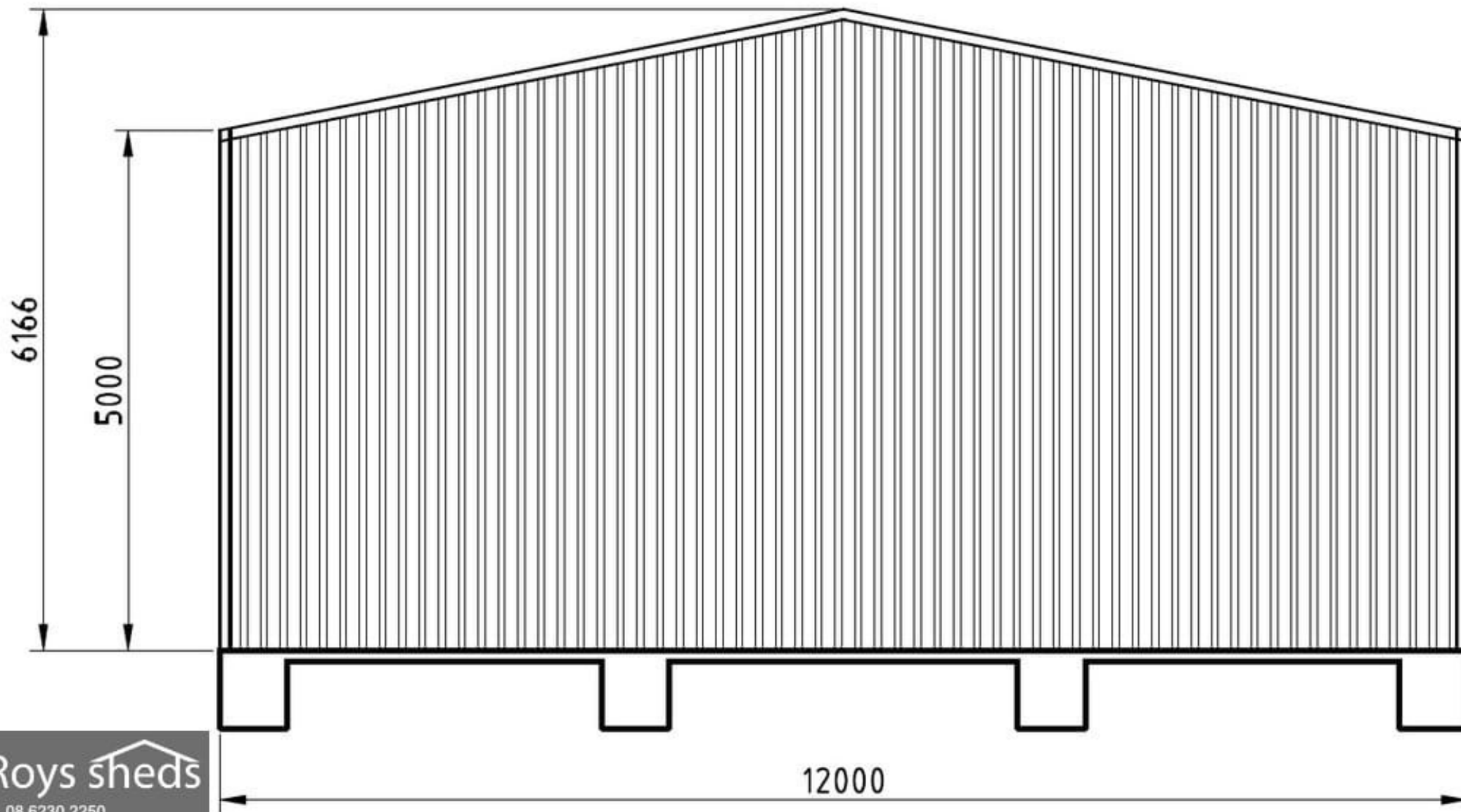




Developed by <https://1/unda.com.au>









SARA reference: 2211-31818 SRA  
Council reference: 030.2022.582.001

6 December 2022

Chief Executive Officer  
Western Downs Regional Council  
PO Box 551  
DALBY QLD 4405  
info@wdrc.qld.gov.au

Attention: Ms Kym Bannerman

Dear Ms Bannerman

## SARA response—Jahnkes Road, Baking Board

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 2 November 2022.

### Response

Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , SARA advises it has no requirements relating to the application.
Date of response:	6 December 2022
Advice:	Advice to the applicant is in <b>Attachment 1</b> .
Reasons:	The reasons for the referral agency response are in <b>Attachment 2</b> .

### Development details

Description:	Development permit	Material change of use - Transport Depot
SARA role:	Referral agency	
SARA trigger:	Schedule 10, part 9, division 4, subdivision 2, table 4, item 1 (Planning Regulation 2017)	Material change of use of premises near a State transport corridor or future State transport corridor
SARA reference:	2211-31818 SRA	
Assessment Manager:	Western Downs Regional Council	
Street address:	Jahnkes Road, Baking Board	

Real property description: Lot 44 on LY575

Applicant name: Specialised Field and Plant Services Pty Ltd C/- Danya Cook Town Planning

Applicant contact details: PO Box 9410  
Pacific Paradise QLD 4564  
danyacook@danyacooktownplanning.com.au

## Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (section 30 of the Development Assessment Rules). Copies of the relevant provisions are in **Attachment 3**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Rodney O'Brien, Principal Planning Officer, on (07) 4616 7304 or via email ToowoombaSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Kieran Hanna  
A/Manager

enc    Attachment 1 - Advice to the applicant  
       Attachment 2 - Reasons for referral agency response  
       Attachment 3 - Representations about a referral agency response

cc    Specialised Field and Plant Services Pty Ltd C/- Danya Cook Town Planning,  
       danyacook@danyacooktownplanning.com.au

## Attachment 1—Advice to the applicant

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General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP). If a word remains undefined it has its ordinary meaning.



## Attachment 2—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

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### The reasons for SARA's decision are:

The development complies with State code 1: Development in a state-controlled road environment of the SDAP without conditions. In particular, the proposed development:

- does not increase the likelihood or frequency of accidents, fatalities, or serious injury for users of a state-controlled road
- does not adversely impact the structural integrity or physical condition of state-controlled roads, road transport infrastructure, public passenger transport infrastructure or active transport infrastructure
- does not adversely impact the function efficiency of state-controlled roads or future state-controlled roads.

### Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The SDAP (version 3.0), as published by SARA
- The Development Assessment Rules
- SARA DA Mapping system
- *Human Rights Act 2019*.

## **Attachment 4—Representations about a referral agency response**

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## INFRASTRUCTURE CHARGES NOTICE

<b>APPLICANT:</b>	Specialised Field and Plant Services Pty Ltd
<b>APPROVED DEVELOPMENT:</b>	Material Change of Use to establish a Transport Depot on land situated at Jahnkes Road, Baking Board
<b>FILE REFS:</b>	030.2022.582.001, A12784 & LG 7.6.1
<b>AMOUNT OF THE CHARGE:</b>	Nil
<b>LAND TO WHICH CHARGE APPLIES:</b>	Lot 44 on LY575
<b>PAYABLE TO:</b>	Western Downs Regional Council
<b>WHEN PAYABLE:</b>	Prior to commencement of use

This charge is made in accordance with Council's **Infrastructure Charges Resolution (No. 7.1) 2017**.

The charge has been calculated on the following basis:

USE	Charge	Reference	No. of Units	Amount
Transport Depot (Industry Development Class)	\$12.75* per m <sup>2</sup> GFA (transport and parks networks)	Table 3.3.1, Col 2, Charge Area A	162m <sup>2</sup>	\$2,065.50
DISCOUNT	Discount Charge	Reference	No. of Units	Discount Amount
Credit for Existing Rural Lot	\$7,560.00* per existing lot (transport and parks networks)	3.4(1)(e)(i)	1 Lot	\$7,560.00
* Includes a discount for development not within an area serviced by, or requiring connection to Council's reticulated water, sewer or stormwater networks. The rate applied is in accordance with Table 5.1 Allocation of Infrastructure Charge to Trunk Infrastructure Networks.			<b>TOTAL CHARGE</b>	<b>Nil</b>

## INFORMATION NOTICE

[Section 119 of the *Planning Act 2016*]

### DECISION AND REASONS

This infrastructure charge has been levied in accordance with Sections 119 to 121 of the *Planning Act 2016* and Council's ***Infrastructure Charges Resolution (No. 7.1) 2017*** for additional demand placed on Council's trunk infrastructure that will be generated by the approved development.

### APPEALING DECISION

Under the *Planning Act 2016* the recipient of this Infrastructure Charges Notice may appeal against Council's decision to issue the Infrastructure Charges Notice. Chapter 6, Part 1 of the *Planning Act 2016* details the recipient's right to appeal Council's decision and how the recipient may appeal.

## Attachment 6 - Table of Submission

Submitter's Concerns	Submission Exert	Applicant's Response to Submission	Planning Officer's Comments
<b>Road conditions</b>	<i>"If this development goes ahead, the intersection of The Peak Road and Sturgess Road re Jahnkes Road just south of the railway crossing needs to be upgraded to bitumen, as this section is very poor in the wet to the point of being boggy and slippery to being very dusty with bull dust when dry. The extra traffic of heavy trucks will make this condition worse. If it is not improved it will affect the running of the school bus as well as regular users of the roads who pay too much money for rates."</i>	<i>"We acknowledge the submitter's concerns, however, as the number of vehicles frequenting the site daily is minimal, the impact on the road network will be nominal. The additional vehicle movement of one (1) to two (2) trucks, and two (2) cars accessing the site daily will have minimal impact on the immediate road network, Jahnkes Road, Sturgess Road and The Peak Road."</i>	<p>The application has been reviewed by Council's Consultant Development Engineer who has provided conditions. Conditions have been recommended requiring vehicle access to be designed and constructed in accordance with Council's standards with the splays designed to accommodate the largest expected vehicle. All driveway and parking areas are also required to be constructed with a dust suppressive seal.</p> <p>In this instance, having regard to the scale of the development with only 1-2 trucks and 2 cars expected to be accessing the site daily, it is not considered reasonable or relevant to require road upgrades.</p> <p>The condition of the road will be assessed and monitored as part of Council's road maintenance program.</p>

**Title** (030.2022.637.001) Community and Liveability Report Development Application for Material Change of Use for a Transport Depot at Lot 608 on BWR817 22 Marian Street Miles CRC Electrical C/- Sweb Consulting

**Date** 22 March 2023

**Responsible Manager** T. Summerville, PLANNING AND ENVIRONMENT MANAGER

## Summary

The purpose of this Report is for Council to decide the application for a Material Change of Use to establish a Transport Depot on land described as Lot 608 on BWR817, situated at 22 Marian Street, Miles.

## Link to Corporate Plan

Strategic Priority: Strong Diverse Economy

- We aggressively attract business and investment opportunities.
- Our region is a recognised leader in agribusiness, energy, and manufacturing.
- We deliver water security to enable future economic growth.
- We proactively advance our region as a tourism destination.
- Our business and industry actively live and buy local.

## Material Personal Interest/Conflict of Interest

Nil

## Officer's Recommendation

That this Report be received and that:

1. The application for a Material Change of Use to establish a Transport Depot on land described as Lot 608 on BWR817, situated at 22 Marian Street, Miles 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:

Drawing No., Revision	Description	Dated
2022-007-002, Revision A	Site Plan, prepared by Sweb Consulting, as amended in red by Council on 15 March 2023	9/11/2022
2022-007-003, Revision A	Proposed Floor Plan, prepared by Sweb Consulting	9/11/2022

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

#### **APPROVED DEVELOPMENT**

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

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

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

#### **FEES AND CHARGES**

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

#### **MAINTENANCE**

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

#### **FENCING**

9. The existing fencing arrangements including the colorbond fence along the eastern boundary of the property are to be maintained at all times.

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

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

#### **OPERATING HOURS**

12. Unless otherwise approved in writing by Council's Planning and Environment Manager or an authorised delegate, the approved use must only operate (including heavy vehicle transport movements) between the following hours:  
Monday to Sundays: 6am until 6pm

#### **ACOUSTIC AMENITY - NOISE LIMITS**

13. Noise from the 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.
14. In the event that Council receives a bona fide noise complaint in relation to noise emissions produced from the site, Council reserves the right to review the approved operating hours. In this instance, the applicant may be required to undertake a Noise Impact Assessment and implement any recommendations in relation to noise attenuation.

#### **OUTDOOR LIGHTING IMPACT MITIGATION**

15. Direct Lighting must not exceed 8.0 lux at 1.5 metres beyond the boundary of the property.

16. Outdoor lighting of the development shall mitigate adverse lighting and illumination impacts by:
  - 16.1 providing outdoor lighting that is designed, installed and regulated in accordance with the parameters outlined in Australian Standard 1158.1.1 - Control of Obstructive Effects of Outdoor Lighting; and
  - 16.2 installation of outdoor lighting:
    - 16.2.1 provide graduated intensity of lighting with lower level brightness at the perimeter of the subject land and higher intensities at the centre of the subject land;
    - 16.2.2 is to be directed onto the subject land away from neighbouring properties; and
    - 16.2.3 shrouding devices are to be used to preclude the light overspill onto surrounding properties where necessary.

#### **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*.

#### **ENGINEERING WORKS**

20. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant Australian Standards.
21. 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**

22. 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.
23. 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**

24. 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.
25. Ensure that adjoining properties and roadways are protected from ponding as a result of any site works undertaken.



26. Provide measures to prevent any solid matter or floatable oils being carried into the existing stormwater system.

#### **PARKING AND ACCESS**

27. Construct a commercial crossover between the property boundary and the edge of the Marian Street road pavement, having a minimum width of 5.5 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 Small Rigid Vehicle.
28. Design and construct parking and manoeuvring areas to provide a bitumen or concrete seal unless otherwise approved by Council.
29. Provide a minimum of 9 car parking spaces including a minimum of 1 person with disability (PWD) car parking space as shown on the Approved Plan.
30. Provide a PWD car parking space designed and line marked in accordance with AS2890.6 Off-street Parking for People with Disabilities.
31. Provide vehicle bollards or tyre stops to control vehicular access and to protect landscaping or pedestrian areas where appropriate.
32. The largest design vehicle approved for the development is a Small Rigid Vehicle.
33. Ensure loading and unloading operations are conducted wholly within the site and vehicles enter and exit the site in a forward direction.

#### **WATER SUPPLY**

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

#### **SEWERAGE**

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

#### **ELECTRICITY AND TELECOMMUNICATIONS**

36. Connect the development to electricity and telecommunication services.

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

**Timing:** During construction and the establishment period of the landscaping or areas disturbed during construction.

## ADVISORY NOTES

### NOTE 1 - Currency Period

*"To the extent a development approval is for a Material Change of Use of premises, the approval lapses if the first change of use under the approval does not start within the following period (the currency period) -*

- (a) 6 years starting the day the approval takes effect; and*
- (b) if the approval states a different period from when the approval takes effect—the stated period."*

### NOTE 2 - Aboriginal Cultural Heritage

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

### NOTE 3 - General Environmental Duty

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

### NOTE 4 - General Safety of Public during Construction

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

### 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 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 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 - 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.

## Background Information

The relevant background information to this application is as follows:

Application No: 030.2022.637.001	Assessment No: A20424	Keywords Index: LG7.6.1 & AD6.6.2
Assessing Officer:	Dominic Bradley PLANNING OFFICER DEVELOPMENT ASSESSMENT	
PART 1: APPLICATION		
Applicant:	CRC Electrical C/- Sweb Consulting	
Owner:	CGT Holdings Pty Ltd atf Cusack-Paulsen Family Trust	
Site Address:	22 Marian Street Miles	
Site Area:	1,012m <sup>2</sup>	
Real Property Description:	Lot 608 on BWR817	
Proposed Development:	Transport Depot	
Level of Assessment:	Impact	
Type of Application:	Material Change of Use	
Relevant Planning Scheme:	Western Downs Planning Scheme 2017 incorporating Amendment 1	
Zone:	District Centre	
Precinct:	N/A	
Overlays:	<div><div><div>• Extractive Industry</div><div>• Scenic Amenity</div><div>• Road Hierarchy</div><div>• Noise Corridor</div></div><div><div>- Exploration Permit Mineral (EPM26105)</div><div>- Petroleum Lease (PL267)</div><div>- Scenic Routes Buffer (100m)</div><div>- Access Road</div><div>- Mandatory Category 1 - 58dB(A)</div></div></div>	
Pre-lodgement Meeting:	No	N/A
Application Lodgement Date:	09/11/2022	
Properly Made Application:	Yes	Date: 09/11/2022
Confirmation Notice Issued:	Yes	Date: 18/11/2022
PART 2: INFORMATION REQUEST		
Information Request issued:	Yes	Date: 01/12/2022
Information Response Received:	Yes	Date: 13/02/2023
PART 4: PUBLIC NOTIFICATION		
Date Commenced:	Yes	Date: 24/02/2023
Notice of Compliance Received:	Yes	Date: 23/03/2023
Submissions Received:	Nil	
PART 5: DECISION PERIOD		
Date Commenced:	24/03/2023	
Decision Due Date:	03/05/2023	

## Report

### 1. Background Information

#### 1.1 Site Context and History

The land is legally described as Lot 608 on BWR817 and located at 22 Marian Street, Miles. The property has frontage to Marian Street and has an area of 1,012m<sup>2</sup>.

The site is improved by two existing industrial sheds, a small concrete hardstand area and a bitumen sealed parking and manoeuvring area. The property also features an existing area of landscaping along the Marian Street frontage. The applicant has advised that the industrial sheds were constructed between 1971 and 1974 and represent an existing lawful industrial use of the property.

The property has historically been operated as Miles Smash Repairs. Since the buildings were constructed on the property, the applicant has advised that a number of small industrial businesses have operated from the site including wash downs and Contractor's Depots. The property is listed on the Environmental Land Register for metal treatment and coating associated with the historic operation of Miles Smash Repairs.

The subject land is located within a mixed use locality and is characterised by low density residential, commercial and industrial land uses. The site is directly adjoined by:

- Marian Street to the north;
- Lot 605 on BWR817, 24 Marian Street, which is located to the east and is in the District Centre Zone, and features an existing residence;
- Lots 606 and 607 on BWR817 and Lot 1 on RP4175, 31 Murilla Street to the south and south-east are located in the District Centre Zone and developed for the purpose of the Queensland Hotel;
- Lot 31 on SP131866, 17-23 Murilla Street to south and south-west and is located in the District Centre Zone, and is developed for the purpose of Hardware and Trade Supplies (Mitre 10 Miles).

The property is located within the District Centre Zone under the Western Down Planning Scheme 2017 incorporating Amendment 1 (the Planning Scheme). The property is impacted by the Scenic Amenity, Extractive Industry, Road Hierarchy and Noise Corridor Overlays of the Planning Scheme.

The site has access to Council's reticulated water and sewerage and is also serviced by electricity and telecommunication networks. The property has an existing gravel crossover which is used to access the site from Marian Street.

## **1.2 Proposal**

The applicant has submitted a development application seeking a development approval for a Material Change of Use for the purpose of a Transport Depot on the property.

The proposed Transport Depot Use will be operated by the applicant and land owner (CRC Electrical and Refrigeration). Their business provides electrical, refrigeration and other supporting services to domestic, commercial and industrial businesses.

The proposed development will use the two existing industrial sheds on the property. The shed at the rear of the property has an area of 221.48m<sup>2</sup> and the shed adjacent to the western property boundary has an area of 178.6m<sup>2</sup>. The existing sheds will be used for the purpose of offices, amenities (ie kitchen and toilet facilities) and the storage of refrigeration and electrical equipment.

The applicant has advised that an existing concrete hardstand area adjoining the industrial sheds will be covered by a skillion roof structure with an area of 74m<sup>2</sup>. The applicant has advised that the covered area will not be enclosed and will be used by the business for the purpose of a covered outdoor eating area for staff.

The general operating hours for the applicant's business are from 6am to 6pm, with office hours being from 6:30am to 5pm. The applicant employs 18 tradesmen, 3 permanent office staff, the Director and a Supervisor, totalling 23 staff.

Based on the nature of the business (ie most staff will be off-site making deliveries or servicing equipment), the maximum number of staff on-site at any one time is 10.

Materials and equipment will be stored within the shed, and the external hardstand areas of the property will be used for the storage of vehicles associated with the development. The proposed development includes 9 car parking spaces (including 1 PWD space), plus additional spaces for larger business vehicles.

The property has an existing colorbond fence along the eastern boundary and a chain link fence along the western boundary. No changes to the existing fencing arrangements on the property are proposed as part of the application.

The property features an existing gravel crossover which is used to access the land. The applicant intends to upgrade this crossover to a concrete crossover in accordance with Council's Engineering standards.

## 2. Assessment

### 2.1 Assessment Benchmarks

The application is Impact Assessable development under the Planning Scheme, as the development of Material Change of Use for Transport Depot is an inconsistent use within the District Centre Zone.

As the development is Impact Assessable development under the Planning Scheme, the development requires assessment against the assessment benchmarks of all the relevant Codes and the Strategic Plan of the Planning Scheme.

The following are the assessment benchmarks that apply to the assessment of this application:

ASSESSMENT MATTERS	
The proposed development was assessed against the following assessment benchmarks:	
<ul style="list-style-type: none"> <li>▪ Western Downs Planning Scheme 2017 incorporating Amendment 1 <ul style="list-style-type: none"> <li>• Strategic Plan</li> <li>• District Centre Zone Code</li> <li>• Scenic Amenity Overlay Code</li> <li>• Infrastructure Services Code</li> <li>• Transport, Access and Parking Code</li> </ul> </li> </ul>	
The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below:	
Assessment Benchmark	Reasons for the Approval Despite Non-compliance with Benchmark
District Centre Zone Code	
Setbacks	
<b>AO4.5</b> Buildings and structures have a minimum rear boundary clearance of 3 metres.	The proposed development does not comply with the side or rear setbacks prescribed under Acceptable Outcomes 4.5 and 4.7 of the District Centre Zone Code.  The proposed development will use existing buildings on the site. The only additional building works will be a minor roofed structure over an existing concrete hardstand area on the property. The applicant has advised that the proposed structure will not be enclosed.
<b>Where adjoining a dwelling</b>  <b>AO4.7</b> Buildings and structures have a minimum side boundary clearance of 2 metres.	The existing rear shed on the property is 0.5 of a metre from the rear property boundary and eastern and western side property boundaries.  The proposed covered area will have a setback distance of 0.7 or a metre from the eastern side boundary and will be the same height of the existing sheds.

	<p>The existing buildings and property have been used for industrial purposes historically and operated under existing use rights. Accordingly, the current operation of industrial use is not subject to any restrictions in operating hours.</p> <p>The applicant has advised that the development will operate from 6am until 6pm from Monday to Sunday which will be conditioned as part of the approval.</p> <p>The development will also be conditioned to comply with the Acoustic Quality Objectives listed in the <i>Environmental Protection (Noise) Policy 2019</i> when measured at any sensitive place or commercial place.</p> <p>The property is adjoined to the east by an existing residence which will continue to be screened by the existing colorbond fence.</p> <p>The site is also visually and acoustically screened by existing landscaping along the frontage of the property to Marian Street which will be maintained.</p> <p>It is considered that the proposed development is consistent with Performance Outcome 4 of the District Centre Zone Code.</p>
<b>Landscaping</b>	
<p><b>AO11.1</b></p> <p>A minimum of one (1) shade tree is provided for every six car parking spaces.</p>	<p>The proposed development does not comply with Acceptable Outcomes 11.1 or 11.2 of the Local Centre Zone Code.</p>
<p><b>AO11.2</b></p> <p>A densely planted landscape buffer with a minimum width of one (1) metre is provided to all vehicle movement and car parking areas adjacent to buildings and site boundaries.</p>	<p>The applicant does not intend to provide a shade tree within the proposed parking areas in accordance with Acceptable Outcome 11.1 of the District Centre Zone Code, as it would impact on the functionality of the property for a Transport Depot.</p> <p>The property features landscaping treatments along the frontage of the site to Marian Street.</p> <p>The applicant does not intend to provide additional landscaping along the western boundary of the property shared with Lot 31 on SP131866 (17-23 Murilla Street - Mitre 10), as this would compromise the manoeuvring and access of vehicles associated with the Transport Depot use.</p> <p>Neither the amenity nor the character of the adjoining property would be impacted by the development based on the nature of the adjoining use of the land and historic use of the property for industrial purposes.</p> <p>The applicant's alternative solution can be accepted, and the development is consistent with Performance Outcome 11 of the District Centre Zone Code.</p>
<b>Scenic Amenity Overlay Code</b>	
<p><b>AO2.3</b></p> <p>Buildings and structures are setback a minimum of 100 metres from Scenic Routes and waterway crossings identified on the Scenic amenity overlay maps (OM-011), unless for the following land uses:</p> <p>(a) Food and drink outlet;</p>	<p>The property is located within 100m of a Scenic Route (ie Warrego Highway) which is identified within the Scenic Amenity Overlay Mapping of the Planning Scheme.</p> <p>The development of a Transport Depot is not identified within Acceptable Outcome 2.3 of the Scenic Amenity Overlay Code as a use that can be located within 100m of a Scenic Route.</p> <p>The proposed development will maintain the height of the existing industrial sheds on the property which is less than the maximum of 8.5m in height prescribed within the Scenic Amenity Overlay Code.</p>

(b) Winery; (c) Tourist attraction; (d) Nature-based tourism; (e) Short-term accommodation.	<p>The development is screened by existing buildings associated with the Queensland Hotel on the adjoining property to the south and will not be visible from the Warrego Highway.</p> <p>Furthermore, the development will not involve any advertising devices that will be visible from the Warrego Highway.</p> <p>The development is consistent with Performance Outcome 2 of the Scenic Amenity Overlay Code.</p>
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## 2.2 Assessment against the Western Downs Planning Scheme 2017 incorporating Amendment 1

### 2.2.1 Strategic Plan

The Strategic Plan sets the policy direction for the Planning Scheme and forms the basis for ensuring appropriate development occurs in the Planning Scheme area for the life of the Planning Scheme.

The Strategic Plan is represented by 5 key themes, being Liveable Communities and Housing, Environment and Heritage, Economic Growth, Infrastructure, and Safety and Resilience to Hazards.

The proposed development is located within the District Centre Zone in which the development of a Material Change of Use for a Transport Depot Use is an inconsistent use.

The property has historically been operated for industrial activities and has existing use rights under Section 260 of the *Planning Act 2016*, and is listed on the Environmental Management Register.

The proposed use is considered to be compatible and consistent with the character and amenity of the District Centre Zone and reinforces the role of the District Centre Zone through the relocation of the existing CRC Electrical business from a property in the Low Density Residential Zone (40 Daisy Street).

The proposed development will not adversely impact on the existing amenity of the District Centre Zone based on the historic use of the property and the nature and operation of the proposed use. Furthermore, the development will not significantly impact on the amenity of adjoining properties subject to the compliance with the recommended conditions approval.

The site is connected to the necessary servicing infrastructure and is located within the township of Miles as it is in close proximity to the Warrego Highway.

The subject land is not impacted by natural hazards (flood or bushfire) and will not have environmental impacts on sensitive receiving environments. The proposed development will be conditioned to ensure that stormwater generated from the development is appropriately managed.

It is considered that the proposed development is consistent with the key themes and policy elements of the Strategic Plan and can be supported.

### **2.2.2 District Centre Zone Code**

The property is located within the District Centre Zone of the Planning Scheme. The applicant has applied for development approval for a Material Change of Use for a Transport Depot on the subject land. The development of a Transport Depot is an Inconsistent Use within the District Centre Zone.

The property has been used for industrial purposes historically for the last 50 years and is considered to have existing use rights for the purpose of a Medium Impact Industry as defined under the Planning Scheme.

As the site has operated under historic use rights, the property is not subject to operating requirements under an existing Material Change of Use approval.

The approval of the application will allow for the applicant to move their business from Lot 3 on M20836, 40 Daisy Street, which is located within the Low Density Residential Zone.

The proposed use involves the storage of electrical and air-conditioning equipment on the site and transportation from the property. The applicant has advised that the largest design vehicle entering and exiting the property will be a Light Rigid Vehicle.

It is considered that a use of this nature will not significantly impact on the current amenity or character of the District Centre Zone locality, nor on the streetscape of Marian Street.

The District Centre Zone Code does not provide operating hours where the site is not adjoined by a property within a Residential Zone of the Planning Scheme. The property is directly adjoined by land within the District Centre Zone which is not a Residential Zone within the Planning Scheme.

The applicant has advised that the proposed development will operate between the hours of 6am and 6pm, 7 days a week. The proposed development has been conditioned to operate within the hours specified by the applicant within the application.

The development has also been conditioned to ensure that operation of the development will not impact on the Acoustic Quality Objectives under the *Environmental Protection Policy 2019* when measured at any sensitive place or commercial place. The development will not result in air emissions, as the property has been historically sealed.

The proposed development will use the existing industrial sheds on the site and will only involve a minor roof extension over an existing hardstand area.

It is considered that the proposed development is consistent with the design requirements of the District Centre Zone Code, other than the building setbacks which are discussed in Part 2.1 of this Report.

It is considered that the development is consistent with the Acceptable Outcomes of the District Centre Zone Code.

### **2.2.3 Development Codes**

#### **Transport, Access and Parking Code**

The applicant has advised that the existing crossover used to access the property from Marian Street will be upgraded to a suitable industrial standard which will be conditioned accordingly.



Table 9.4.5.2 of the Transport, Access and Parking Code does not specify a parking rate for a Transport Depot.

The applicant has provisioned for 10 parking spaces (including 1 PWD parking space) which the business considers is adequate to meet expected demand. However, as 1 parking space is a PWD parking space which requires the area of two parking spaces, accordingly, the proposed development has been conditioned to provide a minimum of 9 parking spaces including 1 PWD park.

It is considered that the development is consistent with the Acceptable Outcomes of the Transport, Access and Parking Code.

#### **Infrastructure Services Code**

The property has access to and is connected to Council's reticulated water and sewer networks and is also connected to reticulated electricity and telecommunications infrastructure.

The applicant has advised that the stormwater will be discharged to Marian Street as the lawful point of discharge, and the development will be conditioned with Council's standard stormwater management conditions.

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

### **2.2.4 Overlay Codes**

#### **Scenic Amenity Overlay Code**

The Warrego Highway is identified as a Scenic Route within the Scenic Amenity Overlay Mapping of the Planning Scheme.

The subject site is located within 100m of the Warrego Highway and as a result, the development does not comply with Acceptable Outcome 2.3 of the Scenic Amenity Overlay Code.

The proposed development will use existing buildings on the property and the development will not be visible from the Warrego Highway. Rather, the development will be screened by the existing buildings associated with the Queensland Hotel to the south-east.

It is considered that the development is consistent with the Performance Outcomes of the Scenic Amenity Overlay Code.

## **3. Other Matters**

### **3.1 Public Notification**

The application for a Material Change of Use to establish a Transport Depot on a property in the District Centre Zone is Impact Assessable development under the Planning Scheme.

As the application is Impact Assessable development, the applicant was required to undertake public notification as part of the development assessment process for a period of 15 business days in accordance with DA Rules 1.3 and the *Planning Regulation 2017*.

The applicant:

- published a notice in the Western Downs Town and Country on 23 February 2023;

- placed a notice on the frontage of the land from 23 February until 16 March 2023; and
- notified the adjoining land owners on 20 February 2023.

The Public Notification Period commenced on 24 February 2023 and concluded on 17 March 2023. The Notice of Compliance with Public Notification with supporting evidence was received from the applicant on 23 March 2023. During the Comment Period, no submissions were received regarding the application.

### **3.2 Infrastructure Charges**

The proposed development is defined as Industry under Council's Infrastructure Charges Resolution (No. 7.1) 2017 (the Resolution).

The subject land is located within Infrastructure Charge Area A and the property is serviced by Council's water, sewer, transport and parks networks.

The development of industry is charged at a rate of \$42.50 per m<sup>2</sup> of additional gross floor area (GFA). The proposed development will only involve the construction of a covered area which will not be enclosed and does not meet the definition of GFA under the Resolution.

The proposed development will not result in an increase in GFA as defined under the Resolution, as the applicant has advised that the proposed covered area illustrated on the proposal will not be enclosed.

The proposed development will not result in an increase in the impervious area on the site, as the property has been historically sealed.

In this instance, the proposed development will not result in any infrastructure charges, as the proposed development will not increase the GFA of the development, nor increase the impervious area of the development.

#### Consultation (Internal/External)

##### **Internal**

Council's Consultant Development Engineer has assessed the development application and provided conditions where applicable.

Council's Planning and Environment Manager and Principal Planner have reviewed this Report and provided comments where necessary.

##### **External**

Nil

#### Legal/Policy Implications (Justification if applicable)

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

#### **"Chapter 6 Dispute Resolution**

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

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

(1) Schedule 1 states -

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

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

#### Budget/Financial Implications

Nil

#### Human Rights Considerations

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

There are no human rights implications associated with this Report.

#### **Conclusion**

The application has been assessed against the assessment benchmarks of the Planning Scheme.

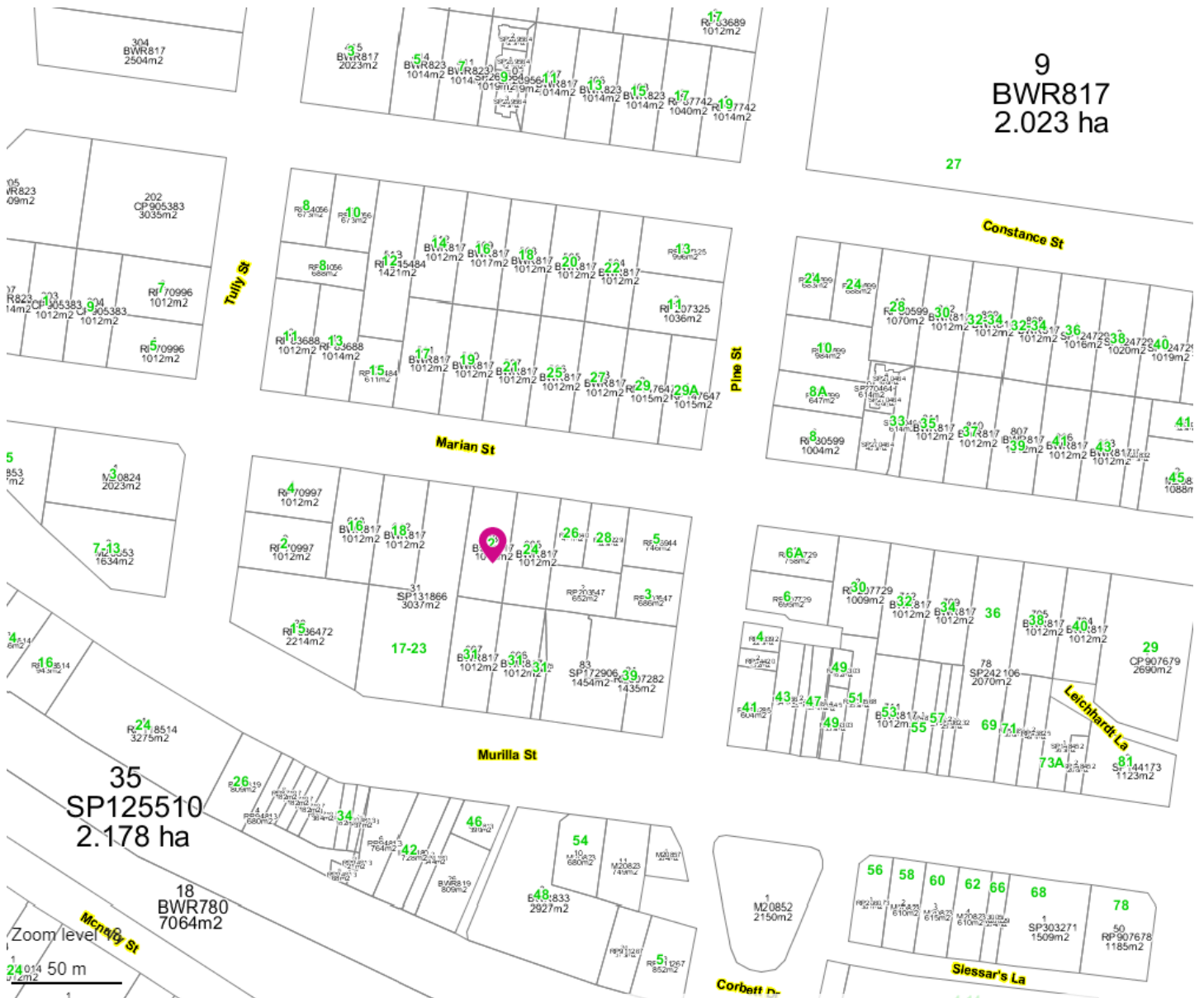
**Attachments**

1. Locality Plans
2. Proposal Plans

**Authored by:** Dominic Bradley, PLANNING OFFICER DEVELOPMENT ASSESSMENT

# Attachment 1 - Locality Plans

## Lot and Plan Map

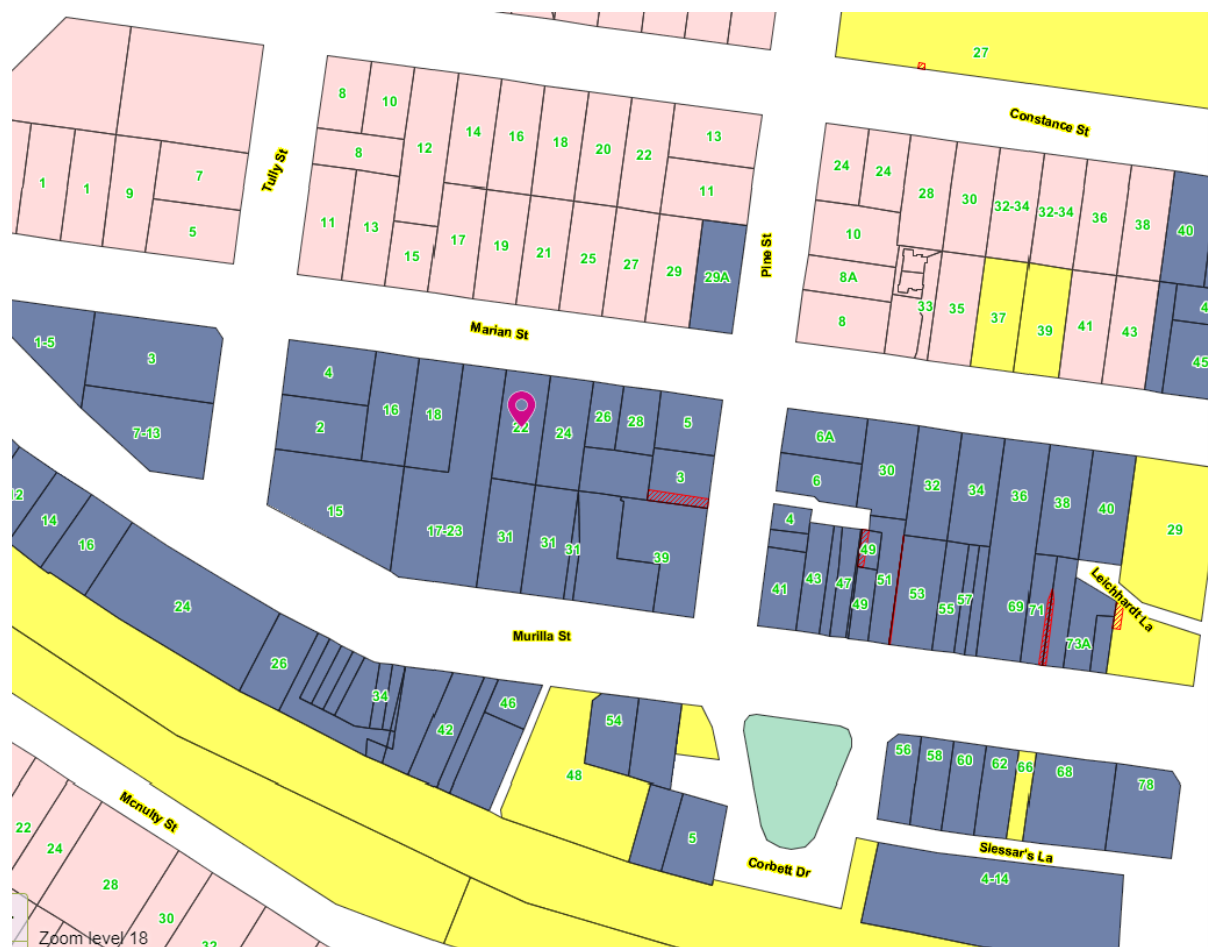


## Aerial Map























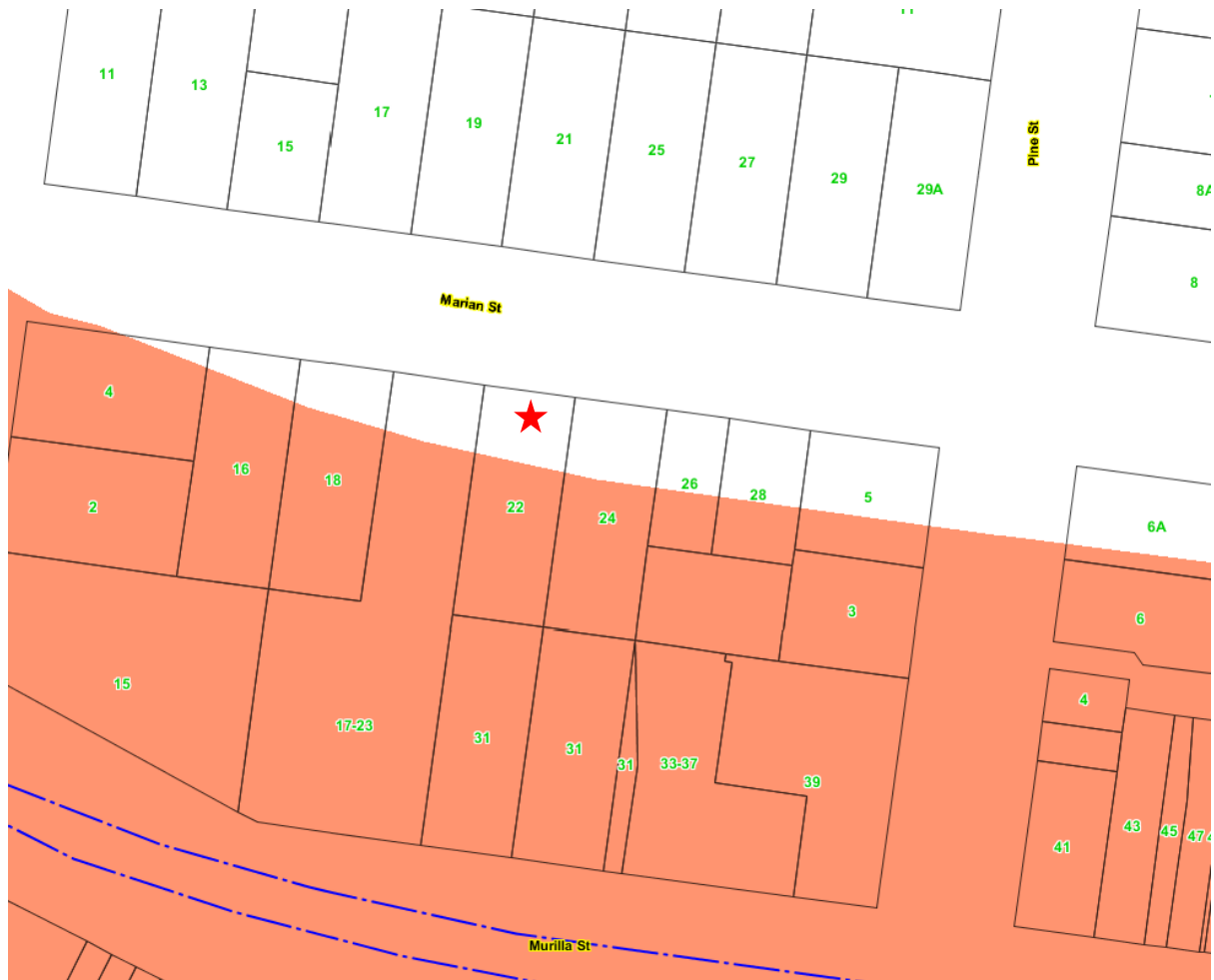
## Zone Map



## Planning Zones

	Community Facilities Zone		Rural Residential Zone / Rural Residential 20000 ..
	Local Centre Zone		Rural Residential Zone / Rural Residential 4000 P..
	District Centre Zone		Rural Residential Zone / Rural Residential 8000 P..
	Major Centre Zone		Rural Zone
	Low Density Residential Zone		Rural Zone / Rural 10 Precinct
	Medium Density Residential Zone		Rural Zone / Rural 100 Precinct
	Low Impact Industry Zone		Township Zone
	Medium Impact Industry Zone		Township Zone / Mowbullen - Bunya Mountains T...
	High Impact Industry Zone		
	Recreation and Open Space Zone		

## Scenic Amenity Overlay Mapping



- Scenic Routes
- Urban Gateways
- Scenic Routes Buffer (100m)
- High Landscape Value Areas



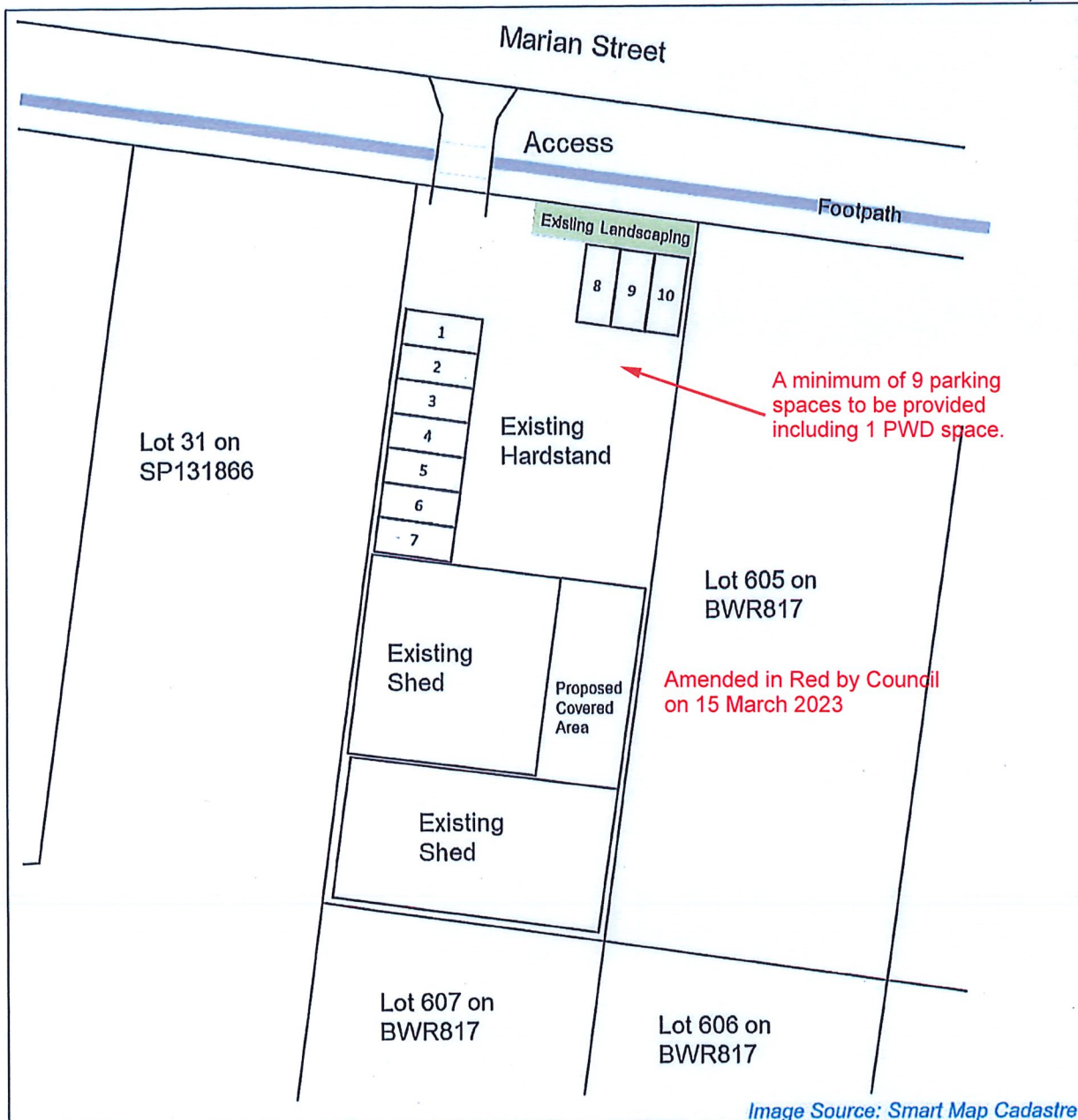




Image Source: Smart Map Cadastre

	 6 Sheridan Street CHINCHILLA Q 4413 ABN: 83 811 835 717	Drawing No.: 2022-007-002	Revision: A
		Title: Site Plan	Date: 9/11/2022
		Site: 22 Marian Street, Miles (Lot 608 on BWR817)	Client: CRC Electrical & Refrigeration

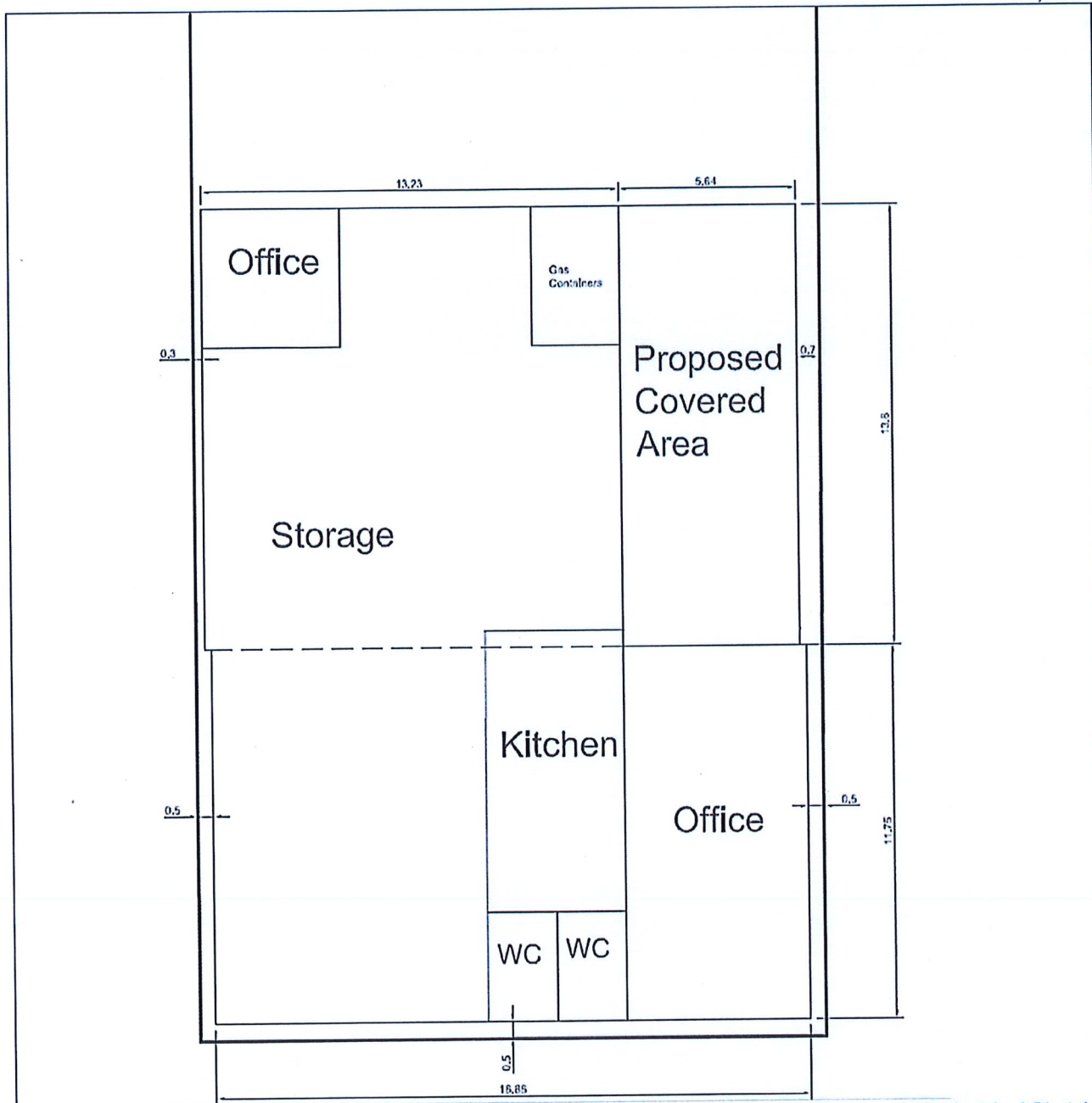


Image Source: CRC Electrical Sketch



6 Sheridan Street  
CHINCHILLA Q 4413

ABN: 83 811 835 717

Drawing No.: 2022-007-003

Title: Proposed Floor Plan

Site: 22 Marian Street, Miles  
(Lot 608 on BWR817)

Revision: A

Date: 9/11/2022

Client: CRC Electrical &  
Refrigeration

**Title** (030.2022.646.001) Community and Liveability Report Development Application for Material Change of Use for Low Impact Industry (Mechanical Workshop) at Lot 2 on RP194185 126 Windmill Road Chinchilla Tatum C/- Swep Consulting

**Date** 22 March 2023

**Responsible Manager** T. Summerville, PLANNING AND ENVIRONMENT MANAGER

## Summary

The purpose of this Report is for Council to decide the development application for a Material Change of Use for Low Impact Industry (Mechanical Workshop) on land described as Lot 2 on RP194185, located at 126 Windmill Road, Chinchilla.

## Link to Corporate Plan

Strategic Priority: Strong Diverse Economy

- We aggressively attract business and investment opportunities.
- Our region is a recognised leader in agribusiness, energy, and manufacturing.
- We deliver water security to enable future economic growth.
- We proactively advance our region as a tourism destination.
- Our business and industry actively live and buy local.

## Material Personal Interest/Conflict of Interest

Nil

## Officer's Recommendation

That this Report be received and that:

1. The development application for a Material Change of Use for Low Impact Industry (Mechanical Workshop) on land described as Lot 2 on RP194185, located at 126 Windmill Road, 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:

Drawing No., Revision	Plan Title and Details	Dated
2022-049-002, Revision A	Site Plan, prepared by Swep Consulting	10/11/2022
2022-049-003, Revision A	Proposed Floor Plan, prepared by Swep Consulting	10/11/2022

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

### APPROVED DEVELOPMENT

3. The approved development is a Material Change of Use for a Low Impact Industry (Mechanical Workshop) as shown on the Approved Plans.

4. The approved development is to be completed in two stages in sequential order as illustrated within the Approved Plans as follows:  
**Stage 1** - 1 hoist within the existing shed and a maximum of 1 staff member.  
**Stage 2** - 3 hoists within the existing shed and a maximum of 4 staff members.
5. Conditions within this approval are applicable to each stage of the development, unless otherwise specified.
6. The approved use does not include:
  - 6.1 panel beating or panel repair;
  - 6.2 powder coating or spray painting of vehicles or machinery;
  - 6.3 washdown bay facilities;
  - 6.4 dismantling of vehicles or machinery for parts or materials; or
  - 6.5 the storage or sale of machinery or vehicles, scrap metal and/or parts including used engines, gear boxes, or differentials associated with machinery or vehicles.
7. The development is for servicing and repairing of light vehicles only.

#### **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.

#### **OPERATING HOURS**

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

Monday to Friday:	7:00am to 5:00pm
Saturdays and Sundays:	8:30am to 12noon

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

13. Any graffiti on buildings or structures associated with the development must be immediately removed.
14. The buildings and the property must be maintained in a clean and tidy manner at all times.
15. All plant and air-conditioning equipment and the like must be visually screened from Windmill Road.

## **FENCING**

16. The existing fencing arrangements on the property are to be maintained.

## **LANDSCAPING – GENERAL**

17. The existing landscaping adjacent to the frontage of the property to Windmill Road is to be maintained at all times.

## **LIGHTING**

18. Direct lighting or lighting must not exceed 8.0 lux at 1.5 metres beyond the boundary of the site.
19. Outdoor lighting associated with the use must be designed, sited, installed and tested to comply with Tables 2.1 and 2.2 of Australian Standard 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting using a Control Level of 1.

## **ACOUSTIC AMENITY - NOISE LIMITS**

20. 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.
21. If Council receives a valid noise complaint regarding noise emissions from the property, Council reserves the right to review the approved operating 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 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.
23. If Council receives a bona fide complaint in relation to dust emissions from the unsealed areas of the property, Council reserves the right to require the applicant to provide either concrete, asphalt, or bitumen seal to areas that are causing any dust emissions.

## **REFUSE STORAGE AREAS**

24. 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**

25. 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*.
26. All waste generated on-site must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.

## **HAZARDOUS CHEMICAL AND FUEL STORAGE**

27. Ensure all hazardous chemicals are stored and handled in accordance with the *Work Health and Safety Act 2011*.
28. Diesel and petrol are to be stored and handled in accordance with Australian Standard 1940-2017 The Storage and Handling of Flammable and Combustible Liquids.
29. Waste oil and chemicals collected within the bunded area of the development are to be serviced on a regular basis by an appropriately licensed transport operator and disposed of at an appropriate licensed waste facility.

## **ENGINEERING WORKS**

30. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant Australian Standards.
31. 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**

32. 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.
33. 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**

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. Design and construct stormwater drainage incorporating measures to prevent any solid matter or floatable oils being carried into the existing stormwater system.
37. Ensure that works undertaken as a part of the development will not cause any actionable nuisance to any adjoining properties.

## **VEHICLE ACCESS**

38. Prior to commencement of the use for Stage 1 of the development, construct a commercial crossover between the property boundary and the edge of the Windmill Road bitumen seal, having a minimum width of 5.5 metres or as determined in conjunction with a development application for Operational Work, 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 Light Rigid Vehicle.
39. 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).

40. No access is permitted to Thorpe Street.

#### **PARKING AND ACCESS - GENERAL**

41. Maintain dust suppression treatment to all internal vehicle manoeuvring areas within the proposed hard stand ensuring no adverse impact on adjoining properties.
42. Prior to commencement of the use for Stage 1 of the development, provide a minimum of five (5) parking spaces.
43. Prior to commencement of the use for Stage 2 of the development, provide a minimum of eight (8) parking spaces including one (1) person with disability (PWD) parking space.
44. Provide a PWD car parking space designed and line marked in accordance with AS2890.6 Off-Street Parking for People with Disabilities.
45. Ensure loading and unloading operations are conducted wholly within the site and vehicles enter and exit the site in a forward direction.

#### **EARTHWORKS - GENERAL**

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

#### **EROSION AND SEDIMENT CONTROL - GENERAL**

47. 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.
48. 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**

49. Undertake operations and construction work associated with this development to the requirements of Council, including the following:
- 49.1 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;
  - 49.2 remove immediately, any material spilled or carried onto existing roads to avoid dust nuisance and ensure traffic safety; and
  - 49.3 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.

50. 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:
- 50.1 uncontaminated overland stormwater flow; and
  - 50.2 uncontaminated stormwater to the stormwater system.

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



## ADVISORY NOTES

### NOTE 1: Currency Period

*"To the extent a development approval is for a Material Change of Use of premises, the approval lapses if the first change of use under the approval does not start within the following period (the relevant period) -*

- (a)     **6 years** starting the day the approval takes effect;*
- (b)     if the approval states a different period from when the approval takes effect—the stated period."*

### NOTE 2: Aboriginal Cultural Heritage

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

### NOTE 3: General Environmental Duty

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

### NOTE 4: General Safety of Public during Construction

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

### 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 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 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: Commencement of Use

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



- 7.2 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.

## Background Information

The relevant background information to this application is as follows:

Application No: 030.2022.646.001	Assessment No: A1224	Keywords Index: AD6.6.2 & LG7.6.1
Assessing Officer:	Dominic Bradley PLANNING OFFICER DEVELOPMENT ASSESSMENT	
PART 1: APPLICATION		
Applicant:	Brock Tatum C/- Swep Consulting	
Owner:	NC & JC Smith	
Site Address:	126 Windmill Road, Chinchilla	
Site Area:	4.046ha	
Real Property Description:	Lot 2 on RP194185	
Proposed Development:	Low Impact Industry (Mechanical Workshop)	
Level of Assessment:	Impact	
Type of Application:	Material Change of Use	
Relevant Planning Scheme:	Western Downs Planning Scheme 2017 incorporating Amendment 1	
Zone:	Low Density Residential	
Precinct:	N/A	
Overlays:	<div><div><div>• Extractive Industry</div><div>• Agricultural Land Classification</div><div>• Water Resources</div><div>• Stormwater Overland Flow Path</div><div>• Road Hierarchy</div></div><div><div>- Authority to Prospect 676</div><div>- Petroleum Lease 185</div><div>- Class A</div><div>- Groundwater Vulnerability Area</div><div>- Minor Flow Path</div><div>- Access Road</div></div></div>	
Pre-lodgement Meeting:	Yes	Date: 28/09/2022
Application Lodgement Date:	14/11/2022	
Properly Made Application:	Yes	Date: 14/11/2022
Confirmation Notice Issued:	Yes	Date: 23/11/2022
PART 2: INFORMATION REQUEST		
Information Request Issued:	Yes	Date: 07/12/2022
Information Response Received:	Yes	Date: 16/12/2022
PART 4: PUBLIC NOTIFICATION		
Date Commenced:	Yes	Date: 20/01/2023
Notice of Compliance Received:	Yes	Date: 15/02/2023
Submissions Received:	3 properly made submissions	
Submission Review Period Commenced:	15/02/2023	
Concluded:	15/03/2023 <b>Note:</b> Council's Assessing Officer agreed to a 10 business day extension to the Submission Review Period requested by the applicant.	
PART 5: DECISION PERIOD		
Date Commenced:	16/03/2023	
Decision Due:	21/04/2023	

## Report

### 1. Background Information

#### 1.1 Site Context

The subject land is legally described as Lot 2 on RP194185 and located at 126 Windmill Road, Chinchilla. The property has an area of 4.046ha and frontage to Thorpe Street and to Windmill Road.

The site is located within the Low Density Residential Zone of the Western Downs Planning Scheme 2017 incorporating Amendment 1 (the Planning Scheme). The property is impacted by the Agricultural Land Classification, Water Resource Catchment, Stormwater Overland Flow Path, Extractive Industry and Road Hierarchy Overlays of the Planning Scheme.

The property is improved by an existing Dwelling House and two existing Sheds. The land is subject to a historic approval issued for a Material Change of Use for a Transport Depot. The scale of the approved Transport Depot was limited to the parking of two (2) prime movers and trailers, loader and skidder.

The historic approval included the use of the 440m<sup>2</sup> industrial shed on the property. The historic approval also included the use of approximately 2,000m<sup>2</sup> of gravel hardstand area to be used for the purpose of a Transport Depot.

While the Transport Depot use is not currently operating from the property, this use has not been abandoned on the site and continues to be an existing lawful use under Section 260 of the *Planning Act 2016*.

The property has an existing gravel crossover to Windmill Road associated with the existing residence and the industrial shed. The site does not have existing access to Thorpe Street.

The property is serviced by Council's reticulated water and the existing residence is serviced by an effluent disposal system. The site is connected to electricity and telecommunication services.

## **1.2 Proposal**

The applicant has submitted a Development Application for a Material Change of Use to establish Low Impact Industry (Mechanical Workshop) on the property.

The property has historically been operated as a Transport Depot by the current owners of the land who are related to the applicant. The property owner seeks to sell the land to the applicant to live on-site and run the business of a Low Impact Industry (Mechanical Workshop).

The business will provide mechanical servicing and maintenance to light vehicles only, which will be undertaken within the existing industrial shed. The applicant has advised that the development will operate between 7am and 5pm, 7 days a week.

The applicant has advised that the use will not involve a wash down bay, spray painting or panel beating activities. The applicant has also advised that the development will not involve the sale of parts or dismantling of vehicles for parts.

The applicant has advised that the primary equipment used by the business will be an air compressor and a rattle gun and it is not expected to generate significant noise emissions.

The applicant has advised that no heavy vehicles will be serviced as part of the operation, and that the existing Depot use and the proposed development will not operate concurrently.

The proposed Workshop will be undertaken in two stages, within the existing large shed. Stage 1 will include one hoist. Stage 2 is the maximum expansion the applicant expects to occur on the property and will include two additional hoists (ie three hoists in total).

Stage 1 of the development will not employ any staff in addition to the applicant. For Stage 2 of the development, the applicant anticipates a maximum of three staff to be employed by the business.

The applicant has advised that no changes are proposed to the existing infrastructure arrangements servicing the property. The applicant has advised that the existing crossover to the property from Windmill Road will be used for the development.

## 2. Assessment

### 2.1 Assessment Matters

The development application for a Material Change of Use for Low Impact Industry (Mechanical Workshop) is Impact Assessable development, as Low Impact Industry is not a consistent use within the Low Density Residential Zone.

The following assessment benchmarks are relevant to the assessment of the application:

ASSESSMENT MATTERS	
The proposed development was assessed against the following assessment benchmarks:	
<ul style="list-style-type: none"> <li>Western Downs Planning Scheme 2017 incorporating Amendment 1 <ul style="list-style-type: none"> <li>Strategic Plan</li> <li>Low Density Residential Zone Code</li> <li>Infrastructure Services Code</li> <li>Transport, Access and Parking Code</li> <li>Airport Environs Overlay Code</li> <li>Natural Resources Overlay Code</li> </ul> </li> </ul>	
The development was assessed against all of the assessment benchmarks listed above and complies with all assessment benchmarks with the exceptions listed below:	
Assessment Benchmark	Reasons for the Approval Despite Non-compliance with Benchmark
<b>Strategic Plan</b>	
Strategic Outcome 3.3.1(4) -  <i>"The settlement pattern provides opportunities for industrial growth to cater for the increase in local businesses required to service the needs of the resource and agricultural sectors. Industrial development is directed to areas separated from land uses that are considered to be sensitive or at risk from the impacts of industrial activity. Industrial land is located in accessible locations supported by transport infrastructure and necessary urban services to efficiently service the needs of the community."</i>	<p>In this instance, it is considered that there is valid planning justification to support the development as follows:</p> <ul style="list-style-type: none"> <li>The property has been historically used for industrial purposes and is subject to a historic approval issued by the former Chinchilla Shire Council for a Transport Depot which imposed limited operating requirements on the use.</li> <li>The historic use right which applies to the property means that surrounding land is unable to be separated from the industrial use of the property.</li> <li>The proposed development is of a lesser scale and intensity than the historical industrial use on the property and the potential amenity impacts of the development can be managed through reasonable and relevant conditions of approval.</li> <li>The property is in an accessible location fronting Windmill Road and will service light vehicles only, on the property.</li> <li>The site is serviced by the necessary urban infrastructure for the operation of the development.</li> </ul>
Strategic Outcome 3.3.1(8) -	

<p><i>"Where development is not consistent with the purpose or intent of the Zone, overriding community need will need to be demonstrated as well as valid planning justification provided as to why the proposed use cannot be reasonably established in a more appropriate Zone."</i></p>	<ul style="list-style-type: none"> <li>• The development will not result in any changes to the existing buildings or hardstand areas on the property.</li> <li>• The development will not generate excessive vehicle traffic and any amenity impacts (noise) will be minimal based on the scale of the operation and the proposed hours of operation of the development.</li> <li>• The development can be conditioned to ensure that the hours of operation, visual amenity and the potential for noise and dust emissions can be appropriately mitigated.</li> </ul>
<b>Low Density Residential Zone Code</b>	
<p><b>Overall Outcomes of the Low Density Residential Zone</b></p> <p><b>Overall Outcome 5</b></p> <p>(5) Small scale, non-residential uses are provided where they cater directly to community needs (such as convenience stores and child care facilities) and where the character and residential amenity of the locality is protected and enhanced. These non-residential uses are not to replicate the uses that exist in more appropriate zones, such as centre zones. Non-residential uses are small scale and incorporate design elements that are consistent with the surrounding residential development.</p> <p><b>Overall Outcome 18</b></p> <p>(18) Where development is not consistent with the purpose and intent of the Low Density Residential Zone, overriding community need will need to be demonstrated as well as valid planning justification provided as to why the proposed use cannot be reasonably established in a more appropriate Zone.</p>	<p>The development of a Material Change of Use for a Low Impact Industry (Mechanical Workshop) is an inconsistent use within the Low Density Residential Zone.</p> <p>However, the property has operated historically for the purpose of a Transport Depot which is also an inconsistent use within the Low Density Residential Zone and is inconsistent with the Overall Outcomes of the Low Density Residential Zone Code.</p> <p>The existing use of the property for a Transport Depot has not been abandoned and the property could be used for a Transport Depot in accordance with the historic approval issued by the Chinchilla Shire Council which does not restrict the operating hours of the use.</p> <p>The operation of the development is of a lower scale and intensity than the historic use as a Transport Depot, and will have a lesser impact on the amenity of surrounding uses.</p> <p>The development of this scale and nature can be conditioned to ensure that the hours of operation, visual amenity and the potential for noise and dust emissions can be appropriately mitigated to ensure that the use of the land will not adversely impact on the amenity or character of surrounding residential land uses.</p> <p>It is considered that the development will service a community need in ensuring that the impacts of industrial development on the land can be managed through the recommended conditions of approval and addressed by the Operator (if required) in the event complaints are received regarding amenity impacts.</p>
<b>Infrastructure Services Code</b>	
<p><b>Where within an Urban Zone</b></p> <p><b>A02.1</b></p>	<p>The property is located within the Low Density Residential Zone which is an Urban Zone under the Planning Scheme.</p>

<p>Development is connected to a reticulated sewerage system in accordance with SC6.2 – Planning Scheme Policy 1 – Design and Construction Standards.</p>	<p>Although the property is located within an Urban Zone, the property is not located within Council's defined sewerage service area and the existing residence and industrial shed are not connected to Council's sewer network.</p> <p>The applicant has advised that the proposed development will use the amenities within the existing residence on the property which is connected to an existing effluent disposal system.</p> <p>It is considered that the applicant's alternative solution to Performance Outcome 2 of the Infrastructure Services Code is reasonable and can be accepted.</p>
<p><b>Transport, Access and Parking Code</b></p>	
<p><b>AO4</b></p> <p>Car parking is provided in accordance with the requirements identified in Table 9.4.5.2 - Car parking generation rates and service vehicle requirements.</p> <p><b>Note</b> - Car parking rates are to be rounded up to the nearest whole number.</p>	<p>Table 9.4.5.2 of the Reconfiguring a Lot Code also provides that the service vehicle for a Low Impact industry use is an AV/B Double vehicle.</p> <p>The applicant has advised that the operation of the development will not comply with Acceptable Outcome 4 of the Transport Access and Parking Code, as a service vehicle of an AV or B Double size is not required to service the proposed use.</p> <p>The applicant has advised that the largest design vehicle accessing the property will be a small rigid vehicle.</p> <p>It is considered that the development provides sufficient gravel hardstand area for a small rigid vehicle to park on a temporary basis and to safely manoeuvre on the property.</p> <p>The applicant has advised that the development will not service or repair heavy vehicles on the property and will service light vehicles only.</p> <p>The applicant's alternative solution to Performance Outcome 4 of the Transport, Access and Parking Code is considered to be reasonable and can be accepted.</p>

## **2.2 Assessment against the Western Downs Planning Scheme 2017 incorporating Amendment 1**

### **2.2.1 Strategic Plan**

The Strategic Plan sets the policy direction for the Planning Scheme and forms the basis for ensuring appropriate development occurs in the Planning Scheme area for the life of the Planning Scheme.

The Strategic Plan is represented by five (5) strategic themes, being Liveable Communities and Housing, Environment and Heritage, Economic Growth, Infrastructure, and Safety and Resilience to Natural Hazards.

The strategic themes of the Planning Scheme include strategic outcomes that articulate the desired outcomes of the theme and strategic elements which clarify and refine the outcomes of each theme.

It is considered that the Liveable Communities and Housing theme of the Planning Scheme is relevant to the development. It is considered that the development conflicts with the following policy outcomes of the Liveable Communities and Housing theme:

- "(4) *The settlement pattern provides opportunities for industrial growth to cater for the increase in local businesses required to service the needs of the resource and agricultural sectors. Industrial development is directed to areas separated from land uses that are considered to be sensitive or at risk from the impacts of industrial activity. Industrial land is located in accessible locations supported by transport infrastructure and necessary urban services to efficiently service the needs of the community.*"
- "(8) *Where development is not consistent with the purpose and intent of the Zone, overriding community need will need to be demonstrated as well as valid planning justification provided as to why the proposed use cannot be reasonably established in a more appropriate Zone.*"

Despite the conflict with key outcomes of the Liveable Communities and Housing theme in the Strategic Plan, it is considered that the development is consistent with Strategic theme for the following reasons:

- The property has been historically used for industrial purposes and is subject to two historic approvals issued by the former Chinchilla Shire Council for a Transport Depot which imposed limited operating requirements on the use.
- The historic use rights which apply to the property means that surrounding land is unable to be separated from the industrial use of the property.
- The proposed development is of a lesser scale and intensity than the historical industrial use on the property and the potential amenity impacts of the development can be managed through reasonable and relevant conditions of approval.
- The property is in an accessible location fronting Windmill Road and will service light vehicles only.
- The property is serviced by the necessary urban infrastructure for the operation of the development.
- The development will not result in any changes to built form or hardstand areas on the property.
- The development will not generate excessive vehicle traffic and any amenity impacts (noise) will be minimal based on expected number of customers on a weekly basis and the proposed hours of operation of the development.
- The development can be conditioned to ensure that the hours of operation, visual amenity and the potential for noise and dust emissions can be appropriately mitigated to ensure that the use of the land will not adversely impact on the amenity or the character of surrounding residential land uses.
- Council has imposed conditions to the approval that will apply if a valid complaint is received from the public in future, regarding noise or dust emissions, and will allow Council to require the land owner to implement additional mitigation strategies or provide improvements on the property to mitigate the impacts.

It is considered the development is consistent with the Strategic Plan, subject to the recommended conditions of approval.

### **2.2.2 Low Density Residential Zone Code**

The development of a Material Change of Use for Low Impact Industry within the Low Density Residential Zone is an inconsistent use.

Although the proposed development is located within the Low Density Residential Zone, the property has been lawfully operating for the purpose of a Transport Depot subject to a historic Council approval.

The applicant has advised that the proposed Workshop will provide general maintenance and servicing to light vehicles. The proposed development will not involve any building works and the servicing of vehicles will take place in the existing shed on the property. The primary equipment in use will include an air compressor and rattle gun, which the applicant has advised will generate limited emissions.

Stage 1 of the development will involve the use of a single hoist and will be operated by the applicant who will service and repair only 1 vehicle at a time. Stage 2 of the development will involve two additional hoists and will employ a maximum of three additional staff on the property.

Although the property is located within the Low Density Residential Zone, the land is of the size and configuration of a large acreage lot. The site is located on the fringe of the Low Density Residential Zone and is in close proximity to Rural Zoned land to the east and south, with Base Chinchilla located opposite the road of the subject site.

The existing industrial shed is sited centrally on the property and is set back 34m from the northern side boundary and 38m from the southern side boundary of the property.

The closest residence to the industrial shed in which the development will operate, is located on Lot 68 on SP237004 (72 Frame Street) which is a minimum of 46m from the industrial shed.

The northern side of the property features a wooden screen fence which will visually and acoustically screen the development from existing residences along Frame Street. The southern boundary of the property has a rural wire fence and features mature vegetation along the boundary of the property.

The proposed development complies with the design and siting requirements of the Low Density Residential Zone Code including maximum building height, maximum site coverage and minimum building setback requirements.

The existing approval on the property for a Transport Depot was not conditioned with any operating hours, meaning that an operator of a Transport Depot on the property could operate 24 hours a day, 7 days a week.

No operating hours are specified within the Low Density Residential Zone Code for industrial land uses establishing on land within the Low Density Residential Zone.

The applicant proposes to operate the business between the hours of 7am and 5pm, 7 days a week. The applicant's proposed operating hours on a Monday to Friday are considered to be acceptable and will be conditioned accordingly.

It is conditioned that operation is to be from 8:30am until 12 noon on Saturdays and Sundays in line with the operating hours of Home Based Businesses within the Low Density Residential Zone. The reason that these operating hours have been conditioned is that the proposed development has the potential to have an increased amenity impact over the weekend when residents are at home.

The development will be conditioned to ensure the noise impacts from the development comply with the requirements of the *Environmental Policy (Noise) 2019* for a sensitive receptor or commercial premises.

It is also conditioned that in the event of Council receiving a valid noise complaint, Council will review the approved operating hours and operation of the development, and if necessary, require the applicant to conduct a noise assessment prepared by a qualified Consultant to provide recommendations on noise mitigation measures which are then to be implemented by the operator in a timely manner.

The applicant has advised that the property will not be sealed, and the existing gravel hardstand area will be used for parking and manoeuvring of vehicles. Council's Consultant Development Engineer has conditioned that if Council receives a valid dust complaint, Council reserves the right to require the applicant seal the existing gravel hardstand parking areas.

The design of outdoor lighting will be conditioned to ensure that surrounding sensitive uses are not impacted by light emission from the development.

The development will be screened from Windmill Road by existing landscaping along the frontage of Windmill Road and established street trees within the Windmill Road reserve.

On this basis, the development is consistent with the Low Density Residential Zone Code, subject to the recommended conditions of approval.

### **2.2.3 Development Code**

#### **Infrastructure Services Code**

The property is connected to reticulated water, electricity and telecommunications and is not connected to Council's reticulated sewer network.

Acceptable Outcome 2.1 of the Infrastructure Services Code which provides that where, within an Urban Zone, development is to be connected to a reticulated sewerage system in accordance with SC6.2 – Planning Scheme Policy 1 – Design and Construction Standards.

The site is located within the Low Density Residential Zone which is an Urban Zone. Although the property is located within an Urban Zone, it is not located within Council's defined sewerage service area. Therefore, neither the existing residence or shed are connected to Council's sewer network.

The applicant has advised that the proposed development will utilise the amenities within the existing residence on the property which is connected to an effluent disposal system. The applicant's alternative solution is considered reasonable and can be accepted.

It is considered that the proposed development is consistent with the Performance Outcomes of the Infrastructure Services Code.



## **Transport, Access and Parking Code**

The site has frontage to both Windmill Road and Thorpe Street.

The property does not have an access point to Thorpe Street. Rather, the subject land is currently accessed via a single existing gravel access point to Windmill Road. The applicant has advised that the existing crossover to Windmill Road will be used for the development.

Council's Consultant Development Engineer has reviewed the access arrangements and has conditioned an upgrade to the crossover to ensure that it is of a suitable standard to service the traffic that will be generated by the development.

Acceptable Outcome 4 of the Transport, Access and Parking Code provides that parking is to be provided in accordance with Table 9.4.5.2 of the Reconfiguring a Lot Code.

Table 9.4.5.2 of the Reconfiguring a Lot Code provides that parking for Low Impact Industry parking is to be provided at a rate of 1 space per employee (Full Time Equivalent) and 1 space per 100m<sup>2</sup> of gross floor area (GFA).

Table 9.4.5.2 of the Reconfiguring a Lot Code also provides that the service vehicle for Low Impact industry Use is to be an AV/B Double vehicle.

The proposed development will employ a maximum of four staff members (including the applicant) and has a total GFA of approximately 440m<sup>2</sup> which means that 8 parking spaces will be required to service the development.

The applicant has advised that the existing gravel hardstand areas provide sufficient space for the required amount of parking and sufficient space for vehicles to manoeuvre and exit the property in a forward motion.

It is acceptable that the existing hard stand area on the property can comply with the required parking rates under Table 9.4.5.2 of the Reconfiguring a Lot Code and is consistent with Acceptable Outcome 4 of the Transport, Access and Parking Code.

The applicant has advised that the operation of the development will not comply with Acceptable Outcome 4 of the Transport, Access and Parking Code, as a service vehicle of an AV or B Double size is not required to service the proposed use.

The applicant has advised that the development will not service or repair heavy vehicles on the property and that light vehicles will be serviced only. The applicant's alternative solution to Performance Outcome 4 of the Transport, Access and Parking Code is considered reasonable and can be accepted.

The proposed development complies with the Performance Outcomes of the Transport, Access and Parking Code.

### **2.2.4 Overlay Codes**

#### **Natural Resource Overlay Code**

The property is identified as Class A Agricultural Land within the Agricultural Land Classification Overlay mapping and is within a Groundwater Vulnerability Area within the Water Resources Overlay mapping of the Planning Scheme.

The property is not located within the Rural Zone of the Planning Scheme, and it is not considered that the proposed development will impact on the viability of productive agricultural land.

The proposed development is consistent with the Acceptable Outcomes of the Natural Resources Overlay Code.

#### **Stormwater Overland Flow Path Overlay Code**

Part of the property is impacted by a Minor Flow Path which is illustrated by the Stormwater Overland Flow Path Overlay Code.

Part of the existing shed on the property which is used for domestic purposes associated with the residential use, is located within the mapped Minor Flow Path.

The proposed development will not impact on the conveyance of stormwater on the property or adjoining properties, as no additional building work or earthworks will result from the development.

The applicant has advised that oils and other pollutants will be appropriately stored in a bunded area on the site. It will be conditioned that the storage of oil and chemicals is to comply with the relevant legislative requirements and applicable standards, and that the bunded area is to be serviced by an appropriately licensed waste transport operator and disposed of at a licensed facility.

The proposed development is considered to be consistent with the Acceptable Outcomes of the Stormwater Overland Flow Path Overlay Code.

### **3. Other Relevant Matters**

#### **3.1 Public Notification**

The application was Impact Assessable development under the Planning Scheme and the applicant was required to publicly notify the application as part of the development assessment process in accordance with the *Planning Act 2016* and Development Assessment Rules 1.3.

Public notification for the application was for a period of 15 business days between 20 January 2023 and 13 March 2023.

To commence the public notification for the application, the applicant:

- placed an advertisement within the Western Downs Town and Country on 19 January 2023;
- placed a notice on the premises in the way prescribed under the DA Rules, from 19 January 2023 until 13 February 2023; and
- notified the owners of all lots adjoining the property, on 16 January 2023.

Council received a total of three (3) properly made submissions in response to the application.

All submitters have been notified that their submission has been received and are properly made. It is advised that all properly made submissions received during the Public Notification Period will have appeal rights subject to Council deciding the application.

Council's Assessing Officer has considered the matters raised in all submissions received and the applicant's response to the submissions in the Table of Assessment which is attached to this Report.

### 3.2 Infrastructure Charges

Infrastructure charges are levied on development in accordance with Council's Infrastructure Charges Resolution (No. 7.1) 2017 (the Resolution).

The property is serviced by the Water, Sewer, Transport, Stormwater and Parks infrastructure networks and is located within Charge Area A of the Resolution.

The infrastructure charges applicable to a Material Change of Use for Low Impact Industry are \$42.50 per m<sup>2</sup> of GFA for the water, parks and transport networks and \$4.00 per m<sup>2</sup> of additional impervious area based on the stormwater network.

The proposed development will use the existing industrial shed on the property and does not propose any additional building works to establish the Low Impact Industry Use on the land.

Accordingly, no infrastructure charges are payable for the proposed development, as it does not increase the existing demand on servicing infrastructure for the parks, transport or water network networks, as the GFA of the development will not be increasing.

The applicant has advised that the proposed development will not increase the impervious area of the development and as a result, no infrastructure charges are applicable to the development for Council's stormwater network.

In summary, no infrastructure charges are payable for the proposed development and an Infrastructure Charges Notice is not attached to the approval.

#### Consultation (Internal/External)

##### **Internal**

Council's Consultant Development Engineer has assessed the development application and provided advice and conditions of approval.

Council's Planning and Environment Manager and Principal Planner have reviewed this Report and provided comments where necessary.

#### Legal/Policy Implications (Justification if applicable)

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

### **"Chapter 6      *Dispute Resolution***

#### ***Part 1    Appeal Rights***

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

(1)      *Schedule 1 states -*

(a)      *matters that may be appealed to -*

- (i)      *either a tribunal or the P&E Court; or*
- (ii)      *only a tribunal; or*
- (iii)      *only the P&E Court; and*

(b)      *the person -*

- (i)      *who may appeal a matter (the **appellant**); and*
- (ii)      *who is a respondent in an appeal of the matter; and*

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

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

#### Budget/Financial Implications

Nil

#### Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) (the *Human Rights Act*) requires public entities "to act and make decisions in a way compatible with human rights". There are no human rights implications associated with this Report.

#### **Conclusion**

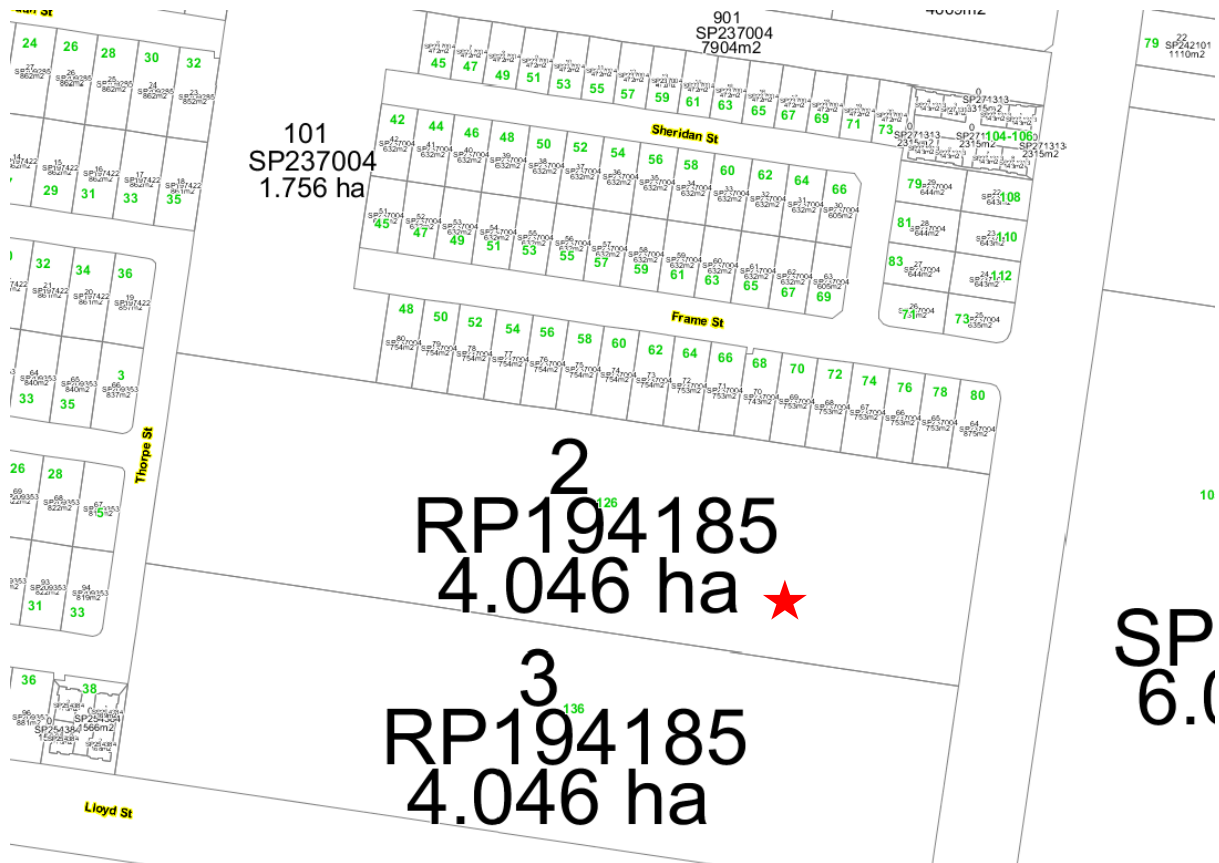
The proposed development has been assessed against the requirements of the Western Downs Planning Scheme 2017 incorporating Amendment 1. It is recommended that the application be approved, subject to the recommended conditions of approval.

#### **Attachments**

1. Locality Plans
2. Proposal Plans
3. Table of Submissions

**Authored by:** Dominic Bradley, PLANNING OFFICER DEVELOPMENT ASSESSMENT

## Lot and Plan Map



## Aerial Map

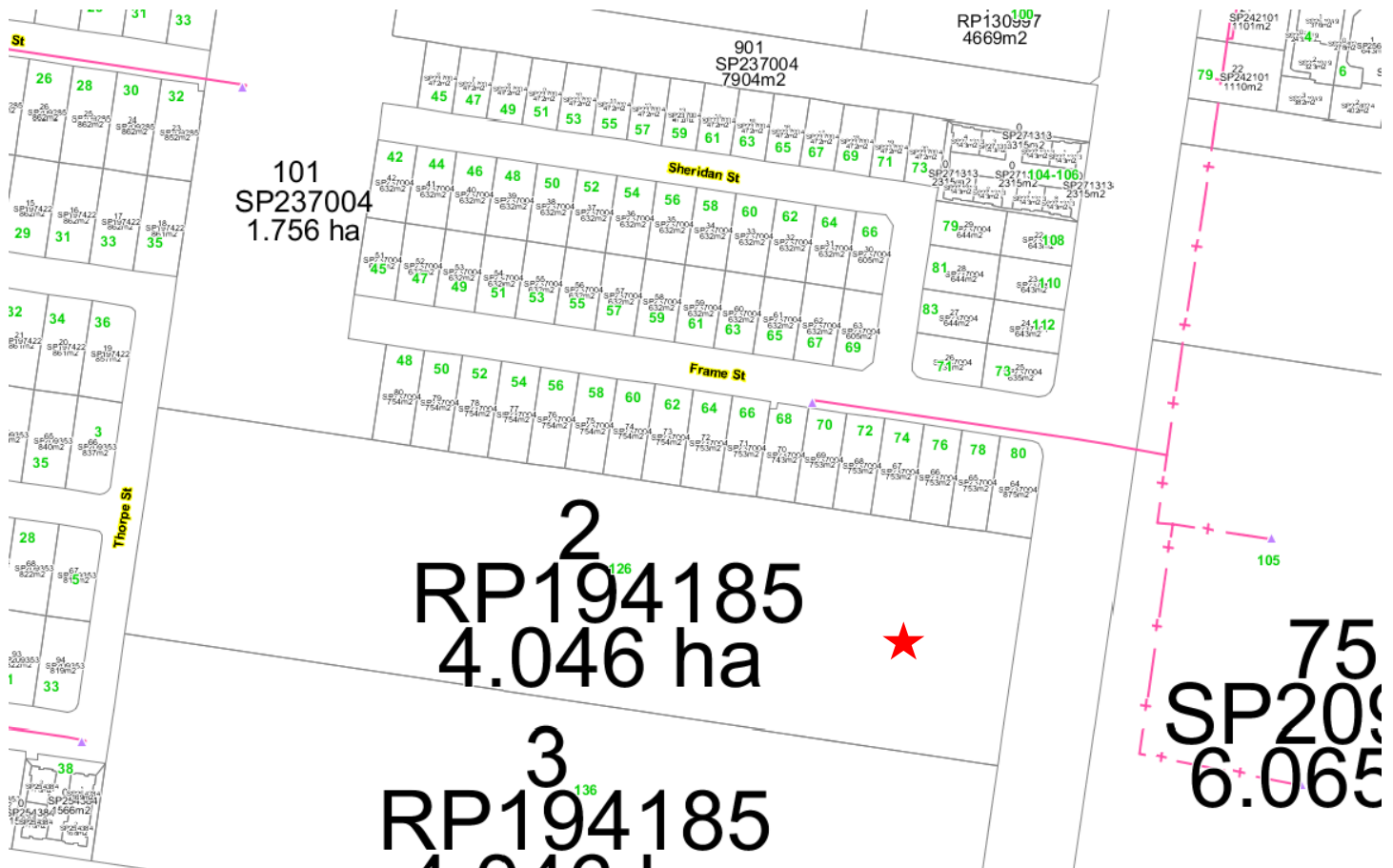




Aerial Map - Zoomed In



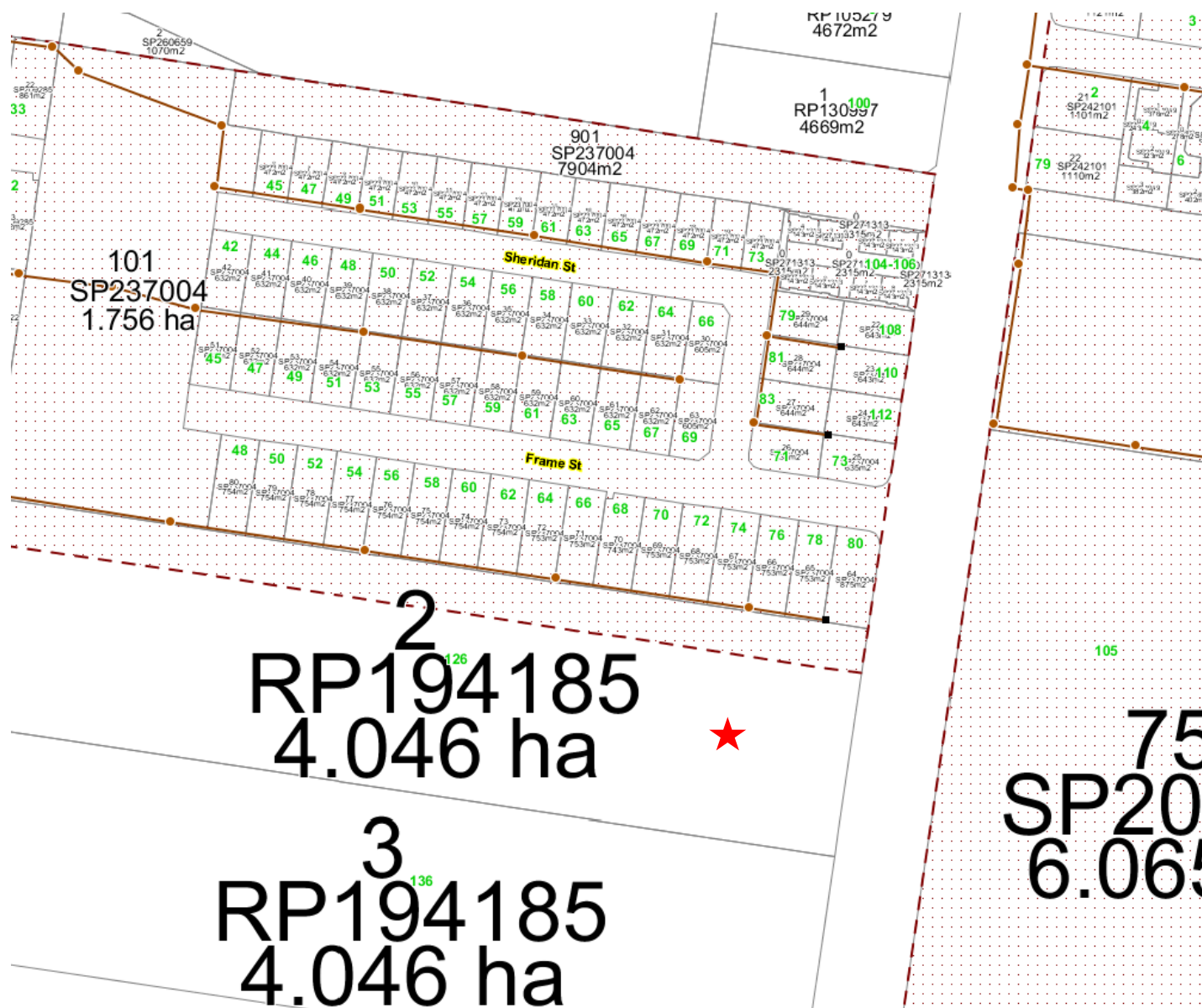
## Electricity Network Map


















### Ergon\_Network

- High Voltage Cable
- High Voltage Powerline
- Transmission Cable
- Transmission Powerline

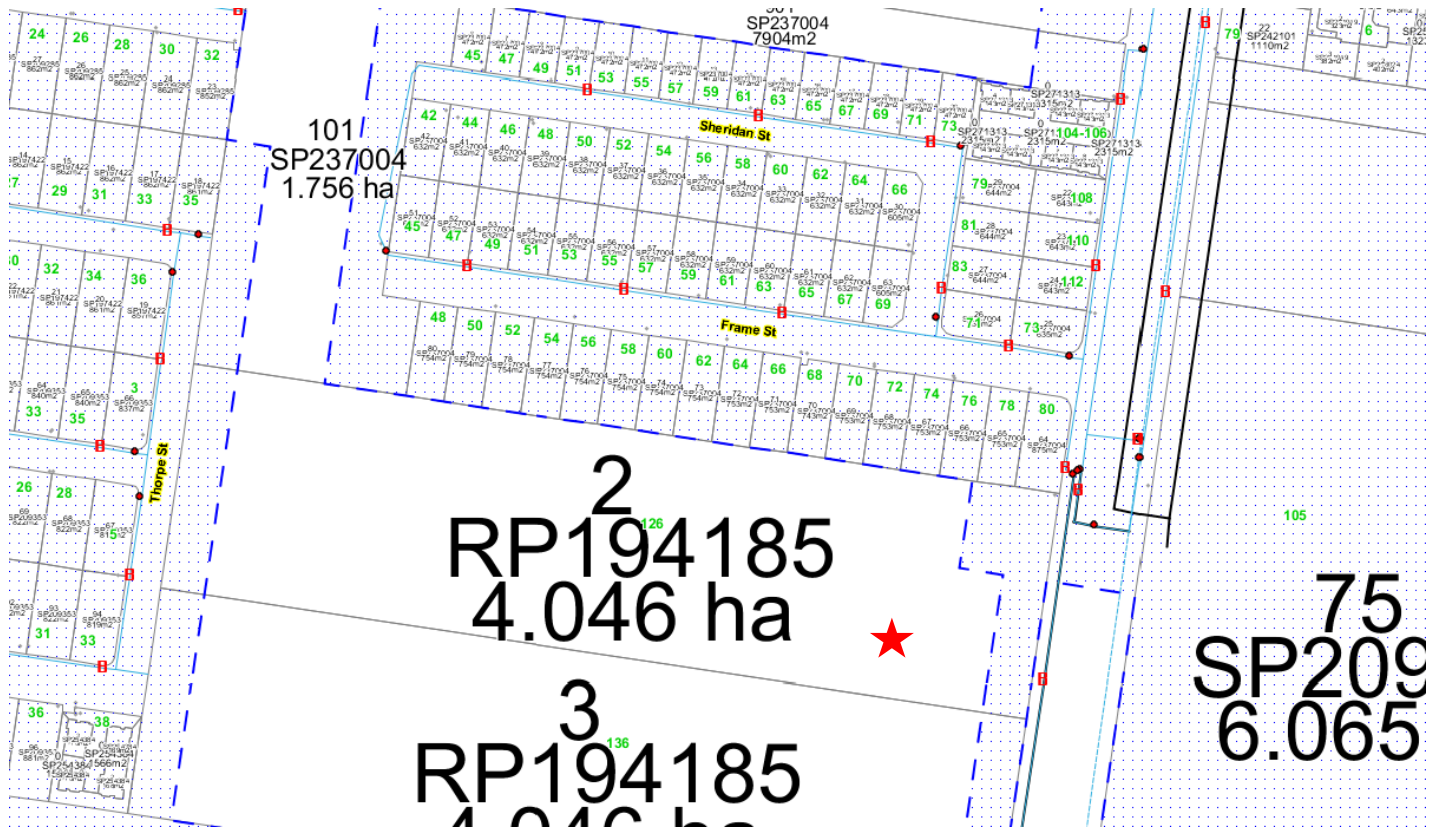
## Sewer Network Map



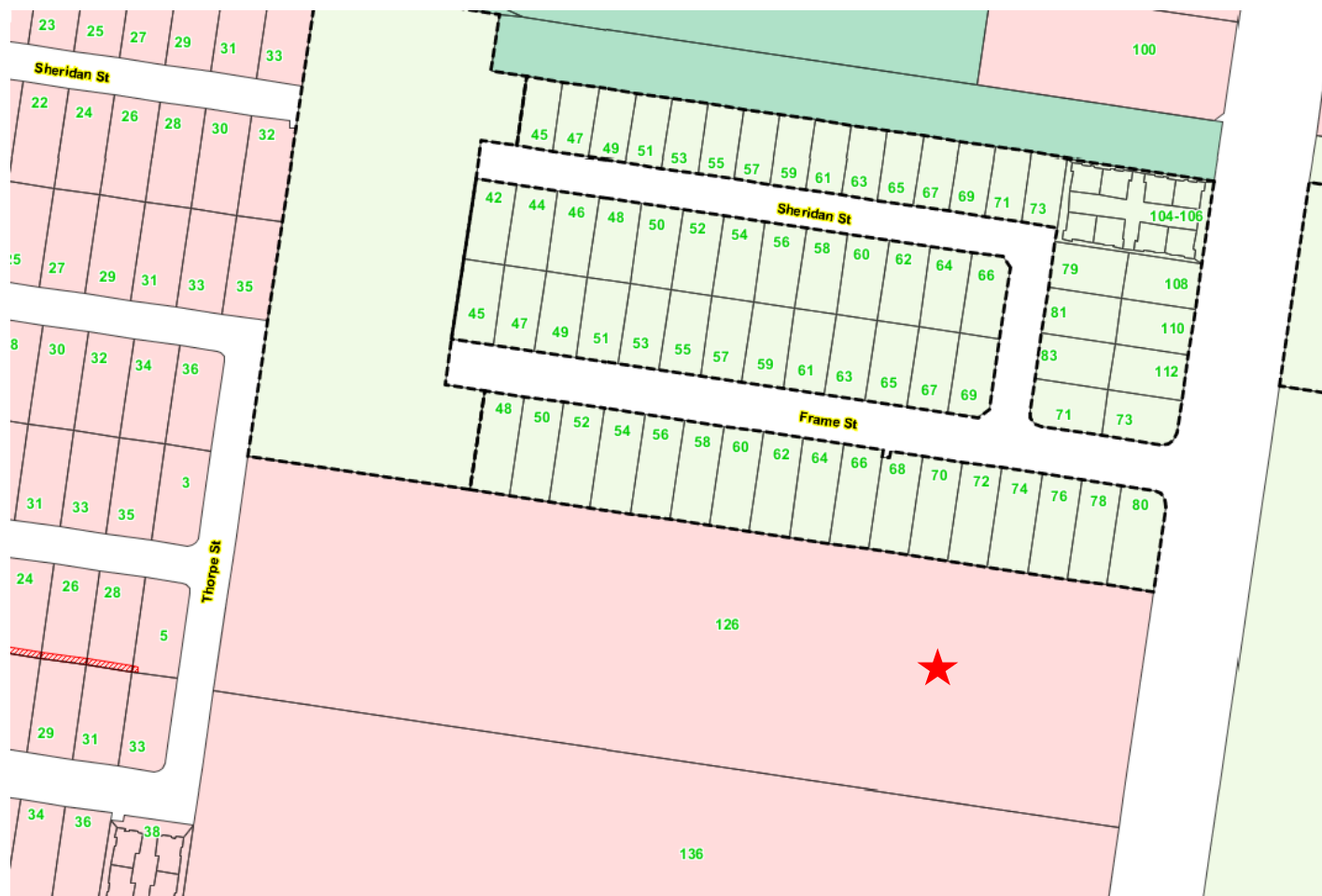
-  Sewer Mains
-  Gravity Sewer Mains
-  House Connection
-  Pressure Sewer Mains
-  Private Sewer Main
-  Rising Sewer Mains
-  Sewer Infrastructure
-  Defined Sewerage Area
- Sewer Manhole**
  -  End Cap
  -  Flush Point
  -  Junction
  -  Manhole
  -  Private Manhole
  -  Pump Station
  -  Scour Point





















## Water Network Map



## Zone Map



### Planning Zones

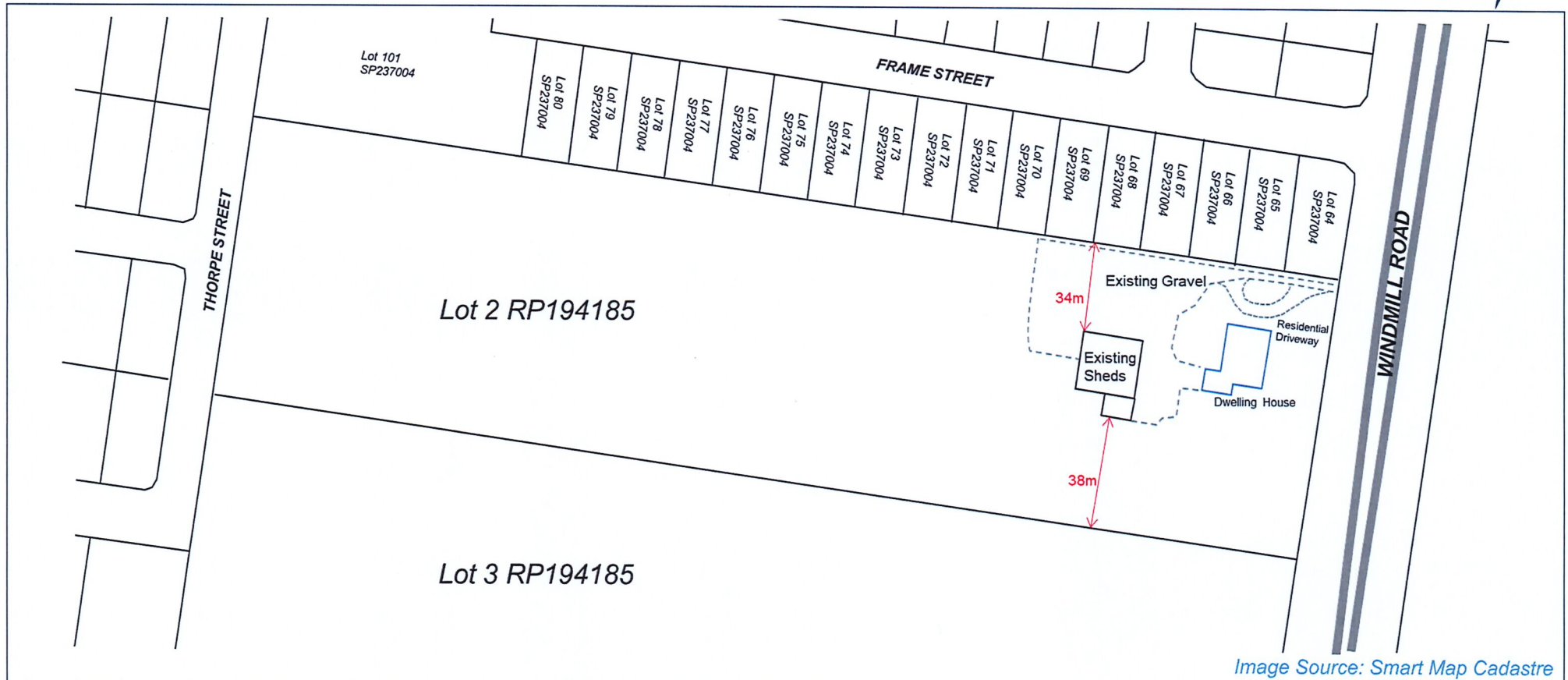
	Community Facilities Zone		Rural Residential Zone / Rural Residential 20000 ...
	Local Centre Zone		Rural Residential Zone / Rural Residential 4000 P...
	District Centre Zone		Rural Residential Zone / Rural Residential 8000 P...
	Major Centre Zone		Rural Zone
	Low Density Residential Zone		Rural Zone / Rural 10 Precinct
	Medium Density Residential Zone		Rural Zone / Rural 100 Precinct
	Low Impact Industry Zone		Township Zone
	Medium Impact Industry Zone		Township Zone / Mowbullian - Bunya Mountains T...
	High Impact Industry Zone		
	Recreation and Open Space Zone		



## Stormwater Overland Flow Path overlay Code



### Stormwater Overland Flow

- Minor Flow Path
- Major Flow Path



	 6 Sheridan Street CHINCHILLA Q 4413 ABN: 74 997 813 346	Drawing No.: 2022-049-002	Revision: A
		Title: Site Plan	Date: 10/11/2022
		Site: 126 Windmill Road, Chinchilla (Lot 2 on RP194185)	Client: Brock Tatum



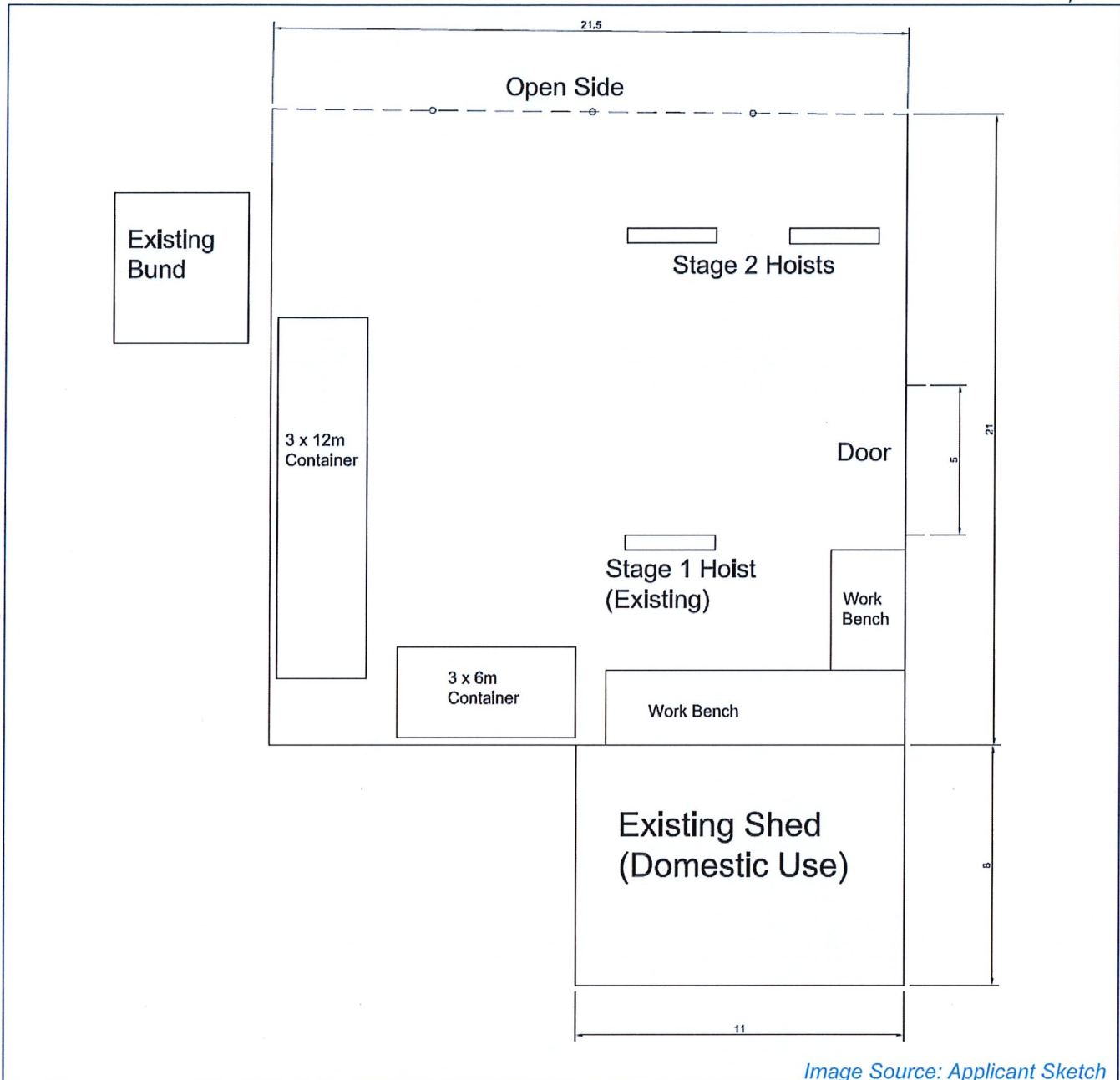


Image Source: Applicant Sketch

	 6 Sheridan Street CHINCHILLA Q 4413 ABN: 74 997 813 346	Drawing No.: 2022-049-003	Revision: A
		Title: Proposed Floor Plan	Date: 10/11/2022
		Site: 126 Windmill Road, Chinchilla (Lot 2 on RP194185)	Client: Brock Tatum

### Attachment 3 - Table of Submissions

Submitters' Concerns	Submission Exerts	Applicant's Response to Submissions	Planning Officer's Comments
<p><b>Industrial use in Residential Zone</b></p> <p>Submitters are concerned about the operation of Low Impact Industry Use in the Low Density Residential Zone.</p>	<ul style="list-style-type: none"> <li>"I believe that the location of the 'Low Impact Workshop' is unwarranted given that Chinchilla has numerous light and heavy workshops in appropriate industrial areas away from residential areas.</li> <li>We purchased in the Residential Zone as an investment, and we wish for the area and its surrounds to remain as a Residential Zone.</li> <li>"There are other industrial areas in Chinchilla that could service the purpose of a Mechanical Workshop without having to disrupt a residential area."</li> </ul>	<p><i>"Submitters raised concerns in relation to the operation of the use on land in the Low Density Residential Zone. As noted in the Development Application Report, the subject site has an existing approval to operate as a Transport Depot.</i></p> <p><i>The proposed development will be of lower intensity and have lower impacts than the existing lawful use of the premises. The proposal therefore reduces any potential impacts to adjoining land owners, as the uses will not operate concurrently.</i></p> <p><i>The development is considered to achieve suitable compliance with the outcomes of the Planning Scheme, as the use will be located on a site with an existing Industrial land use approval, maintain the existing network of centres as it contains urban development within the zoned areas, and the proposal supports the role of Chinchilla as a Major Centre in the region by using an existing industrial site for a lower impact industrial use."</i></p>	<p>The property is located within the Low Density Residential Zone in which the development of Low Impact Industry is an inconsistent use.</p> <p>The property has historically been used for a Transport Depot and it is considered that the property has historic approval for this purpose.</p> <p>Although the property is not currently used for the purpose of a Transport Depot, it is considered that the use involves the servicing and maintenance of heavy vehicles associated with a Transport Depot.</p> <p>The Transport Depot use is subject to an old approval which did not restrict the operating hours of development on the property, meaning that the Transport Depot use could operate 24 hours a day, 7 days a week.</p> <p>The applicant has advised that the Transport Depot use would not operate on the property while the site is being used for the purpose of Low Impact Industry.</p> <p>It is considered that the use of the site for Low Impact Industry will have lesser impacts on the amenity of the property and surrounding properties than would the use of the property for the purpose of a Transport Depot.</p> <p>The operation of the proposed development will take place within the existing industrial shed on the property and no servicing or repairing of vehicles will occur in the open area on the property.</p> <p>The proposed development will not involve any building works and will utilise existing buildings on the property. The applicant has advised that the development will provide up to three hoists and employ a maximum of four staff including the applicant.</p> <p>The proposed development will not involve the servicing of heavy vehicles on the property. Rather, the proposed development will service and repair light vehicles only.</p> <p>The development will be conditioned to operate between the hours of 7am and 5pm Mondays to Sundays.</p>

Submitters' Concerns	Submission Exerts	Applicant's Response to Submissions	Planning Officer's Comments
			<p>The scale and the operating hours of the development are unlikely to materially impact the amenity of surrounding sensitive land uses, particularly considering that the property has been used consistently for industrial land uses over an extended period of time.</p> <p>The proposed development will be conditioned to ensure that noise and air emissions generated by the development are consistent with the requirements of the <i>Environmental Policy (Air) 2019</i> and the <i>Environmental Policy (Noise) 2019</i>.</p> <p>Conditions have been imposed to the approval that will apply, that if a valid complaint is received from the public in future regarding noise or dust emissions, this will allow Council to require the land owner to implement additional mitigation strategies or provide improvements on the property to mitigate these impacts.</p> <p>The proposed development will be conditioned to ensure that commercial lighting from the development does not result in impacts to adjoining residential properties.</p> <p>It is considered that the proposed development will allow Council to manage the potential amenity impact of the development through appropriate conditions of approval.</p>
<p><b>Access and Traffic Impacts</b></p> <p>The submitters have raised concern over the increase in traffic expected from the development.</p>	<ul style="list-style-type: none"> <li>"Roads that feed into the proposed area will see increased traffic flow through predominantly residential areas, posing an increased risk to children playing outside and other road users backing out or turning into residences.</li> <li>Windmill Road is only two lanes with no turning lane into the proposed development area.</li> </ul>	<p><i>"Submitters have raised concerns in relation to the road frontages available to the site, and the increase in traffic they expect from the proposed use.</i></p> <p><i>Access to the site is via Windmill Road. There is no proposal or future intent to access the site via Thorpe Street.</i></p> <p><i>Windmill Road is categorised as a Collector Road under Council's Road Hierarchy. Further, the site is located adjacent to the existing Base Camp development, which is an existing Non-resident Workforce Accommodation Facility with 312 accommodation units.</i></p>	<p>The proposed development will use the existing access to the property from Windmill Road.</p> <p>The existing access has been conditioned to be upgraded to a bitumen sealed driveway that is 5.5m in width and is to be designed in accordance with Council's Standard Drawing R-006, Revision C.</p> <p>Windmill Road is an 8m wide bitumen sealed Urban Collector Road. It is considered that Windmill Road is of a suitable standard to meet the anticipated traffic demand generated by the development.</p> <p>It is considered that Windmill Road is a straight road and motorists using this road will have sufficient sight lines of light vehicles turning into and out from the property, to be able to stop safely.</p> <p>The existing gravel manoeuvring area provides sufficient access space for vehicles to manoeuvre and exit the property in a forward motion.</p>

Submitters' Concerns	Submission Exerts	Applicant's Response to Submissions	Planning Officer's Comments
	<p><i>The posted speed limit on this section of Windmill Road is 80kph which will potentially put other road users at risk due to vehicles stopping or turning into the property.</i></p> <ul style="list-style-type: none"> <li><i>Will there be an entrance created to this property from the back of Thorpe Street?"</i></li> </ul>	<p><i>Light and heavy vehicles use Windmill Road on a daily basis to access the adjacent accommodation facility. The proposed development is for a small-scale Mechanical Workshop and is not expected to generate traffic that would result in an identifiable impact on Windmill Road. No heavy vehicles will be serviced on-site, therefore only light vehicle traffic will be associated with the use of the site."</i></p>	<p>The proposed development will not gain access to the frontage of the property to Thorpe Street. The proposed development will be conditioned to ensure that the development is not to gain access to Thorpe Street.</p>
<p><b>Stormwater Overland Flow Path/ Flood Hazard</b></p> <p>The submitters are concerned about the flood and stormwater impacts generated by the development.</p>	<ul style="list-style-type: none"> <li><i>"This area is well known for flooding and substantial rainfall. How will the drainage issue be addressed?"</i></li> </ul>	<p><i>"The site is not mapped as being subject to inundation on Council's flood mapping. Further, the proposed development will utilise the existing shed and hardstand areas.</i></p> <p><i>No additional buildings or impervious areas are proposed as a result of the workshop development. Therefore, the development will have no impact on the existing stormwater conditions in the locality."</i></p>	<p>Parts of the property are located within the Minor Flow Path illustrated within the Stormwater Overland Flow Path Overlay mapping of the Planning Scheme.</p> <p>The proposed development will not involve the construction of any additional buildings on the property, nor increase the impervious areas on the property.</p> <p>Accordingly, the proposed development will not increase the amount of stormwater generated by the property or impact on stormwater flow paths on the property or adjoining properties.</p>
<p><b>Noise Impacts</b></p> <p>The submitters are concerned about the noise impacts generated by the operation of the development.</p>	<ul style="list-style-type: none"> <li><i>"We are concerned for the increased noise and how this would impact the ability to attract and retain tenants.</i></li> <li><i>Although the submission claims low impact, what would the noise level be in such a business?"</i></li> </ul>	<p><i>"The proposed workshop will provide general maintenance and servicing to light vehicles. The primary equipment in use will include an air compressor and rattle gun, and therefore the use is not expected to generate significant noise emissions.</i></p> <p><i>Further, improvements in battery technology mean that a large number of tools generate lower levels of noise. Residential garages and hobbyists often utilise comparable equipment in residential areas.</i></p>	<p>The proposed development has the potential to generate noise impacts that could impact on the amenity of adjoining residential properties.</p> <p>The proposed development will occur within an existing industrial shed which is located centrally on the property. The proposed development will only service light vehicles and no heavy vehicles will be serviced on the property.</p> <p>The existing shed is set back 34m from the property boundary to the north adjoining Low Density Residential properties in Frame Street, and 38m from the southern property boundary to the south which is shared with a rural property.</p> <p>The properties to the north feature existing wooden privacy fencing and the property to the south features rural wire fencing and also features existing pockets of native vegetation along the boundary.</p>



Submitters' Concerns	Submission Exerts	Applicant's Response to Submissions	Planning Officer's Comments
		<p><i>Further, the hours of operation are limited to be between 7am and 5pm to reduce any potential impacts on surrounding residential uses. It is noted that the existing Transport Depot use has no limitations on hours of operation and therefore the development will reduce any potential risks to residential amenity."</i></p>	<p>The hours of operation will be conditioned to limit the noise impacts of the development on surrounding residential land uses.</p> <p>The proposed development will be conditioned to ensure that noise emissions generated by the development are consistent with the requirements of the <i>Environmental Policy (Noise) 2019</i>.</p> <p>It is considered that the development can be conditioned to ensure that potential noise impacts on surrounding sensitive land uses are appropriately limited.</p>
<p><b>Groundwater Vulnerability</b></p> <p>The submitters are concerned about the potential impact of the development on groundwater resources.</p>	<ul style="list-style-type: none"> <li>▪ <i>"Groundwater vulnerability will see an increase in pollution and subsequent contamination of groundwater and nearby waterways due to the use of cleaning chemicals and oil spillages used within the industry."</i></li> </ul>	<p><i>"The existing shed has a concrete floor and all waste oils/liquids will be collected in accordance with industry standards and stored in the existing bunded area. The development is not expected to impact the groundwater in the locality."</i></p>	<p>The proposed development will be conditioned to ensure that waste oils and liquids generated or used by the development are appropriately stored to ensure that pollutants do not leach into the soil or groundwater resources.</p>
<p><b>Property Values</b></p> <p>The submitters are concerned about the impact of the development on property values.</p>	<ul style="list-style-type: none"> <li>▪ <i>"Having a "light" industrial business situated amongst the residential properties?"</i></li> </ul>	<p><i>"This is not a valid planning matter. No further consideration is required to be provided."</i></p>	<p>The Assessing Officer is unable to consider the impact of the development on property values as a planning ground.</p>

**Title** (050.2022.623.001) Community and Liveability Report Development Application Other Change to Existing Material Change of Use Approval for Industry at 6 Auburn Road and Forrest Street Chinchilla CNH Transportable Homes C/- Sweb Consulting

**Date** 27 March 2023

**Responsible Manager** T. Summerville, PLANNING AND ENVIRONMENT MANAGER

## Summary

The purpose of this Report is for Council to decide an Other Change Application for the Development Approval for a Material Change of Use for Industry on land described as Lot 1 on LY347 and Lots 21, 22 and 23 on RP14934, located at 6 Auburn Road, Auburn Road and Forrest Street, Chinchilla.

## Link to Corporate Plan

Strategic Priority: Strong Diverse Economy

- We aggressively attract business and investment opportunities.
- Our region is a recognised leader in agribusiness, energy, and manufacturing.
- We deliver water security to enable future economic growth.
- We proactively advance our region as a tourism destination.
- Our business and industry actively live and buy local.

## Material Personal Interest/Conflict of Interest

Nil

## Officer's Recommendation

That this Report be received and that:

1. The Other Change Application seeking to change existing Material Change of Use approval for Industry on land described as Lot 1 on LY347 and Lots 21, 22 and 23 on RP14934 and situated at 6 Auburn Road, Auburn Road and Forrest Street, Chinchilla, be approved, subject to the following amendments to the conditions of approval:

- (a) Condition 1 of the approval is amended as follows:

### 1.0 APPROVED PLANS AND DOCUMENTS

- 1.1 The development must be carried out generally in accordance with the Approved Plans and Documents listed below, subject to and modified by the requirements listed below, and by other conditions of this approval:

**Plan No:** Job No. 100101; Drawing No. 100101/01; Version 3.0  
**Description:** Proposed Plan of Development prepared by Adams Sparkes (and amended in red by Council on 13 July 2011) and dated April 2011

**Plan No:** 2022-007-002  
**Description:** Stage 1 Site Plan, prepared by Sweb Consulting, dated 2/11/2022

**Plan No:** 2022-007-003  
**Description:** Stage 2 Site Plan, prepared by Sweb Consulting, dated 2/11/2022

**Plan No:** 2022-007-004  
**Description:** Site Office Floor Plan, prepared by Sweb Consulting, dated 2/11/2022

**Plan No:** Job No. 100101; Drawing No. 100101/02; Version 1.0  
**Description:** Existing Office Layout & Elevation prepared by Adams Sparkes and dated 28 June 2010

~~**Plan No:** Job No. 100101; Drawing No. 100101/03; Version 1.0  
**Description:** Existing House and Office Layout prepared by Adams Sparkes and dated April 2011~~

~~**Plan No:** Drawing No. 11604-DA01; Amendment 0  
**Description:** Stormwater Management Plan prepared by Leroy Palmer Consulting Engineers Pty Ltd (and amended by Council on 13 July 2012) and dated 29/03/11~~

~~**Plan No:** Drawing No. 11604-DA01; Amendment 0  
**Description:** Stormwater Management Plan prepared by Leroy Palmer Consulting Engineers Pty Ltd (and amended by Council on 13 July 2012) and dated 29/03/11~~

**Document No:** Job No. 221191, Issue A  
**Description:** Stormwater Management Plan, prepared by Brandon & Associates, dated 25/10/2022

**Document No:** Document No. AB1023NOISE  
**Description:** Noise Management Report prepared by Duke Environmental on and dated 14/04/11

**Timing:** During and following development unless otherwise indicated.

(b) Condition 11 of the approval is amended as follows

#### **11.0 LANDSCAPING – MISCELLANEOUS**

- 11.1 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.
- 11.2 Apart from declared weeds and pests, trees, shrubs and landscaped areas currently existing on the subject land must be retained where possible and action taken to minimise disturbance during construction work.
- 11.3 Landscaping provided within the front boundary setback of the subject land and around car parking areas within the subject land must allow visibility into the site by:
  - 11.3.1 using trees which have a clean trunk height of at least 1.8 metres (at maturity); and
  - 11.3.2 using shrubs with a maximum height of 0.75 metre, in order to retain sight lines.

- 11.4 A landscape strip must be provided **generally in accordance with the approved Site Plan** ~~along the full perimeter of the subject land (exclusive of vehicle and pedestrian access to the site).~~ The landscape strip is to have a minimum width of **2 metres**. ~~on the northern, southern and western boundaries and a minimum width of 2m on the eastern boundary adjoining the motel site.~~
- 11.5 A minimum of 70% of landscaped area must be retained as a permeable surface.
- 11.6 Landscaped areas must be maintained and the site must remain in a clean and tidy state at all times.

**Timing:** During development, prior to commencement of the use and following commencement of the use.

- (c) An additional condition is included as follows:

## 12.0 INFRASTRUCTURE CHARGES

- 12.1 **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*, separate *Infrastructure Charges Notices* are attached relevant to each stage of the development.**

- (d) Condition 22 of the approval is amended and renumbered as follows:

## 23.0 STORMWATER

- 23.1 Stormwater Management is to be undertaken generally consistent with the **Approved** Stormwater Management Plan.; ~~Drawing No. 11604-DA01; Amendment 0 (and amended in red by Council on 13 July 2011) prepared by Leroy Palmer Consulting Engineers Pty Ltd and dated 29/03/11 and modified as follows:~~
  - 23.1.1 ~~provide an open drain within the site parallel to proposed 2m wide landscaping along the eastern boundary of the site to convey the overland flows from the upstream catchment and overflow from the existing dam located on Lot 22 on RP14934; the drain is to be adequately sized to convey a minimum of a 20 ARI storm event;~~
  - 23.1.2 ~~provide certification by a Registered Professional Engineer Queensland (RPEQ) Civil that the Stormwater Management Plan; Drawing No. 11604-DA01; Amendment 0 (and amended in red by Council on 13 July 2011) prepared by Leroy Palmer Consulting Engineers Pty Ltd and dated 29/03/11, demonstrates that the development site is adequately drained, and stormwater is intercepted and lawfully discharged in accordance with the requirements of the *Queensland Urban Drainage Manual (QUDM)* and the *Chinchilla Shire Planning Scheme*, without causing an annoyance or nuisance to any person or property.~~

**Timing:** ~~Prior to commencement of the works or as otherwise indicated.~~

- (e) Condition 26 of the approval is amended and renumbered as follows:

## 27.0 TRAFFIC WITHIN SITE - CAR PARKING AND SERVICE VEHICLE REQUIREMENTS

- 27.1 The premises must be provided with a total of a minimum of seven (7) on-site car parking spaces including 1 People with Disability (PWD) car parking space, together with standing and manoeuvring for a minimum of an Articulated Vehicle (AV) service vehicle.
- 27.2 The car parking and associated manoeuvring areas:
- 27.2.1 the 7 car parking spaces, driveways and manoeuvring must be provided with a ~~sealed~~ **dust suppressive gravel** surface and be ~~line marked or otherwise~~ delineated to the minimum dimensions detailed in the relevant Planning Scheme and AS2890 - *Parking Facilities*;
  - 27.2.2 driveways, standing and manoeuvring for an AV service vehicle must be provided with a ~~sealed~~ **dust suppressive gravel** surface;
  - 27.2.3 unsealed areas of the site are to be of a basalt quarry gravel surface (or as otherwise approved by Council) that provides for minimal dust disturbance and sediment tracked onto the road reserve when trafficked, and sediment laden stormwater being released from the site;
  - 27.2.4 achieve, where used for parking, a longitudinal gradient and crossfall of all driveways that comply with the requirements of AS2890.1;
  - 27.2.5 be provided with signage that indicates the location of parking areas and the proposed flow of traffic through the site;
  - 27.2.6 be designed to enable all vehicles to enter and leave the site in a forward gear (unless approved otherwise by Council);
  - 27.2.7 be kept and used exclusively for vehicle parking and manoeuvring;  
**and**
  - 27.2.8 be accessible and available to the general public and staff during approved hours of operation.; ~~and~~
  - ~~27.2.9 sealed surfaces must be a minimum of a two-coat bitumen seal.~~
- 27.3 Details demonstrating compliance with Conditions ~~276.1~~ and ~~276.2~~ shall be submitted to and endorsed by Council's Planning **and Environment** Manager prior to the issue of a Development Permit for Building Works for the proposed development.
- 27.4 The design and construction of the works must be certified by a Registered Professional Engineer Queensland – Civil.
- 27.4.1 a Design Certificate shall be submitted upon submission of the details requiring approval in accordance with Condition ~~276.3~~; and
  - 27.4.2 a Construction Supervision Certificate shall be submitted at completion of the approved works.
- 27.5 The *Environmental Protection Act 1994* states that a person must not conduct any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or 4inimize the harm. Environmental harm includes environmental nuisance. In this regard, person and entities involved in the operation of the approved development are to adhere to their "general environmental duty" to 4inimize risk of causing environmental harm on adjoining premises.

In the event that dust levels are recorded within adjoining premises on an ongoing basis at levels which exceed those considered reasonable by the *Environmental Protection Act 1994*, Council reserves the right for the areas to be sealed with a minimum of a two coat bitumen seal. In this regard, Council will give the land owner written notice that they have 60 days to satisfactorily undertake the sealing works.

**Timing:** Prior to commencement of the use (unless otherwise stated) and to be maintained for the period of the use of the development site.

2. Infrastructure Charges Notices be attached to the approval for each Stage of the Other Change development application reflecting the increase in impervious area of the development.
3. The remaining conditions remain unchanged other than being renumbered.

### Background Information

The relevant background information to this application is as follows:

<b>Application No:</b> 050.2022.623.001	<b>Assessment No:</b> A10899	<b>Keywords Index:</b> AD6.6.2 & LG7.6.1
<b>Original Approval:</b> 030.2010.715.001		
<b>Assessing Officer:</b>	Dominic Bradley PLANNING OFFICER DEVELOPMENT ASSESSMENT	
<b>PART 1: APPLICATION</b>		
<b>Applicant:</b>	CNH Transportable Homes C/- Swep Consulting	
<b>Owner:</b>	Danma Property Pty Ltd	
<b>Site Address:</b>	6 Auburn Road, Auburn Road and Forrest Street, Chinchilla	
<b>Site Area:</b>	Lot 21 on RP14934 = 4,047m <sup>2</sup> Lot 22 on RP14934 = 4,047m <sup>2</sup> Lot 23 on RP14934 = 4,047m <sup>2</sup> Lot 1 on LY347 = 15,527m <sup>2</sup> Total = 27,668m <sup>2</sup>	
<b>Real Property Description:</b>	Lot 1 on LY347 and Lots 21, 22 & 23 on RP14934	
<b>Proposed Development:</b>	Other Change Application to an existing Material Change of Use Approval for Industry	
<b>Level of Assessment:</b>	Impact	
<b>Type of Application:</b>	Material Change of Use	
<b>Relevant Planning Scheme:</b>	Western Downs Planning Scheme 2017 incorporating Amendment 1	
<b>Zone:</b>	Medium Impact Industry	
<b>Precinct:</b>	N/A	
<b>Overlays:</b>	<div><div><div>• Flood Hazard</div><div>• Extractive Industry</div><div>• Stock Route</div><div>• Agricultural Land Classification</div><div>• Scenic Amenity</div><div>• Stormwater Overland Flow Path</div><div>• Road Hierarchy</div></div><div><div>- Extreme, High, Medium &amp; Low</div><div>- Authority to Prospect 646</div><div>- Petroleum Lease 185</div><div>- Stock Route (50m Buffer)</div><div>- Class A</div><div>- 100m Scenic Routes Buffer</div><div>- Minor Flow Path</div><div>- State Controlled Arterial</div></div></div>	
<b>Pre-lodgement Meeting:</b>	No	Date: N/A
<b>Application Lodgement Date:</b>	02/11/2022	
<b>Properly Made Application:</b>	Yes	Date: 02/11/2022
<b>Confirmation Notice Issued:</b>	Yes	Date: 16/11/2022
<b>PART 2: INFORMATION REQUEST</b>		
<b>Information Request Issued:</b>	Yes	Date: 30/11/2022
<b>Information Response Received:</b>	Yes	Date: 03/02/2023

PART 3: REFERRAL		
The State Assessment and Referral Agency (SARA) (Department of Transport and Main Roads as Technical Agency) as a Concurrence Agency under Schedule 10 of the <i>Planning Regulation 2017</i>	• On 17/11/2022, the applicant referred the application to SARA.	
	• On 23/11/2022, SARA issued a Confirmation Notice advising that the application had been properly referred.	
	• On 29/11/2022, Council received notice that no Information Request would be issued by SARA.	
	• On 04/01/2023, SARA issued a Concurrence Agency response advising they have no requirements for the application.	
PART 4: PUBLIC NOTIFICATION		
Date Commenced:	Yes	Date: 24/02/2023
Notice of Compliance Received:	Yes	Date: 17/03/2023
Submissions Received:	Nil	
PART 5: DECISION PERIOD		
Date Commenced:	20/03/2023	
Decision Due:	26/04/2023	

## Report

### 1. Background

#### 1.1 Site Context and History

The property is legally described as Lot 1 on LY347 and Lots 2, 22 and 23 on RP14934, and located at 6 Auburn Road, Auburn Road and Forrest Street, Chinchilla. The properties have a combined area of 27,668m<sup>2</sup> and have frontage to Auburn Road and the Warrego Highway which are both bitumen sealed roads and to an unformed section of Forrest Street.

Lot 1 on LY347 (6 Auburn Road) is used by CNH Transportable Homes which is a business that constructs dwellings and then transports the finished buildings to customers.

The property is improved by established hardstand areas which are used for the construction and storage of the transportable homes. The property features an existing residence that has been converted into an office for the business as well as a demountable office building on the site.

Lot 1 on LY347 (6 Auburn Road) is subject to existing Development Approval 030.2010.715.001 for a Material Change of Use to establish an Industry, which was issued by Council on 13 January 2013.

Lots 21, 22 and 23 on RP14934 are not subject to the existing development approval. The applicant has over time, extended the hardstand area used by their business onto Lot 23 on RP14934 (Forrest Street). Lots 21 and 22 on RP14934 are both undeveloped for industrial purposes and are improved by a dam.

The properties are all located within the Medium Impact industry Zone of the Western Downs Planning Scheme 2017 incorporating Amendment 1 (the Planning Scheme). The subject site is impacted by the Agricultural Land Classification, Flood Hazard, Stormwater Overland Flow Path, Scenic Amenity, Extractive Industry, Stock Route and Road Hierarchy Overlays of the Planning Scheme.

The property is located within an established industrial locality which is characterised by a mixture of industrial activities and pre-existing residential activities. The site is directly adjoined by the following properties:

- Lot 25 on RP14934 (14 Auburn Road) to the north-west which is located within the Medium Impact Industry Zone, is used for residential purposes and features an existing residence.
- Lot 100 on SP272983 (16 Auburn Road) to the north-west which is located within the Medium Impact Industry Zone and is used by Specialty Services who operate a Transport Depot servicing the gas industry.
- Lot 1 on SP157970 (65-69 Downes Road) to the south-east which is located within the Medium Impact Industry Zone and is used for the purpose of the Chinchilla Motel.
- Lot 20 on RP14934 (Forrest Street) to the south-east which is located within the Medium Impact Industry Zone and is used by On-Site Rental Group who operates a dry hire business servicing industrial and gas sector customers.

Lot 1 on LY347 (6 Auburn Road) has an existing sealed access to Auburn Road. Lots 21, 22 and 23 on RP14934 have frontage to Forrest Street which is an unformed road.

Lot 1 on LY347 is connected to Council's reticulated water network but does not have access to Council's reticulated sewer network, as the property is outside Council's defined sewered area. The property is currently serviced by amenities that are connected to an on-site effluent disposal system.

Lot 1 on LY347 is also connected to reticulated electricity and telecommunication networks.

## 1.2 Proposal

The applicant has submitted an Other Change Application (050.2022.623.001) seeking to change the existing conditions and the Approved Plans and Documents of Development Approval 030.2010.715.001 for a Material Change of Use to establish an Industry on Lot 1 on LY347, located at 6 Auburn Road, Chinchilla.

The applicant has advised that the proposed changed development will be undertaken in two stages.

Stage 1 of the application is to formalise the existing hardstand area and expand the existing hardstand on Lot 23 on RP14934 by an additional 2,000m<sup>2</sup>.

Stage 2 of the application will relocate the existing dam from Lot 22 on RP14934 and Lot 21 on RP14934. A new dam will then be constructed on Lot 21 on RP14934 to allow the applicant to use Lot 22 on RP14934 as an additional hardstand area.

The applicant has advised that the purpose of the expansion is to provide additional area for buildings to be constructed by the applicant and additional areas for the storage of construction materials that are less impacted by inundation during flood and storm events.

The applicant has advised that the Change application will not alter the approved hours of operation of the development. The applicant has also advised that the development will not involve the employment of any additional staff on the property.

The Other Change Application will not change the infrastructure servicing the property or change the existing access arrangements to Auburn Road.

The Other Change Application seeks to change the following conditions of the existing approval:

**Condition 1** - Approved Plans and Documents

**Condition 11** - Landscaping Miscellaneous



**Condition 22** - Stormwater

**Condition 26** - Traffic Within Site - Car Parking and Service Vehicle Requirements

The changes to the conditions are discussed in detail in the Table of Assessment (see **Attachment 6**) along with the Assessing Officer's recommendation as to whether the requested changes are acceptable.

## 2. Assessment

### 2.1 Assessment Matters

If the original application was lodged under the current Western Downs Planning Scheme 2017 incorporating Amendment 1, including the Other Change Application, it would be defined as a Material Change of Use to establish a Medium Impact Industry on the relevant properties.

The application would be Impact Assessable development under the Planning Scheme, as part of the property is identified within the Extreme Flood Hazard Area within the Overlay Mapping of the Planning Scheme.

ASSESSMENT MATTERS		
The proposed development was assessed against the following Assessment Benchmarks of the Planning Scheme:		
<ul style="list-style-type: none"> <li>• Strategic Plan</li> <li>• Medium Impact Industry Zone Code</li> <li>• Natural Resources Overlay Code</li> <li>• Regional Infrastructure Corridor - Stock Route Overlay Code</li> <li>• Stormwater Overland Flow Path Overlay Code</li> <li>• Flood Hazard Overlay Code</li> <li>• Scenic Amenity Overlay Code</li> <li>• Transport, Access and Parking Code</li> <li>• Infrastructure Services Code</li> </ul>		
Western Downs Planning Scheme 2017 incorporating Amendment 1		
The development was assessed against all of the Assessment Benchmarks of the Planning Scheme listed above and complies with all of these with the exceptions listed below:		
Reasons for Decision		
	Assessment Benchmark	Reasons for the Approval Despite Non-compliance with Benchmark
	Medium Impact Industry Zone Code	
	<b>AO9.1</b>  Medium Impact Industry land uses are separated a minimum of 250 metres from an accommodation activity or land in a Residential Zone category.  Note - "accommodation activity" in this instance is taken to exclude a Caretaker's accommodation, where integral and subservient to a lawful industrial land use.	<b>Alternative Solution</b>  The property is directly adjoined by sensitive land uses which were established prior to the original approval being granted by Council for a Material Change of Use for an Industry.  The original approval was conditioned to ensure that the amenity of the adjoining sensitive land uses are maintained and protected from the potential impacts of the development.  The Other Change will provide additional area in which transportable homes could be constructed, stored and transported by the applicant.

		<p>The Other Change application will not impact on the approved hours of operation of the development and any potential amenity impacts from the proposed expansion to the proposed hardstand areas will be mitigated through compliance with the conditions of approval.</p> <p>It is considered that the Other Change application is consistent with Performance Outcome 9 of the Medium Impact Industry Zone Code.</p>
	<b>Infrastructure Services Code</b>	
	<p><b>PO2</b></p> <p>Premises provide for the treatment and disposal of effluent and other waste water that:</p> <ul style="list-style-type: none"> <li>(a) meets the needs of users;</li> <li>(b) ensures the health, safety and convenience of the community; and</li> <li>(c) minimises adverse impacts on the receiving environment.</li> </ul>	<p>The property is located outside the defined sewerage area.</p> <p>The original approval was conditioned to provide an effluent disposal system which has been provided on the property.</p> <p>The Other Change application will not require any changes to the infrastructure servicing arrangements on the property.</p> <p>The Other Change application is consistent with Performance Outcome 2 of the Infrastructure Services Code.</p>
	<b>Stormwater Overland Flow Path Overlay Code</b>	
	<p><b>Where for Material Change of Use or Building Work</b></p> <p><b>AO2.1</b></p> <p>No buildings are located within a Major Flow Path or Minor Flow Path identified on Stormwater overland flow path overlay maps (OM-012).</p>	<p>The Other Change application will involve additional hardstand areas within a Minor Flow Path illustrated by the Stormwater Overland Flow Path Overlay mapping of the Planning Scheme.</p> <p>The applicant has prepared a Stormwater Management Plan prepared by a Registered Professional Engineer of Queensland to manage additional stormwater generated from the proposed hardstand areas.</p> <p>The applicant proposes to construct a dam on Lot 23 on RP14934 which will capture stormwater generated by additional hardstand areas.</p> <p>Council's Consultant Development Engineer considers that the stormwater management measures within the applicant's Stormwater Management Plan can be accepted.</p> <p>The Other Change application is consistent with Performance Outcome 2 of the Stormwater Overland Flow Path Overlay Code.</p>
	<b>Flood Hazard Overlay Code</b>	
	<p><b>Where for Material Change of Use</b></p> <p><b>AO3.1</b></p> <p>Uses within the following Activity groups are not located within an Extreme Flood Hazard Area</p>	<p>The property is located within the Extreme, High, Medium and Low Flood Hazard Areas within the Flood Hazard Overlay Mapping of the Planning Scheme.</p> <p>The proposed development will expand an existing Medium Impact Industry Use within the Medium Impact Industry Zone.</p>

	<p>identified on Flood Hazard Overlay maps (OM004):</p> <ul style="list-style-type: none"> <li>(a) Accommodation activities;</li> <li>(b) Business activities;</li> <li>(c) Centre activities, Community activities or Entertainment activities, except where for a Club with a maximum gross floor area of 100m<sup>2</sup> ;</li> <li>(d) Industry activities;</li> <li>(e) Rural activities, except where for animal husbandry, cropping, and permanent plantation.</li> </ul>	<p>The additional hardstand area is located on part of the property within the Extreme Flood Hazard Area.</p> <p>The proposed earthworks will simply realign the existing dam from one part of the property to another and it is not anticipated that the existing ground level of the relevant properties will be significantly altered.</p> <p>The applicant proposes to construct a dam on Lot 23 on RP14934 which will act as a detention basin and will capture flood water.</p> <p>It is not considered that the development is likely to impact on the hydraulic capacity of the subject site or impact on the conveyance of flood water on the property or adjoining properties.</p>
	<p><b>Where for Material Change of Use or Building Work or Operational Work</b></p> <p><b>AO6</b></p> <p>Filling above ground level is not undertaken in areas of Extreme Flood Hazard Area as identified on Flood Hazard Overlay maps (OM-004).</p>	<p>The Other Change will not increase the number of permanent habitable buildings on the property nor increase the number of people on the property.</p> <p>The applicant has advised that the development will not involve the storage of loose building materials on the property that could be swept away in the event of flooding.</p> <p>The applicant will need to submit a further Operational Work development application for the earthworks proposed within Stages 1 and 2 of the Other Change application to ensure that earthworks will not result in worsening of flooding on surrounding industrial properties.</p>
	<p><b>Scenic Amenity Overlay Code</b></p>	
	<p><b>AO2.3</b></p> <p>Buildings and structures are set back a minimum of 100 metres from Scenic Routes and waterway crossings identified on the Scenic Amenity Overlay maps (OM-011), unless for the following land uses:</p> <ul style="list-style-type: none"> <li>(a) Food and drink outlet;</li> <li>(b) Winery;</li> <li>(c) Tourist attraction;</li> <li>(d) Nature-based tourism;</li> <li>(e) Short-term accommodation.</li> </ul>	<p>The existing office building is located within 100m of Auburn Road which is identified as a Scenic Route within the Scenic Amenity Overlay mapping of the Planning Scheme.</p> <p>The existing office which was formerly a residence, is located within 100m of the Scenic Route Buffer.</p> <p>The siting of the existing permanent building was considered in the context of the original approval.</p> <p>The Other Change application will not change the built form of the existing permanent building on the property.</p> <p>The siting of the existing permanent buildings on the property are consistent with the minimum frontage, side and rear setbacks of the Medium Impact Industry Zone Code.</p> <p>The applicant has proposed landscaping treatments along the frontage of Auburn Road and the Warrego Highway which will enhance the amenity of Auburn Road and the Warrego Highway as a Scenic Route.</p> <p>The proposed development is consistent with the Performance Outcomes of the Scenic Amenity Overlay Code.</p>

## **2.2 Assessment against the Western Downs Planning Scheme 2017 incorporating Amendment 1**

### **2.2.1 Strategic Plan**

The Strategic Plan sets the policy direction for the Planning Scheme and forms the basis for ensuring appropriate development occurs in the Planning Scheme area for the life of the Planning Scheme.

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

The Other Change to the existing approval will simply expand the existing hardstand area used by the applicant for the construction, storage and transportation of transportable homes.

The Other Change application will consolidate the existing industrial uses in an established industrial locality and will increase the operational efficiency of the applicant's business. The development responds to the economic need in the Western Downs Region by ensuring that there is a sufficient supply of housing to support the growing population in the Region.

The property is located within the Medium Impact Industry Zone in which the development of a Medium Impact Industry is a consistent use. It is considered that the Other Change application is consistent with the Purpose and Overall Outcomes of the Medium Impact Industry Zone Code.

The development will not increase the number of people residing within a High or Extreme Flood Hazard Area. The applicant has advised that transportable homes are constructed on raised footings and no loose materials are stored on-site that can be carried by floodwater.

The proposed development will not change the existing infrastructure servicing arrangements on the relevant properties and will not change the existing access arrangements for the development to Auburn Road.

The property is adjoined by existing sensitive land uses that existed at the time the original application was decided. The Other Change application will not change the hours of operation, nor remove conditions relating to potential impact on amenity including noise, dust and lighting impacts.

Based on the nature of the Other Change to the approval, it is not considered that it will adversely impact the amenity of adjoining sensitive land uses, subject to compliance with the conditions of approval.

It is considered that the development is consistent with the Strategic Outcomes and Themes of the Strategic Plan and can be supported.

### **2.2.2 Medium Impact Industry Zone Code**

The property is located within the Medium Impact Industry Zone in which the development of a Medium Impact Industry is a consistent use.

The application will not result in any inconsistencies with the Purpose or Overall Outcomes of the Medium Impact Industry Zone Code.

The Other Change application seeks to primarily include Lots 21, 22 and 23 on RP14934 as part of the approval in order to expand the existing hardstand areas used for the storage and construction of transportable homes on the property.

The Other Change application will not result in any additional buildings or structures on the site, nor result in any non-compliance with the design and siting requirements under the relevant Acceptable Outcomes of the Medium Impact Industry Zone Code.

The property is located within proximity to existing sensitive land uses that are located on Lot 1 on SP157970 (65-69 Downes Road) being the Chinchilla Motel and on Lot 25 on RP14934 (14 Auburn Road) which features an existing residence.

The proposed development does not comply with Acceptable Outcome 9.1 of the Medium Impact Industry Zone Code. It is considered that the location of the existing sensitive land uses was considered in the context of the original decision by Council and informed the conditions of approval.

The application will not change the existing operating hours of the approval, being from 6:30am to 6:00pm from Monday to Friday, 6:30am to 6:00pm on Saturdays and that no deliveries or audible noise is to occur on Sundays or Public Holidays.

The existing development has conditions to ensure that potential amenity impacts including air emissions, noise and light emissions are managed and require that the applicant undertake further action in the event a complaint is received regarding the operation of the development.

It is not considered that the Other Change application will materially impact on the amenity of adjoining sensitive land uses and it is considered that the existing conditions are sufficient to ensure that the development will not adversely impact on the amenity of surrounding sensitive land uses.

It is further noted that no submissions were received during the Public Notification Period regarding the application.

The Other Change application seeks to reduce the landscaping treatments required by the conditions of the existing approval along the road frontages and boundaries of the property.

It is considered that the applicant's request for amendment to the approved landscaping requirements is reasonable and will ensure that the amenity of the Warrego Highway and Auburn Road is enhanced.

It is considered that the Other Change application is consistent with the Acceptable Outcomes of the Medium Impact Industry Zone Code.

### **2.2.3 Development Codes**

#### **Infrastructure Services Code**

The property is connected to reticulated water, electricity and telecommunication networks in accordance with the conditions of the existing approval.

The site is also serviced by an existing on-site effluent disposal system in accordance with the conditions of approval.

The Other Change application will not impact on, nor require any changes to the existing infrastructure servicing arrangements on the property or the associated conditions of approval.

The Other Change application is consistent with the Acceptable Outcomes of the Infrastructure Services Code.

#### **Transport, Access and Parking Code**

The development is accessed via an existing bitumen crossover to Auburn Road which is a State controlled road.

The Other Change application does not propose any changes to the existing access arrangements from Auburn Road.

The State Assessment and Referral Agency (Department of Transport and Main Roads as Technical Agency) has advised that they have no requirements for the Other Change application.

The original approval was conditioned to provide a minimum of 7 parking spaces including 1 PWD space for customers and staff of the business. The proposal plans for the Other Change application illustrate the conditioned number of car parking spaces.

The Other Change application will not result in additional permanent buildings or structures on the property and the applicant has advised that no additional staff will be employed as a result of the Other Change application.

The applicant has advised that the maximum design vehicle accessing the site will continue to be an AV vehicle and the existing and proposed hardstand areas provide sufficient space for vehicles to safely manoeuvre and enter and exit the property in a forward motion.

The Other Change application is consistent with the Acceptable Outcomes of the Transport, Access and Parking Code.

#### **2.2.4 Overlay Codes**

##### **Natural Resource Overlay Code**

The property is located within Class A Agricultural Land identified by the Agricultural Land Classification Overlay Mapping of the Planning Scheme.

The Other Change application will expand the existing hardstand areas associated with an existing industrial business on the property.

The properties subject to the Other Change application are located within the Medium Impact Industry Zone and not within the Rural Zone.

Based on the location, configuration and size of the property, it is not considered to be viable for agricultural activities, and the Other Change application will not impact on the viability of the land for rural purposes.

The Other Change application is consistent with the Acceptable Outcomes of the Natural Resources Overlay Code.

##### **Stormwater Overland Flow Path Overlay Code**

The properties subject to the Other Change application are identified within the Minor Flow Path illustrated by the Stormwater Overland Flow Path Overlay mapping of the Planning Scheme.

The applicant has advised that no new permanent building will be located within the Minor Flow Path. The applicant has advised that transportable buildings will be constructed within the Minor Flow Path but will be constructed on elevated footings.

The proposed development does not comply with Acceptable Outcome 2.5 of the Stormwater Overland Flow Path Overlay Code, as the Other Change application will involve additional filling within an area identified as a Minor Flow Path.

The applicant has submitted a Stormwater Management Plan as part of the Other Change application to address the existing development and the additional hardstand areas on Lots 21 and 22 on RP14934 proposed by the Other Change application.

Stormwater sheet flow generated by the existing building and hardstand areas on Lot 1 on LY347 (6 Auburn Road) will continue to be directed towards the Warrego Highway, being the lawful point of discharge.

The applicant has advised that stormwater generated from the additional hardstand areas will be directed via sheet flow to the proposed dam on Lot 21 on RP14934. Overflow from the proposed dam will then flow into Forrest Street Road Reserve as the lawful point of discharge.

Council's Consultant Development Engineer has reviewed the Stormwater Management Plan, and considers the Plan is able to be accepted.

It is considered that the Other Change application is consistent with the Stormwater Overland Flow Path Overlay Code.

#### **Regional Infrastructure Corridor – Stock Route Overlay Code**

The property has frontage to the Warrego Highway and Auburn Road which are identified as Stock Routes within the Regional Infrastructure Corridor – Stock Route Overlay mapping of the Planning Scheme.

The property is not located within the Rural Zone but is located within an established urban industrial area of Chinchilla.

The Other Change application will not change the existing access arrangements to Auburn Road. The proposed development will not change the existing fencing arrangements along the Warrego Highway or Auburn Road.

The proposed development is consistent with the Acceptable Outcomes of the Regional Infrastructure Corridor – Stock Route Overlay Code.

#### **Scenic Amenity Overlay Code**

The property has frontage to the Warrego Highway and Auburn Road which are identified as Scenic Routes within the Scenic Amenity Overlay mapping of the Planning Scheme.

The works associated with the Other Change application will occur outside the Scenic Route Buffer on the property and will not be visible from the Scenic Route.

The Other Change application will ensure that landscaping is established along the frontage of the site to Warrego Highway and Auburn Road and ensure that the scenic amenity of the property is enhanced.

It is considered that the Other Change application is consistent with the Acceptable Outcomes of the Scenic Amenity Overlay Code.

### **Flood Hazard Overlay Code**

The properties relevant to the Other Change Application are identified within the Extreme, High, Medium and Low Flood Hazard Areas within the Flood Hazard Mapping of the Planning Scheme.

The Other Change application will not involve any additional permanent buildings constructed on the relevant properties, nor increase the number of people on the property.

The Other Change application involves expansion of the existing hardstand areas by an additional 8,094m<sup>2</sup> on Lots 22 and 23 on RP14934. The proposed earthworks will simply realign the existing dam from one part of the property to another and it is not anticipated that the existing ground level of the relevant properties will be significantly altered.

The earthworks required for the creation of additional hardstand areas in an Extreme Flood Hazard Area will require the applicant to apply for a subsequent development approval for Operational Work from Council.

It is considered that any impacts on flood conveyance on the property or adjoining properties will be managed through the Operational Work process.

It is considered that the Other Change application is consistent with the Performance Outcomes of the Flood Hazard Overlay Code.

## **3. Other Relevant Matters**

### **3.1 Referral**

The Other Change application required referral to the State Assessment and Referral Agency (SARA) (Department of Transport and Main Roads) as a Concurrence Agency under Schedule 10 of the *Planning Regulation 2017*, as the property is adjoined by the Warrego Highway and Auburn Road which are both State Controlled Roads.

The Concurrence Agency response provided by SARA is attached to this Report for consideration (**see Attachment 4**). SARA advised they have no requirements.

### **3.2 Public Notification**

The application is Impact Assessable development under the Planning Scheme and the applicant was required to publicly notify the application as part of the development assessment process in accordance with the *Planning Act 2016* and the DA Rules 1.3.

Public notification for the application was undertaken for a period of 15 business days between 24 February 2023 and 17 March 2023.

To commence the public notification for the application, the applicant:

- placed an advertisement within the Western Downs Town and Country on 23 February 2023;
- placed a notice on the premises in the way prescribed under the DA Rules 1.3 from 23 February 2023 until 17 March 2023; and
- notified the owners of all lots adjoining the property on 20 February 2023.

On 17 March 2023, Council received a Notice of Compliance with Public Notification along with evidence that public notification had been completed in accordance with the DA Rules 1.3 and the *Planning Act 2016*.



At the conclusion of the Public Notification Period, Council received no submissions regarding the application.

### **3.3 Infrastructure Charges**

The original application was not subject to infrastructure charges, as the application was lodged prior to commencement of Council's Infrastructure Charges Resolution (No.1) 2011.

Infrastructure charges are currently levied on development in accordance with Council's Infrastructure Charges Resolution (No. 7.1) 2017 (the Resolution).

The properties relevant to the Other Change application, being Lots 21, 22, and 23 on RP14934 are serviced by the transport, stormwater and parks infrastructure networks and are located within Charge Area A of the Resolution.

The infrastructure charges applicable to Council's stormwater network is charged at a rate of \$4.00 per m<sup>2</sup> of additional impervious area. The Other Change application will increase the impervious area of the development by 4,047m<sup>2</sup> in Stage 1 of the development and 4,047m<sup>2</sup> of impervious area for Stage 2 of the development. Accordingly, the infrastructure charges for Stage 1 of the development will be \$16,188.00 and the infrastructure charges for Stage 2 of the development will be \$16,188.00.

For Stage 1 of the development, the applicant will receive a credit for existing Lot 23 on RP14934 of \$37,800.00 for the transport, parks and stormwater networks. For Stage 2 of the development, the applicant will receive an infrastructure charges credit of \$75,600.00 for existing Lots 21 and 22 on RP14934 plus the additional balance of the credit applied to Stage 1 of the development.

The credit for Stages 1 and 2 of the development means that no infrastructure charges are payable for the development. An Infrastructure Charges Notice for each Stage of the Other Change application is attached to the approval reflecting the infrastructure charges and infrastructure credit applicable to Stages 1 and 2.

### **3.4 Table of Assessment**

The additional conditions and amendments required to the existing conditions of the original approval, are discussed in **Attachment 6 - Table of Assessment**.

#### Consultation (Internal/External)

##### **Internal**

Council's Consultant Development Engineer has assessed the development application and provided advice and conditions of approval.

Council's Planning and Environment Manager and Principal Planner have reviewed the Report and provided comments where necessary.

##### **External**

The State Assessment and Referral Agency (SARA) was triggered as a Concurrence Agency under Schedule 10 of the *Planning Regulation 2017* and the property adjoins and gains access to Auburn Road which is a State Controlled Road. The Concurrence Agency response provided by SARA is attached to this Report for consideration.

#### Legal/Policy Implications (Justification if applicable)

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

## **"Chapter 6     Dispute Resolution**

### **Part 1   Appeal Rights**

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

- (1)     Schedule 1 states -
- (a)     matters that may be appealed to -
- (i)     either a tribunal or the P&E Court; or
- (ii)     only a tribunal; or
- (iii)    only the P&E Court; and
- (b)     the person -
- (i)     who may appeal a matter (the **appellant**); and
- (ii)     who is a respondent in an appeal of the matter; and
- (iii)    who is a co-respondent in an appeal of the matter; and
- (iv)    who may elect to be a co-respondent in an appeal of the matter.
- (2)     An appellant may start an appeal within the appeal period.
- (3)     The **appeal period** is -
- (a)     for an appeal by a building advisory agency - 10 business days after a Decision Notice for the decision is given to the Agency; or
- (b)     for an appeal against a deemed refusal - at any time after the deemed refusal happens; or
- (c)     for an appeal against a decision of the Minister, under Chapter 7, Part 4, to register premises or to renew the registration of premises - 20 business days after a Notice is published under Section 269(3)(a) or (4); or
- (d)     for an appeal against an Infrastructure Charges Notice - 20 business days after the Infrastructure Charges Notice is given to the person; or
- (e)     for an appeal about a deemed approval of a development application for which a Decision Notice has not been given - 30 business days after the applicant gives the Deemed Approval Notice to the Assessment Manager; or...
- ...(g)   for any other appeal - 20 business days after a Notice of the decision for the matter, including an Enforcement Notice, is given to the person.

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

#### Budget/Financial Implications

Nil

### Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) (the *Human Rights Act*) requires public entities "*to act and make decisions in a way compatible with human rights*". There are no human rights implications associated with this Report.

### **Conclusion**

The proposed development has been assessed against the requirements of the Western Downs Planning Scheme 2017 incorporating Amendment 1. It is recommended that the application be approved, subject to the recommended conditions of approval.

### **Attachments**

1. Locality Plans
2. Amended Schedule of Conditions
3. Proposal Plans
4. Concurrence Agency Response
5. Infrastructure Charges Notices
6. Table of Assessment

**Authored by:** Dominic Bradley, PLANNING OFFICER DEVELOPMENT ASSESSMENT

## Lot and Plan Map



Aerial Map





## Zone Map

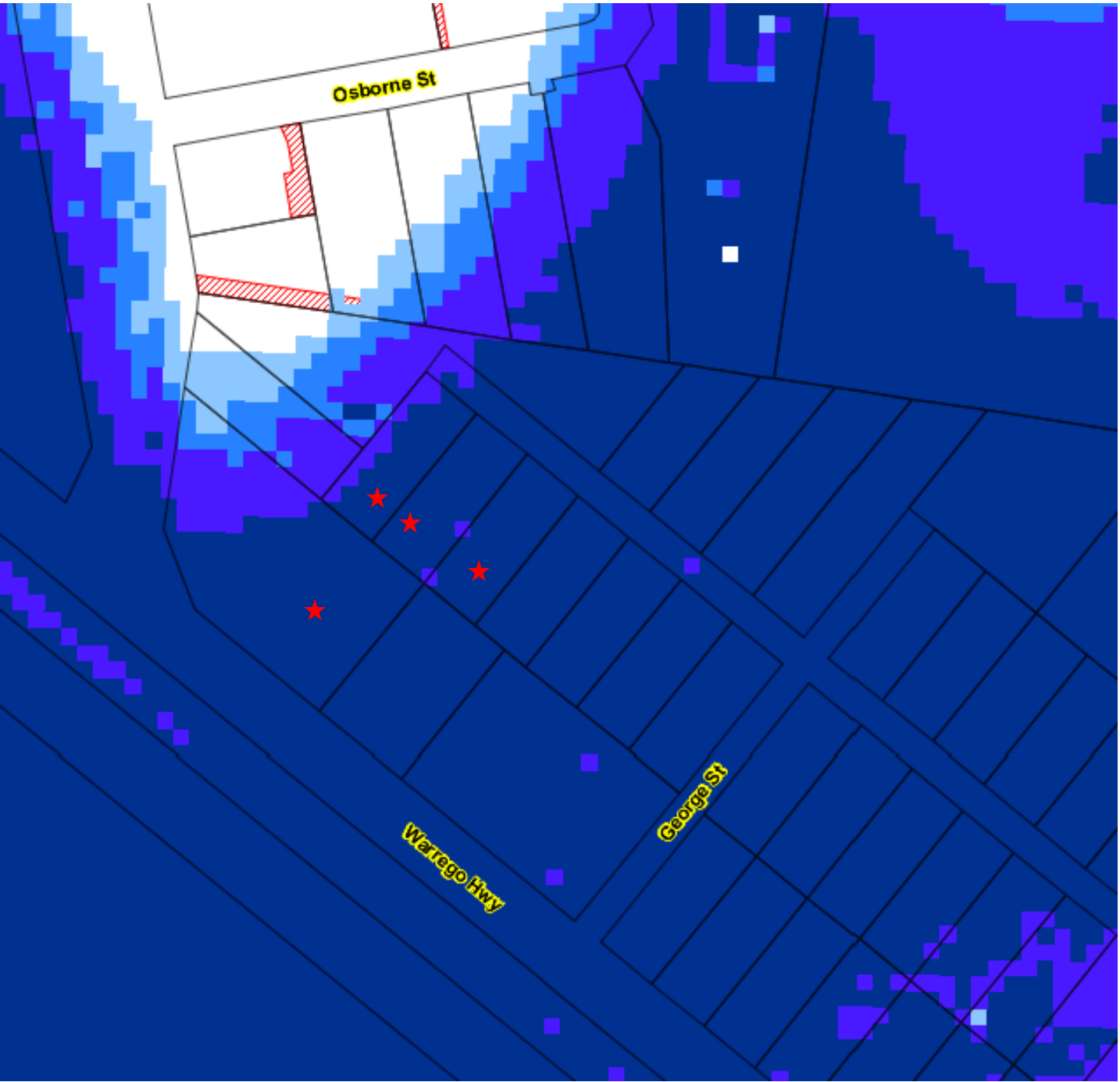


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### Planning Zones

<span style="color: yellow;">■</span> Community Facilities Zone	<span style="color: teal;">■</span> Recreation and Open Space Zone
<span style="color: blue;">■</span> Local Centre Zone	<span style="color: brown;">■</span> Rural Residential Zone / Rural Residential 20000 ...
<span style="color: darkblue;">■</span> District Centre Zone	<span style="color: brown;">■</span> Rural Residential Zone / Rural Residential 4000 P...
<span style="color: blue;">■</span> Major Centre Zone	<span style="color: brown;">■</span> Rural Residential Zone / Rural Residential 8000 P...
<span style="color: pink;">■</span> Low Density Residential Zone	<span style="color: lightgreen;">■</span> Rural Zone
<span style="color: red;">■</span> Medium Density Residential Zone	<span style="color: lightgreen;">■</span> Rural Zone / Rural 10 Precinct
<span style="color: lightpurple;">■</span> Low Impact Industry Zone	<span style="color: lightgreen;">■</span> Rural Zone / Rural 100 Precinct
<span style="color: purple;">■</span> Medium Impact Industry Zone	<span style="color: orange;">■</span> Township Zone
<span style="color: darkpurple;">■</span> High Impact Industry Zone	<span style="color: orange;">■</span> Township Zone / Mowbullin - Bunya Mountains T...

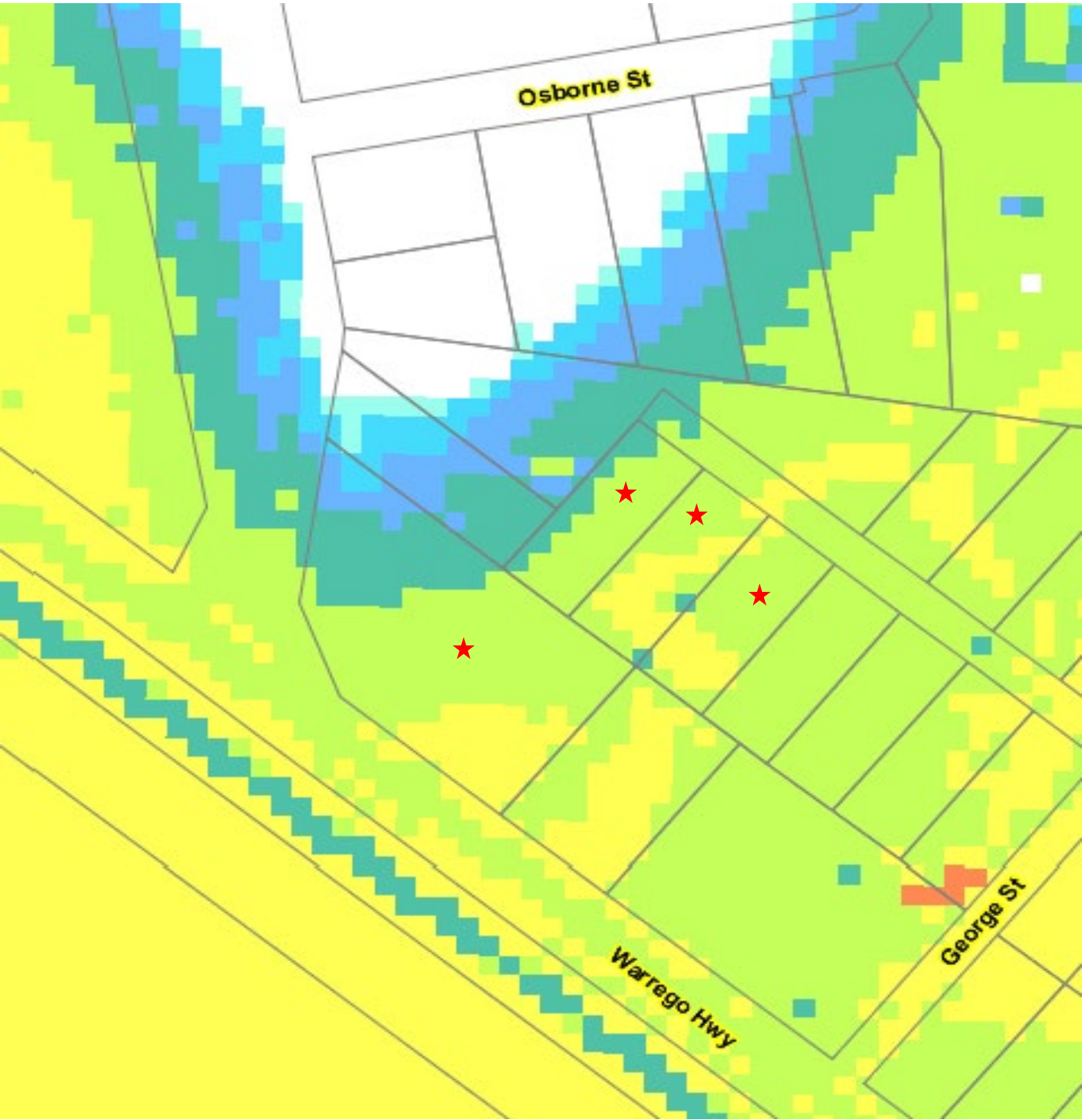
Flood Hazard Overlay Mapping



Flood Hazard

- Low
- Medium
- High
- Extreme

Flood Depth Map

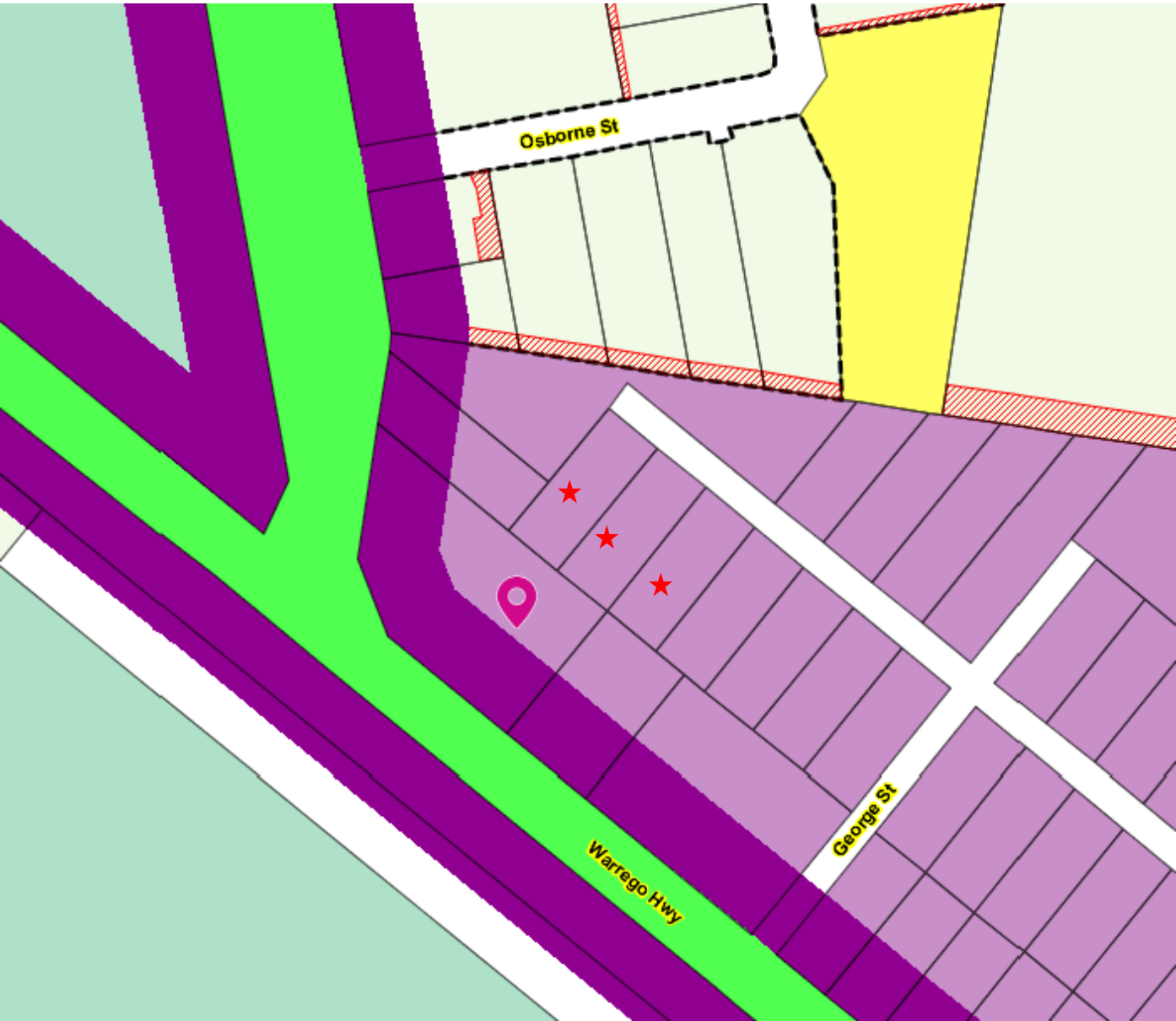


Flood Depth 100YR

0.0m	
0.01 - 0.1m	
0.1 - 0.3m	
0.3 - 0.6m	
0.6 - 1.2m	
1.2 - 2.0m	
2.0 - 3.0m	
3.0 - 4.0m	
4.0 - 5.0m	
5.0 - 7.5m	
7.5 - 10.0m	
> 10m	

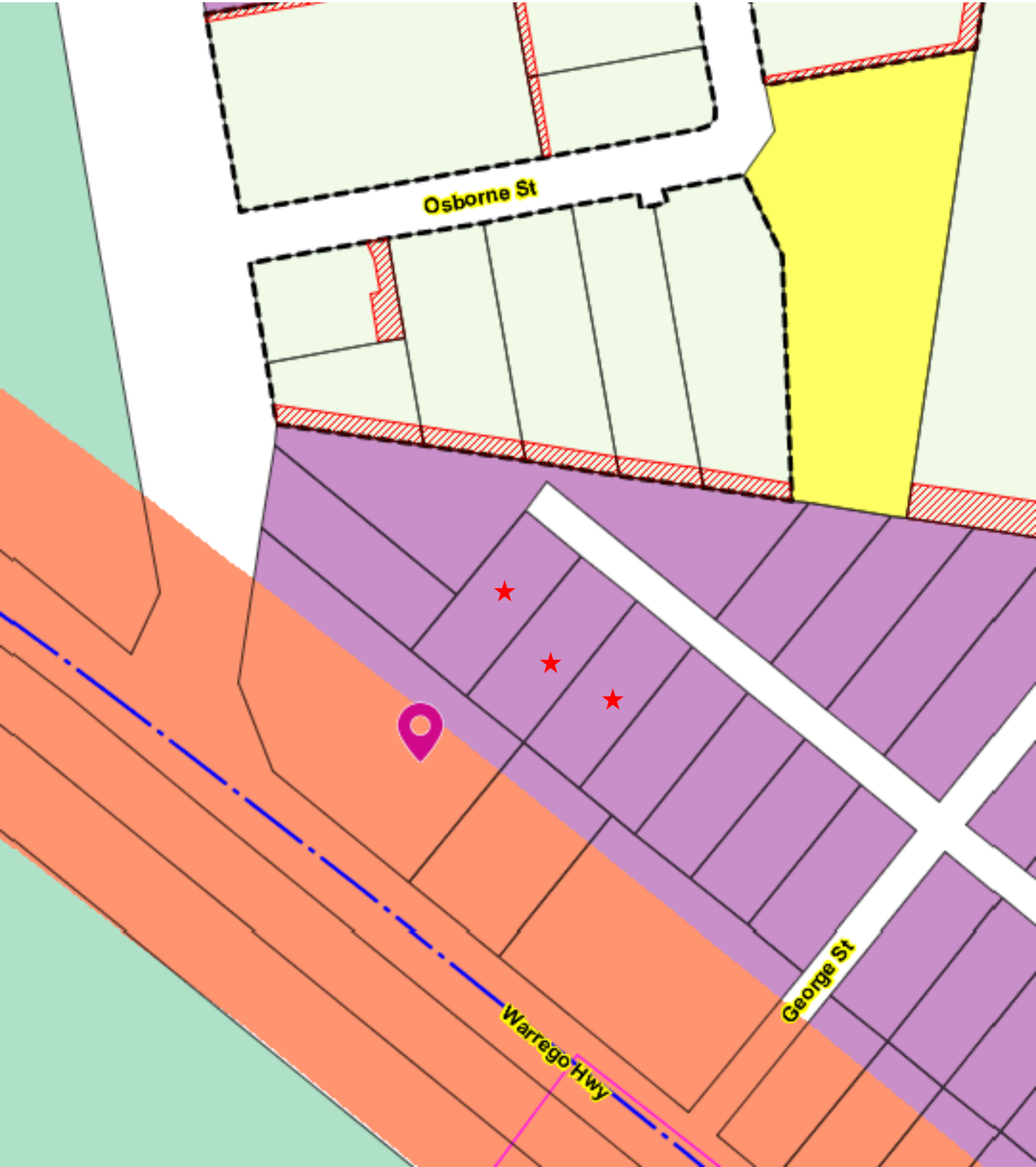


Stock Route Overlay Mapping



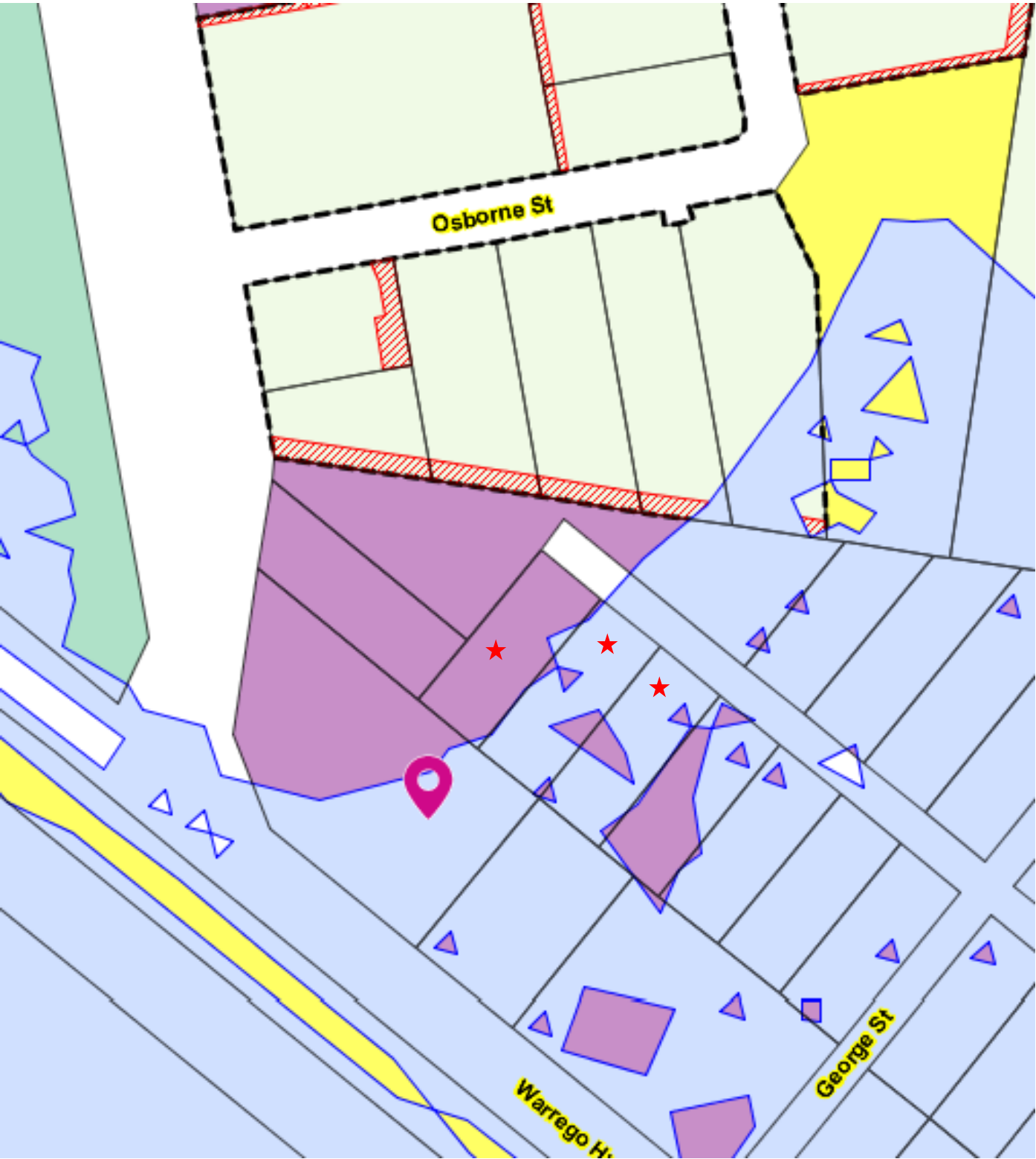
- Stock Route
- Stock Route (50m Buffer)

Scenic Amenity Overlay Map



- Scenic Routes
- Urban Gateways
- Scenic Routes Buffer (100m)
- High Landscape Value Areas

Stormwater Overland Flow Path Overlay Map



Stormwater Overland Flow

- Minor Flow Path
- Major Flow Path

# SCHEDULE OF CONDITIONS

## MATERIAL CHANGE OF USE

### PLANNING

#### 1.0 APPROVED PLANS AND DOCUMENTS

- 1.1 The development must be carried out generally in accordance with the Approved Plans and Documents listed below, subject to and modified by the requirements listed below, and by other conditions of this approval:

**Plan No:** ~~Job No. 100101; Drawing No. 100101/01; Version 3.0~~  
**Description:** ~~Proposed Plan of Development prepared by Adams Sparkes (and amended in red by Council on 13 July 2011) and dated April 2011~~

**Plan No:** 2022-007-002  
**Description:** Stage 1 Site Plan, prepared by Sweb Consulting, dated 2/11/2022

**Plan No:** 2022-007-003  
**Description:** Stage 2 Site Plan, prepared by Sweb Consulting, dated 2/11/2022

**Plan No:** 2022-007-004  
**Description:** Site Office Floor Plan, prepared by Sweb Consulting, dated 2/11/2022

**Plan No:** Job No. 100101; Drawing No. 100101/02; Version 1.0  
**Description:** Existing Office Layout & Elevation prepared by Adams Sparkes and dated 28 June 2010

**Plan No:** ~~Job No. 100101; Drawing No. 100101/03; Version 1.0~~  
**Description:** ~~Existing House and Office Layout prepared by Adams Sparkes and dated April 2011~~

**Plan No:** ~~Drawing No. 11604-DA01; Amendment 0~~  
**Description:** ~~Stormwater Management Plan prepared by Leroy Palmer Consulting Engineers Pty Ltd (and amended by Council on 13 July 2012) and dated 29/03/11~~

**Plan No:** ~~Drawing No. 11604-DA01; Amendment 0~~  
**Description:** ~~Stormwater Management Plan prepared by Leroy Palmer Consulting Engineers Pty Ltd (and amended by Council on 13 July 2012) and dated 29/03/11~~

**Document No:** Job No. 221191, Issue A  
**Description:** Stormwater Management Plan, prepared by Brandon & Associates, dated 25/10/2022

**Document No:** Document No. AB1023NOISE  
**Description:** Noise Management Report prepared by Duke Environmental on and dated 14/04/11

**Timing:** During and following development unless otherwise indicated

#### 2.0 APPROVED DEVELOPMENT

- 2.1 The approved development is a Material Change of Use for an Industry as shown on the Approved Plans.

#### 3.0 COMPLIANCE WITH CONDITIONS

- 3.1 The developer must comply with all conditions of this Development Permit for a Material Change of Use.

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

#### **4.0 APPLICATION DOCUMENTATION**

- 4.1 A legible copy of the Approved Plans and Approved Documents bearing "Council Approval" and the Decision Notice are to be available on-site and available for inspection at all times during construction and earthworks.

**Timing:** During development.

#### **5.0 FEES AND CHARGES**

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

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

#### **6.0 MAINTENANCE**

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

**Timing:** During and following development.

#### **7.0 LIGHTING**

- 7.1 Direct lighting or lighting does not exceed 8.0 lux at 1.5 metres beyond the boundary of the site.

**Timing:** Prior to commencement of the use and following development.

#### **8.0 OPERATIONS AND NUISANCE MANAGEMENT PLAN**

- 8.1 An Operations and Nuisance Management Plan shall be submitted to and endorsed by Council's Planning Manager for the operations on the site relating to the proposed use. The Plan is to cover, but not be limited to the following:

- 8.1.1 air quality management;
- 8.1.2 noise management;
- 8.1.3 stormwater quality management;
- 8.1.4 erosion and sediment management;
- 8.1.5 waste management;
- 8.1.6 complaint management;
- 8.1.7 community awareness; and
- 8.1.8 preparation of work operating procedures.

- 8.2 The Plan is to be implemented, reviewed and updated at a minimum of yearly intervals, and is to be maintained for the period of the use of the development on the site, and be available for review at the request of Council's Planning Manager within 48 hours of such request.

**Timing:** Prior to the issue of a Development Permit for Operational Work or Building Works, or commencement of any works.

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

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

- 9.1.1 Monday to Friday: 6.30am to 6.00pm
- 9.1.2 Saturday 6:30am to 4.30pm
- 9.1.3 Sundays and Public Holidays: No deliveries are to occur and no audible noise.

**Timing:** Following commencement of the use and maintained for the period of the use on the site.

## 10.0 LANDSCAPING – GENERAL

- 10.1 The developer must submit to Council's Planning Manager for endorsement, a Landscape Plan for all landscaping associated with the development. The Plan must be prepared by a suitably qualified and experienced Landscape Architect, Horticulturalist, or other person experienced in landscape design and construction.
- 10.2 The Landscape Plan must address the performance criteria listed below and must show the information outlined in the relevant section of the Planning Scheme:
  - 10.2.1 to enhance the appearance of the development internally and externally;
  - 10.2.2 to make a positive contribution to the streetscape;
  - 10.2.3 to screen unsightly objects from public view;
  - 10.2.4 to contribute to a comfortable living environment by providing shade to reduce glare, heat absorption and radiation;
  - 10.2.5 to ensure private open space is usable;
  - 10.2.6 to provide long-term erosion protection;
  - 10.2.7 to integrate with existing vegetation and other natural features of the site and adjoining land; and
  - 10.2.8 to provide adequate vehicle sight lines and road safety.
- 10.3 The Landscape Plan must also detail:
  - 10.3.1 the typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on-site;
  - 10.3.2 the number and size of plants; and
  - 10.3.3 the typical planting detail including preparation, backfill, staking and mulching.
- 10.4 The developer must prepare and landscape the site in accordance with the endorsed Landscape Plan, or as otherwise approved in writing by Council's Planning Manager. Any amendments approved by Council's Planning Manager are taken to be a part of the endorsed Landscape Plan.
- 10.5 The landscaping must be completed prior to commencement of the use.

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

## 11.0 LANDSCAPING – MISCELLANEOUS

- 11.1 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.
- 11.2 Apart from declared weeds and pests, trees, shrubs and landscaped areas currently existing on the subject land must be retained where possible and action taken to minimise disturbance during construction work.
- 11.3 Landscaping provided within the front boundary setback of the subject land and around car parking areas within the subject land must allow visibility into the site by:
  - 11.3.1 using trees which have a clean trunk height of at least 1.8 metres (at maturity); and
  - 11.3.2 using shrubs with a maximum height of 0.75 metre, in order to retain sight lines.
- 11.4 A landscape strip must be provided **generally in accordance with the approved Site Plan** ~~along the full perimeter of the subject land (exclusive of vehicle and pedestrian access to the site).~~ The landscape strip is to have a minimum width of **2 metres**. ~~on the northern, southern and western boundaries and a minimum width of 2m on the eastern boundary adjoining the motel site.~~
- 11.5 A minimum of 70% of landscaped area must be retained as a permeable surface.

- 11.6 Landscaped areas must be maintained and the site must remain in a clean and tidy state at all times.

**Timing:** During development, prior to commencement of the use and following commencement of the use.

## **12.0 INFRASTRUCTURE CHARGES**

- 12.1 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*, separate *Infrastructure Charges Notices* are attached relevant to each stage of the development.

## **13.0 WASTE MANAGEMENT**

- 13.1 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 *Environmental Protection (Waste Management) Regulation 2000*.
- 13.2 All waste generated on-site must be managed in accordance with the waste management hierarchy as detailed in the *Environmental Protection (Waste Management) Policy 2000*.

**Timing:** Prior to commencement of the use and following development.

## **14.0 REFUSE STORAGE AREA**

- 14.1 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 1.5m high solid fence or wall.
- 14.2 The size and capacity of the refuse storage areas must be sufficient to accommodate:
- 14.2.1 the level of waste likely to be generated from the development having regard to the frequency of refuse collection;
  - 14.2.2 general refuse bins of an industrial type appropriate to the nature and scale of the use;
  - 14.2.3 recycling bins appropriate to the nature and scale of the use; and
  - 14.2.4 have a floor area with dimensions which exceed the size of the nominated bin size by at least 300mm at the rear and both sides and 600mm at the front.
- 14.3 Waste collection must be undertaken in a manner that complies with the following requirements:
- 14.3.1 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;
  - 14.3.2 the collection of putrescible waste arising from any activities undertaken on this development must be collected and removed at periods not exceeding seven days;
  - 14.3.3 the collection of waste must be undertaken so as to minimise, so far as reasonable and practical, excessive noise to neighbouring occupants;
  - 14.3.4 the collection method must ensure that waste is adequately managed to prevent escape of contamination; and
  - 14.3.5 waste removal is to be conducted between the hours of 7.00am and 6.00pm, excluding Sundays and Public Holidays.
- 14.4 Refuse bin collection areas must be maintained in a manner that comply with the following requirements:
- 14.4.1 waste containers must be kept in a clean state and in good repair;
  - 14.4.2 waste containers are to be provided with tight-fitting lid assemblies designed to prevent ingress of pests and water;
  - 14.4.3 the occupier of the serviced premises must ensure all waste containers supplied are kept within the boundaries of the premises; and

- 14.4.4 the occupier must ensure that there is unobstructed access to the container for the removal of waste.

**Timing:** Prior to commencement of the use and following development.

## **15.0 VISUAL AND GENERAL AMENITY**

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

**Timing:** During and following development.

## **16.0 ENVIRONMENTAL MANGEMENT – STORMWATER QUALITY**

- 16.1 Contaminants or contaminated water must not be directly or indirectly released from the land subject to this approval or to the ground or groundwater at the land subject to this approval except for:
- 16.1.1 uncontaminated overland stormwater flow; and
- 16.1.2 uncontaminated stormwater to the stormwater system.

**Timing:** Prior to commencement of any works on-site, during works on-site and following completion of the works on the site.

## **17.0 ENVIRONMENTAL MANAGEMENT – AIR QUALITY**

- 17.1 No particulate matter or visible contaminant, including dust, smoke, fumes and aerosols likely to cause environmental harm or environmental nuisance must emanate beyond the boundaries of the site.
- 17.2 Noxious or offensive odours must not be emitted beyond the boundaries of the site.
- 17.3 Emissions from the use must be in compliance with those acceptable limits specified within the *Environmental Protection (Air) Policy 2008*. In the event that a bona fide complaint is received regarding any air quality impacts of the development, the developer is to conduct an emission assessment, undertaken at the adjoining properties and the results provided to Council within 14 days of the operator being notified of the complaint. Council reserves the right to request an Emissions Impact Assessment be undertaken by the land owner of the subject site at any time.
- 17.4 The developer must undertake odour management measures to ensure odour emissions from individual sources on the site or the on-site operations do not cause an "environmental nuisance" as defined in the *Environmental Protection Act 1994*. Such measures must address, but are not limited to the following matters:
- 17.4.1 identification of the specific activities that will be carried out and associated odour sources;
- 17.4.2 identification of all potentially affected sensitive receivers including residences, schools and commercial uses;
- 17.4.3 assessment of potential odour impacts;
- 17.4.4 description of specific mitigation treatments, management methods and procedures that will be implemented to control odours; and
- 17.4.5 contingency plans to be implemented in the event of non-compliance and/or odour complaints.
- 17.5 A register (record) of all odour complaints received must be maintained and kept on the premises. As a minimum, the register is to provide an accurate record of:
- 17.5.1 time, date, name and contact details of complainant;
- 17.5.2 reason for complaint (issue);
- 17.5.3 investigation undertaken;



17.5.4 conclusions formed; and

17.5.5 actions taken to resolve complaint and mitigate nuisance.

17.6 A copy of the register of complaints must be provided to Council's Planning Manager upon request.

17.7 The findings and recommendations of this assessment and complaints register are to be included within the Operations and Nuisance Management Plan required to comply with Condition 8.0.

**Timing:** When work is occurring on the site and to be maintained for the period of the use on the site.

## **18.0 DUST IMPACT ASSESSMENT**

18.1 In the event a bona fide complaint is received in relation to dust impacts resulting from the development, a Dust Impact Assessment shall be submitted to Council's Planning Manager for endorsement, demonstrating measurable actions to be undertaken to suppress/minimise dust arising from activities on the site during the operational and construction stages of the development. This Plan should clearly demonstrate the following:

18.1.1 identification of potential dust sources;

18.1.2 identification of surrounding sensitive receiving environments;

18.1.3 proposed mitigation methods;

18.1.4 notification process to those residents likely to be affected; and

18.1.5 complaints process and person responsible for managing complaints.

18.2 A register (record) of all dust complaints received must be maintained and kept on the premises. As a minimum, the register is to provide an accurate record of:

18.2.1 time, date, name and contact details of complainant;

18.2.2 reason for complaint (issue);

18.2.3 investigation undertaken;

18.2.4 conclusions formed; and

18.2.5 actions taken to resolve complaint and mitigate nuisance.

18.3 A copy of the register of complaints must be provided to Council's Planning Manager upon request.

18.4 The findings and recommendations of this assessment and the complaints register are to be included within the Operations and Nuisance Management Plan required to comply with Condition 8.0.

**Timing:** When work is occurring on the site and to be maintained for the period of the use on the site.

## **19.0 NOISE MANAGEMENT**

19.1 Operations of the development are to be undertaken generally consistent with Section 7.0 Recommendations of the Noise Management Report for CNH Transportable Homes Pty Ltd; Version 0 prepared by Duke Environmental Report and dated 14/04/11 and modified by conditions of this approval.

19.2 A register (record) of all noise complaints received must be maintained and kept on the premises. As a minimum, the register is to provide an accurate record of:

19.2.1 time, date, name and contact details of complainant;

19.2.2 reason for complaint (issue);

19.2.3 investigation undertaken;

19.2.4 conclusions formed; and

19.2.5 actions taken to resolve complaint and mitigate nuisance.

- 19.3 A copy of the register of complaints must be provided to Council's Planning Manager upon request.
- 19.4 Operational requirements as set out within Section 7.0 Recommendations of the Noise Management Report for CNH Transportable Homes Pty Ltd; Version 0 prepared by Duke Environmental Report and dated 14/04/11 and the complaints register are to be included within the Operations and Nuisance Management Plan required to comply with Condition 8.0.

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

## **20.0 NOISE MITIGATION MEASURES**

- 20.1 Construct site operations generally consistent with Section 7.0 Recommendations of the Noise Management Report for CNH Transportable Homes Pty Ltd; Version 0 prepared by Duke Environmental Report and dated 14/04/11 and modified by conditions of this approval with the following alterations:
- 20.1.1 Construct a 2 metre high noise barrier along the entire eastern boundary of the site to the motel. The materials of construction of the acoustic fence may comprise masonry or overlapped timber palings, or a combination of each. To ensure optimum sound isolation performance of the boundary fence, the superficial density of the fence shall be not less than 12.5kg/m<sup>2</sup> with leakage through gaps and joints resulting in a total open area that is no greater than 0.5% of the total area of the barrier. To achieve these requirements using 100mm wide overlapped CCA treated pine palings, the palings should be at least 21mm thick and should be overlapped 30mm each side, ie 40mm (max) spacing between contiguous palings. To avoid premature rotting of the palings, they shall not be buried or covered at ground level. Instead, to ensure adequate control of leakage at ground level, the palings shall extend down to and contact firmly against the vertical face of a concrete kerb or a sacrificial sleeper.

**Timing:** Prior to commencement of the use and following development.

## **21.0 OUTDOOR LIGHTING – IMPACT MITIGATION**

- 21.1 Outdoor lighting of the development must mitigate adverse lighting and illumination impacts by:
- 21.1.1 providing outdoor lighting that is designed, installed and regulated in accordance with the parameters outlined in *Australian Standard AS 1158.1.1 – Control of Obtrusive Effects of Outdoor Lighting*; and
- 21.1.2 installation of outdoor lighting that:
- 21.1.2.1 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;
- 21.1.2.2 is directed onto the subject land and away from neighbouring properties; and
- 21.1.2.3 uses shrouding devices to preclude light overspill onto surrounding properties where necessary.

**Timing:** Prior to commencement of the use and during and following development.

## **ENGINEERING**

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

- 22.1 The developer must 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. The alignment and level of any services/assets above or below ground, likely to be affected by the proposed development, must be identified prior to detailed design or building work. Any conflict between the development and an existing or proposed service must be referred to the relevant service authority for determination.

- 22.2 The developer must undertake all reasonable measures to protect Council and public utility services infrastructure during construction of the development.
- 22.3 The developer must meet any costs to repair damage to any Council and public utility services infrastructure and asset where damage is a result of the proposed development. Damage to infrastructure assets must be repaired immediately where it creates a hazard to the community, including a pedestrian or vehicular safety hazard. In circumstances where the damage does not create a hazard to the community, it must be repaired immediately upon completion of the works associated with the development.

**Timing:** As indicated.

### 23.0 STORMWATER

- 23.1 Stormwater Management is to be undertaken generally consistent with the **Approved Stormwater Management Plan**; ~~Drawing No. 11604-DA01; Amendment 0 (and amended in red by Council on 13 July 2011) prepared by Leroy Palmer Consulting Engineers Pty Ltd and dated 29/03/11 and modified as follows:~~

- 23.1.1 ~~provide an open drain within the site parallel to proposed 2m wide landscaping along the eastern boundary of the site to convey the overland flows from the upstream catchment and overflow from the existing dam located on Lot 22 on RP14934; the drain is to be adequately sized to convey a minimum of a 20 ARI storm event;~~
- 23.1.2 ~~provide certification by a Registered Professional Engineer Queensland (RPEQ) – Civil that the Stormwater Management Plan; Drawing No. 11604-DA01; Amendment 0 (and amended in red by Council on 13 July 2011) prepared by Leroy Palmer Consulting Engineers Pty Ltd and dated 29/03/11, demonstrates that the development site is adequately drained, and stormwater is intercepted and lawfully discharged in accordance with the requirements of the *Queensland Urban Drainage Manual* (QUDM) and the *Chinchilla Shire Planning Scheme*, without causing an annoyance or nuisance to any person or property.~~

~~**Timing:** Prior to commencement of the works or as otherwise indicated.~~

### 24.0 PONDING OF STORMWATER

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

**Timing:** While development is occurring on-site and following development.

### 25.0 PROVISION OF WATER SERVICES

- 25.1 Where any of the following are required, all works will be at the expense of the developer:
- 25.1.1 provision of a new-metered water service;
  - 25.1.2 upgrading or extension of Council's existing reticulation system to provide sufficient supply or fire-fighting pressure for the development; and/or
  - 25.1.3 disconnection of any existing water service.

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

### 26.0 ROADWORKS SIGNAGE AND PEDESTRIAN SAFETY

- 26.1 All works on or near roadways must be adequately signed in accordance with the *Manual for Uniform Traffic Control Devices – Part 3, Works on Roads*. Any road or lane closures must be applied for in writing to Council's Engineering Services General Manager and all conditions of that approval complied with during construction of the works.
- 26.2 Safe pedestrian access along Council's footpaths must be maintained at all times.

**Timing:** During works.

## 27.0 TRAFFIC WITHIN SITE - CAR PARKING AND SERVICE VEHICLE REQUIREMENTS

- 27.1 The premises must be provided with a total of a minimum of seven (7) on-site car parking spaces including 1 People with Disability (PWD) car parking space, together with standing and manoeuvring for a minimum of an Articulated Vehicle (AV) service vehicle.
- 27.2 The car parking and associated manoeuvring areas:
- 27.2.1 the 7 car parking spaces, driveways and manoeuvring must be provided with a **sealed dust suppressive gravel** surface and be ~~line marked or otherwise~~ delineated to the minimum dimensions detailed in the relevant Planning Scheme and *AS2890 - Parking Facilities*;
  - 27.2.2 driveways, standing and manoeuvring for an AV service vehicle must be provided with a **sealed dust suppressive gravel** surface;
  - 27.2.3 unsealed areas of the site are to be of a basalt quarry gravel surface (or as otherwise approved by Council) that provides for minimal dust disturbance and sediment tracked onto the road reserve when trafficked, and sediment laden stormwater being released from the site;
  - 27.2.4 achieve, where used for parking, a longitudinal gradient and crossfall of all driveways that comply with the requirements of AS2890.1;
  - 27.2.5 be provided with signage that indicates the location of parking areas and the proposed flow of traffic through the site;
  - 27.2.6 be designed to enable all vehicles to enter and leave the site in a forward gear (unless approved otherwise by Council);
  - 27.2.7 be kept and used exclusively for vehicle parking and manoeuvring; **and**
  - 27.2.8 be accessible and available to the general public and staff during approved hours of operation.; ~~and~~
  - ~~27.2.9 sealed surfaces must be a minimum of a two coat bitumen seal.~~
- 27.3 Details demonstrating compliance with Conditions ~~276.1~~ and ~~276.2~~ shall be submitted to and endorsed by Council's Planning **and Environment** Manager prior to the issue of a Development Permit for Building Works for the proposed development.
- 27.4 The design and construction of the works must be certified by a Registered Professional Engineer Queensland – Civil.
- 27.4.1 a Design Certificate shall be submitted upon submission of the details requiring approval in accordance with Condition ~~276.3~~; and
  - 27.4.2 a Construction Supervision Certificate shall be submitted at completion of the approved works.
- 27.5 The *Environmental Protection Act 1994* states that a person must not conduct any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimize the harm. Environmental harm includes environmental nuisance. In this regard, person and entities involved in the operation of the approved development are to adhere to their "general environmental duty" to minimize risk of causing environmental harm on adjoining premises.

In the event that dust levels are recorded within adjoining premises on an ongoing basis at levels which exceed those considered reasonable by the *Environmental Protection Act 1994*, Council reserves the right for the areas to be sealed with a minimum of a two coat bitumen seal. In this regard, Council will give the land owner written notice that they have 60 days to satisfactorily undertake the sealing works.

**Timing:** Prior to commencement of the use (unless otherwise stated) and to be maintained for the period of the use of the development site.

## 28.0 ON-SITE SEWERAGE

- 28.1 The proposed “premises” must be connected to an on-site effluent disposal system, in accordance with *Schedule 1, Division 4: Standards for Sewerage Supply, Section 4.2; Standards for On-site Sewerage, AS1547 and the Queensland Plumbing and Waste Water Code*.

**Timing:** As indicated.

## 29.0 SITEWORKS/EARTHWORKS

- 29.1 In the event that earthworks for the development involves cut/fill greater than 1m in height or a quantity of material greater than 100m<sup>3</sup> is to be imported to or removed from the site, it is required that a Development Application for a Development Permit for Operational Work for bulk earthworks be submitted to and approved by Council.

**Note:** Earthworks greater than 100m<sup>3</sup> proposed to be undertaken to create building pads on the site are considered to be Operational Work and requires a development application to be submitted to and approved by Council.

- 29.2 Any fill, including fill batters, must be solely contained within the proposed lots of the development site. Fill cannot be placed on adjacent properties without providing Council with written permission from the respective property owner(s).

- 29.3 In conjunction with an Operational Work application to Council, the following must be addressed:

- 29.3.1 details of the location of any material to be sourced for fill, including the volume of fill to be moved from any particular source site;
- 29.3.2 details of the final location for any material to be exported from the site from excavations;
- 29.3.3 the haulage route(s) that will be used; approval for haulage truck sizes and the final haul route(s) are to be obtained prior to works commencing;
- 29.3.4 the proposed source of fill and haulage route must be approved by Council prior to commencement of bulk earthworks; this matter must be addressed as part of the Operational Work application; and
- 29.3.5 details identifying the source/disposal site(s) for material imported/exported as part of the development. The site(s) must have a current development approval enabling them to export/accept any material.

- 29.4 Cut, fill and other stored material must be contained wholly within the site.

- 29.5 Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.

- 29.6 Waste material as a result of demolition works and excavation works must not be used as fill where the material includes the following as defined within the *Environmental Protection (Interim Waste) Regulation 1996*:

- 29.6.1 commercial waste;
- 29.6.2 construction or demolition waste;
- 29.6.3 domestic clean-up waste;
- 29.6.4 domestic waste;
- 29.6.5 garden waste;
- 29.6.6 industrial waste;
- 29.6.7 interceptor waste;
- 29.6.8 recyclable biodegradable waste;
- 29.6.9 recyclable waste; and
- 29.6.10 regulated waste.

- 29.7 All waste material above as defined within the *Environmental Protection (Interim Waste) Regulation 1996* must only be disposed at a waste facility approved for the receipt of waste.

**Timing:** Prior to commencement of the works and during construction of the works or as otherwise indicated.

### **30.0 CONSTRUCTION OF RETAINING WALL**

- 30.1 The developer is to construct a retaining wall adjacent to the fenceline along the entire eastern boundary of the site to retain the existing gravel hardstand material so as to prevent material from being washed onto the adjoining motel site.

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

### **31.0 RETAINING WALLS AND BATTERS**

- 31.1 Retaining walls and earthworks batters designs shall take into account existing retaining walls, structures and services in the vicinity.
- 31.2 All earthworks batters and retaining walls must be undertaken in accordance with Council's standards. For this proposal, heights of cut/fill and retaining walls must comply with the following:
- 31.2.1 all proposed retaining walls must not exceed 1m in height (unless otherwise approved by Council); and
  - 31.2.2 the slope of batters must not exceed a maximum slope of 25% (1 in 4) (unless otherwise approved by Council).
- 31.3 The design of all proposed retaining walls and batters must take into consideration, the overland stormwater flows from adjoining properties. The proposed retaining walls and batters must not impede, concentrate or pond stormwater from adjoining properties.

**Timing:** Maintained for the period of the use of the development site.

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

- 32.1 In the event that a Development Application for a Development Permit for Operational Work for bulk earthworks is triggered by Condition 28.0 to be submitted to and approved by Council as well a Development Application for a Development Permit for Operational Work for Erosion and Sediment Control (E&SC) for the works to the site shall be submitted to and approved by Council, the submitted drawings and documentation shall be certified by a Registered Professional Engineer Queensland – Civil or Certified Professional in Erosion and Sediment Control.
- 32.2 Considerations that require addressing in the E&SC Program include, but are not necessarily limited to the following:
- 32.2.1 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;
  - 32.2.2 identification of high and extreme erosion risk areas and treatments to be employed to manage these areas during construction and re-establishment of the areas post construction and during any relevant on-maintenance period;
  - 32.2.3 measures to prevent site vehicles tracking sediment and other pollutants onto adjoining streets during the construction period;
  - 32.2.4 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 must be stored clear of drainage paths, and appropriate measures implemented to prevent entry of such materials into either the road or drainage system;
  - 32.2.5 inspection regime of the sediment and erosion controls; and

- 32.2.6 response times to events where controls have been damaged or are inadequate and erosion or the release of sediment or sediment laden stormwater have occurred from the site or associated works.

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

- 32.3 The approved E&SC Program shall be implemented and modified as necessary to maintain compliance with the approval at all times during the period when land-disturbing activities commence, to when all exposed soil areas are stabilised against erosion.
- 32.4 Where it is necessary for the road and/or drainage system to be reinstated or cleaned up as a result of erosion and/or sedimentation from the site, such works must be undertaken at the developer's expense. Such works must be undertaken immediately where there is a potential hazard to pedestrians and/or passing traffic.

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

## **GENERAL**

### **33.0 ENVIRONMENTAL**

- 33.1 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 ensure traffic safety.

### **34.0 RISK MANAGEMENT PLAN**

- 34.1 The proposed development site is impacted on by extreme flooding from Charleys and Rocky Creeks according to Western Downs Regional Council's Riverine and Stormwater Flooding for Chinchilla.
- 34.2 The applicant is to prepare a Risk Management Plan (RMP) for the site and submit to and receive endorsement from Council's Planning Manager. The Plan is to be prepared and certified by an RPEQ-Civil and should clearly demonstrate proposed mitigation methods (where appropriate) to avoid unacceptable risk with regard to the following specific outcomes for development in a flood affected area as listed in *State Planning Policy 1/03*:
- 34.1.1 development maintains the safety of people on the proposed development site from all floods up to and including the defined flood event (DFE);
- 34.1.2 development does not result in adverse impacts on people's safety or the capacity to use land within the floodplain;
- 34.1.3 development minimises the potential damage from flooding to property on the proposed development site;
- 34.1.4 public safety and the environment are not adversely affected by the detrimental impacts of floodwater on hazardous materials manufactured or stored in bulk on the site;
- 34.1.5 essential services infrastructure eg on-site electricity, telecommunications, water supply and sewerage, maintains its function during a DFE.
- 34.3 The RMP is to be implemented, reviewed and updated after a defined flood event at the site, and is to be maintained for the period of the use of the development on the site, and be available for review at the request of Council's Planning Manager within 48 hours of such request.

**Timing:** Prior to the issue of a Development Permit for Operational Work or Building Works or commencement of any works and following commencement of the use.

The applicant be advised of the attached Concurrence Agency response from the Department of Transport and Main Roads.

The applicant be further advised that:

- (a) Prior to works commencing on-site, separate applications for Development Permit for Building Works and Plumbing or Drainage Works will be required to be approved. A Development Permit for Operational Work may be required where greater than 50m<sup>3</sup> of fill or excavation is proposed on the site.
- (b) Prior to commencement of the use, the applicant shall contact Council's Compliance Senior Officer to arrange a Development Compliance Inspection.
- (c) The applicant must ensure compliance with environmental conditions whether required to hold an Environmental Authority or not. These include, but are not limited to water quality, air quality, noise levels, waste waters, lighting and visual quality as a result of any activity or by-product or storage of materials within the confines of the building(s) and property boundaries.

Any amendment, alteration or addition to the development approval will require further consideration by Council in assessing any changes to the environmental conditions.

- (d) The **relevant period** for the development approval (material change of use) shall be **four (4) years** starting the day the approval is granted or takes effect. In accordance with Section 341(1) of the *Sustainable Planning Act* (SPA), the development approval for a Material Change of Use lapses if the first change of use under the approval does not happen within the abovementioned **relevant period**. However, if there are one or more **related approvals** for the development approval for a Material Change of Use, the **relevant period** is taken to have started on the day the latest related approval takes effect. (Please refer to Section 341(7) of SPA for the meaning of **related approval**).

An applicant may request Council to extend the **relevant period** provided that such request is made in accordance with Section 383 of SPA and before the development approval lapses under Section 341 of SPA.

- (e) Council is to be indemnified against any claims arising from works carried out by the applicant on Council's property.
- (f) An applicant has the opportunity to make representations regarding conditions or other matters in the development approval within 20 business days of receiving the Decision Notice in accordance with Section 361 of SPA. The applicant's appeal period may also be suspended in accordance with Section 366 of SPA, to allow further time for consideration of matters contained in the development approval. In the case of refusal, an applicant does not have the opportunity to extend the appeal period.
- (g) An applicant has the opportunity to appeal against Council's decision in accordance with the relevant section of the *Sustainable Planning Act 2009*:

**"461 Appeals by Applicants,**

- (1) *An applicant for a development application may appeal to the court against any of the following—*
  - (a) *the refusal, or the refusal in part, of a development application;*
  - (b) *any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under Section 242;*
  - (c) *the decision to give a preliminary approval when a development permit was applied for;*
  - (d) *the length of a period mentioned in Section 341;*
  - (e) *a deemed refusal of the development application.*
- (2) *An appeal under Subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after –*



- (a) *if a Decision Notice or Negotiated Decision Notice is given – the day the Decision Notice or Negotiated Decision Notice is given to the applicant; or*
- (b) *otherwise – the day a Decision Notice was required to be given to the applicant.*

(3) *An appeal under Subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.”*

(h) It should be noted that Council resolved not to accept security in lieu of completion of works, except in the following circumstances:

- (a) where it is Council's opinion that necessary works would result in the provision of sub-standard services for future development and the work is not critical to the development, or
- (b) where it is Council's opinion the work is very minor, not critical to the development, and, the timing for the completion of that work is an unreasonable impost on the developer.

In both cases, the acceptance of security in lieu of works is at Council's discretion.

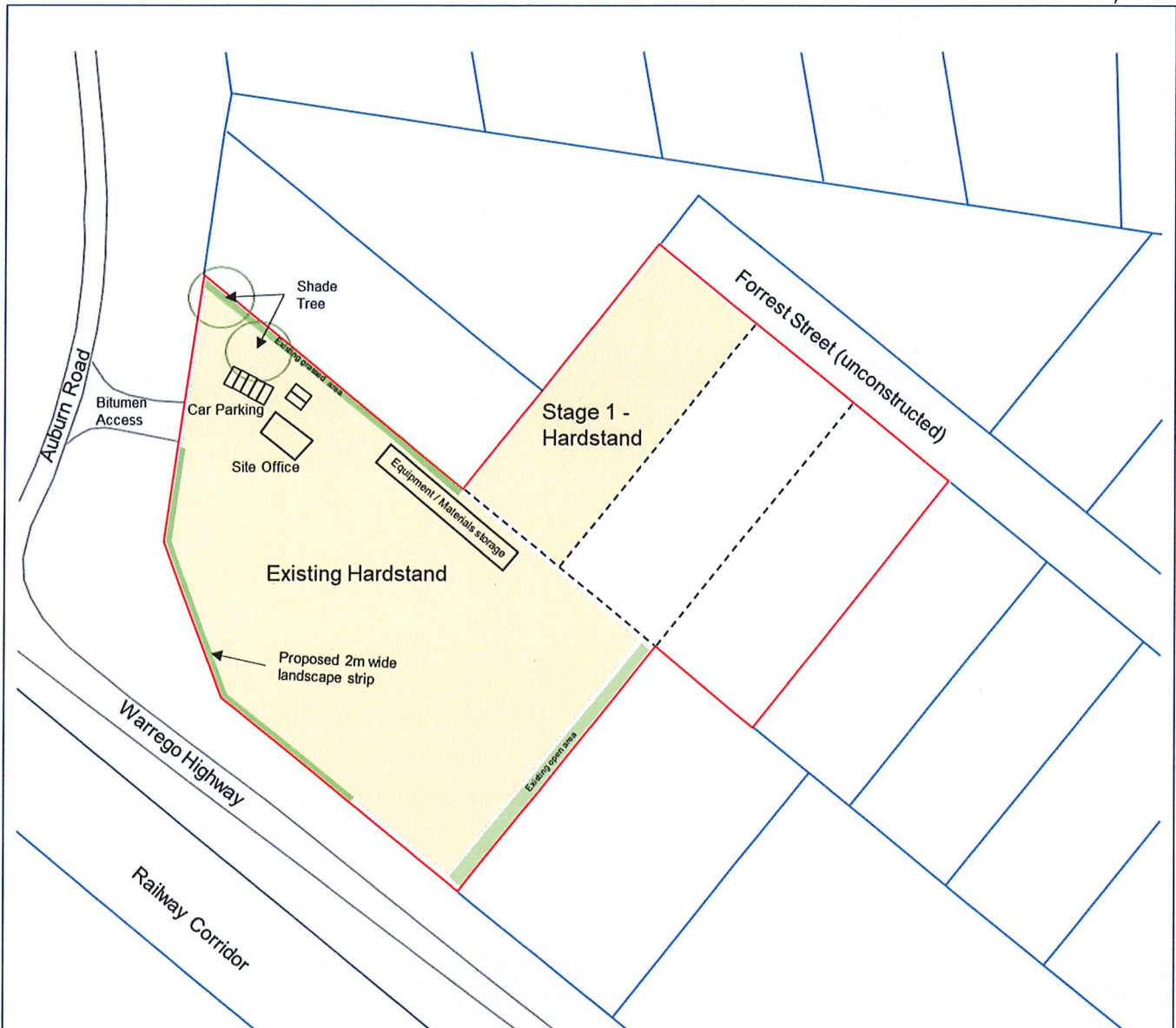


Image Source: Qld Globe Cadastre





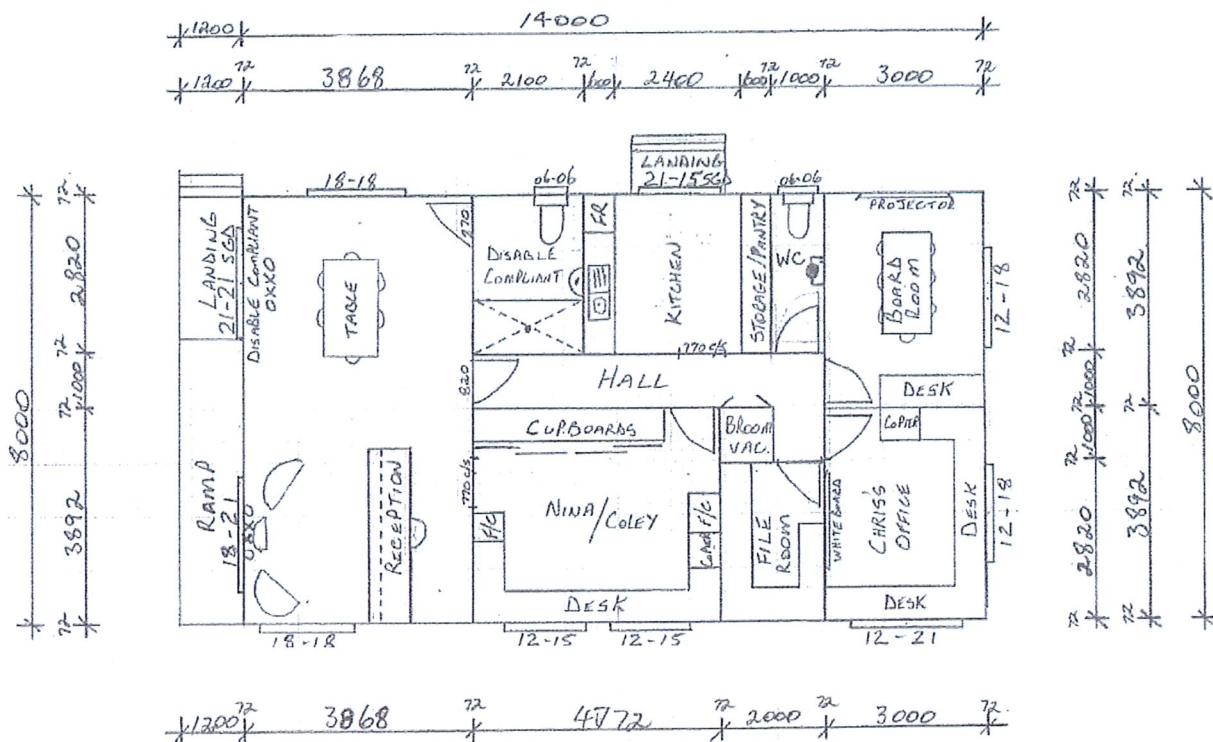
	  6 Sheridan Street CHINCHILLA Q 4413  ABN: 83 811 835 717	Drawing No.: 2022-007-002	Revision: A
		Title: Stage 1 Site Plan	Date: 2/11/2022
		Site: 6 Auburn Road & Forrest Street, Chinchilla (Lot 6 LY347 & Lots 21-23 on RP14934)	Client: CNH Transportable Homes



Image Source: Qld Globe Cadastre

 <b>N</b>	  6 Sheridan Street CHINCHILLA Q 4413  ABN: 83 811 835 717	Drawing No.: 2022-007-003	Revision: A
			Date: 2/11/2022
		Title: Stage 2 Site Plan	
		Site: 6 Auburn Road & Forrest Street, Chinchilla (Lot 6 LY347 & Lots 21-23 on RP14934)	Client: CNH Transportable Homes





## CNH NEW OFFICE

Image Source: CNH Transportable Homes



6 Sheridan Street  
CHINCHILLA Q 4413

ABN: 83 811 835 717

Drawing No.: 2022-007-004

Title: Site Office Floor Plan

Site: 6 Auburn Road & Forrest  
Street, Chinchilla (Lot 6 LY347 &  
Lots 21-23 on RP14934)

Revision: A

Date: 2/11/2022

Client: CNH Transportable  
Homes



SARA reference: 2211-32113 SRA  
Council reference: 050.2022.623.001

4 January 2023

Chief Executive Officer  
Western Downs Regional Council  
PO Box 551  
DALBY QLD 4405  
info@wdrc.qld.gov.au

Attention: Mr Dominic Bradley

Dear Mr Bradley

## SARA response—6 Auburn Road and Forrest Street, Chinchilla

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 17 November 2022.

### Response

Outcome:	Referral agency response - No requirements  Under section 56(1)(a) of the <i>Planning Act 2016</i> , SARA advises it has no requirements relating to the application.
Date of response:	4 January 2023
Advice:	Advice to the applicant is in <b>Attachment 1</b> .
Reasons:	The reasons for the referral agency response are in <b>Attachment 2</b> .

### Development details

Description:	Development permit	Material change of use (other change) for the extension to an existing industrial use
SARA role:	Referral agency	
SARA trigger:	Schedule 10, part 9, division 4, subdivision 2, table 4, item 1 (Planning Regulation 2017)	
	Development near a state transport corridor or that is a future state transport corridor	

SARA reference: 2211-32113 SRA  
Assessment Manager: Western Downs Regional Council  
Street address: 6 Auburn Road and Forrest Street, Chinchilla  
Real property description: Lot 1 on LY347 and Lots 21, 22 and 23 on RP14934  
Applicant name: CNH Transportable Homes  
C/- Swep Consulting  
Applicant contact details: 6 Sheridan Street  
Chinchilla QLD 4413  
kate@swepcon.com.au

## Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (section 30 of the Development Assessment Rules). Copies of the relevant provisions are in **Attachment 3**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Zac Coombes, Planning Officer, on (07) 3432 2420 or via email ToowoombaSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Kieran Hanna  
A/Manager

enc Attachment 1 - Advice to the applicant  
Attachment 2 - Reasons for referral agency response  
Attachment 3 – Representations about a referral agency response  
cc CNH Transportable Homes, kate@swepcon.com.au

## Attachment 2—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

### The reasons for SARA's decision are:

The development complies with State code 1: Development in a state-controlled road environment of the SDAP version 3.0. Specifically, the development does not:

- increase the likelihood or frequency of accidents, fatalities, or serious injury for users of a state-controlled road
- adversely impact the structural integrity or physical condition of state-controlled roads, road transport infrastructure, public passenger transport infrastructure or active transport infrastructure
- adversely impact the function efficiency of state-controlled roads or future state-controlled roads
- adversely impact the state's ability to plan, construct, maintain, upgrade or operate state-controlled roads, future state-controlled roads or road transport infrastructure
- significantly increase the cost to plan, construct, upgrade or maintain state-controlled roads, future state-controlled roads or road transport infrastructure.

### Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The SDAP (v3.0), as published by SARA
- The Development Assessment Rules
- SARA DA Mapping system
- *Human Rights Act 2019*

### **Attachment 3—Representations about a referral agency response**

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## Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules<sup>1</sup> regarding **representations about a referral agency response**

### Part 6: Changes to the application and referral agency responses

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#### 28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
  - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
  - (c) the applicant has given written agreement to the change to the referral agency response.<sup>2</sup>
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
  - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

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<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

## **Part 7: Miscellaneous**

### **30 Representations about a referral agency response**

- 30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.<sup>3</sup>

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<sup>3</sup> An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

## INFRASTRUCTURE CHARGES NOTICE

<b>APPLICANT:</b>	CNH Transportable Homes
<b>APPROVED DEVELOPMENT:</b>	<b>STAGE 1</b> of the approval for an Other Change to existing Material Change of Use Approval to establish an Industry on land situated at 6 Auburn Road and Forrest Street, Chinchilla
<b>FILE REFS:</b>	050.2022.623.001, 030.2010.715.001, A10899 & LG7.6.1
<b>AMOUNT OF THE CHARGE:</b>	<b>Nil</b>
<b>LAND TO WHICH CHARGE APPLIES:</b>	Lot 1 on LY347 and Lot 23 on RP14934
<b>PAYABLE TO:</b>	Western Downs Regional Council
<b>WHEN PAYABLE:</b>	Prior to commencement of the use of <b>Stage 1</b> of the development.

This charge is made in accordance with Council's **Infrastructure Charges Resolution (No. 7.1) 2017**.

The charge has been calculated on the following basis:

USE	Charge	Reference	No. of Units	Amount
Material Change of Use for Industry Industry Development Class	\$4.00 per m <sup>2</sup> of additional impervious area (charge for stormwater network)	Table 3.3.3, Col 3, Charge Area A	4,047m <sup>2</sup> of impervious area	\$16,188.00
DISCOUNT	Discount Charge	Reference	No. of Units	Discount Amount
Existing Industrial Lot	\$37,800.00* per lot (stormwater, transport and parks networks)	3.4(1)(d)(iv)	1 existing lot	\$37,800.00
* Includes a discount for development not within an area serviced by, or requiring connection to Council's reticulated sewer and water networks. The rate applied is in accordance with Table 5.1 Allocation of Infrastructure Charge to Trunk Infrastructure Networks.			<b>TOTAL CHARGE</b>	<b>NIL</b>

## INFORMATION NOTICE

[Section 119 of the *Planning Act 2016*]

### DECISION AND REASONS

This infrastructure charge has been levied in accordance with Sections 119 to 121 of the *Planning Act 2016* and Council's ***Infrastructure Charges Resolution (No. 7.1) 2017*** for additional demand placed on Council's trunk infrastructure by stage 1 of the development.

### APPEALING DECISION

Under the *Planning Act 2016* the recipient of this Infrastructure Charges Notice may appeal against Council's decision to issue the Infrastructure Charges Notice. Chapter 6, Part 1 of the *Planning Act 2016* details the recipient's right to appeal Council's decision and how the recipient may appeal.

## INFRASTRUCTURE CHARGES NOTICE

<b>APPLICANT:</b>	CNH Transportable Homes
<b>APPROVED DEVELOPMENT:</b>	<b>STAGE 2</b> of the approval for an Other Change to existing Material Change of Use Approval to establish an Industry on land situated at 6 Auburn Road, Auburn Road and Forrest Street, Chinchilla.
<b>FILE REFS:</b>	050.2022.623.001, 030.2010.715.001, A10899 & LG7.6.1
<b>AMOUNT OF THE CHARGE:</b>	<b>Nil</b>
<b>LAND TO WHICH CHARGE APPLIES:</b>	Lot 1 on LY347 and Lots 21, 22 & 23 on RP14934
<b>PAYABLE TO:</b>	Western Downs Regional Council
<b>WHEN PAYABLE:</b>	Prior to commencement of the use of <b>Stage 2</b> of the development.

This charge is made in accordance with Council's **Infrastructure Charges Resolution (No. 7.1) 2017**.

The charge has been calculated on the following basis:

USE	Charge	Reference	No. of Units	Amount
Material Change of Use for Industry Industry Development Class	\$4.00 per m <sup>2</sup> of additional impervious area (charge for stormwater network)	Table 3.3.3, Col 3, Charge Area A	4,047m <sup>2</sup> of impervious area	\$16,188.00
DISCOUNT	Discount Charge	Reference	No. of Units	Discount Amount
Balance of the Credit for Stage 1 of the Approval	\$21,612.00 remaining Credit from Stage 1 of the development	3.4(1)(d)(iv)	1	\$21,612.00
Existing Industrial Lots	\$37,800.00* per lot (stormwater, transport and parks networks)	3.4(1)(d)(iv)	2 existing lots	\$75,600.00
* Includes a discount for development not within an area serviced by, or requiring connection to Council's reticulated sewer and water networks. The rate applied is in accordance with Table 5.1 Allocation of Infrastructure Charge to Trunk Infrastructure Networks.			<b>TOTAL CHARGE</b>	<b>NIL</b>

## INFORMATION NOTICE

[Section 119 of the *Planning Act 2016*]

### DECISION AND REASONS

This infrastructure charge has been levied in accordance with Sections 119 to 121 of the *Planning Act 2016* and Council's ***Infrastructure Charges Resolution (No. 7.1) 2017*** for additional demand placed on Council's trunk infrastructure for stage 2 of the development.

### APPEALING DECISION

Under the *Planning Act 2016* the recipient of this Infrastructure Charges Notice may appeal against Council's decision to issue the Infrastructure Charges Notice. Chapter 6, Part 1 of the *Planning Act 2016* details the recipient's right to appeal Council's decision and how the recipient may appeal.

## Attachment 6 - Table of Assessment

Existing Condition	Applicant's Comments	Officer's Assessment	Officer's Recommendation
<p>Condition 1 of the approval reads as follows:</p> <p><b>1.0 APPROVED PLANS AND DOCUMENTS</b></p> <p>1.1 The development must be carried out generally in accordance with the Approved Plans and Documents listed below, subject to and modified by the requirements listed below, and by other conditions of this approval:</p> <p><b>Plan No:</b> Job No. 100101; Drawing No. 100101/01; Version 3.0</p> <p><b>Description:</b> Proposed Plan of Development prepared by Adams Sparkes (and amended in red by Council on 13 July 2011) and dated April 2011</p> <p><b>Plan No:</b> Job No. 100101; Drawing No. 100101/02; Version 1.0</p> <p><b>Description:</b> Existing Office Layout &amp; Elevation prepared by Adams Sparkes and dated 28 June 2010</p> <p><b>Plan No:</b> Job No. 100101; Drawing No. 100101/03; Version 1.0</p> <p><b>Description:</b> Existing House and Office Layout prepared by Adams Sparkes and dated April 2011</p> <p><b>Document No:</b> AB1023NOISE</p> <p><b>Description:</b> Noise Management Plan prepared by y Duke Environmental on and dated 14/04/11</p> <p><b>Timing:</b> During and following development unless otherwise indicated.</p>	<p>The applicant has submitted plans and Stormwater Management Report illustrating the Other Change to the application.</p> <p>The applicant seeks to replace the existing Approved Plans with updated Site Plans illustrating the proposed hardstand areas and proposed dam on the relevant land.</p> <p>The applicant also seeks approval of the submitted Stormwater Management Plan as an Approved Document which will replace the existing Approved Stormwater Management Plan.</p>	<p>It is recommended that Condition 1 of the approval be amended to replace the existing Approved Plans with those submitted as part of the Other Change application and approve Stormwater Management Plan as an Approved Document.</p>	<p>It is recommended that Condition 1 of the approval be amended in accordance with the applicant's representation as per the below:</p> <p><b>1.0 APPROVED PLANS AND DOCUMENTS</b></p> <p>1.1 The development must be carried out generally in accordance with the Approved Plans and Documents listed below, subject to and modified by the requirements listed below, and by other conditions of this approval:</p> <p><b>Plan No:</b> <del>Job No. 100101; Drawing No. 100101/01; Version 3.0</del></p> <p><b>Description:</b> <del>Proposed Plan of Development prepared by Adams Sparkes (and amended in red by Council on 13 July 2011) and dated April 2011</del></p> <p><b>Plan No:</b> 2022-007-002</p> <p><b>Description:</b> Stage 1 Site Plan, prepared by Sweb Consulting, dated 2/11/2022</p> <p><b>Plan No:</b> 2022-007-003</p> <p><b>Description:</b> Stage 2 Site Plan, prepared by Sweb Consulting, dated 2/11/2022</p> <p><b>Plan No:</b> 2022-007-004</p> <p><b>Description:</b> Site Office Floor Plan, prepared by Sweb Consulting, dated 2/11/2022</p> <p><b>Plan No:</b> Job No. 100101; Drawing No. 100101/02; Version 1.0</p> <p><b>Description:</b> Existing Office Layout &amp; Elevation prepared by Adams Sparkes and dated 28 June 2010</p> <p><b>Plan No:</b> <del>Job No. 100101; Drawing No. 100101/03; Version 1.0</del></p>

Existing Condition	Applicant's Comments	Officer's Assessment	Officer's Recommendation
			<p><b>Description:</b> Existing House and Office Layout prepared by Adams Sparkes and dated April 2011</p> <p><b>Plan No:</b> Drawing No. 11604-DA01; Amendment 0</p> <p><b>Description:</b> Stormwater Management Plan prepared by Leroy Palmer Consulting Engineers Pty Ltd (and amended by Council on 13 July 2012) and dated 29/03/11</p> <p><b>Plan No:</b> Drawing No. 11604-DA01; Amendment 0</p> <p><b>Description:</b> Stormwater Management Plan prepared by Leroy Palmer Consulting Engineers Pty Ltd (and amended by Council on 13 July 2012) and dated 29/03/11</p> <p><b>Document No:</b> Job No. 221191, Issue A <b>Description:</b> Stormwater Management Plan, prepared by Brandon &amp; Associates, dated 25/10/2022</p> <p><b>Document No:</b> Document No. AB1023NOISE <b>Description:</b> Noise Management Report prepared by Duke Environmental on and dated 14/04/11</p> <p><b>Timing:</b> During and following development unless otherwise indicated.</p>
<p>Condition 11 of the approval reads as follows:</p> <p><b>11.0 LANDSCAPING – MISCELLANEOUS</b></p> <p>11.1 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.</p>	<p>The condition currently requires landscaping treatments along all boundaries of the property.</p> <p>The applicant seeks to provide landscaping treatments along the frontage of the property to the Warrego Highway and Auburn Road.</p>	<p>It is considered that the applicant's representations are reasonable and will ensure that the amenity of the frontage of the property to the Warrego Highway and Auburn Road is enhanced.</p>	<p>It is recommended that Condition 11 of the approval be amended in accordance with the applicant's representation as per the below:</p> <p><b>11.0 LANDSCAPING – MISCELLANEOUS</b></p> <p>11.1 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.</p>



Existing Condition	Applicant's Comments	Officer's Assessment	Officer's Recommendation
<p>11.2 Apart from declared weeds and pests, trees, shrubs and landscaped areas currently existing on the subject land must be retained where possible and action taken to minimise disturbance during construction work.</p> <p>11.3 Landscaping provided within the front boundary setback of the subject land and around car parking areas within the subject land must allow visibility into the site by:</p> <p>11.3.1 using trees which have a clean trunk height of at least 1.8m (at maturity); and</p> <p>11.3.2 using shrubs with a maximum height of 0.75m, in order to retain sight lines.</p> <p>11.4 A landscape strip must be provided along the full perimeter of the subject land (exclusive of vehicle and pedestrian access to the site). The landscape strip is to have a minimum width of 2m on the northern, southern and western boundaries and a minimum width of 2m on the eastern boundary adjoining the motel site.</p> <p>11.5 A minimum of 70% of landscaped area must be retained as a permeable surface.</p> <p>11.6 Landscaped areas must be maintained and the site must remain in a clean and tidy state at all times.</p>	<p>The applicant seeks to amend Condition 11.4 of the approval to require landscaping for a width of 2m along the frontage of the Warrego Highway and Auburn Road as illustrated by the Site Plan of the applicant's Proposal Plan.</p> <p>The applicant has provided the following justification for the amended landscaping requirements for the development:</p> <ul style="list-style-type: none"> <li>Land to the north of the site is used for industrial purposes and no buffering is considered to be required along this boundary.</li> <li>While the property fronts Forrest Street, it is an unconstructed road reserve that will not be developed or used as a result of this proposal. No additional landscaping along this boundary is considered to be required.</li> <li>Landscaping will be provided along the frontage of the property to Auburn Road and the Warrego Highway, generally in the proposed areas. No landscaping is proposed in the south-eastern corner of the site as this would impact stormwater flows.</li> <li>Any areas along the property's frontage that are not proposed to be landscaped will be screened with printed mesh barriers similar to other properties along the Warrego Highway and Downes Road.</li> <li>The Chinchilla Motel has established palm trees along the common boundary that achieve screening of the development. Any additional screening on the subject site would not achieve any additional benefit. Further, this boundary of the site forms part of the stormwater flow path.</li> </ul>		<p>11.2 Apart from declared weeds and pests, trees, shrubs and landscaped areas currently existing on the subject land must be retained where possible and action taken to minimise disturbance during construction work.</p> <p>11.3 Landscaping provided within the front boundary setback of the subject land and around car parking areas within the subject land must allow visibility into the site by:</p> <p>11.3.1 using trees which have a clean trunk height of at least 1.8 metres (at maturity); and</p> <p>11.3.2 using shrubs with a maximum height of 0.75 metre, in order to retain sight lines.</p> <p>11.4 A landscape strip must be provided <b>generally in accordance with the approved Site Plan along the full perimeter of the subject land (exclusive of vehicle and pedestrian access to the site)</b>. The landscape strip is to have a minimum width of 2 metres. <del>on the northern, southern and western boundaries and a minimum width of 2m on the eastern boundary adjoining the motel site.</del></p> <p>11.5 A minimum of 70% of landscaped area must be retained as a permeable surface.</p> <p>11.6 Landscaped areas must be maintained and the site must remain in a clean and tidy state at all times.</p> <p><b>Timing:</b> During development, prior to commencement of the use and following commencement of the use.</p>

Existing Condition	Applicant's Comments	Officer's Assessment	Officer's Recommendation
<p>This Other Change application does not relate to an existing condition.</p>	<p>Not applicable.</p>	<p>The original application was lodged prior to the commencement of Council's Infrastructure Charges Resolution (No.1) 2011 on 18 June 2011.</p> <p>As a result, the original application was not required to pay infrastructure charges under the original development approval.</p> <p>Council is unable to consider the existing impervious area and gross floor area of the existing buildings considered in the context of the previous approval.</p> <p>It is recommended that a new condition be attached based on the additional impervious area proposed for Stages 1 and 2 of the Other Change application.</p>	<p>It is recommended that the following condition be included:</p> <p><b>12.0 INFRASTRUCTURE CHARGES</b></p> <p><b>12.1 All infrastructure charges including those associated with Council's Water, Sewer, Stormwater, Transport and Parks Networks are now levied under the <i>Planning Act 2016</i>.</b></p> <p><b>As required under Section 119 of the <i>Planning Act 2016</i>, separate <i>Infrastructure Charges Notices</i> are attached relevant to each stage of the development.</b></p>
<p>Condition 22 of the approval reads as follows:</p> <p><b>22.0 STORMWATER</b></p> <p>22.1 Stormwater Management is to be undertaken generally consistent with the Stormwater Management Plan.; Drawing No. 11604-DA01; Amendment 0 (and amended in red by Council on 13 July 2011) prepared by Leroy Palmer Consulting Engineers Pty Ltd and dated 29/03/11 and modified as follows:</p> <p>22.1.1 provide an open drain within the site parallel to proposed 2m wide landscaping along the eastern boundary of the site to convey the overland flows from the upstream catchment and overflow from the existing dam located on Lot 22 on RP14934; the drain is to be adequately sized to convey a minimum of a 20 ARI storm event;</p>	<p>The Other Change application includes an updated Stormwater Management Plan, prepared by a suitably qualified RPEQ in accordance with the relevant standards. No further amendments to the Plan are considered to be required.</p> <p>The applicant seeks to amend Condition 22.1 of the approval to advise that Stormwater Management is to be conducted in accordance with the Stormwater Management Plan as an Approved Document.</p>	<p>Council's Consultant Development Engineer has reviewed the applicant's submitted Stormwater Management Plan and considers that it meets the requirements of Condition 22 of the approval and is able to be accepted as an Approved Document under Condition 1 of the approval.</p> <p>It is recommended that Condition 22 of the approval be amended in accordance with the applicant's representations.</p>	<p>It is recommended that Condition 22 of the approval be amended in accordance with the applicant's Other Change application (and renumbered) s per the below:</p> <p><b>23.0 STORMWATER</b></p> <p>23.1 Stormwater Management is to be undertaken generally consistent with the <b>Approved</b> Stormwater Management Plan.; <del>Drawing No. 11604-DA01; Amendment 0 (and amended in red by Council on 13 July 2011) prepared by Leroy Palmer Consulting Engineers Pty Ltd and dated 29/03/11 and modified as follows:</del></p> <p><del>23.1.1 provide an open drain within the site parallel to proposed 2m wide landscaping along the eastern boundary of the site to convey the overland flows from the upstream catchment and overflow from the existing dam located on Lot 22 on RP14934; the drain is to be adequately sized to convey a minimum of a 20 ARI storm event;</del></p>

Existing Condition	Applicant's Comments	Officer's Assessment	Officer's Recommendation
<p>22.1.2 provide certification by a Registered Professional Engineer Queensland (RPEQ) – Civil that the Stormwater Management Plan; Drawing No. 11604-DA01; Amendment 0 (and amended in red by Council on 13 July 2011) prepared by Leroy Palmer Consulting Engineers Pty Ltd and dated 29/03/11, demonstrates that the development site is adequately drained, and stormwater is intercepted and lawfully discharged in accordance with the requirements of the Queensland Urban Drainage Manual (QUDM) and the Chinchilla Shire Planning Scheme, without causing an annoyance or nuisance to any person or property.</p>			<p><del>23.1.2 provide certification by a Registered Professional Engineer Queensland (RPEQ) – Civil that the Stormwater Management Plan; Drawing No. 11604-DA01; Amendment 0 (and amended in red by Council on 13 July 2011) prepared by Leroy Palmer Consulting Engineers Pty Ltd and dated 29/03/11, demonstrates that the development site is adequately drained, and stormwater is intercepted and lawfully discharged in accordance with the requirements of the Queensland Urban Drainage Manual (QUDM) and the Chinchilla Shire Planning Scheme, without causing an annoyance or nuisance to any person or property.</del></p> <p><b>Timing:</b> <del>Prior to commencement of the works or as otherwise indicated.</del></p>
<p>Condition 26 of the approval reads as follows:</p> <p><b>26.0 TRAFFIC WITHIN SITE - CAR PARKING AND SERVICE VEHICLE REQUIREMENTS</b></p> <p>26.1 The premises must be provided with a total of a minimum of seven (7) on-site car parking spaces including 1 People With Disability (PWD) car parking space, together with standing and manoeuvring for a minimum of an Articulated Vehicle (AV) service vehicle.</p> <p>26.2 The car parking and associated manoeuvring areas:</p> <p>26.2.1 the 7 car parking spaces, driveways and manoeuvring must be provided with a sealed surface and be line marked or otherwise delineated to the minimum dimensions detailed in the relevant Planning Scheme and AS2890 - Parking Facilities;</p>	<p>The existing operation of the development provides adequate parking on-site for both light vehicles and service vehicles in accordance with Conditions 26.2.1 and 26.2.2 as shown on the amended Site Plan.</p> <p>However, it is proposed to remove the requirement for these areas to be sealed. The existing car parking areas are provided either under the existing carport structure or vehicles are parking in the shade of the existing trees.</p> <p>Further, AV service vehicles accessing the site will be collecting a completed transportable dwelling to deliver to a site. Therefore, the AV service vehicle standing area will be adjacent to the relevant completed dwelling.</p>	<p>It is considered that the sealing of the parking areas will have a limited impact on dust suppression based on the location of parking areas on the property and the number of parking spaces required by the development.</p> <p>The Assessing Officer has spoken to Council's Consultant Development Engineer who has advised that the change in wording to Condition 26 of the approval is acceptable and can be changed in accordance with the applicant's representations.</p>	<p>It is recommended that Condition 26 of the approval be amended (and renumbered) as follows:</p> <p><b>27.0 TRAFFIC WITHIN SITE - CAR PARKING AND SERVICE VEHICLE REQUIREMENTS</b></p> <p>27.1 The premises must be provided with a total of a minimum of seven (7) on-site car parking spaces including 1 People with Disability (PWD) car parking space, together with standing and manoeuvring for a minimum of an Articulated Vehicle (AV) service vehicle.</p> <p>27.2 The car parking and associated manoeuvring areas:</p> <p>27.2.1 the 7 car parking spaces, driveways and manoeuvring must be provided with a <b>sealed dust suppressive gravel</b> surface and be <del>line marked or otherwise</del> delineated to the minimum dimensions detailed in the relevant Planning Scheme and AS2890 - Parking Facilities;</p>

Existing Condition	Applicant's Comments	Officer's Assessment	Officer's Recommendation
<p>26.2.2 driveways, standing and manoeuvring for an AV service vehicle must be provided with a sealed surface;</p> <p>26.2.3 unsealed areas of the site are to be of a basalt quarry gravel surface (or as otherwise approved by Council) that provides for minimal dust disturbance and sediment tracked onto the road reserve when trafficked, and sediment laden stormwater being released from the site;</p> <p>26.2.4 achieve, where used for parking, a longitudinal gradient and crossfall of all driveways that comply with the requirements of AS2890.1;</p> <p>26.2.5 be provided with signage that indicates the location of parking areas and the proposed flow of traffic through the site;</p> <p>26.2.6 be designed to enable all vehicles to enter and leave the site in a forward gear (unless approved otherwise by Council);</p> <p>26.2.7 be kept and used exclusively for vehicle parking and manoeuvring;</p> <p>26.2.8 be accessible and available to the general public and staff during approved hours of operation; and</p> <p>26.2.9 sealed surfaces must be a minimum of a two-coat bitumen seal.</p>	<p>The balance of the site is constructed of a suitable gravel surface and it is not considered providing a sealed car parking or AV loading bay would reflect the operational characteristics of the site.</p> <p>The applicant seeks to change Condition 26 of the approval to ensure that signed parking areas are not treated with a bitumen seal but are rather provided with dust suppressive gravel.</p>		<p>27.2.2 driveways, standing and manoeuvring for an AV service vehicle must be provided with a <b>sealed dust suppressive gravel</b> surface;</p> <p>27.2.3 unsealed areas of the site are to be of a basalt quarry gravel surface (or as otherwise approved by Council) that provides for minimal dust disturbance and sediment tracked onto the road reserve when trafficked, and sediment laden stormwater being released from the site;</p> <p>27.2.4 achieve, where used for parking, a longitudinal gradient and crossfall of all driveways that comply with the requirements of AS2890.1;</p> <p>27.2.5 be provided with signage that indicates the location of parking areas and the proposed flow of traffic through the site;</p> <p>27.2.6 be designed to enable all vehicles to enter and leave the site in a forward gear (unless approved otherwise by Council);</p> <p>27.2.7 be kept and used exclusively for vehicle parking and manoeuvring; <b>and</b></p> <p>27.2.8 be accessible and available to the general public and staff during approved hours of operation.; <del>and</del></p> <p><del>27.2.9 sealed surfaces must be a minimum of a two-coat bitumen seal.</del></p> <p>27.3 Details demonstrating compliance with Conditions 27.1 and 27.2 shall be submitted to and endorsed by Council's Planning <b>and Environment</b> Manager prior to the issue of a Development Permit for Building Works for the proposed development.</p> <p>27.4 The design and construction of the works must be certified by a Registered Professional Engineer Queensland – Civil.</p>

Existing Condition	Applicant's Comments	Officer's Assessment	Officer's Recommendation
<p>26.3 Details demonstrating compliance with Conditions 26.1 and 26.2 shall be submitted to and endorsed by Council's Planning Manager prior to the issue of a Development Permit for Building Works for the proposed development.</p> <p>26.4 The design and construction of the works must be certified by a Registered Professional Engineer Queensland – Civil.</p> <p>26.4.1 a Design Certificate shall be submitted upon submission of the details requiring approval in accordance with Condition 26.3; and</p> <p>26.4.2 a Construction Supervision Certificate shall be submitted at completion of the approved works.</p> <p>26.5 The Environmental Protection Act 1994 states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard, person and entities involved in the operation of the approved development are to adhere to their "general environmental duty" to minimise risk of causing environmental harm on adjoining premises.</p> <p>In the event that dust levels are recorded within adjoining premises on an ongoing basis at levels which exceed those considered reasonable by the Environmental Protection Act 1994, Council reserves the right for the areas to be sealed with a minimum of a two coat bitumen seal. In this regard, Council will give the land owner written notice that they have 60 days to satisfactorily undertake the sealing works.</p>			<p>27.4.1 a Design Certificate shall be submitted upon submission of the details requiring approval in accordance with Condition 27.4.3; and</p> <p>27.4.2 a Construction Supervision Certificate shall be submitted at completion of the approved works.</p> <p>27.5 The <i>Environmental Protection Act 1994</i> states that a person must not conduct any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimize the harm. Environmental harm includes environmental nuisance. In this regard, person and entities involved in the operation of the approved development are to adhere to their "general environmental duty" to minimize risk of causing environmental harm on adjoining premises.</p> <p>In the event that dust levels are recorded within adjoining premises on an ongoing basis at levels which exceed those considered reasonable by the <i>Environmental Protection Act 1994</i>, Council reserves the right for the areas to be sealed with a minimum of a two coat bitumen seal. In this regard, Council will give the land owner written notice that they have 60 days to satisfactorily undertake the sealing works.</p> <p><b>Timing:</b> Prior to commencement of the use (unless otherwise stated) and to be maintained for the period of the use of the development site.</p>

Existing Condition	Applicant's Comments	Officer's Assessment	Officer's Recommendation
<p>Timing: Prior to commencement of the use (unless otherwise stated) and to be maintained for the period of the use of the development site.</p>			

**Title** **Executive Services Chief Executive Officer Report March 2023**

**Date** 6 April 2023

**Responsible Manager** J. Taylor, CHIEF EXECUTIVE OFFICER

**Summary**

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

**Link to Corporate Plan**

Strategic Priority: Strong Economic Growth

- There is a confidence in our strong and diverse economy.
- We're open for business and offer investment opportunities that are right for our region.
- We optimise our tourism opportunities, unique experiences and major events.
- Business and industry in our region live local and buy local.
- Our region is a recognised leader in energy, including clean, green renewable energies.

**Material Personal Interest/Conflict of Interest**

Nil

**Officer's Recommendation**

That this Report be received.

**Background Information**

Nil

**Report**

The below lists the meetings, delegations and forums attended by the Chief Executive Officer during the month of March 2023:

<b>Date</b>	<b>Who/Where</b>	<b>Details</b>
1 March 2023	<ul style="list-style-type: none"> <li>• Councillor Information Sessions</li> </ul>	Dalby
2 March 2023	<ul style="list-style-type: none"> <li>• Extraordinary Local Disaster Management Group Meeting</li> <li>• Meeting with Myall Medical</li> <li>• Meeting with Toowoomba Regional Council</li> </ul>	Teleconference  Dalby Dalby
3 March 2023	<ul style="list-style-type: none"> <li>• Extraordinary Local Disaster Management Group Meeting</li> </ul>	Teleconference
4 March 2023	<ul style="list-style-type: none"> <li>• Bushfire Update</li> </ul>	Teleconference
5 March 2023	<ul style="list-style-type: none"> <li>• Bushfire Update</li> <li>• Visit to Moonie Fire Control Centre</li> </ul>	Teleconference Moonie
6 March 2023	<ul style="list-style-type: none"> <li>• Bushfire Update</li> <li>• Roundtable with EU Delegations</li> </ul>	Teleconference Dalby

	<ul style="list-style-type: none"> <li>Meeting with RES Group</li> </ul>	Dalby
7 March 2023	<ul style="list-style-type: none"> <li>Meeting with Gasfields Commission and Department of Resources Representatives</li> </ul>	Dalby
8 March 2023	<ul style="list-style-type: none"> <li>GasFields Commission CSG-Induced Subsidence Session</li> </ul>	Dalby
9 March 2023	<ul style="list-style-type: none"> <li>Local Government Managers Australia - Women in Local Government Conference</li> </ul>	Brisbane
10 March 2023	<ul style="list-style-type: none"> <li>Meeting with Electoral Commission Queensland</li> <li>Meeting with Bryson Head, Member, Transport and Resources Committee</li> </ul>	Teleconference Dalby
13 March 2023	<ul style="list-style-type: none"> <li>Planning &amp; Pre-Agenda Meeting</li> <li>Councillor Information Session</li> </ul>	Dalby Dalby
14 March 2023	<ul style="list-style-type: none"> <li>The Executive Connection</li> <li>Meeting with Renewable Energy Zone - Transport Implications</li> </ul>	Brisbane Brisbane
15 March 2023	<ul style="list-style-type: none"> <li>Ordinary Meeting of Council</li> </ul>	Miles
16 March 2023	<ul style="list-style-type: none"> <li>Meeting with Dr Colin Russo</li> <li>Audit Committee Meeting</li> </ul>	Dalby Dalby
20 March 2023	<ul style="list-style-type: none"> <li>Development Assessment Panel Meeting</li> <li>Local Disaster Management Group Meeting</li> <li>Meeting with Department of Communities, Housing and Digital Economy</li> </ul>	Dalby Dalby Teleconference
23 March 2023	<ul style="list-style-type: none"> <li>Southern and Darling Downs Regional Water Assessment Stakeholder Advisory Group Meeting</li> <li>Meeting with Goondiwindi, Southern Downs &amp; Toowoomba Regional Council</li> </ul>	Toowoomba Toowoomba
24 March 2023	<ul style="list-style-type: none"> <li>Western Downs Regional Council Rural Residential Living Roundtable</li> <li>Meeting with Queensland Reconstruction Authority</li> </ul>	Brisbane Brisbane
27 March 2023	<ul style="list-style-type: none"> <li>Meeting with WestWind Energy</li> <li>Meeting from Within Energy</li> </ul>	Dalby Dalby
29 March 2023	<ul style="list-style-type: none"> <li>Impact Leadership Event - Celebrating Rural Women in Thriving Communities</li> </ul>	Dalby
30 March	<ul style="list-style-type: none"> <li>Local Government Managers Australia CEO Forum</li> </ul>	Brisbane
31 March 2023	<ul style="list-style-type: none"> <li>Meeting with Shell</li> <li>Meeting with Director General and Regional Director for Department of Transport and Main Roads</li> <li>Meeting with BE Power</li> </ul>	Brisbane Brisbane Brisbane

Consultation (Internal/External)

Chief Executive Officer

Legal/Policy Implications (Justification if applicable)

Nil

Budget/Financial Implications

Nil

Human Rights Considerations



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

There are no human rights implications associated with this report.

### **Conclusion**

The foregoing represents activities undertaken by the Chief Executive Officer during the month of March 2023.

### **Attachments**

Nil.

**Authored by:** A. Lyell, Executive Services Administration Officer

<b>Title</b>	<b>Executive Services Report Formation of Regional Organisation of Council (ROC)</b>
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<b>Date</b>	11 April 2023
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<b>Responsible Manager</b>	J. Taylor, CHIEF EXECUTIVE OFFICER
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## Summary

The purpose of this Report is to seek Council's support for the formation of a Regional Organisation of Council with membership from Goondiwindi; Southern Downs; Toowoomba and Western Downs Regional Councils.

### Link to Corporate Plan

Strategic Priority: Strong Diverse Economy

- We aggressively attract business and investment opportunities.
- Our region is a recognised leader in agribusiness, energy, and manufacturing.
- We deliver water security to enable future economic growth.

Strategic Priority: Quality Lifestyle

- Our residents are provided with modern infrastructure and quality essential services across our region.

Strategic Priority: Sustainable Organisation

- We focus on proactive, sustainable planning for the future.

The establishment of the Regional Organisation of Councils aligns with Council's commitment to seek and foster strategic partnerships and will enable it to advocate for regional initiatives for the betterment of the broader community.

### Material Personal Interest/Conflict of Interest

There are no personal interests nor conflicts of interest associated with this report.

### Officer's Recommendation

That this Report be received and that Council:

1. supports the formation of a Regional Organisation of Council (ROC) with membership from Goondiwindi Regional Council; Southern Downs Regional Council; Toowoomba Regional Council; and Western Downs Regional Council.
2. endorse the Mayor as its delegate and the CEO as Ex Officio / Advisor.

### Background Information

Regional Organisations of Councils (ROCs) are voluntary groupings of councils in Australia. ROCs usually involve collaborative partnerships between neighbouring councils in a particular region or area, that pursues and represents high priority issues identified by the group.

ROCs vary in size and structure. Smaller ROCs operate entirely through the staff of their member councils and may not have any formal structure, bound by a Memorandum of Understanding (MoU). Others are incorporated associations and have a small staffed secretariat funded mainly through membership fees.

The most common structure for Regional Organisations of Councils (ROCs) appears to be Incorporated Associations under the Associations Incorporation Act 1981.

ROCs also derive income from fees for managing joint activities for their member councils or from grants from state and federal governments.

A common feature of the growth and success of ROC's has been the appointment of an Executive Officer on either a full time or part-time basis, and other staff as required, supporting their Boards and working in close collaboration with respective council CEOs.

Currently in Queensland there are the following Incorporated Bodies and constituted ROCs:

- Council of Mayors (SEQ)
- Far North QLD ROC
- North West QLD ROC
- Central Western Queensland Remote Area Planning & Development Board (RAPAD)
- Central QLD ROC
- South West QLD ROC

In addition to the abovementioned, there is:

- the Darling Downs and South West Council of Mayors (DD&SWQ CoM) formed in 2015. The remit of the DD&SWQ CoM has evolved into an information sharing and collaboration arrangement between 10 Local Government Authorities being:
  - Balonne;
  - Bulloo;
  - Goondiwindi;
  - Maranoa;
  - Murweh;
  - Paroo;
  - Quilpie;
  - Southern Downs;
  - Toowoomba; and
  - Western Downs.
- 12 Local Government Association of QLD (LGAQ) Districts, which are primarily used for the election of representatives to the LGAQ's Policy Executive. Mayor, Paul McVeigh represents Goondiwindi Regional Council, Southern Downs Regional Council, Toowoomba Regional Council and Western Downs Regional Council on the LGAQ's Policy Executive. The LGAQ Policy Executive meet six times a year and are elected for the duration of the four-year local government term.

Policy Executive Members are expected to lead consultation with their region's councils on policy matters and other key issues impacting local government. They are responsible for representing their region's views as part of Policy Executive decision-making.

## Report

The Southern Queensland area is one of the areas in Queensland local government not formally represented by a ROC.

A number of discussions have been held between the Mayors and CEO's of Goondiwindi Regional Council, Southern Downs Regional Council, Toowoomba Regional Council and Western Downs Regional Council in relation to the possible formation of a ROC. At a meeting held on 23 March, 2023 it was agreed that each Council formally consider a proposal to form a ROC, possibly called Southern Queensland Regional Organisation of Councils (SQROC) to:

- set strategic 'region building' priorities relating to the objectives of the group and the member Councils;
- advocate to, consult with, and advise relevant State and Federal Ministers, government agencies and other key stakeholders on matters of regional concern, and on the priorities of such matters and the means to ensure effective co-ordination and implementation of the policies, activities and programs of those State and Federal agencies and key stakeholders; and
- facilitate, support and implement collaborative regional discussion and associated desired outcomes amongst members.

Specifically, it is proposed that this newly formed ROC would focus on a limited range of strategic issues relevant to members. The strategic priorities would be developed as an initial objective of the group and could include some or all of the following:

- Energy
- Roads
- Water security and future water for economic and urban growth
- Water and sewerage infrastructure and funding
- Waste management and recycling

The ROC would not duplicate the activity of other organisations such as the DDSWQ CoM or Southern Queensland Country Tourism (SQCT).

If the four (4) Councils support the proposed formation of a ROC, the group would undertake a comprehensive strategic planning process to develop a three (3) year plan identifying regional priorities and facilitate the development of an Advocacy Action Plan.

#### Membership

Membership of the group will be a decision for each Council to make by way of a resolution at an Ordinary Meeting of Council.

It would be possible under a Constitution or an MoU that the ROC consist of one delegate (being the Mayor or their delegate) from each participating Council with the relevant CEO or delegated Officer attending as Ex Officio Members or advisors.

#### Resourcing

The success of a ROC will be measured by what outcomes it achieves and this will be contingent on the availability of resources to progress the prioritised initiatives and/or projects.

Successful ROCs have a dedicated resource to progress the issues and projects identified as a priority by the Board. This is usually in the form of an Executive Officer employed on a contractual basis.

To maximise the benefit of this position, there is an option for a member council to provide financial oversight and support, possibly on a rotational basis.

#### Meeting Schedule

Initially monthly meetings may need to be scheduled to conduct the business of the ROC to ensure it can develop momentum to pursue its strategic objectives and at the same time assist in maximising opportunities to meet with Ministers and senior Government Officers. A combination of face-to-face and video conference meetings could be utilised.

The meeting schedule would be set by the ROC Board each year for the following 12 months.

#### Consultation (Internal/External)

Consultation has been held with the following:

Mayor - Western Downs Regional Council  
 Mayor and CEO - Goondiwindi Regional Council  
 Mayor and CEO - Southern Downs Regional Council  
 Mayor and CEO - Toowoomba Regional Council  
 LGAQ  
 SWROC Members

#### Legal/Policy Implications (Justification if applicable)

There are no legal nor policy implications associated with this report.

#### Budget/Financial Implications

To be a successful organisation, funding from members will be required to engage appropriate resources to provide the required capacity to undertake strategic planning, priority setting and organisational tasks. Further, member councils would need to commit funding for an agreed period to provide the Executive Officer with clearly articulated performance targets, timelines and certainty.

#### **Executive Officer Cost Estimate**

Executive Management Officer @ L7	\$103,992
Plus leave loading + super	\$31,354
<b>Total</b>	<b>\$135,346</b>
Pro-rata @ 0.6 FTE	\$81,207
Equip, travel, exp.	\$7,000
<b>TOTAL</b>	<b>\$88,207</b>

There are many funding model options and all have advantages and disadvantages depending on individual Council's perspectives about increased payments, anticipated value for money and perceived equity.

Following discussions between the Mayors and CEO's it is proposed that the SQROC be funded by way of an annual membership fee based on a flat fee of \$7,500 plus an amount per head of population to cover operating costs including the engagement of an Executive Officer.

For interest, population figures are provided below:

	<b>Population (Est)</b>	<b>Date</b>	<b>Percentage</b>
Toowoomba Region	175,316	2021	68.46%
Southern Downs Region	35,433	2021	13.84%
Western Downs Region	34,560	2021	13.50%
Goondiwindi Region	10,777	2021	4.21%
<b>TOTAL</b>	<b>256,086</b>		

\* Source - profile.id - RDA-DDSW

It is proposed that should Council support the formation of a ROC that a budget allocation of \$20,000 be included in the 2023/24 Operational Budget.

#### Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) (the Human Rights Act) requires public entities 'to act and make decisions in a way compatible with human rights'. There are no human rights implications associated with this report.

#### **Conclusion**

The Western Downs Regional Council is one of a few Councils in Queensland that are not part of a Regional Organisation of Councils (ROC). It is recommended that Council support the formation of a ROC for the Southern Queensland area to expand on our advocacy and engagement efforts with the State and Federal governments in conjunction with Goondiwindi, Southern Downs and Toowoomba Regional Councils.

#### **Attachments**

There are no attachments for this report.

**Authored by:** Jodie Taylor, Chief Executive Officer

**Title** **Executive Services Report Outstanding Actions March 2023**

**Date** 13 April 2023

**Responsible Manager** J. Taylor, CHIEF EXECUTIVE OFFICER

**Summary**

The purpose of this Report is to provide Council with an updated on the status of outstanding Council Meeting Action Items to 15 March 2023.

**Link to Corporate Plan**

Strategic Priority: Strong Economic Growth

- There is a confidence in our strong and diverse economy.
- We're open for business and offer investment opportunities that are right for our region.
- We optimise our tourism opportunities, unique experiences and major events.
- Business and industry in our region live local and buy local.
- Our region is a recognised leader in energy, including clean, green renewable energies.

**Material Personal Interest/Conflict of Interest**

Nil

**Officer's Recommendation**

That this Report be received.

**Background Information**

Nil

**Report**

The purpose of this Report is to provide Council with an update on the status of Outstanding Council Meeting Action Items to the Meeting held on 15 March 2023.

**1. Outstanding Council Meeting Action List (As at 15 March 2023)**

Meeting date	Item description	File No.	Council Resolution/Task	Responsible Division
19/01/2022	Corporate Services Report Land Disposal Part Lot 9 SP254412 Carmichael Street Chinchilla Ison Haulage	AD6.6.2	That this report be received and that Council;  1. subdivide lot 9 to form a new lot, or lots, that satisfies the zoning requirements for Medium Impact Industrial Zone land, having regard to the land required for drainage. 2. offer the new lot/s for sale by auction or tender, pursuant to the <i>Local Government Regulation 2012</i> .  CARRIED	Corporate Services

Meeting date	Item description	File No.	Council Resolution/Task	Responsible Division
13/04/2022	Corporate Services Confidential Report Dalby Aerodrome Proposed Lease to Helismart	AD6.6.2	<p>That this report be received, and Council resolves to;</p> <ol style="list-style-type: none"> <li>1. Apply the exceptions contained within section 236(1)(c)(iii) of the <i>Local Government Regulation 2012</i> (Qld) to the proposed lease;</li> <li>2. Offer Helismart Pty Ltd a ten-year lease over a portion of land at the Dalby Aerodrome, as depicted in the proposed lease sketch in this Report, on the terms as set out in this Report; and</li> <li>3. Delegate authority to the CEO to negotiate and sign all documents necessary to: <ol style="list-style-type: none"> <li>a) Effect the surrender of the agricultural leased area known as Lease K, and the boundary realignment and resurvey of the agricultural leased area known as Lease H, at the Dalby Aerodrome;</li> <li>b) Survey the area known as Lease K to accommodate Helismart Pty Ltd's proposed leased area and to allow for future leased areas; and</li> <li>c) Provide a lease for a new surveyed area with Helismart Pty Ltd for approval by council.</li> </ol> </li> </ol> <p>CARRIED</p>	Corporate Services
26/10/2022	Infrastructure Services Report Miles Effluent Disposal Options	AD6.6.2	<p>That this Report be received and that Council;</p> <ol style="list-style-type: none"> <li>1. Proceed with the repair of the Miles effluent irrigation system and allocate an additional \$150,000 as part of the mid-year budget review.</li> </ol> <p>CARRIED</p>	Infrastructure Services
18/01/2023	Executive Services Confidential Report Disposal of Surplus Council Owned Land	AD6.6.2	<p>That this report be received and that Council:</p> <ol style="list-style-type: none"> <li>1. approve the sale of the listed properties, with the exception of Lot 1 on RP83010.</li> <li>2. delegate authority to the Chief Executive Officer to finalise and sign all necessary documents to effect the sale of the listed properties by auction.</li> </ol> <p>CARRIED</p>	Executive Services
15/02/2023	Corporate Services Report Land Development to Extend the Leasing Area at Dalby Aerodrome	AD6.6.2	<p>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.</p> <p>CARRIED</p>	Corporate Services



Meeting date	Item description	File No.	Council Resolution/Task	Responsible Division
15/03/2023	Infrastructure Services Report - Bundi Road Bridge Naming Consideration	AD6.6.2	That this Report be received and that Council move that the bridge over Wandoan Creek on Bundi Road, Wandoan, be formally named in accordance with the <i>Naming Public Assets - Council Policy</i> . CARRIED	Infrastructure Services
15/03/2023	Petition - Miles Disabled Parking	AD6.6.2	That the petition be received and a report be brought back to Council. CARRIED	Infrastructure Services

#### Consultation (Internal/External)

Chief Executive Officer;  
General Manager (Community & Liveability);  
General Manager (Corporate Services);  
General Manager (Infrastructure Services); and  
Relevant Managers, Coordinators and Officers.

#### Legal/Policy Implications (Justification if applicable)

Nil

#### Budget/Financial Implications

Nil

#### Human Rights Considerations

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

There are no human rights implications associated with this report.

#### **Conclusion**

This report is provided to inform Council of the progress of resolutions of Council.

#### **Attachments**

Nil

**Authored by:** A. Lyell, Executive Services Administration Officer

**Title** Corporate Services Report Audit Committee Meeting 16 March 2023

**Date** 23 March 2023

**Responsible Manager** P. Greet, CUSTOMER SUPPORT AND GOVERNANCE MANAGER

## Summary

The purpose of this Report is to provide Council with the report of the Western Downs Regional Council Audit Committee Meeting held on 16 March 2023.

## Link to Corporate Plan

Strategic Priority: Sustainable Organisation

- We are recognised as a financially intelligent and responsible Council.

## Material Personal Interest/Conflict of Interest

There are no personal interests nor conflicts of interest associated with this report.

## Officer's Recommendation

That Council receive the *Unconfirmed Minutes of the Western Downs Regional Council Audit Committee Meeting* held on 16 March 2023.

## Background Information

Section 105(4) of the *Local Government Act 2009* requires Council to establish an audit committee. An audit committee:

- (a) *Monitors and reviews:*
  - (i) *the integrity of financial documents;*
  - (ii) *the internal audit function; and*
  - (iii) *the effectiveness and objectivity of the local government's internal auditors.*
- (b) *Make recommendations to the local government about any matters the audit committee considers need action or improvement (section 105(4) of the Local Government Act 2009).*

The Western Downs Regional Council Audit Committee operates under the *Audit Committee - Terms of Reference* adopted by Council on 17 June 2020.

## Report

Council's Audit Committee met on 16 March 2023. The report and recommendations of the meeting are provided to Council pursuant to section 211(1)(c) and (d) of the *Local Government Regulation 2012*.

### Consultation (Internal/External)

There was no consultation associated with this report,

### Legal/Policy Implications (Justification if applicable)

Section 211(1)(c) of the *Local Government Regulation 2012* requires the audit committee to:

*'as soon as practicable after a meeting of the committee, give the local government a written report about the matters reviewed at the meeting and the committee's recommendation about the matters'.*

Furthermore, the Chief Executive is required to present this report at the next meeting of the local government.

### Budget/Financial Implications

There are no budget nor financial implications associated with this report.

#### Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) requires public entities '*to act and make decisions in a way compatible with human rights*'. There are no human rights implications associated with this report.

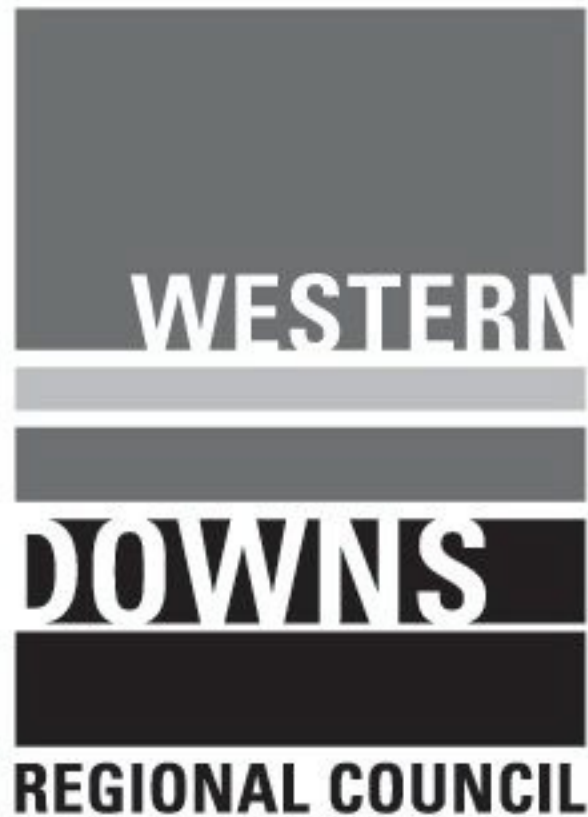
#### **Conclusion**

The report of the Western Downs Regional Council Audit Committee Meeting held on 16 March 2023 provides an overview of the matters considered at the meeting and the Committee's recommendations about the matters.

#### **Attachments**

1. *Western Downs Regional Council Audit Committee Meeting Unconfirmed Minutes 16 March 2023.*

**Authored by:** W. Burton, PERFORMANCE, RISK AND REPORTING OFFICER



## **Audit Committee Meeting Unconfirmed Minutes**

***Held at  
Western Downs Regional Council's  
Board Room***

**On**

**Thursday 16 March 2023**

**Commencing at 10:00 AM**

**J. TAYLOR  
CHIEF EXECUTIVE OFFICER**

**16 March 2023**

## Attendance

**Committee Members** Cr. I.J. Rasmussen (Chair)  
Cr. P.M. McVeigh  
Mr. R. Bain, Independent Member

**Officers** Ms. J. Taylor, Chief Executive Officer  
Mr. B. Bacon, General Manager (Corporate Services)  
Mr. P. Greet, Customer Support and Governance Manager  
Ms. T. Skillington, Chief Financial Officer  
Ms. K. Gillespie, Governance Coordinator  
Ms. W. Burton, Performance, Risk and Reporting Officer  
  
Ms. V. de Waal, Deloitte Touche Tohmatsu  
Mr. J. Tait, Queensland Audit Office  
Mr. J. Zabala, Crowe Australasia

### 1. Meeting Open

The Chair declared the meeting opened at 10.03am.

### 2. Apologies

David Adams, Queensland Audit Office  
Tony Guerrero, Queensland Audit Office

### 3. Confirmation of Minutes From Previous Meeting

**Moved By** Mr. R. Bain  
**Seconded By** Cr. P.M. McVeigh

That the Unconfirmed Minutes of the Western Downs Audit Committee Meeting held on 11 October 2022, copies of which have been circulated to members are confirmed.

**CARRIED**

### 4. Outstanding Actions List

#### 4.1 *Governance Report Internal and External Outstanding Action Items as at 31 December 2022*

The purpose of this Report is to update the Audit Committee on outstanding internal and external audit items and seek authorisation of items recommended for closure.

**Moved By** Cr. P.M. McVeigh  
**Seconded By** Mr. R. Bain

That the Audit Committee resolve to receive the *Governance Report Internal and External Outstanding Action Items as at 31 December 2022* and approve the closure of the following:

1. Internal Audit items:
  - a. PY4 Living Away from Home Allowance;
  - b. AERO 3.2 Non-Compliance with the Miles/Chinchilla Safety Management System Manual;
  - c. FLEET 3.1 PinPoint System Information;
  - d. FLEET 3.2 Fleet Booking Process;
  - e. FLEET 3.3 Fleet Booking Process (Annual Audit of Private Use Agreements and Charges);
  - f. FLEET 3.7 Plant and Fleet Maintenance Schedules;

- g. FLEET 3.8 Logbook Requirements;
  - h. FLEET 4.3 Fleet Security;
  - i. ERM 3.1 Improvement of Enterprise Risk Management Documents;
  - j. ERM 3.2 Reinforcement of Enterprise Risk Management Requirements;
  - k. ERM 3.3 Completeness and Accuracy of Corporate Risk Register;
  - l. ERM 4.1 Improvement of ERM Framework;
  - m. RECRUITMENT 3.3 HR Services User Access to Ezisuite Settings;
  - n. RECRUITMENT 4.1 Review Position Descriptions;
  - o. RECRUITMENT 5.1 New Employees User Account Login Credentials;
  - p. RECRUITMENT 5.3 Fixed Term Secondment Positions; and
2. External Audit items
- a. 21CR Review of Contracts - Environmental Restoration and Rehabilitation Obligations;
  - b. QAO 2022: A - Authority (Civica) Security Layer of the Applications Environment;
  - c. QAO 2022: E - Windows AD-Legacy Group Account No Longer in Use Should be Removed.

**CARRIED**

#### **ACTIONS**

1. Governance to determine process for the random monitoring of closed audit actions from the Internal and External Audit Recommendations Register.
2. Executive Leadership Team to provide an update in relation to *Report 2: 2019-20 Managing the Sustainability of Local Government Services* in the Recommendations Register (External Audit).
3. Detail to be provided to the Audit Committee on the current level of security at Council Depots in relation to FLEET 4.3 Fleet Security in the Internal Audit Recommendations Register (Internal Audit).

The Chair asked the Chief Executive Officer to pass on the Committee's thanks to the staff for their efforts in attending to the Internal and External Audit Recommendations.

#### **5. Internal Audit Report**

##### **5.1 Governance Report - Internal Audit of Corporate Card Operations**

The purpose of this Report is to provide the Audit Committee with the findings of the Internal Audit of Corporate Card Operations.

**Moved By** Cr. P.M. McVeigh  
**Seconded By** Mr. R. Bain

That the Audit Committee receive the *Internal Audit Report Corporate Card Operations*.

**CARRIED**

**5.2 Governance Report - Internal Audit of Project Delivery by Boyd's Bay Landscaping Pty Ltd**

The purpose of this Report is to provide the Audit Committee with the findings of the Internal Audit of Project Delivery by Boyd's Bay Landscaping Pty Ltd.

**Moved By** Mr. R. Bain  
**Seconded By** Cr. P.M. McVeigh

That the Audit Committee receive the *Internal Audit Report Project Delivery by Boyd's Bay Landscaping Pty Ltd*.

**CARRIED**

**5.3 Governance Report - Internal Audit of Recruitment November 2022**

The purpose of this Report is to provide the Audit Committee with the findings of the Internal Audit of Recruitment.

**Moved By** Mr. R. Bain  
**Seconded By** Cr. P.M. McVeigh

That the Audit Committee receive the *Internal Audit Report Recruitment*.

**CARRIED**

**FINANCIAL REPORTS**

**6. Financial Reports Item**

**6.1 Audit Committee Report 2023 - Queensland Audit Office Draft Audit Plan and Draft 2023-26 Forward Work Plan**

The purpose of this report is to provide the Audit Committee with the draft *Queensland Audit Office 2023 Audit Plan* for the audit of Council's annual financial statements. The *2023-26 Forward Work Plan* is presented for awareness of areas of focus for Queensland Audit Office in the coming years, which may impact future audits.

**Moved By** Mr. R. Bain  
**Seconded By** Cr. P.M. McVeigh

That the Committee receive the *Queensland Audit Office Draft Audit Plan and Draft 2023-26 Forward Work Plan*.

**CARRIED**

Ms. V. de Waal and Mr. J. Tait left meeting at 11:28am.

**EXTERNAL AUDIT REPORTS**

**7. External Audit Reports Item**

No External Audit Reports

## **OTHER REPORTS**

### **8. Other Report Item**

#### **8.1 Corporate Governance Report to Audit Committee Meeting March 2023**

The purpose of this report is to provide the Audit Committee with a summary of governance, risk, and internal audit activities to 1 March 2023.

**Moved By** Mr. R. Bain

**Seconded By** Cr. P.M. McVeigh

That:

1. the Audit Committee receive the *Corporate Governance Report to Audit Committee Meeting March 2023*; and
2. the *Three-year Strategic Internal Audit Plan Financial Years ended 1 July 2022 to 30 June 2024* be amended to include the completed Internal Audit of Recruitment and the Internal Audit of Project Delivery by Boyd's Bay Landscaping Pty Ltd, along with amendments to 1.2 Business Environment as discussed.

**CARRIED**

## **GENERAL BUSINESS ITEMS**

### **9. General Business Items**

#### **9.1 SMART Digital Programme Update**

The Chief Executive Officer provided a verbal update on the SMART Digital Programme and distributed the *SMART Digital Programme ELT Status Report: March 2023*.

#### **ACTION**

4. Chief Executive Officer to provide update on the SMART Digital Programme at each Audit Committee Meeting.

### **10. Meeting Closure**

The Meeting concluded at 11:56am.

I hereby certify that the foregoing is a true record of the Minutes of the proceedings of the Audit Committee Meeting held this 16 March 2023.

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Cr. I.J. Rasmussen;

Chairman Western Downs Regional Council Audit Committee



# ELT Status Report: March 2023

Overall Status: **On track**

## Status Code Legend

- On Track: Project is on schedule
- At Risk: Milestones missed but date intact
- Off track/High Risk: date and milestone will be missed if no action taken

## Stage 1: Standardisation 2022-2025

Projects	Milestones	Change Management	Issues/Risks	Decisions	Discussion
ERP Implementation: OneCouncil	<ul style="list-style-type: none"> <li>● Budget</li> <li>● Schedule</li> <li>● Scope</li> </ul> <p>DETAIL:</p> <ul style="list-style-type: none"> <li>• March - Configuration Design Builds</li> <li>• April - ECM test uplift</li> <li>• May - UAT &amp; training/SWP content</li> <li>• June - Go Live Readiness and Just in time training</li> <li>• July - Go Live and stabilisation period</li> <li>• Finance Build complete</li> </ul>	<ul style="list-style-type: none"> <li>● L&amp;D</li> <li>● Comms</li> <li>● Coaching - SLT</li> <li>● Coaching - Staff</li> </ul> <p>DETAIL:</p> <ul style="list-style-type: none"> <li>• Stakeholder Analysis (HR/OD)</li> <li>• L&amp;D - Training Plan</li> <li>• L&amp;D - resource material</li> <li>• Comms - Feb Update (CEO/PD video late)</li> </ul>	<ul style="list-style-type: none"> <li>● OD skills to develop training plan and lateness of stakeholder analysis impacting comms. MITIGATION: New digital officer progressing</li> <li>● Development-i integration work hinges on new Vendor capabilities, Existing vendor gone into liquidation.</li> </ul>	<p><b>THIS MONTH</b></p> <ul style="list-style-type: none"> <li>• Escalations - default 7 days, 3 days</li> </ul> <p><b>NEXT MONTH</b></p> <ul style="list-style-type: none"> <li>• Draft Go live plan approval</li> </ul>	<p><b>GO LIVE PLANNING</b></p> <ul style="list-style-type: none"> <li>• Go live contract date - 4 July</li> <li>• Desired shut down 12pm Friday 30/06 to Monday 8am 03/07</li> <li>• Financial services not available until Tuesday 8am 04/07</li> <li>• Discussions with SLT and digital form to complete</li> </ul>

Projects	Milestones	Change Management	Issues/Risks	Decisions	Discussion
	<ul style="list-style-type: none"> <li>SCM Build complete - some minor configuration desired for contracts</li> <li>Enterprise Budgeting Build 80% complete - fees and charges to be added</li> <li>ECM uplift - planning stage complete</li> <li>AuthorityToECM Integration Certification received by TechOne, Ready for End to End testing</li> <li>Draft Testing Plan in progress</li> <li>Data Migration - Field Mapping completed and tested</li> <li>Implementation Team Training - 80% complete (EB and Inventory remaining)</li> <li>Hardware for stores scoping - in progress</li> </ul>	<ul style="list-style-type: none"> <li>SLT Change Workshops - completed</li> <li>Change Champions Workshops - in progress</li> <li>Backfilling - new starts in Finance, Digital Team and HR working well</li> </ul>	<p>MITIGATION: Working on integration piece in isolation of vendor until vendor available.</p> <ul style="list-style-type: none"> <li>SLT communicating with teams. Information not filtering down to coordinator level well yet. MITIGATION: SLT to be provided with regular updates from April onwards - SMART TALKING POINTS on new comms template they can forward on or use at team meetings</li> </ul>		<p>regarding issues/ risks /decisions</p> <ul style="list-style-type: none"> <li>July Stabilisation period - awareness of change agility amongst staff = DIGITAL WORKFORCE...2 more years to go</li> </ul>
eSign Solution KofaxPDF + DocuSign	<ul style="list-style-type: none"> <li>Budget</li> <li>Scope</li> <li>Schedule</li> </ul> <p>DETAIL:</p> <ul style="list-style-type: none"> <li>Procure - Feb</li> <li>Package - Mar</li> <li>Testing - Apr (ES &amp; ICT)</li> <li>Training - Apr</li> <li>Handover - May</li> </ul>	<ul style="list-style-type: none"> <li>Comms - this week</li> <li>Training content - digital only using vendor resources</li> <li>Training plan - invites by end of month</li> </ul>		<p><b>THIS MONTH:</b></p> <ul style="list-style-type: none"> <li>Organisation wide signature standard: scanned or suggested - See <i>attached example</i></li> </ul>	<b>QUESTIONS?</b>

Projects	Milestones	Change Management	Issues/Risks	Decisions	Discussion
ICT Documentation	● Completed				

## Stage 2: Innovation 2025

Not commenced					
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# Programme Abstract

The digital journey is about breaking down traditional silos, that typically separate individual departments. It is about becoming more digitally enabled, data-driven and connected – with the customer at the very centre of everything Council does.

Local government organisations do not need to be technology leaders to realise these ambitions. 'Going digital' should ideally focus on creating **enterprise capabilities** that will help meet the vastly diverse needs and expectations of the community.

Taking this **enterprise capability** approach Council has adopted a digital strategy to continuously improve the capabilities of Council's **people, process, and technology**.

Council's capabilities in these 3 areas are currently strained due to resource availability, resource competences, legacy systems and an ICT strategy focused on innovation without first achieving the necessary standardisation.

The SMART digital programme will assist Council achieve standardisation and move towards innovation/differentiation, becoming a future ready government better placed to connect and serve residents, employees, field workers and councillors. The following key drivers and supporting activities, capabilities, and outcomes have been identified as programme deliverables:

Driver	Capability and Activity
<b>Customer Centricity and Connectivity</b>	Capability to transform how Council meets the needs and expectations of 'customers' - residents, businesses, partners, community leaders and stakeholders, providing virtual-first, remote-first, responsive and personalised services across a diverse region.
<b>Decision and insights from timely, trusted data</b>	Data-driven capability to provide valuable insights and decision-making into cost and resource management, critical future services, innovations, and economic opportunities, with appropriate data governance and security, from anywhere and any device.
<b>Optimised asset performance</b>	Capability to deliver accurate, life-cycle asset modelling, long-term asset planning, full cost visibility of every asset, optimised asset service level outcomes, reduced risk and increased operational efficiency with full mobility.
<b>Cost efficacy and efficiency gains through BPI &amp; BPA</b>	Capability to undertake business process improvement (BPI) and automation (BPA) activities to analyse, redesign, optimise and automate existing processes to enable greater efficiency and cost efficacy of virtual-first operations.
<b>Digitising transactions</b>	Capability to digitise all existing requirements for paper processing, paper exchange and paper retention with fully integrated front end and back-office operations connected for best practice and mobilisation of services.
<b>Risk based security approach</b>	Greater capability to hold data with trust and prevent malicious activity where possible. Be ready to detect and respond to threats quickly, despite greater use of outsourced cloud-computing services, SaaS applications and the expansion of remote working.

**Title** **Corporate Services Financial Report March**

**Date** 4 April 2023

**Responsible Manager** T. Skillington, CHIEF FINANCIAL OFFICER

## Summary

The purpose of this Report is to provide Council with the Financial Report for the period ending 31 March 2023 and seek approval for the inclusion of five new fees to be included in the 2022-23 fees and charges register. These fees relate to the Lake Broadwater Hall hire fees and refundable security deposits for the Tara Showgrounds and Wandoan Mar Memorial to be effective from 19 April 2023.

## Link to Corporate Plan

Strategic Priority: Sustainable Organisation

- We are recognised as a financially intelligent and responsible Council.
- We focus on proactive, sustainable planning for the future.

The monthly financial report provides an overview of Council's progress for the 2022-23 financial year and assists the organisation to manage its immediate budget, whilst being cognisant of its long term financial goals.

## Material Personal Interest/Conflict of Interest

There are no personal interests nor conflicts of interest associated with the consideration of this matter.

## Officer's Recommendation

That Council resolves to receive the March 2023 Financial Report and approve:

- (1) the inclusion of three new fees to the 2022-23 fees and charges register for the hall hire at Lake Broadwater, to be effective from 19 April 2023 and;
- (2) the inclusion of two new fees to the 2022-23 fees and charges register for the refundable security deposits for the Tara Showgrounds and Wandoan War Memorial, to be effective from 19 April 2023.

## Background Information

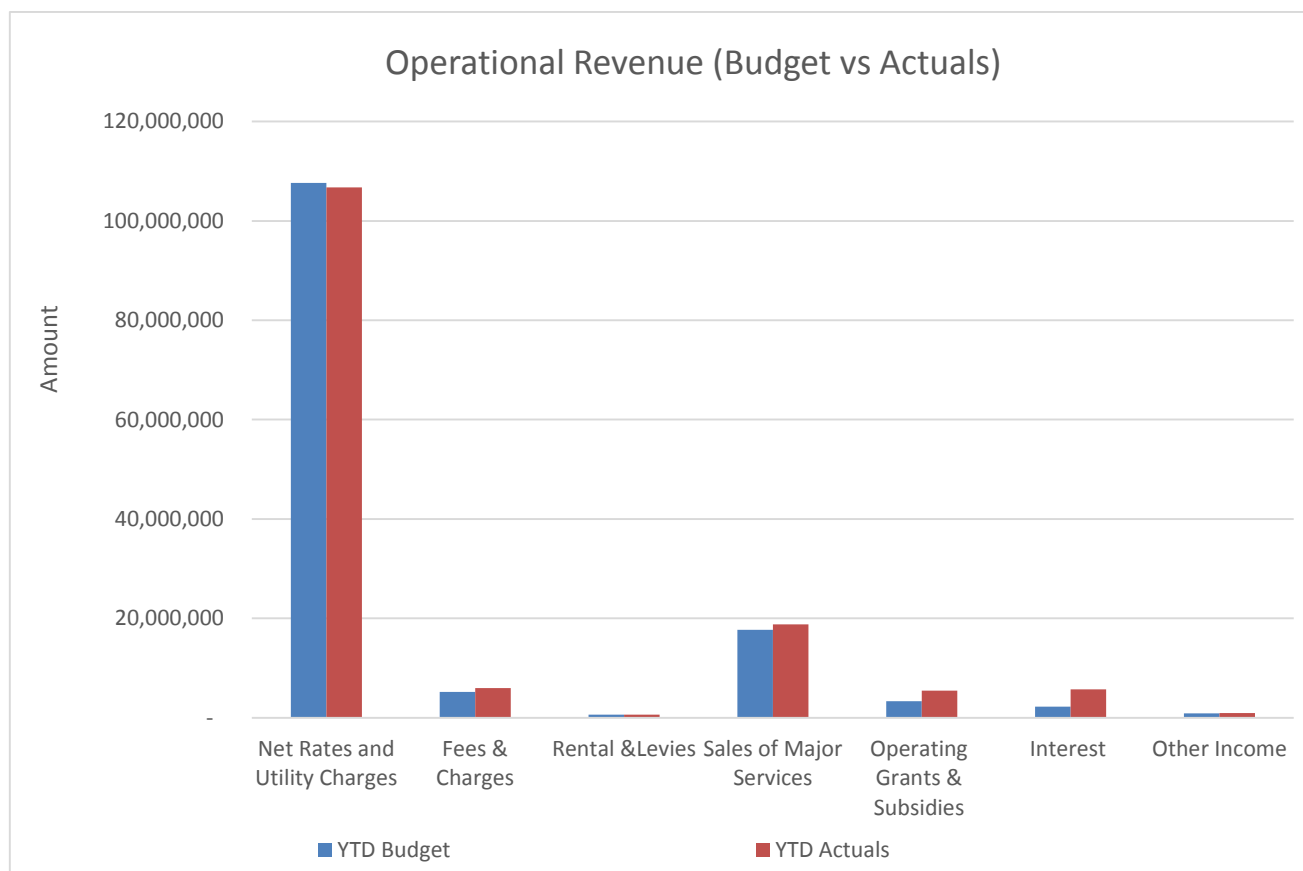
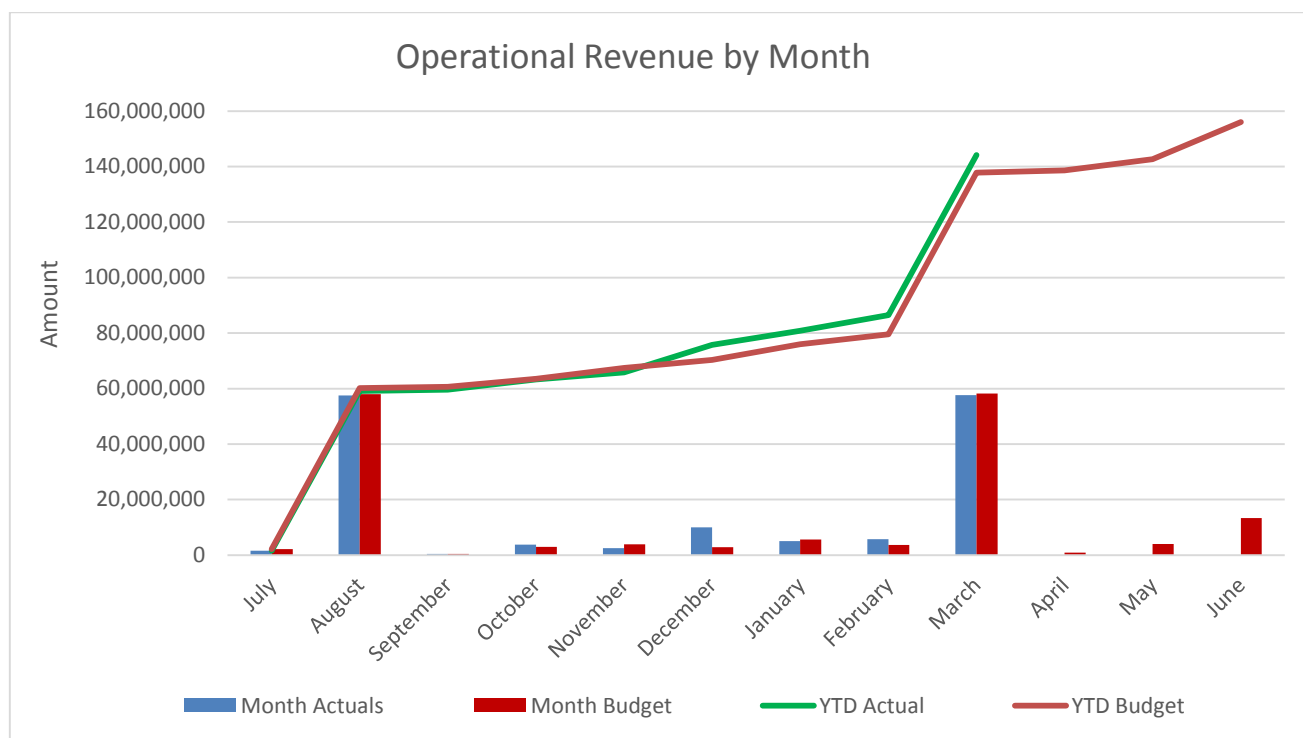
The Chief Executive Officer is required by Section 204(2) of the *Local Government Regulation 2012* to present the Financial Report once a month or at each meeting if the local government meets less frequently than monthly. The Financial Report must state the progress that has been made in relation to the local government's budget for the period of the financial year up to a day as near as practicable to the end of the month before the meeting is held.

## Report

### 1. Operating Result

The operating surplus as of 31 March 2023 is \$34,554,024, compared to a budgeted surplus of \$24,404,628, which is \$10,149,396 better than budget. This better than budgeted position is primarily due to revenue being ahead of budget by \$6,513,433 with additional flood revenue received and higher interest income. There is also a lag in Materials and Services of \$3,538,190. The Operating Surplus ratio as of 31 March 2023 is 23.97 per cent, which is greater than Council's target of 1.00 per cent. This higher percentage is due to the final rates levy for the year being issued in March, meaning income is exceeding expenditure. This percentage will start to decrease as expenditure starts to accelerate.

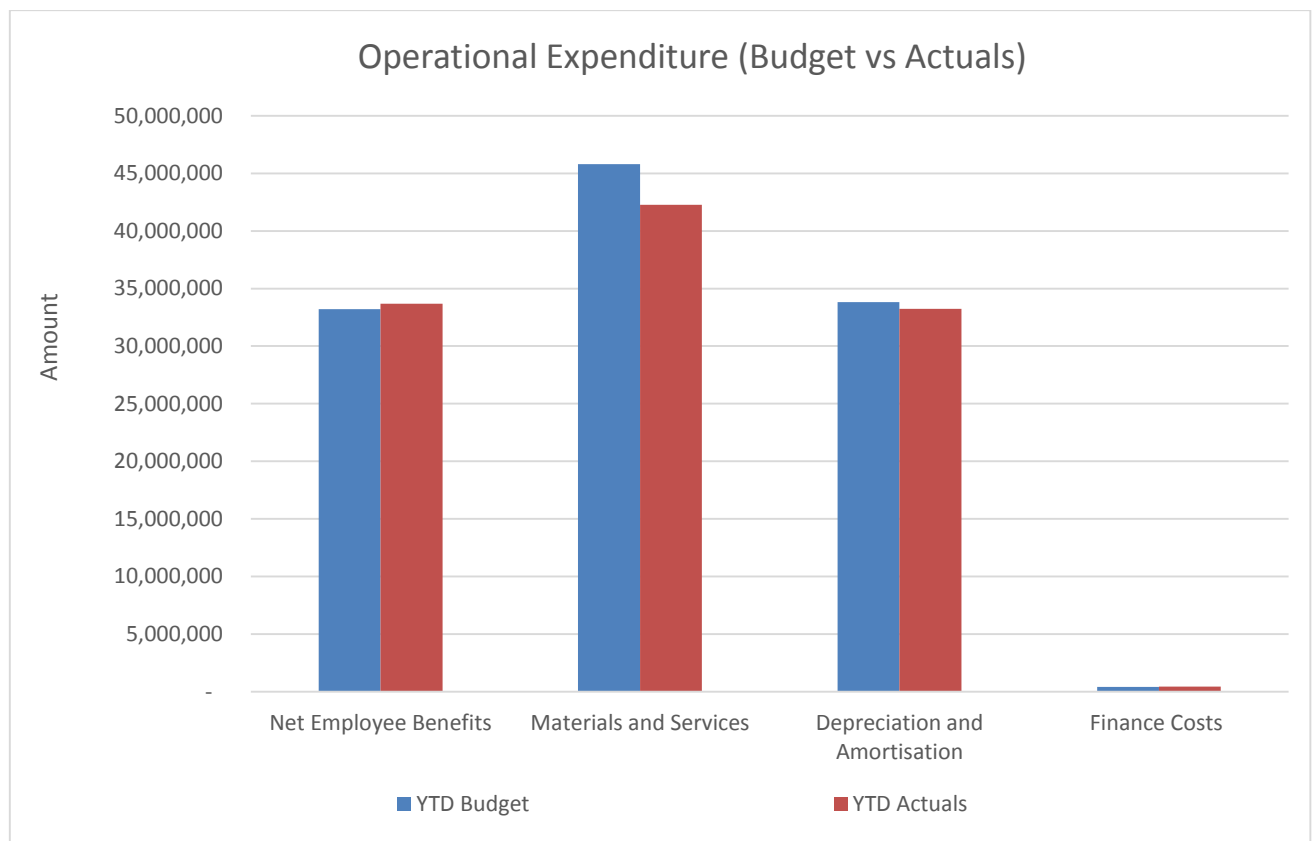
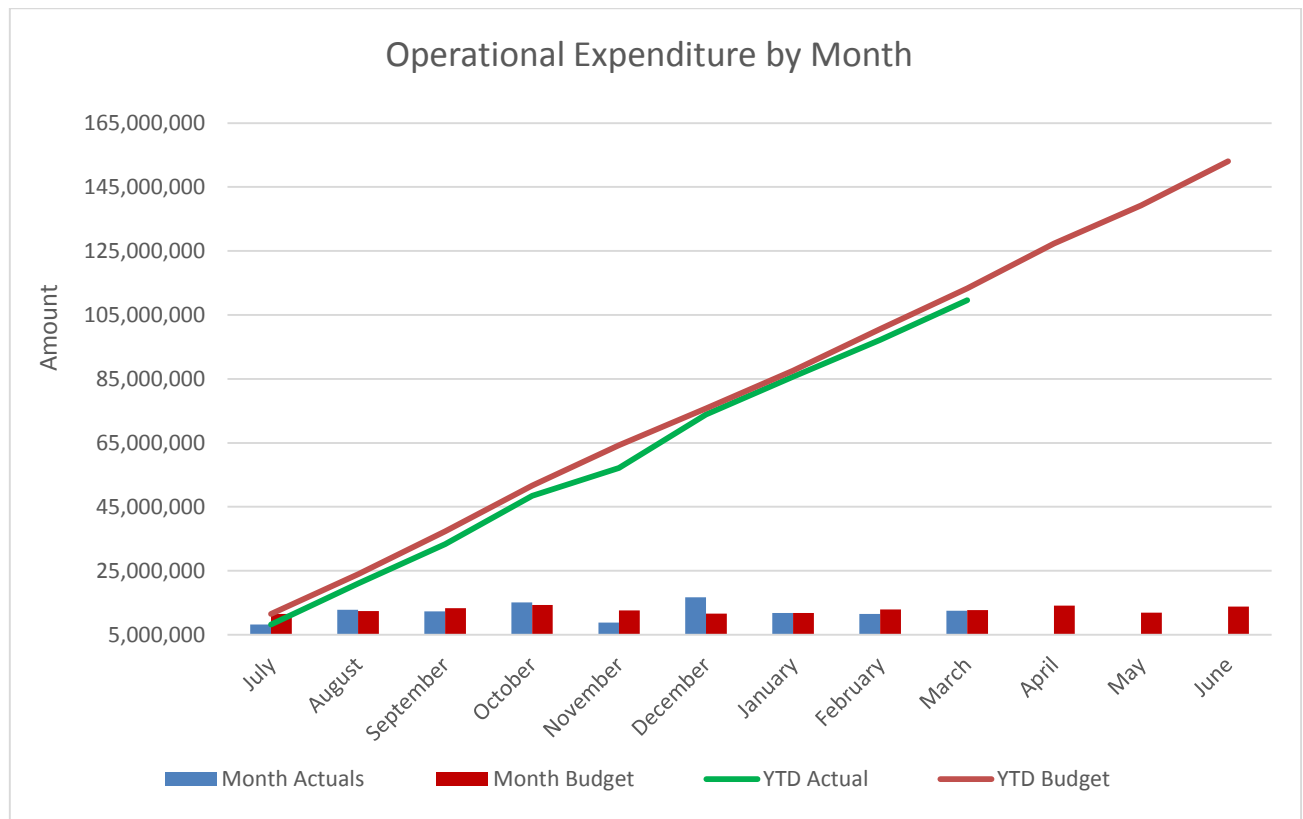
Graphs and a summary of major variances for revenue and expenses are listed below.



Operational Revenue is \$6,513,433 ahead of budget as of 31 March 2023, due to:

↓ \$879,183 under budget for Net Rates and Utility Charges revenue due mainly to:

- (a) General Rates and Utility charges are under budget \$214,927 in total. This is due to the APLNG petroleum amalgamations being processed (\$733,762 behind budget). When the budget was formed, no growth or reductions were made, as historically amalgamations have offset with additional leases coming on. This is partially offset with a phasing issue with the Rural and Urban Fire Levy being ahead of budget by \$518,835. This will resolve when the payment is made;
  - (b) Volumetric Water is under budget \$225,561 due to a wetter period; and
  - (c) Discounts are over budget \$438,695 due to a phasing issue with the pensioner remissions;
- ↑ \$765,065 ahead of budget for Fees and Charges revenue mainly due to income for town planning, building fees, rates searches, waste disposal fees, aerodrome revenue, and Washdown Bay income being ahead of budget;
- ↓ Rental and Levies is essentially in line with budget;
- ↑ \$1,083,661 ahead of budget for Sales of Major Services primarily due to Commercial Works being ahead of budget by \$2,497,060. This is due to works being ahead of schedule, additional contracts awarded, and additional funding received for emergent flood works. Commercial Works revenue will exceed budget for the year. This is offset with Quarry sales being behind budget \$1,379,412 due to a delay with booking out material to the projects. Gravel sales will increase over the coming months with the accelerated progression and completion of the capital works programme;
- ↑ Operating Grants and Subsidies is greater than budget by \$2,101,042, mainly because:
- (a) \$924,861 received from the Queensland Road Authority for emergent flood works (maintenance jobs), this was not budgeted;
  - (b) \$327,746 received by Council as the final payment for the Myall 107 project. Council was able to claim costs for demolition works;
  - (c) \$423,798 ahead of budget for learning and development incentive payments. Income for this will be ahead of budget for the year due to additional funding being received;
  - (d) \$150,000 in additional revenue for Commercial Works for a Transport Infrastructure Development Scheme (TIDS) grant; and
  - (e) \$174,919 income received for a community recovery and resilience grant. This had not been budgeted;
- ↑ \$3,432,019 greater than budget for Interest Revenue due to a high cash balance and interest rates being budgeted at 1.5 per cent and 3.43 per cent being received as of March 2023; and
- ↑ Other Income is in line with budget.





Operational Expenditure is \$3,635,963 under budget as of 31 March 2023, due to:

- ↑ \$469,477 over budget for Net Employee Benefits.
  - (a) Employee Benefits is under budget \$1,616,476 due to a lower full time equivalent count when compared to budget; and
  - (b) Capitalised Employee Benefits, however, is under budget \$2,085,953 with staff not spending as much time on capital works than originally budgeted for this period (this underspend has a negative effect on the operational budget). This underspend is primarily in the Works area which has been affected by wet weather. Crews had been remobilised to emergent (which is classified as operational) and commercial works (which is predominantly emergent work on State controlled roads). Crews have remobilised back to the capital jobs for the completion of the capital works programme. This budget will not be achieved with an underspend forecast. This underspend will be partially offset with the additional income received in Commercial Works and Employee Benefits expenditure being under budget;
- ↓ \$3,538,190 under budget for Materials and Services mainly due to:
  - (a) \$1,138,546 under budget for cost of goods sold at the gravel pits. This is due to production being behind; and
  - (b) \$1,280,274 outstanding waste contract invoices;
- ↓ \$599,071 under budget for Depreciation and Amortisation. This underspend is primarily in the roads and parks and gardens section due to a lag in capitalising assets; and
- ↑ Finance costs are in line with budget.

## 2. Business Unit Commentary

Commentary on the performance of each business unit it listed below.

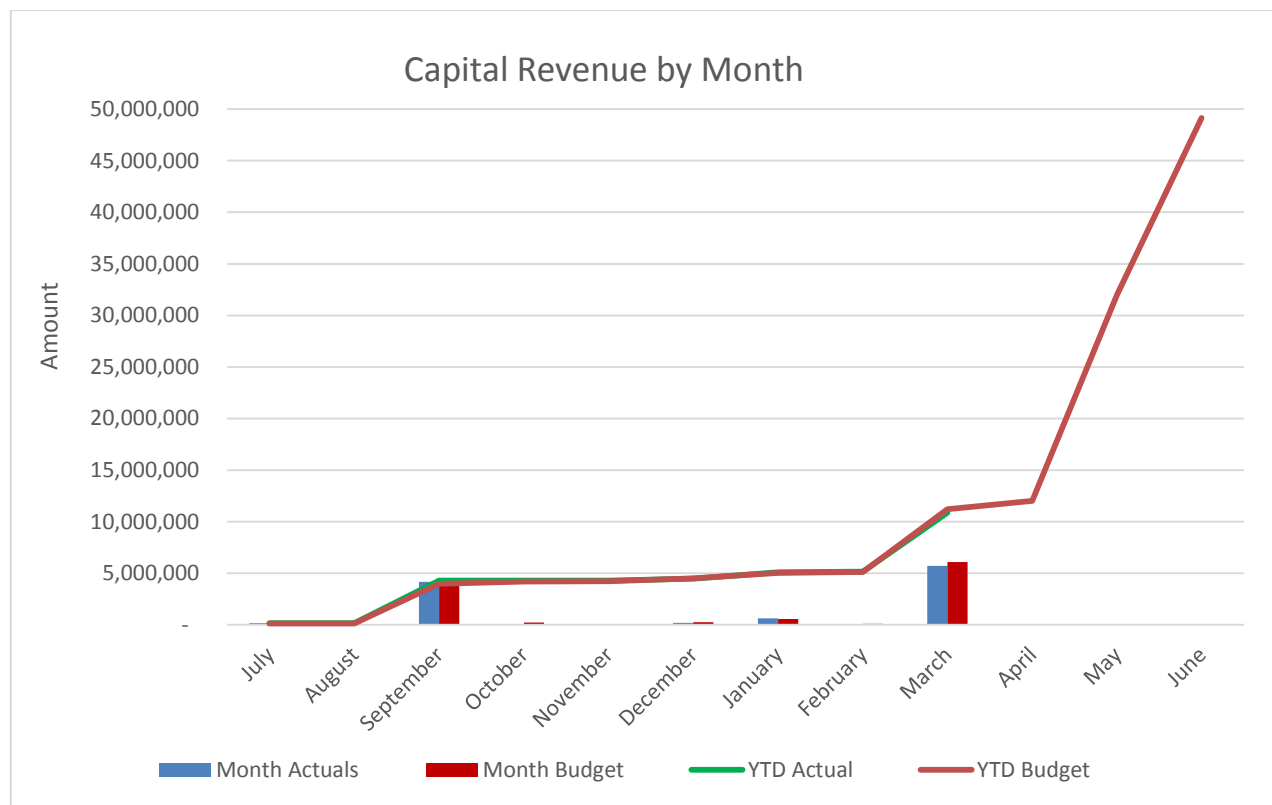
- ↑ **Commercial Works:** Commercial Works is currently making a surplus of \$481,110 which is \$654,387 better than budget. This better than budgeted position is due to revenue being ahead of expenditure. \$510,000 of revenue has been received as an upfront payment, however works will only be completed in 2023-24. This income will be accrued to the 2023-24 financial year. It is expected that Commercial Works will exceed budget for the year due to additional works being added throughout the year.
- ↓ **Gas:** Gas is currently making a \$701,110 surplus which is \$277,186 behind budget. This less favourable position is due mainly to Gas Sales being behind budget. This is a phasing issue and will correct once Commercial gas is levied in April. Expenditure is mainly in line with budget.
- ↑ **Water:** The Water business unit is making a \$995,256 deficit which is \$33,533 ahead of budget. This more favourable position is due mainly to an underspend in Employee Benefits, due to vacancies and an underspend in Materials and Services.
- ↑ **Sewerage:** Sewerage is making a \$4,825,900 surplus which is \$3,264 ahead of budget. Sewerage is essentially in line with budget.
- ↓ **Quarry:** The Quarry is making a \$1,458,873 surplus which is \$196,007 behind budget. The Jimbour Quarry is on budget; however, the Gravel Pits are behind budget due to wet weather and the finalisation of the flood works programme. This delay has a flow on effect on booking out material to the projects. Quarry Materials and Services are also under budget due to this. This position will improve over the course of the financial year as projects are completed.
- ↑ **Waste:** Waste is making a \$1,417,584 surplus which is \$1,220,421 ahead of budget. This is due to an underspend in Materials and Services with outstanding waste contract invoices.
- ↑ **Saleyards:** The Saleyards is making a \$665,759 surplus which is \$116,189 ahead of budget. This better than budgeted position is due to revenue being ahead of expenditure with increased sale numbers. This is also reflected with increased material and services costs.

↑ **Washdown Bays:** The Washdown Bays are making a \$130,171 surplus which is \$117,307 ahead of budget. Revenue is ahead of budget due to higher throughput. Expenditure is essentially in line with budget with Materials and Services being over budget due to the higher patronage.

### 3. Capital Revenue and Expenditure

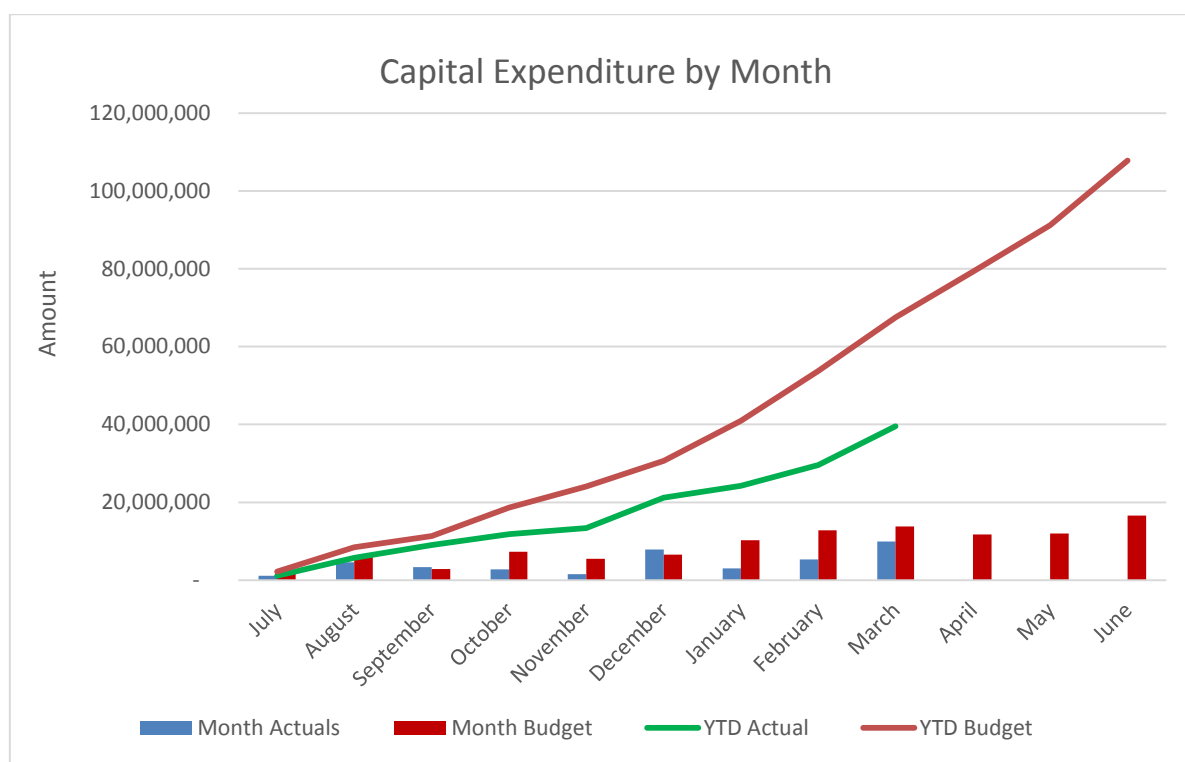
#### Capital Revenue

Capital Revenue is behind budget \$358,655. This is due to a timing issue with receiving funding. Flood funding received from the Queensland Reconstruction Authority has now been moved to the balance sheet. As work progresses, income will be moved back to capital revenue to offset the expenditure. The budget for flood works is based on approved works however Council will only get paid for actual cost. At this point Council's costs are lower than the approved value.



#### Capital Expenditure

Capital Expenditure is behind budget by \$27,926,721 as of 31 March 2023 with \$39,527,382 spent year to date.



Below is a summary of the capital works programme broken up by budget type.

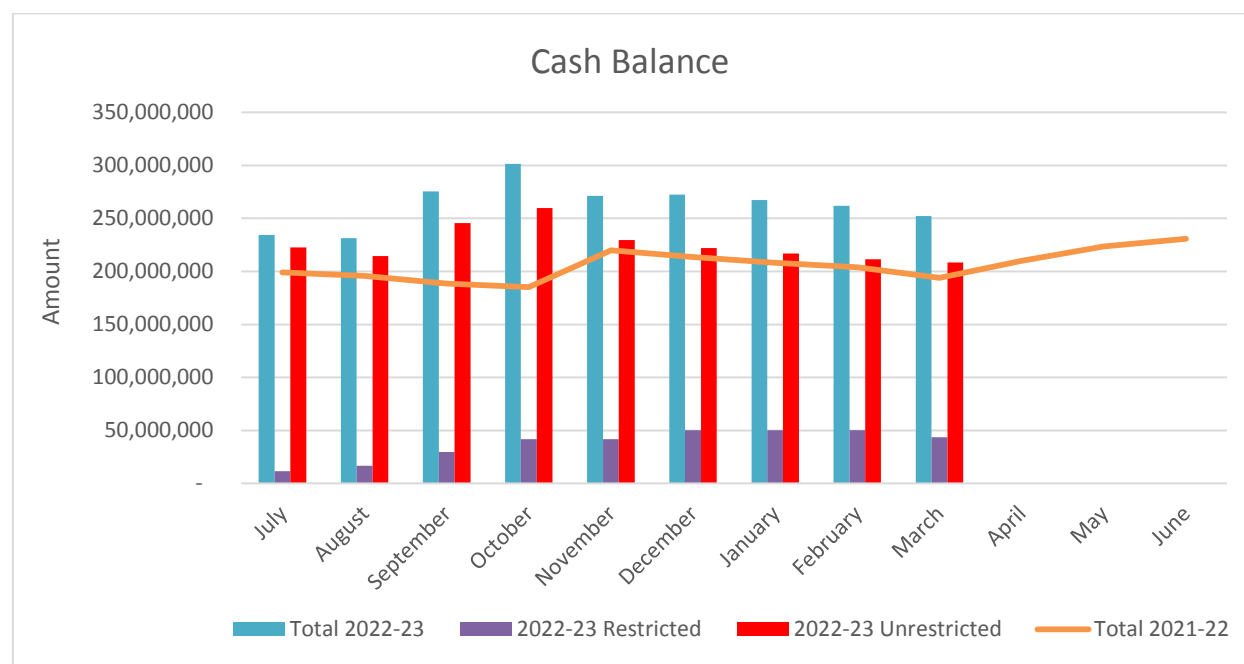
By Budget Type					
Division	Total Approved Budget	YTD Budget	YTD Actuals	Variance (YTD Budget less YTD Actuals)	Commitments (Raised PO's)
<b>Total Council</b>	<b>109,522,985</b>	<b>67,454,103</b>	<b>39,527,382</b>	<b>27,926,721</b>	<b>35,161,115</b>
<b>General</b>	<b>61,849,091</b>	<b>40,248,927</b>	<b>25,995,850</b>	<b>14,253,077</b>	<b>24,951,011</b>
<b>Flood</b>	<b>37,242,984</b>	<b>18,981,936</b>	<b>4,264,638</b>	<b>14,717,298</b>	<b>8,157,392</b>
<b>Carry-Over</b>	<b>10,430,910</b>	<b>8,223,240</b>	<b>9,266,894</b>	<b>- 1,043,654</b>	<b>2,052,712</b>

- (1) general projects are \$14,253,077 behind budget. Projects with large underspends include the Tara pool, 120 Cunningham Street, the Dalby water supply upgrade, white fleet replacement and multiple road projects. All projects will be completed by 30 June 2023, with the exception of the Dalby water supply and white fleet replacement projects which will have a portion of their budget carried over to 2023-24.
- (2) flood projects are \$14,717,298 behind budget. The flood programme had a slow start, however, has now gained momentum with allocated works to be completed by the end of the financial year, weather permitting. Thirteen (13) per cent of the approved value of flood works has been completed to date. The budget for flood works is based on approved works however Council will only get paid for actual cost. At this point Council's costs are lower than the approved value; and
- (3) carry-over projects are \$1,043,654 ahead of budget with the major projects ahead being Russell Park Mountain Bike Trail and multiple road projects.

#### 4. Cash and Investments

Council's Cash and Investments as of 31 March 2023 totalled \$252,112,296 (\$43,626,223 of this is considered restricted in nature). The unrestricted cash balance is \$208,486,073 which represents 16.35 months of operating expenses, including depreciation, in which Council could sustain itself without receiving any forms of income. This position well exceeds Council's target of four months. The balance as of 30 June 2022 was \$230,944,416.

\$25,043,150 has been invested in term deposits with NAB. All term deposits will mature before 30 June 2023 with \$546,892 to be earned in interest income.



## 5. Amendments to the 2022-23 Fees and Charges Register

Section 98 of the *Local Government Act 2009* requires Council to maintain a register of its cost recovery fees. Unlike Rates and Charges, Cost Recovery Fees and Commercial Charges can be amended by Council during the year, as provided for by sections 97 and 98 of the *Local Government Act 2009*.

It is proposed that the below fees be approved and added to the 2022-23 Fees and Charges register.

### (a) Lake Broadwater Hall hire fees

The Lake Broadwater Hall is currently managed by the Lake Broadwater Association and this arrangement is due to end on 24 April 2023, with Council becoming the new caretakers. There are currently no fees in place to charge users for the hall. Three new fees have been proposed. These are listed below;

Facility / Location	Subject	Description	Commercial / Cost Recover (CR)	GST Applicable	Cost Recovery Fees - LGA - Section 97 (2) Reference	2022-23 Fee / Charge (GST Inclusive)
Lake Broadwater	Hall Hire - 1 day	1 day hire	C	Yes	N/a	\$100.00
Lake Broadwater	Hall Hire - Multi-day	Weekend (Friday to Sunday) Working Week (Monday to Friday)	C	Yes	N/a	\$250.00
Lake Broadwater	Bond Hall Hire	Lake Broadwater Refundable Security Deposit - All Users	C	No	N/a	\$500.00

**(b) Refundable Security Deposits**

To be in line with other Council facilities. The below fees had been requested in the 2023-24 budget. However approval for these fees is required before budget adopt in June 2023.

Facility / Location	Subject	Description	Commercial / Cost Recover (CR)	GST Applicable	Cost Recovery Fees - LGA - Section 97 (2) Reference	2022-23 Fee / Charge (GST Inclusive)
Tara Showgrounds	Refundable Security Deposit	Refundable Security Deposit - Tara Showgrounds	C	No	N/a	\$500.00
Wandoan War Memorial	Refundable Security Deposit	Refundable Security Deposit - Wandoan War Memorial	C	No	N/a	\$500.00

Consultation (Internal/External)

There has been consultation with managers and co-ordinators in the preparation of the monthly financial report.

Legal/Policy Implications (Justification if applicable)

There are no legal nor policy implications associated with the consideration of the monthly financial report.

Budget/Financial Implications

Council adopted the 2023 Financial Year Original Budget on 22 June 2022. The attached one-page report details the progress made against Year-To-Date (YTD) budget for the period ending 31 March 2023. Council is in a healthy position, with the operating surplus to exceed the original budgeted surplus to around a \$5,000,000 to \$6,500,000 surplus. A budget point to be noted is the risk of not receiving 100 per cent of the Financial Assistance Grant this financial year due to the prepayment in 2021-22. Council will be able to buffer some of this loss if the payment is not made.

Human Rights Considerations

Section 4(b) of the *Human Rights Act 2019* (Qld) requires public entities 'to act and make decisions in a way compatible with human rights'. There are no human rights implications associated with this report.

**Conclusion**

Council is currently ahead of budget by \$10,149,396, with the final position for the year expected to be higher than the original budgeted position. The budget will continue to be closely monitored with any major risks or upsidеs reported. It is recommended that Council approves the inclusion of the new five proposed fees to the 2022-23 fees and charges register for the Lake Broadwater Hall hire and Refundable Security deposits.

**Attachments**

1. One Page Report March 2023

**Authored by:** C. Prain, FINANCIAL PLANNING & ANALYSIS SUPERVISOR



Western Downs Regional Council  
One Page Result  
Period Ending: 31 March 2023

	Council Consolidated				Council Net				Commercial Works			
	Original Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	YTD Budget	YTD Actuals	YTD Variance
<b>Operating Revenue</b>												
Rates and Utility Charges	(105,902,538)	(107,502,538)	(107,287,611)	214,927	(83,543,639)	(85,143,639)	(84,876,976)	266,663	-	-	-	-
Volumetric	(6,256,055)	(2,969,612)	(2,744,051)	225,561	-	-	-	-	-	-	-	-
Less: Discounts & Pensioner Remissions	5,721,090	2,864,944	3,303,639	438,695	4,376,187	2,193,093	2,646,537	453,444	-	-	-	-
Net Rates and Utility Charges	(106,437,503)	(107,607,206)	(106,728,023)	879,183	(79,167,452)	(82,950,546)	(82,230,439)	720,107	-	-	-	-
Fees and Charges	(6,724,733)	(5,221,298)	(5,986,363)	(765,065)	(3,230,095)	(2,401,084)	(3,011,408)	(610,324)	-	-	-	-
Rental and Levies	(828,447)	(643,072)	(600,094)	42,978	(733,447)	(550,097)	(537,729)	12,368	-	-	-	-
Sales of Major Services	(24,148,033)	(17,699,572)	(18,783,233)	(1,083,661)	-	-	-	-	(9,769,000)	(6,846,000)	(9,343,060)	(2,497,060)
Operating Grants & Subsidies	(13,443,138)	(3,342,526)	(5,443,568)	(2,101,042)	(13,443,138)	(3,342,526)	(5,293,568)	(1,951,042)	-	-	(150,000)	(150,000)
Interest	(3,280,500)	(2,247,866)	(5,679,885)	(3,432,019)	(3,225,500)	(2,196,244)	(5,601,181)	(3,404,937)	-	-	-	-
Other Income	(1,135,442)	(893,248)	(947,055)	(53,807)	(980,442)	(776,995)	(925,989)	(148,994)	-	-	-	-
<b>Total Operating Revenue</b>	<b>(155,997,796)</b>	<b>(137,654,788)</b>	<b>(144,168,221)</b>	<b>(6,513,433)</b>	<b>(100,780,074)</b>	<b>(92,217,492)</b>	<b>(97,600,314)</b>	<b>(5,382,822)</b>	<b>(9,769,000)</b>	<b>(6,846,000)</b>	<b>(9,493,060)</b>	<b>(2,647,060)</b>
<b>Operating Expenses</b>												
Employee Benefits	54,330,471	39,306,046	37,689,570	(1,616,476)	44,438,361	32,064,861	30,266,045	(1,798,816)	1,783,136	1,303,057	1,818,033	514,976
Less Capitalised Employee Benefits	(7,712,709)	(6,099,704)	(4,013,751)	2,085,953	(7,232,186)	(5,739,317)	(3,587,790)	2,151,527	-	-	-	-
Net Employee Benefits	46,617,762	33,206,342	33,675,819	469,477	37,206,175	26,325,544	26,678,255	352,711	1,783,136	1,303,057	1,818,033	514,976
Materials and Services	60,753,519	45,806,809	42,268,619	(3,538,190)	31,850,981	23,442,107	20,732,233	(2,709,874)	6,809,286	5,399,761	6,877,458	1,477,697
Depreciation and Amortisation	45,110,585	33,832,980	33,233,909	(599,071)	36,381,424	27,286,092	26,516,768	(769,324)	-	-	-	-
Finance Costs	532,038	404,029	435,850	31,821	532,038	404,029	435,850	31,821	-	-	-	-
Corporate Overhead	-	-	-	-	(3,508,732)	(2,631,565)	(2,631,565)	-	421,946	316,459	316,459	-
<b>Total Operating Expenses</b>	<b>153,013,904</b>	<b>113,250,160</b>	<b>109,614,197</b>	<b>(3,635,963)</b>	<b>102,461,886</b>	<b>74,826,207</b>	<b>71,731,541</b>	<b>(3,094,666)</b>	<b>9,014,368</b>	<b>7,019,277</b>	<b>9,011,950</b>	<b>1,992,673</b>
<b>Operating (surplus)/deficit</b>	<b>(2,983,892)</b>	<b>(24,404,628)</b>	<b>(34,554,024)</b>	<b>(10,149,396)</b>	<b>1,681,812</b>	<b>(17,391,285)</b>	<b>(25,868,773)</b>	<b>(8,477,488)</b>	<b>(754,632)</b>	<b>173,277</b>	<b>(481,110)</b>	<b>(654,387)</b>
<b>Capital Revenue</b>												
Capital Grants & Subsidies	(46,218,898)	(9,243,780)	(8,865,835)	377,945	(46,218,898)	(9,243,780)	(8,865,835)	377,945	-	-	-	-
Contributions	(1,328,287)	(1,328,287)	(1,464,121)	(135,834)	(1,328,287)	(1,328,287)	(1,464,121)	(135,834)	-	-	-	-
Contributions - Contributed Assets	(100,000)	(90,000)	(81,000)	9,000	(100,000)	(90,000)	(81,000)	9,000	-	-	-	-
Contributions from Developers - Cash	(300,000)	(150,000)	(192,097)	(42,097)	(300,000)	(150,000)	(159,507)	(9,507)	-	-	-	-
Disposal of Non-Current Assets	(1,186,000)	(400,000)	(250,359)	149,641	(1,186,000)	(400,000)	(250,359)	149,641	-	-	-	-
<b>Total Capital Revenue</b>	<b>(49,133,185)</b>	<b>(11,212,067)</b>	<b>(10,853,412)</b>	<b>358,655</b>	<b>(49,133,185)</b>	<b>(11,212,067)</b>	<b>(10,820,822)</b>	<b>391,245</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Capital Expenses</b>												
Loss of Revaluation of Inventory	-	-	-	-	-	-	-	-	-	-	-	-
Restoration of Land Provision	-	-	30,772	30,772	-	-	-	-	-	-	-	-
Capital Expense Write-Off	8,500,000	2,000,000	2,358,745	358,745	8,500,000	2,000,000	1,899,669	(100,331)	-	-	-	-
<b>Total Capital Expenses</b>	<b>8,500,000</b>	<b>2,000,000</b>	<b>2,389,517</b>	<b>389,517</b>	<b>8,500,000</b>	<b>2,000,000</b>	<b>1,899,669</b>	<b>(100,331)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Net Result (surplus)/deficit</b>	<b>(43,617,077)</b>	<b>(33,616,695)</b>	<b>(43,017,919)</b>	<b>(9,401,224)</b>	<b>(38,951,373)</b>	<b>(26,603,352)</b>	<b>(34,789,926)</b>	<b>(8,186,574)</b>	<b>(754,632)</b>	<b>173,277</b>	<b>(481,110)</b>	<b>(654,387)</b>
<b>Capital Funding Applications</b>												
Capital Expenditure - New Assets	10,119,721	5,801,160	4,918,580	(882,580)	4,597,100	3,405,112	2,747,361	(657,751)	-	-	-	-
Capital Expenditure - Upgrade Assets	9,445,960	6,912,687	5,864,015	(1,048,672)	9,340,540	6,807,267	5,785,630	(1,021,637)	-	-	-	-
Capital Expenditure - Replacement Assets	89,957,304	54,740,256	28,744,787	(25,995,469)	81,326,251	49,011,505	25,220,015	(23,791,490)	-	-	-	-
Loan Principal	-	-	-	-	-	-	-	-	-	-	-	-
Land Rehab	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Capital Funding Applications</b>	<b>109,522,985</b>	<b>67,454,103</b>	<b>39,527,382</b>	<b>(27,926,721)</b>	<b>95,263,891</b>	<b>59,223,884</b>	<b>33,753,006</b>	<b>(25,470,878)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>



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	Gas				Water				Sewerage			
	Original Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	YTD Budget	YTD Actuals	YTD Variance
<b>Operating Revenue</b>												
Rates and Utility Charges	-	-	-	-	(6,415,045)	(6,415,045)	(6,428,335)	(13,290)	(9,880,411)	(9,880,411)	(9,891,636)	(11,225)
Volumetric	-	-	-	-	(6,256,055)	(2,969,612)	(2,744,051)	225,561	-	-	-	-
Less: Discounts & Pensioner Remissions	-	(600)	30,264	30,864	595,542	297,771	248,780	(48,991)	464,379	232,189	234,242	2,053
Net Rates and Utility Charges	-	(600)	30,264	30,864	(12,075,558)	(9,086,886)	(8,923,606)	163,280	(9,416,032)	(9,648,222)	(9,657,394)	(9,172)
Fees and Charges	(34,000)	(24,888)	(24,180)	708	(880,000)	(856,240)	(778,885)	77,355	(15,000)	(14,850)	-	14,850
Rental and Levies	-	-	-	-	(95,000)	(92,975)	(62,365)	30,610	-	-	-	-
Sales of Major Services	(3,386,839)	(2,479,166)	(2,239,213)	239,953	(32,070)	(31,205)	(45,499)	(14,294)	(15,000)	(14,850)	(10,637)	4,213
Operating Grants & Subsidies	-	-	-	-	-	-	-	-	-	-	-	-
Interest	-	-	-	-	(25,000)	(24,325)	(34,666)	(10,341)	(20,000)	(19,800)	(29,498)	(9,698)
Other Income	-	-	-	-	-	-	-	-	-	-	(451)	(451)
<b>Total Operating Revenue</b>	<b>(3,420,839)</b>	<b>(2,504,654)</b>	<b>(2,233,129)</b>	<b>271,525</b>	<b>(13,107,628)</b>	<b>(10,091,631)</b>	<b>(9,845,021)</b>	<b>246,610</b>	<b>(9,466,032)</b>	<b>(9,697,722)</b>	<b>(9,697,980)</b>	<b>(258)</b>
<b>Operating Expenses</b>												
Employee Benefits	293,784	214,681	196,632	(18,049)	4,186,792	3,061,388	2,852,611	(208,777)	1,545,269	1,129,932	1,027,411	(102,521)
Less Capitalised Employee Benefits	-	-	-	-	-	-	(113,063)	(113,063)	-	-	(3,563)	(3,563)
Net Employee Benefits	293,784	214,681	196,632	(18,049)	4,186,792	3,061,388	2,739,548	(321,840)	1,545,269	1,129,932	1,023,848	(106,084)
Materials and Services	1,186,562	911,123	935,404	24,281	4,367,819	3,488,526	3,371,582	(116,944)	1,552,008	1,164,035	1,305,761	141,726
Depreciation and Amortisation	294,538	220,905	220,334	(571)	4,794,563	3,595,923	3,754,564	158,641	2,674,434	2,005,830	1,967,182	(38,648)
Finance Costs	-	-	-	-	-	-	-	-	-	-	-	-
Corporate Overhead	239,528	179,649	179,649	-	1,299,442	974,583	974,583	-	767,053	575,289	575,289	-
<b>Total Operating Expenses</b>	<b>2,014,412</b>	<b>1,526,358</b>	<b>1,532,019</b>	<b>5,661</b>	<b>14,648,616</b>	<b>11,120,420</b>	<b>10,840,277</b>	<b>(280,143)</b>	<b>6,538,764</b>	<b>4,875,086</b>	<b>4,872,080</b>	<b>(3,006)</b>
<b>Operating (surplus)/deficit</b>	<b>(1,406,427)</b>	<b>(978,296)</b>	<b>(701,110)</b>	<b>277,186</b>	<b>1,540,988</b>	<b>1,028,789</b>	<b>995,256</b>	<b>(33,533)</b>	<b>(2,927,268)</b>	<b>(4,822,636)</b>	<b>(4,825,900)</b>	<b>(3,264)</b>
<b>Capital Revenue</b>												
Capital Grants & Subsidies	-	-	-	-	-	-	-	-	-	-	-	-
Contributions	-	-	-	-	-	-	-	-	-	-	-	-
Contributions - Contributed Assets	-	-	-	-	-	-	-	-	-	-	-	-
Contributions from Developers - Cash	-	-	-	-	-	-	(32,590)	(32,590)	-	-	-	-
Disposal of Non-Current Assets	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Capital Revenue</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(32,590)</b>	<b>(32,590)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Capital Expenses</b>												
Loss of Revaluation of Inventory	-	-	-	-	-	-	-	-	-	-	-	-
Restoration of Land Provision	-	-	-	-	-	-	-	-	-	-	-	-
Capital Expense Write-Off	-	-	-	-	-	-	358,020	358,020	-	-	101,056	101,056
<b>Total Capital Expenses</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>358,020</b>	<b>358,020</b>	<b>-</b>	<b>-</b>	<b>101,056</b>	<b>101,056</b>
<b>Net Result (surplus)/deficit</b>	<b>(1,406,427)</b>	<b>(978,296)</b>	<b>(701,110)</b>	<b>277,186</b>	<b>1,540,988</b>	<b>1,028,789</b>	<b>1,320,686</b>	<b>291,897</b>	<b>(2,927,268)</b>	<b>(4,822,636)</b>	<b>(4,724,844)</b>	<b>97,792</b>
<b>Capital Funding Applications</b>												
Capital Expenditure - New Assets	-	-	-	-	3,510,000	1,843,000	1,913,366	70,366	-	-	-	-
Capital Expenditure - Upgrade Assets	-	-	-	-	-	-	-	-	-	-	-	-
Capital Expenditure - Replacement Assets	-	-	-	-	5,150,000	3,247,000	1,623,357	(1,623,643)	2,849,319	2,029,319	1,625,618	(403,701)
Loan Principal	-	-	-	-	-	-	-	-	-	-	-	-
Land Rehab	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Capital Funding Applications</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>8,660,000</b>	<b>5,090,000</b>	<b>3,536,723</b>	<b>(1,553,277)</b>	<b>2,849,319</b>	<b>2,029,319</b>	<b>1,625,618</b>	<b>(403,701)</b>

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	Quarry				Waste				Saleyards				Washdown Bays			
	Original Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	YTD Budget	YTD Actuals	YTD Variance
<b>Operating Revenue</b>																
Rates and Utility Charges	-	-	-	-	(6,063,443)	(6,063,443)	(6,090,664)	(27,221)	-	-	-	-	-	-	-	-
Volumetric	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Less: Discounts & Pensioner Remissions	-	-	-	-	284,982	142,491	143,816	1,325	-	-	-	-	-	-	-	-
Net Rates and Utility Charges	-	-	-	-	(5,778,461)	(5,920,952)	(5,946,848)	(25,896)	-	-	-	-	-	-	-	-
Fees and Charges	-	-	-	-	(1,845,638)	(1,384,236)	(1,450,455)	(66,219)	-	-	-	-	(720,000)	(540,000)	(721,435)	(181,435)
Rental and Levies	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sales of Major Services	(8,132,004)	(6,261,571)	(4,882,159)	1,379,412	-	-	-	-	(2,813,120)	(2,066,780)	(2,262,665)	(195,885)	-	-	-	-
Operating Grants & Subsidies	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Interest	-	-	-	-	(10,000)	(7,497)	(14,540)	(7,043)	-	-	-	-	-	-	-	-
Other Income	-	-	(113)	(113)	(155,000)	(116,253)	(19,212)	97,041	-	-	(1,290)	(1,290)	-	-	-	-
<b>Total Operating Revenue</b>	(8,132,004)	(6,261,571)	(4,882,272)	1,379,299	(7,789,099)	(7,428,938)	(7,431,055)	(2,117)	(2,813,120)	(2,066,780)	(2,263,955)	(197,175)	(720,000)	(540,000)	(721,435)	(181,435)
<b>Operating Expenses</b>																
Employee Benefits	1,124,151	831,191	684,704	(146,487)	405,976	296,667	347,617	50,950	431,382	315,388	406,164	90,776	121,620	88,881	90,353	1,472
Less Capitalised Employee Benefits	(480,523)	(360,387)	(259,205)	101,182	-	-	(5,049)	(5,049)	-	-	(45,081)	(45,081)	-	-	-	-
Net Employee Benefits	643,628	470,804	425,499	(45,305)	405,976	296,667	342,568	45,901	431,382	315,388	361,083	45,695	121,620	88,881	90,353	1,472
Materials and Services	4,984,387	3,896,037	2,757,491	(1,138,546)	8,513,395	6,367,919	5,087,645	(1,280,274)	1,041,714	764,629	774,516	9,887	447,367	372,672	426,529	53,857
Depreciation and Amortisation	21,252	15,939	16,498	559	490,412	367,812	383,881	16,069	418,842	314,136	339,540	25,404	35,120	26,343	35,142	8,799
Finance Costs	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Corporate Overhead	298,539	223,911	223,911	-	265,832	199,377	199,377	-	164,075	123,057	123,057	-	52,317	39,240	39,240	-
<b>Total Operating Expenses</b>	5,947,806	4,606,691	3,423,399	(1,183,292)	9,675,615	7,231,775	6,013,471	(1,218,304)	2,056,013	1,517,210	1,598,196	80,986	656,424	527,136	591,264	64,128
<b>Operating (surplus)/deficit</b>	<b>(2,184,198)</b>	<b>(1,654,880)</b>	<b>(1,458,873)</b>	<b>196,007</b>	<b>1,886,516</b>	<b>(197,163)</b>	<b>(1,417,584)</b>	<b>(1,220,421)</b>	<b>(757,107)</b>	<b>(549,570)</b>	<b>(665,759)</b>	<b>(116,189)</b>	<b>(63,576)</b>	<b>(12,864)</b>	<b>(130,171)</b>	<b>(117,307)</b>
<b>Capital Revenue</b>																
Capital Grants & Subsidies	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Contributions	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Contributions - Contributed Assets	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Contributions from Developers - Cash	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Disposal of Non-Current Assets	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Capital Revenue</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Capital Expenses</b>																
Loss of Revaluation of Inventory	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Restoration of Land Provision	-	-	-	-	-	-	30,772	30,772	-	-	-	-	-	-	-	-
Capital Expense Write-Off	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Capital Expenses</b>	-	-	-	-	-	-	30,772	30,772	-	-	-	-	-	-	-	-
<b>Net Result (surplus)/deficit</b>	<b>(2,184,198)</b>	<b>(1,654,880)</b>	<b>(1,458,873)</b>	<b>196,007</b>	<b>1,886,516</b>	<b>(197,163)</b>	<b>(1,386,812)</b>	<b>(1,189,649)</b>	<b>(757,107)</b>	<b>(549,570)</b>	<b>(665,759)</b>	<b>(116,189)</b>	<b>(63,576)</b>	<b>(12,864)</b>	<b>(130,171)</b>	<b>(117,307)</b>
<b>Capital Funding Applications</b>																
Capital Expenditure - New Assets	-	-	-	-	2,012,621	553,048	257,853	(295,195)	-	-	-	-	-	-	-	-
Capital Expenditure - Upgrade Assets	-	-	-	-	-	-	-	-	105,420	105,420	78,385	(27,035)	-	-	-	-
Capital Expenditure - Replacement Assets	-	-	-	-	105,373	105,373	42,500	(62,873)	353,359	303,681	233,297	(70,384)	173,002	43,378	-	(43,378)
Loan Principal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Land Rehab	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Capital Funding Applications</b>	-	-	-	-	2,117,994	658,421	300,353	(358,068)	458,779	409,101	311,682	(97,419)	173,002	43,378	-	(43,378)



**Title** **IS Report Capital Works March 2023**

**Date** 31 March 2023

**Responsible Manager** D. Dibley, WORKS MANAGER CONSTRUCTION

## Summary

The purpose of this Report is for the Works Department to provide an update to Council regarding the 2022/23 Capital Works Program for the month of March 2023.

## Link to Corporate Plan

Strategic Priority: Strong Diverse Economy

- Our business and industry actively live and buy local.

Strategic Priority: Quality Lifestyle

- Our residents are provided with modern infrastructure and quality essential services across our region.
- Our recreational spaces and community facilities are attractive, safe, and accessible.
- We invest in safe, well maintained road networks to connect our region and support economic activities.
- 

Strategic Priority: Sustainable Organisation

- We are recognised as a financially intelligent and responsible Council.
- Our agile and responsive business model enables us to align our capacity with service delivery.
- Our effective asset management ensures that we responsibly maintain our community assets.

## Material Personal Interest/Conflict of Interest

Nil

## Officer's Recommendation

That this Report be received and noted.

## Background Information

On 22 June 2022, Council adopted the 2022/23 Budget including Council's Capital Works Program.

## Report

To ensure Council are well informed with key infrastructure projects, monthly reports will be presented outlining recently completed projects, projects in progress and upcoming projects.

## CAPITAL WORK PROJECTS

### RECENTLY COMPLETED PROJECTS

1. Myall Park Road, Myall Park - Road upgrade from gravel to bitumen;
2. Clifford Road, Clifford - Gravel Resheet and flood damage works - 10kms;
3. Bundi Road Bridge Replacement at Wandoan Creek;
4. Nelders Road, Wandoan - Gravel Resheet and flood damage works; and

### PROJECTS IN PROGRESS

1. Tames Road, Columboola - Gravel Resheet and flood damage works;
2. Big Valley, Bungaban Floodway Works;
3. Horse Creek, Bundi Floodway Works;

4. Royalty Road, Greenswamp Gravel Resheet;
5. Glenolive Road, Condamine - Gravel Resheet;
6. Gill Weir Road, Miles - Intersection Upgrade with Leichhardt Highway;
7. Roche Creek Road, Roche Creek - Road Reconstruction and Widening;
8. Bullockhead Road, Hannaford CH: 37.57-46.5 Upgrade from gravel pavement to bitumen seal;
9. Mary St, Dalby - Delivery of stormwater componentry;
10. Chances Plains Road, Chances Plains - Road Reconstruction;
11. Burncluith Hall Road, Burncluith - Bitumen Dust Suppression;
12. Surcingle Road, Burncluith - Bitumen Floodway Upgrade;
13. Pratten Street, Dalby - CH: 1.981-2.487 Reconstruction and Upgrade to Kerb and Channel;
14. Dalby Aerodrome Upgrade Works to Cross Runway;
15. Geisel Street, Dalby - CH: 0.274-0.780 - Reconstruction and Upgrade to Kerb and Channel;
16. Beutel Street, Brigalow (00-0.310) Road Reconstruction;
17. Bird Street, Dalby (0.00 - 0.15) Reconstruction and Upgrade to Kerb and Channel;
18. Alexanders Road, Macalister - Gravel Resheet and flood damage works;
19. Armstrong Street West, Dalby CH: 0.100-0.430 - Bitumen Dust Suppression;
20. Wambo Street, Dalby CH: 0.160-0.360 - Bitumen Dust Suppression;
21. Riders Road, Dalby - Gravel Resheet and flood damage works;
22. Arubial Road, Condamine CH: 0.00-5.46 - Road Reconstruction and Widening;
23. Regional (Bitumen) Reseal Program Package 2;
24. Replacement of emulsion storage tanks at Dalby, Tara and Chinchilla;

#### UPCOMING PROJECTS

1. Edna Street, Dalby - Ch: 0.00-0.232 Reconstruction and upgrade to Kerb and Channel;
2. Park Street, Chinchilla - Ch: 0.00-0.169) Reconstruction and upgrade to Kerb and Channel;
3. Martins Road, Weranga - Resheet and flood damage works;
4. Upper Humbug Road/Chinchilla Tara Rd Intersection, Tara - Intersection upgrade;
5. Lytton Street, Warra School to Robinson Street - Footpath Installation;
6. Owen Street, Dalby - between Edward and Bunya Streets, Footpath reconstruction work;
7. Jimbour Street, Dalby - between Bunya and Edward Streets - Footpath reconstruction works

#### COMMERCIAL WORKS

##### PROJECTS IN PROGRESS

1. 22/23 Routine Maintenance Performance Contract (RMPC);
2. Macalister Bell Macalister Rehabilitation Project Stage 2;
3. DTMR 22/23 Reseal Prior Works Contract – Contract awarded with works programmed; and
4. DTMR 22/23 E23 Signage Renewal Program.
5. Moonie Highway and Meandarra-Talwood Road Intersection (Westmar) signage upgrade.
6. RMPC asphalt repairs - Warrego Hwy throughout the region;

#### UPCOMING PROJECTS

1. Warra Canaga Creek Road Gravel Resheet and DTMR Flood Damage Package
2. DTMR Dalby Cooyar Road Rehabilitation Stage 2 (Ch. 0 to 4) - this has been postponed until 23/24 at the request of TMR to focus time and resources on flood damage.

#### FLOOD DAMAGE RESTORATION

##### RECENTLY COMPLETED PROJECTS

1. QRA REPA Flood Damage Restoration 2019/20 Package 13 (Jandowae area).

##### PROJECTS IN PROGRESS

1. QRA REPA Flood Damage Restoration 2019/20 Package 9 (Bell and Jimbour area);
2. QRA REPA Flood Damage Restoration 2019/20 Package 15 (Miles and Wandoan area).

3. QRA REPA Flood Damage Restoration 2021/22 Package 1;
4. QRA REPA Flood Damage Restoration 2021/22 Packages 2, 3 & 4; and
5. QRA REPA Flood Damage Restoration 2021/22 Packages 5, 6 & 7.

#### UPCOMING PROJECTS

1. QRA REPA Flood Damage Restoration 2019/20 Package 14 (Tara Area) awarded waiting for works to start; and
2. QRA REPA Flood Damage Restoration 2021/22 Packages 8, 9 & 10 RFQ closed 31/03/23 to be awarded by 06/04/23

#### **22/23 PROJECTS DESIGN STATUS UPDATE**

Technical Service's Design Department have completed the following number of civil designs for the 2022/23 Capital Works Program:

1. Design Program is 90% completed (37/41)
  - a. 88% - Roadworks Design Program (28/32) projects Issued for Construction (IFC);
  - b. 100% - Footpath Design Program (9/9) projects Issued for Construction.
2. 4 Outstanding projects - 2 >90% complete, other 2 completed awaiting DTMR approval.
3. Supplementary (Extra) jobs - 35 projects completed outside of the 22/23 Program.

#### Consultation (Internal/External)

Following Council's resolution to receive the report, updates will be posted on Council's social media platforms to inform Western Downs Regional Council's community.

#### Legal/Policy Implications (Justification if applicable)

NIL

#### Budget/Financial Implications

Local Capital Expenditure for the month of March was \$381,090 (69.53%).

Local Capital Expenditure for financial year to date is \$4,732,975.24 (42.39%)

#### Human Rights Considerations

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

#### **Conclusion**

Overall the capital works program is on schedule, with the exception on the Dalby urban street reconstruction and kerb and channel upgrade projects.

Recent rainfall across the region has provided construction water, however has resulted in bitumen seals being postponed. Concrete culvert deliveries have been delayed - projects are continuing with the pavement works and the culverts will be installed once delivered on site.

#### **Attachments**

NIL

**Authored by:** Debbie Dibley, WORKS MANAGER - CONSTRUCTION

<b>Title</b>	<b>Community &amp; Liveability Report Temporary Closure Chinchilla Weir Boat Ramp</b>
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<b>Date</b>	10 April 2023
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<b>Responsible Manager</b>	T. Parsons, PARKS & RECREATION MANAGER
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## Summary

The purpose of this Report is to seek Council's approval to temporarily close the Chinchilla Weir Boat Ramp to facilitate scheduled upgrades to be conducted by Marine Safety Queensland.

## Link to Corporate Plan

Strategic Priority: Active Vibrant Community

- Our people of diverse backgrounds and ages are united by social, cultural, and sporting activities.
- Our parks, open spaces, and community facilities are alive with activities and connect our communities.

Strategic Priority: Quality Lifestyle

- Our residents are provided with modern infrastructure and quality essential services across our region.
- Our recreational spaces and community facilities are attractive, safe, and accessible.
- We attract families to live, work, prosper, and play in our region.

Strategic Priority: Sustainable Organisation

- Our effective asset management ensures that we responsibly maintain our community assets.

## Material Personal Interest/Conflict of Interest

Nil

## Officer's Recommendation

That this Report be received and that:

1. Council resolve to temporarily close the Chinchilla Weir Boat Ramp for a period of eight (8) weeks commencing on 16 May 2023 and concluding on 11 June 2023.
2. Authority be delegated to the Chief Executive Officer, to allow re-opening of the Chinchilla Weir Boat Ramp prior to 11 June 2023, should upgrade works conclude at an earlier date.

## Background Information

As per *Western Downs Regional Council Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011*

## Part 2 Section 8 Power of closure of local government controlled areas

(1) The local government may, by resolution, temporarily close a local government controlled area to public access—

- (a) to carry out construction, maintenance, repair or restoration work; or
- (b) to protect the health and safety of a person or the security of a person's property; or
- (c) because of a fire or other natural disaster; or
- (d) to conserve or protect the cultural or natural resources of the area or native wildlife.

(2) A resolution under subsection (1)—

- (a) must state a period, not greater than 6 months, during which the area will be closed; and
- (b) must be revoked by the local government as soon as practicable after the local government becomes satisfied that the reason for making the resolution no longer exists.

## Report

The Chinchilla Weir Boat Ramp infrastructure is owned by the Department of Transport & Main Roads, Council is the appointed manager of this asset as per the terms of *Transport Infrastructure (Public Marine Facilities) Regulation 2011*.

The park and camping area surrounding the Chinchilla Weir Boat Ramp is managed by Council, and owned by SunWater.

Marine Safety Queensland approached Council regarding a temporary closure of the asset, to allow for scheduled maintenance, inclusive of resurfacing works to the Chinchilla Weir Boat Ramp. To support the request for temporary closure, a program of works (Attachment A) and drawings (attachment B) were submitted to Council.

Following contact from Marine Safety Queensland, Parks and Recreation Senior Officer, contacted SunWater to request a letter of Consent (Attachment C).

Signage and online communication will be arranged by Council's Parks and Recreation with Department with respect to the temporary closure in line with specifications outlined in *Western Downs Regional Council Local Law No.4 (Local Government Controlled Areas Facilities and Roads) 2011*.

Marine Safety Queensland have engaged contractor Australian Marine and Civil to complete the project. The neighbouring pontoon will not be impacted by works, and there is expected to be minimal disruption to the car park area that immediately adjoins the ramp.

### Consultation (Internal/External)

Internal consultation was held with the following:

- Governance Officer, Rose Heintze
- Paralegal, Amanda Porter
- Parks & Recreation Manager, Talia Parsons

External consultation was held with the Following:

- Australian Marine & Civil
- Chinchilla Water Skiing Club
- Colin Brendel, EGM Operations, SunWater
- Graduate Engineer Brendan Wilson, Marine Safety Queensland (TMR)
- Senior Advisor Nicki Werynski, Marine Safety Queensland (TMR)
- Senior Engineer Searath Weerakoon, Marine Safety Queensland (TMR)
- Senior Property Advisor, Robyn Desrettes, SunWater

### Legal/Policy Implications (Justification if applicable)

The following list of Council Policy and Legislations apply to this Council Report

*Local Government Act 2009 (QLD)*  
*Local Government Regulation 2012 (QLD)*  
*Work Health and Safety Act 2011*

### Budget/Financial Implications

The Department of Main Roads, Marine Safety Queensland Branch is responsible for the financial obligations associated with this project.

### Human Rights Considerations

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

There are no human rights implications associated with this Report.

### **Conclusion**

That Council Resolves to temporarily close the Chinchilla Weir Boat ramp for a period of eight (8) weeks commencing on 16 May 2023, to allow for completion of scheduled upgrades by Maritime Safety Queensland; and that Council Resolves to delegate authority to the Chief Executive Officer for early reopening of this site, should works be completed ahead of schedule.

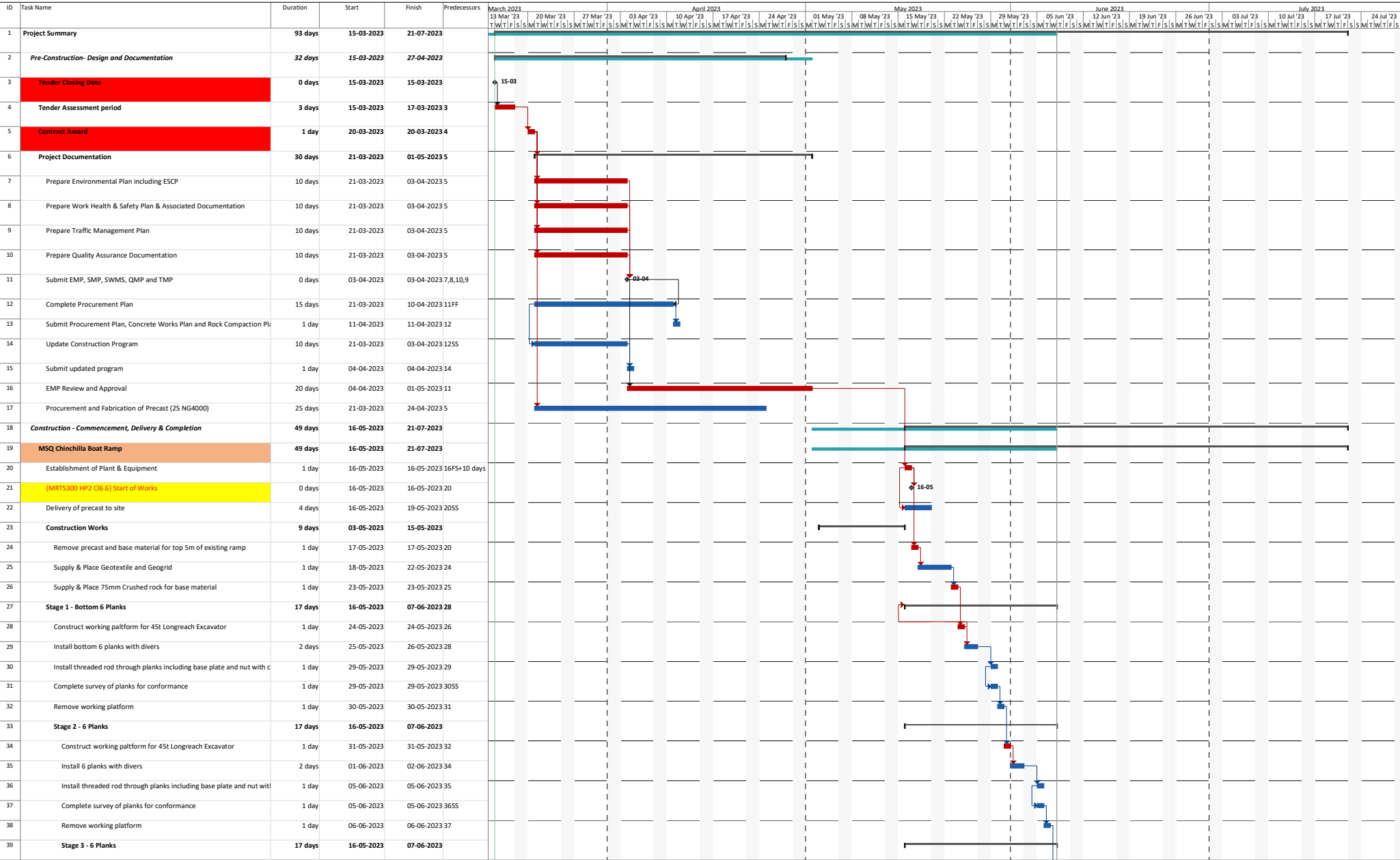
### **Attachments**

Attachment A - Program of Works

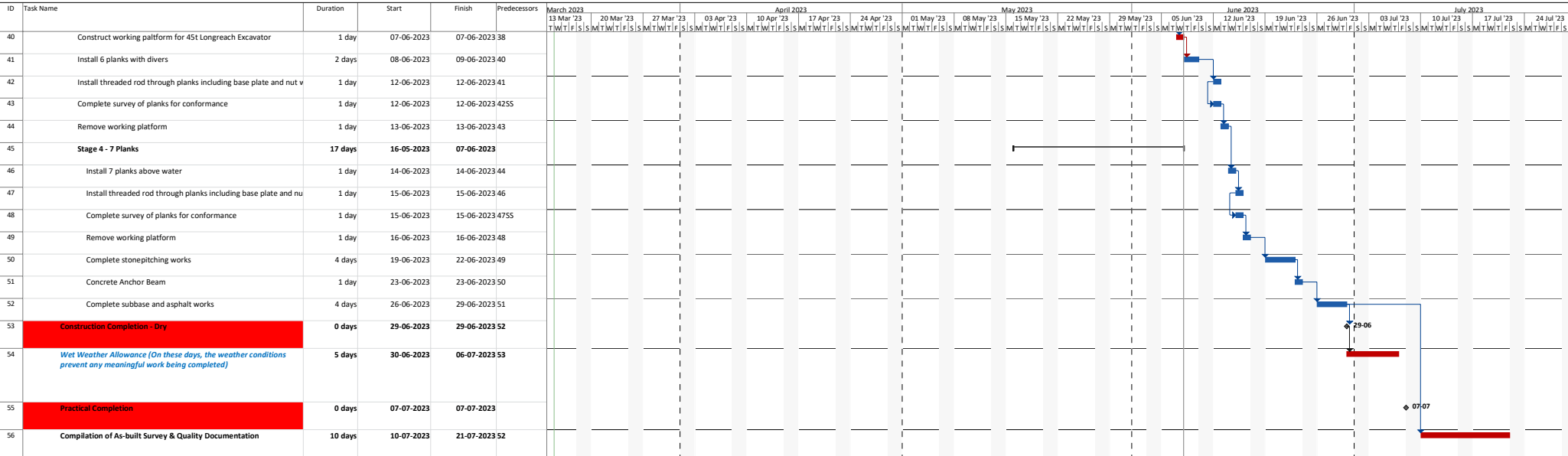
Attachment B - Drawings

Attachment C - Letter of Consent SunWater

**Authored by:** Sacha Eckert, Parks & Recreation Operations Senior Officer



CN-20547 Chinchilla Boat Ramp Resurfacing





## **Minor Infrastructure Contract**

### **Tender Documents for**

**Contract Number CN-20547**

**Project Number TMR04-264**

**CHINCHILLA WEIR BOAT RMP RESURFACING - 2023**

**Volume 2 of 4**

# Minor Infrastructure Contract

## Tender Documents for

Contract Number CN-20547

### Volume 2

#### Table of Contents

##### Documents Bound in This Volume

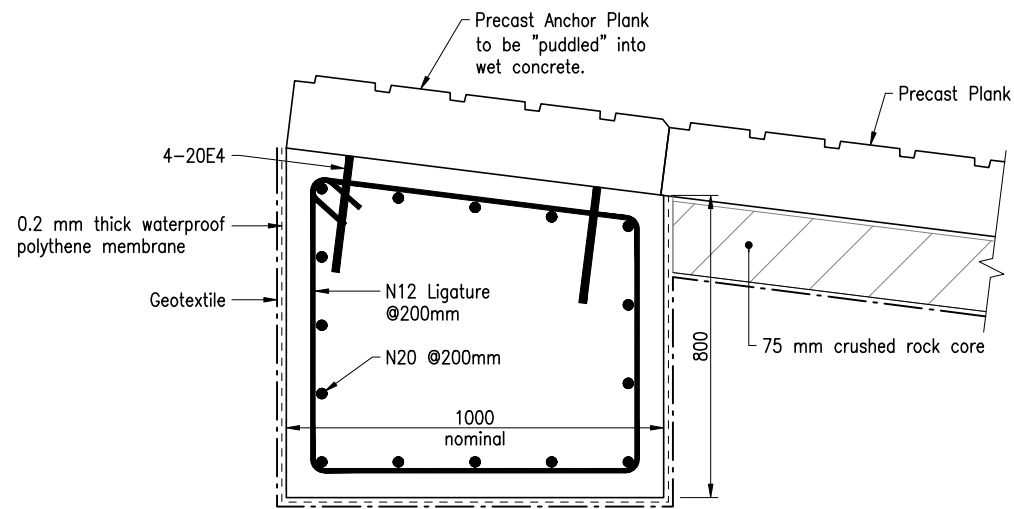
Identification Number	Title	Version
CH-1-2-1A	Chinchilla Condamine River – Chinchilla Weir Chinchilla Tara Road Boat Ramp (CH11) Reconstruction Site Plan, Locality Plan and Notes	A
CH-1-2-2A	Chinchilla Condamine River – Chinchilla Weir Chinchilla Tara Road Boat Ramp (CH11) Reconstruction General Arrangement	A
CH-1-2-3A	Chinchilla Condamine River – Chinchilla Weir Chinchilla Tara Road Boat Ramp (CH11) Reconstruction Precast Concrete Plank Type NG4000 FRP	A
CH-1-2-4A	Chinchilla Condamine River – Chinchilla Weir Chinchilla Tara Road Boat Ramp (CH11) Reconstruction Anchor Beam, Anchor plan and End Plank Details	A
SD4021	Boat Ramp – Boat Ramp Construction – Earthworks and Crushed Rock Core Details	10/15
SD4022	Boat Ramp – Boat Ramp Construction – Fully Grouted Shoulders and Ungouted Shoulders	10/15



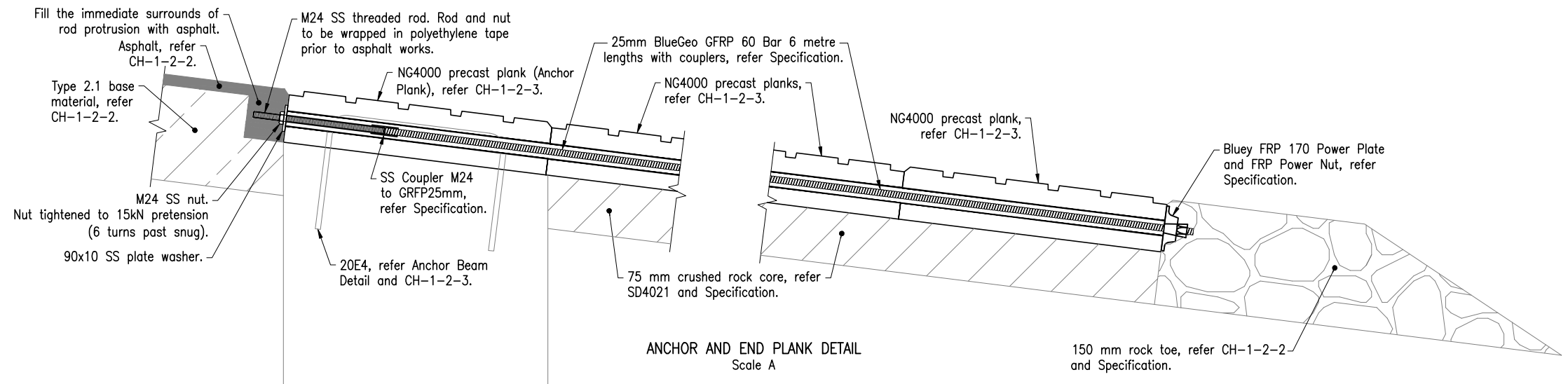




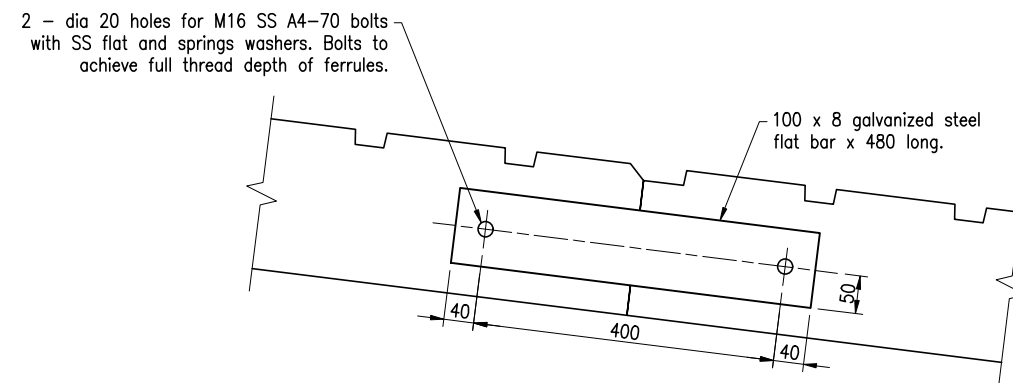




ANCHOR BEAM DETAIL  
Scale A



ANCHOR AND END PLANK DETAIL  
Scale A



CONNECTION STRAP DETAIL  
Scale B

# NOTES:

1. CONCRETE to be in accordance with MRTS70.  
Anchor Beam concrete to be S50/20, exposure classification B1.
2. REINFORCING STEEL to be in accordance with AS/NZS 4671, MRTS71, Standard Drawings 1043 and 1044.  
Deformed bars Grade D500N.  
Minimum cover to reinforcing steel shall be 65 unless shown otherwise.  
All carbon reinforcing steel to be Australian Certification Authority for Reinforcing Steel (ACRS) certified.
3. STAINLESS STEEL to be in accordance with ASTM A276.  
Stainless Steel threaded rod and fasteners to be Grid A4-80 to ISO 3506-1.  
All work shall be neatly finished with sharp edges removed.
4. For Geotextile, Geogrid, Rock and Earthworks refer to project drawing CH-1-2-2 and Standard Drawing 4021.
5. DIMENSIONS are in millimetres unless shown otherwise.

## Departmental Standard Drawings:

- 1043 Reinforcing Steel – Standard Bar Shapes
- 1044 Reinforcing Steel – Hook and Bend Details, Lap Lengths and Steel Reinforcement Information
- 4021 Boat Ramp Construction – Earthworks and Crushed Rock Core Details

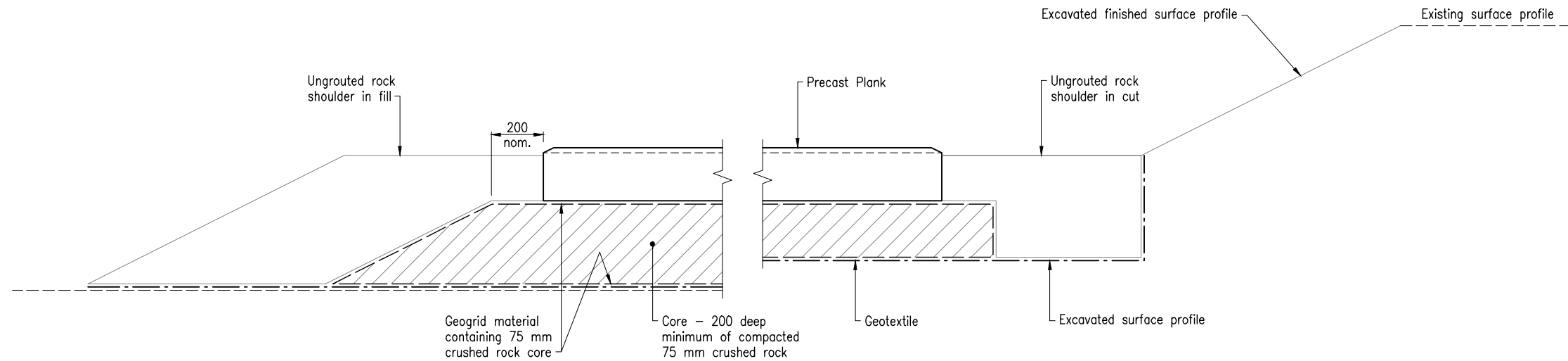
## Departmental Specifications:

- MRTS70 Concrete
- MRTS71 Reinforcing Steel
- MRTS300 Boat Ramps

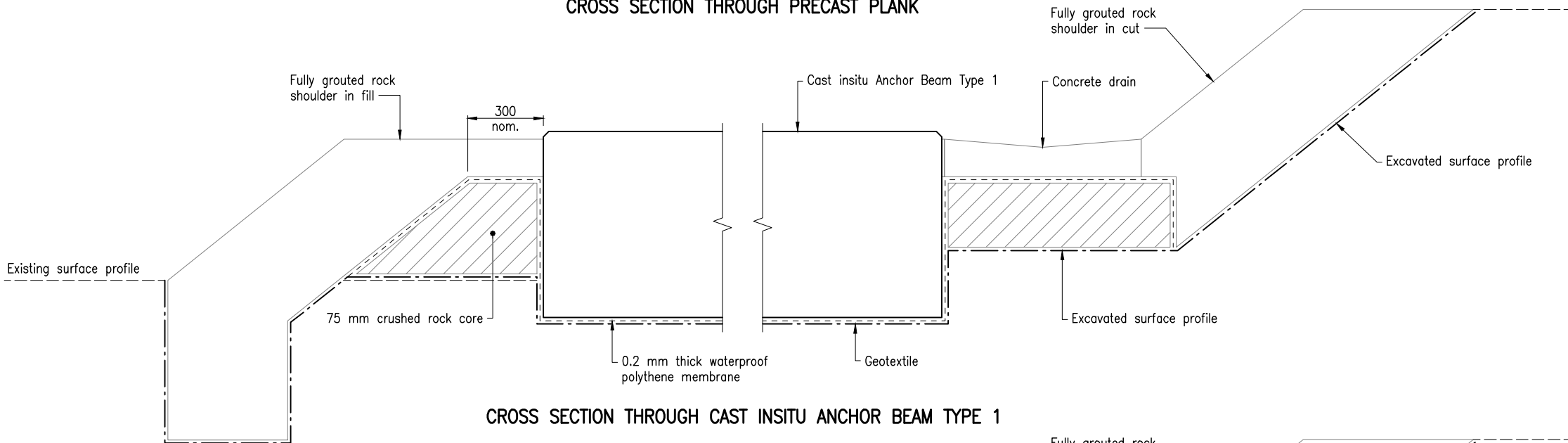
## Australian and International Standards:

- AS/NZS 4671 Steel Reinforcing Materials
- ASTM A276 Standard Specification for Stainless Steel Bars and Shapes
- ISO 3506-1 Mechanical properties of corrosion-resistant stainless steel fasteners – Part 1

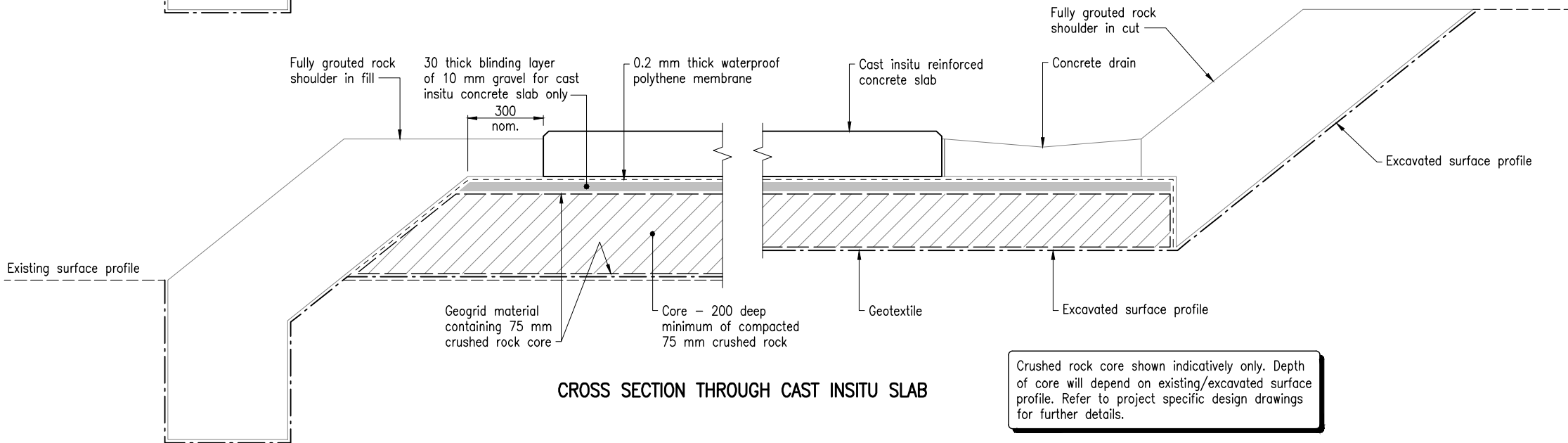
G F E D C B A				Associated Job Nos	Survey Data	<div> <div> Scales </div> <div> A 0200400mm </div> <div> B 0100200mm </div> </div>	CHINCHILLA	Drawn	J.W.RICHARDS	ANCHOR BEAM, ANCHOR PLANK AND END PLANK DETAILS			<div> File No. 467/00034 </div> <div> Contract No. CN-20547 </div> <div> Drawing No. CH-1-2-4 A </div> <div> Project No. TMR04-264 </div> <div> MRM_Detail 06/22 </div>
					Datum		CONDAMINE RIVER – CHINCHILLA WEIR CHINCHILLA TARA ROAD	Checked	E.MURPHY				
					Horiz. Grid			Designed	C.D.SORBELLO				
					Height Origin			Design Review SENARATH WEERAKOON		ENGINEERING AREA	SIGNATORY	NUMBER	
					Survey Books		BOAT RAMP (CH11), RECONSTRUCTION Page 220 of 238			CIVIL	Tony Giufre	6572	



CROSS SECTION THROUGH PRECAST PLANK



CROSS SECTION THROUGH CAST INSITU ANCHOR BEAM TYPE 1



CROSS SECTION THROUGH CAST INSITU SLAB

Crushed rock core shown indicatively only. Depth of core will depend on existing/excavated surface profile. Refer to project specific design drawings for further details.

NOTES:

1. CONSTRUCTION OF BOAT RAMP shall be in accordance with MRTS300.
2. 75 mm CRUSHED ROCK shall have the following grading:

Australian Standard Sieve Size	Percent Passing
100	100
53	< 30
37.5	0

3. CRUSHED ROCK COMPACTION shall be in accordance with MRTS300.
4. 10 mm GRAVEL BLINDING LAYER shall only be used under cast insitu concrete slabs. Blinding layer is not to be used under precast planks.
5. TREATMENT OF ASS/PASS and other contaminants (if required) is defined in the project specific Environmental Management Plan.
6. GEOGRID shall have the following properties:

Parameter	Requirement
Material	Manufactured from polypropylene sheet with transverse and longitudinal ribs of minimum thickness 1.3 mm
Aperture size	Approximately 37x 37 to contain 75 mm crushed rock
Quality Control Strength	30 kN/m with a peak strain of 10% in both directions
Junction strength between the longitudinal and transverse ribs	Greater than 95% of the Quality Control Strength in both directions

Unless shown otherwise laps shall be 250 minimum and braided together so that both edges are fixed to the lapped sheets.

Braid shall have a nominal weight of 6.8 g/m and be made from 3 ply, 19 strands per ply, high density polyethylene (HDPE), and shall have a breaking strength greater than 200 kg.

7. GEOTEXTILE shall have the following properties:

Parameter	Requirement
Material	Non-woven needle punched staple fibre polyester or polypropylene meeting minimum strength Class D and Filtration Class 1
Elongation	>= 30%
Grab Strength	1200 N
Tear Strength	450 N
G Rating	3000

Placement shall be in accordance with MRTS300.

Unless shown otherwise laps shall be 500 minimum.

Construction equipment shall not stand or travel directly over geotextile.

Rock armour (> 150 mm) placed directly on geotextile shall have a maximum drop height of 1.5m.



8. For precast plank installation and anchor beam details refer Standard Drawing 4020.
9. DIMENSIONS are in millimetres unless shown otherwise.

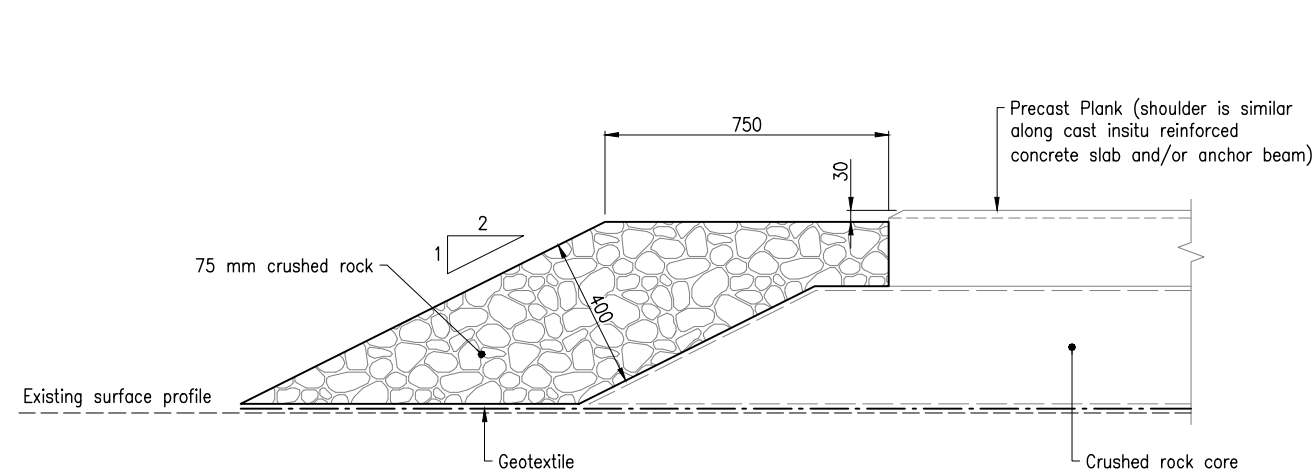
ASSOCIATED DEPARTMENTAL DOCUMENTS:

Standard Drawings  
Specifications

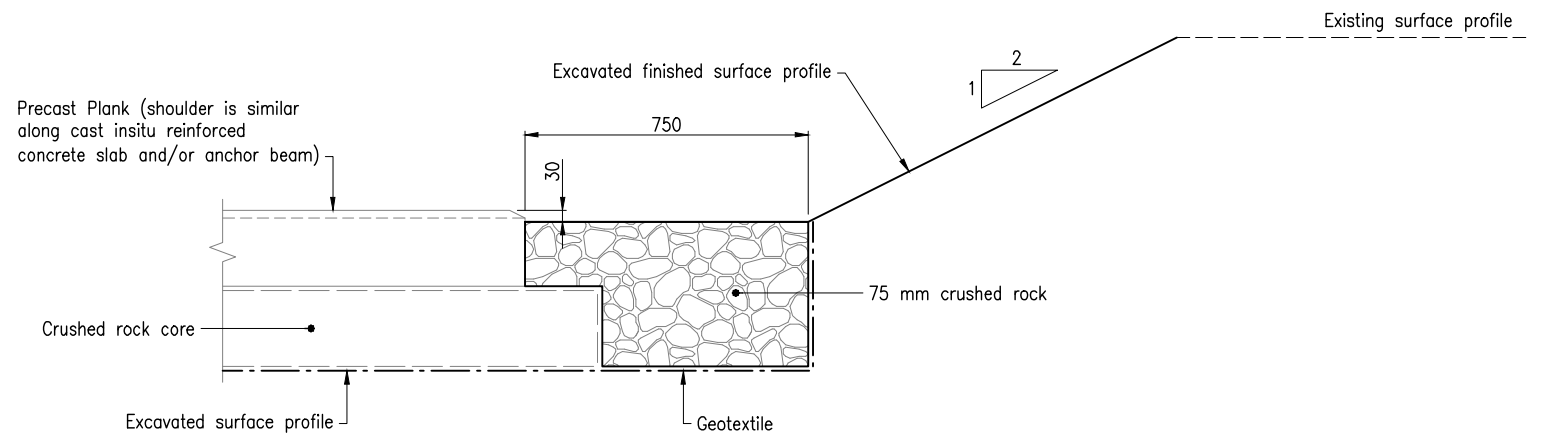
REFERENCED DOCUMENTS:

Departmental Standard Drawings:  
4022 Boat Ramp Construction – Fully Grouted Shoulders and UngROUTED Shoulders  
Departmental Specifications:  
MRTS300 Boat Ramps

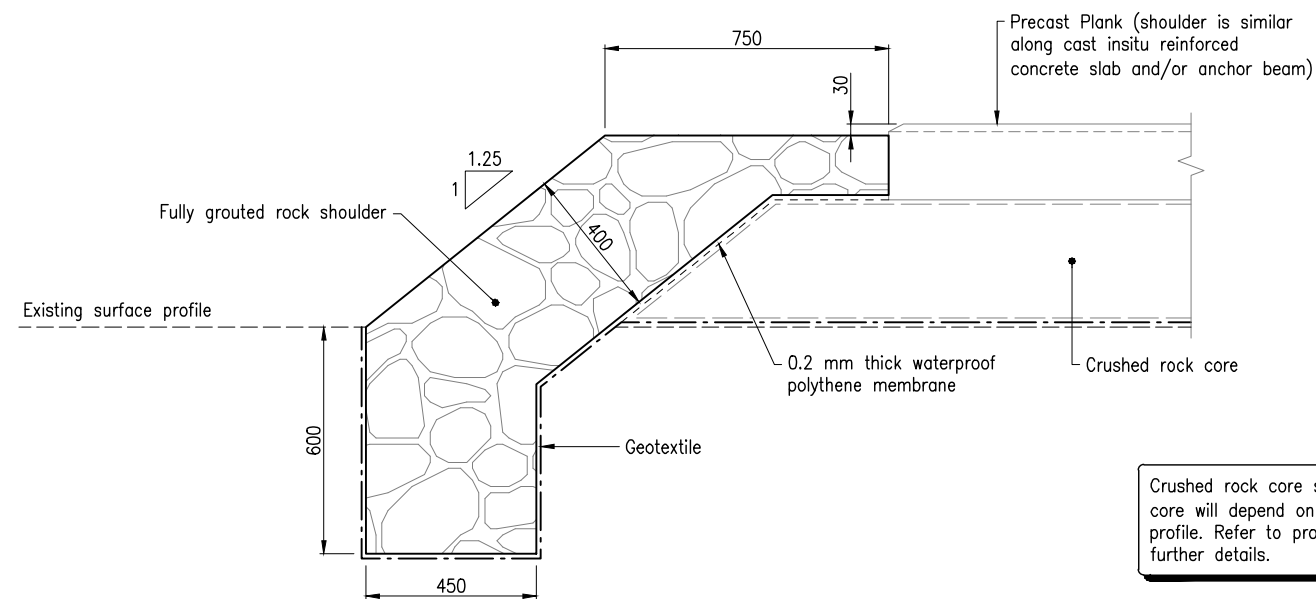
Department of Transport and Main Roads					
BOAT RAMP		© The State of Queensland (Department of Transport and Main Roads) 2015 <a href="http://creativecommons.org/licenses/by/3.0/au">http://creativecommons.org/licenses/by/3.0/au</a>			
BOAT RAMP CONSTRUCTION — EARTHWORKS AND CRUSHED ROCK CORE DETAILS		A3	Standard Drawing No		
		Not to Scale	4021		
			Date 10/15		
		A	B		



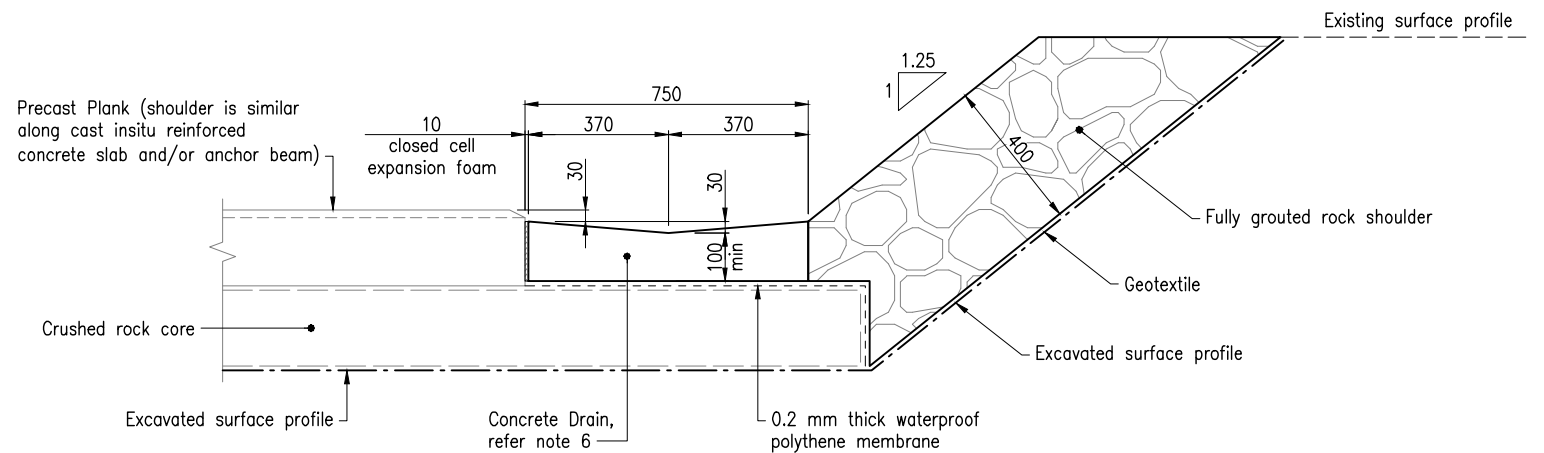
UNGROUTED ROCK SHOULDER IN FILL



UNGROUTED ROCK SHOULDER IN CUT



FULLY GROUTED ROCK SHOULDER IN FILL



FULLY GROUTED ROCK SHOULDER IN CUT

Crushed rock core shown indicatively only. Depth of core will depend on existing/excavated surface profile. Refer to project specific design drawings for further details.

#### NOTES:

- CONSTRUCTION OF BOAT RAMP shall be in accordance with MRTS300.
- ROCK for the fully grouted shoulders shall be unweathered, clean, hard and durable graded 150 to 200 mm with essentially flat faces.  
Grout shall be 20 MPa cement mortar made from a 1:3 GP cement/sand mixture with sufficient water added to give it a plastic like texture that will retain its shape and not flow like a liquid.
- FOOTINGS: The excavation for footings shall be to the minimum design depth and thickness and fully lined with geotextile. Sufficient extra geotextile shall be allowed so that full separation of footing and existing base material is retained during consolidation.  
The footings shall be full thickness grouted rock to ensure that structural integrity of the core and shoulders is retained if the existing base materials erode.  
Footings may alternatively be constructed using S25/20 mass concrete.
- SHOULDER BATTERS CONSTRUCTION: The shoulder and shoulder batter shall be constructed by placing alternate layers of grout and rock so that the grout shall extend through the full design thickness of the shoulders. Rocks shall be placed to form irregular joints and be interlocked with smaller sized rock so that there are not any large voids and individual rocks cannot be easily dislodged.  
Shoulders which are constructed by placing rock and then grouting or shotcreting only the outer surface shall be rejected.  
The shoulder batter shall be fully supported and not extend beyond the edge of the footing.
- GROUTED ROCK SURFACE FINISH: Exposed surfaces shall have a minimum of 80% of exposed rock with a close faced maximum mortar setback of 10. Excess cement mortar coating shall be removed.  
The finished surface shall have a generally flat, even and neat appearance, and will not have any sharp or angular points which will be hazardous to ramp users.
- CONCRETE DRAIN: Concrete shall be S50/20, exposure classification C and cured in accordance with MRTS70.  
Tooled contraction joints to be provided at 2 m nominal spacings by forming grooves 40 deep and not more than 6 mm wide in exposed surfaces of the concrete. Grooves shall be normal to the top surface and square to the drain alignment. Joint locations shall match with adjacent precast plank gaps.  
Trafficable surface shall have a medium broom finish at 90° to the boat ramp control line.
- For geotextile, geogrid, 75 mm crushed rock grading and earthworks details refer Standard Drawing 4021.
- DIMENSIONS are in millimetres unless shown otherwise.

#### ASSOCIATED DEPARTMENTAL DOCUMENTS:

Standard Drawings  
Specifications

#### REFERENCED DOCUMENTS:



Departmental Standard Drawings:

- 4020 Boat Ramp Construction – Precast Plank Installation and Anchor Beam Types 1 and 2
- 4021 Boat Ramp Construction – Earthworks and Crushed Rock Core Details

Departmental Specifications:

MRTS70 Concrete

MRTS300 Earthworks

Department of Transport and Main Roads		 <b>Queensland Government</b>				
BOAT RAMP				© The State of Queensland (Department of Transport and Main Roads) 2015 <a href="http://creativecommons.org/licenses/by/3.0/au">http://creativecommons.org/licenses/by/3.0/au</a>		
BOAT RAMP CONSTRUCTION – FULLY GROUTED SHOULDERS AND UNGROUTED SHOULDERS		A3	Standard Drawing No			
		Not to Scale	4022			
			Date 10/15			
		A	R			





Contact: Robyn Desrettes  
Direct line: 07 3120 0087  
Our ref:  
Your ref:CN-20547

Manager Infrastructure Delivery  
Department of Transport and Main Roads  
GPO Box 1549  
BRISBANE QLD 4000

Dear Sir/Madam

Sunwater Limited - Chinchilla Weir - Lot 35 CP867374  
Proposed Access and Works to extend Chinchilla Weir Boat Ramp

We refer to your letter of 7 February 2023 seeking Sunwater's consent to undertake an extension and refurbishment (Works) of the existing Chinchilla Weir Boat Ramp (Boat Ramp) at Chinchilla Weir on Lot 35 on CP867374 ("SunWater Land"). We note that Western Downs Regional Council ("WDRC") has responsibility for management of the Boat Ramp pursuant to the provisions of the Transport Infrastructure (Public Marine Facilities) Regulation 2011 (Qld).

SunWater will grant access to the Department of Transport and Main Road (TMR) and consent to carry out the relevant Works on the Boat Ramp on the following conditions:

1. TMR enters the Sunwater Land and carries out the Works on the Boat Ramp at its own risk.
2. Prior to access to the Sunwater Land and the Boat Ramp, TMR must:
  - a. provide a minimum of two business days' notice to Sunwater of the date of its intended entry and length of time TMR or TMR's associates will be on the Sunwater Land or the Boat Ramp per occasion;
  - b. undertake a Sunwater site induction to be arranged at a mutually convenient time;
  - c. submit final construction plans and a work method statement for the Works to the Boat Ramp to Sunwater for consideration;
  - d. effect (and maintain for the duration of the Works) and provide Sunwater with certificates of currency for the following insurances:
    - i. worker's compensation insurance required by law in respect of all persons employed in connection with the access and Works;
    - ii. a public risk insurance policy which provides for a minimum cover of \$20,000,000 per occurrence; and
    - iii. a contract works insurance policy for an amount not less than the full value of the Works to be undertaken on a full reinstatement and replacement basis (including costs of demolition and removal of debris and an amount necessary to cover fees to all consultants and contractors engaged by TMR for the Works).
3. TMR indemnifies and releases Sunwater in respect of:
  - a. any loss or damage to the Sunwater Land or any property, improvements or infrastructure on the Sunwater Land;
  - b. death or injury to any person; and

- c. any action or proceeding brought against, claim or damage made upon or liability incurred by Sunwater (including consequential loss), arising as a result of or in connection with the Works or the exercise by TMR or TMR's associates of the rights granted pursuant to this consent, except to the extent that the breach, loss, damage, death or injury is caused by a deliberate or negligent act or omission of Sunwater.
4. In the event of an emergency or where Sunwater needs to carry out emergency repairs or works on Sunwater Land or to Sunwater's infrastructure, Sunwater can direct TMR to vacate the Sunwater Land and the Boat Ramp until such time as Sunwater determines (in its absolute discretion) that TMR may access and re-commence the Works.

By providing this letter, Sunwater does not represent or warrant to TMR that Sunwater land or the Boat Ramp are suitable or approved for the proposed access or Works.

Yours sincerely

  
Colin Bendall (Apr 5, 2023 08:19 GMT+10)

Colin Bendall  
EGM Operations

**address:** Green Square North, Level 9, 515 St Pauls Terrace,  
Fortitude Valley, Queensland 4006

**post:** PO Box 15536, City East, Queensland 4002

**ACN:** 131 034 985

**telephone:** +617 3120 0000

**email:** [property@sunwater.com.au](mailto:property@sunwater.com.au)

**facsimile:** +61 7 3036 6482

[sunwater.com.au](http://sunwater.com.au)

**Title** **Community and Liveability Report Destination Events Program 2023**

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**Date** 3 April 2023

**Responsible Manager** C. Barnard, COMMUNITIES MANAGER

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### **Summary**

The purpose of this Report is to provide Council with the Unconfirmed Minutes of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 3 April 2023 in relation to the Assessment of the 2022/2023 Destination Events Program and to seek adoption of the recommendations contained in those Unconfirmed Minutes.

### **Link to Corporate Plan**

Strategic Priority: Strong Diverse Economy

- We proactively advance our region as a tourism destination.

Strategic Priority: Active Vibrant Community

- We are a happy, inclusive community, proud of where we live.
- Our people of diverse backgrounds and ages are united by social, cultural, and sporting activities.
- Our parks, open spaces, and community facilities are alive with activities and connect our communities.
- We are a strong sustainable community supported by volunteers.
- We empower communities to develop local initiatives and events.

### **Material Personal Interest/Conflict of Interest**

Nil

### **Officer's Recommendation**

That this Report be received and that:

1. Council note the Unconfirmed Minutes of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 3 April 2023.
2. The Recommendations of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 3 April 2023 be adopted as follows:
  - a. Confirmation of Minutes of Previous Meeting  
That the Unconfirmed Minutes of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 21 September 2022, copies of which have been circulated to Members, be taken as read and confirmed.
  - b. That the applicants for the 2022/2023 Destination Events Program be advised as follows:

	Applicant	Project Description	Total Project Cost	Applicant Contribution	Amount Requested	Amount Approved (Excl. G.S.T.)	Justification/ Conditions	Suggestions
1	International Legends of League	International Legends of League Chinchilla Event	\$103,700.00	\$10,000.00	\$18,000.00	\$5,500.00		
						<b>FOR:</b> Cr. K.A. Bourne, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman <b>AGAINST:</b> Cr. K.A. Maguire <b>DID NOT VOTE:</b> <b>MOVED</b> CR. C. T. Tillman <b>SECONDED</b> CR. O.G. Moore		
2	Queensland Rugby Football League Limited	Police Memorial \ Frank Fisher Cup	\$45,300.00	\$10,000.00	\$10,000.00	\$5,500.00		
						<b>FOR:</b> Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman <b>AGAINST:</b> <b>DID NOT VOTE:</b> <b>MOVED</b> CR. P. T. Saxelby <b>SECONDED</b> CR. K. A. Maguire		
3	Campervan And Motorhome Club of Australia Limited	CMCA 36th National Rally Dalby QLD	\$277,600.00	\$0.00	\$20,000.00	\$10,000.0		
						<b>FOR:</b> Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman <b>AGAINST:</b> <b>DID NOT VOTE:</b> <b>MOVED</b> CR. C. T. Tillman <b>SECONDED</b> CR. K. A. Maguire		
	<b>TOTAL FUNDED</b>					\$21,000.00		

## Background Information

The Community Grants - Council Policy outlines Western Downs Regional Council's approach to providing grants and donations to community organisations and individuals. Council has established its grants program to provide support to community groups and individuals in recognition of the vital contribution they make to the development and community well-being of the Western Downs. This Policy applies to all grants and donations made to community organisations and individuals within the Western Downs Regional Council area.

The purpose of the Destination Events Program is to support social, cultural, industry and sporting events for the purpose of attracting overnight visitation and delivering economic benefits to the Western Downs Region through increased expenditure.

In accordance with the Community Grants - Council Policy - Destination Events Program, Council may allocate funds in each annual budget.

There is a Competitive Round for this program open all year for applications between \$5,000.00 and \$20,000.00.

This Report relates to three applications received in March and assessed on 3 April 2023.

## Report

The Community Grants - Council Policy - Destination Events Program opened on 1 July 2022. Three applications, from the International Legends of League, Queensland Rugby Football League limited, and Campervan and Motorhome Club of Australia Limited, were received.

The applications were assessed by the Western Downs Regional Council Community Grants Assessment Reference Group (Reference Group) at its Meeting on 3 April 2023. (Refer to Attachment 1 for the Unconfirmed Minutes of the Reference Group).

The applicants will be advised of Council's decision to provide full funding, part funding or to decline the application and will also be provided with reasons behind the Reference Group's recommendation to Council.

### Consultation (Internal/External)

These applications under the Destination Events Program were coordinated by the Communities Department.

The Reference Group consisting of Cr. K. A. Bourne (Chairperson), Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman, Communities Staff and the Economic Development Staff assessed this application based on its level of community benefit and how it met the selection criteria.

The Meeting of the Reference Group was held on 3 April 2023.

### Legal/Policy Implications (Justification if applicable)

Council considers allocating funds in each annual budget and will advertise for submissions under the Community Grants - Council Policy - Community Projects Program.

In accordance with the Community Grants - Council Policy - Destination Events Program - any community organisation that receives funding in this round, must submit a financial report on the application of funding received, within 6 weeks of the completion date of the event. Non-submission of a financial report may affect future funding applications.

### Budget/Financial Implications

The Destination Events Program has a budget allocation of \$60,000.00 for the 2022/2023 year.

The Reference Group has reviewed three applications and recommends approval of \$21,000.00.

That leaves a balance remaining of \$29,000.00.

Name of funding program	Financial Year Allocation	Rounds/Out of Rounds	Amount
Destination Events Program	2022/2023	Competitive Round 1	\$10,000.00
		Competitive Round 2	\$21,000.00
		Balance	\$29,000.00

### Human Rights Considerations

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

There are no human rights implications associated with this report.

## Conclusion

The Community Grants - Council Policy - Destination Events Program supports social, cultural, industry and sporting events for the purpose of attracting overnight visitation and delivering economic benefits to the Western Downs Region through increased expenditure. This funding program may aid through cash contributions to a maximum amount per application of \$20,000.00.

The Reference Group at its Meeting on 3 April 2023 assessed the application in accordance with the Community Grants - Council Policy - Destination Events Program and the Reference Group's recommendations are presented for Council's consideration.

#### **Attachments**

1. Minutes of Community Grants Assessment Reference Group Destination Events Program 3 April 2023.

**Authored by:** Maegan Mathews, Community Grants Support Officer

MINUTES OF THE WESTERN DOWNS REGIONAL COUNCIL COMMUNITY GRANTS ASSESSMENT REFERENCE GROUP (DESTINATION EVENTS PROGRAM) MEETING HELD IN THE DALBY BOARD ROOM, DALBY CORPORATE OFFICE, MARBLE STREET, DALBY ON MONDAY 3 APRIL 2023 AT 9.00AM

Council Representatives:

Cr. K.A. Bourne (Chairperson), Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman

Present: Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman

Apology: Mrs N. Franklin

Officers: Mrs L. Tyrrell, Miss M. Mathews

Ref: W1	Welcome	
Ref: CMPM	Confirmation of Minutes of Previous Meeting	<p>WESTERN DOWNS REGIONAL COUNCIL COMMUNITY GRANTS ASSESSMENT REFERENCE GROUP RECOMMENDATION</p> <p>MOVED Cr. P. T. Saxelby SECONDED Cr. C. T. Tillman</p> <p>That the Unconfirmed Minutes of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 21 September 2022 copies of which have been circulated to Members, be taken as read and confirmed.</p> <p><b><u>CARRIED</u></b></p> <p><b><u>Notification of the Consideration of the Unconfirmed Minutes at the Ordinary Meeting of Council held on 26 October 2022</u></b> The Reference Group was advised that the Unconfirmed Minutes of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 21 September 2022 were considered by Council at its Meeting on Wednesday, 26 October 2022. At that Meeting it was resolved that the recommendations of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 21 September 2022 be adopted as resolutions of Council.</p>
Ref: AA	<b>Communities Stream</b>	
	Community Activation Program	
	Assess Applications	Nil
	Community Projects Program	
	Assess Applications	Nil
	Local Events Program	
	Assess Applications	Nil
	<b>Arts and Cultural Stream</b>	
	Regional Arts Development Fund Program	
	Assess Applications	Nil
	<b>Economic Development Stream</b>	
	Destination Events Program	
	Assess Applications	Refer Attachment 1

WESTERN DOWNS REGIONAL COUNCIL COMMUNITY GRANTS ASSESSMENT REFERENCE GROUP RECOMMENDATION

MOVED Cr. O. G. Moore SECONDED Cr. C. T. Tillman

That it be a recommendation to Council that the applicants for the 2022/2023 Destination Events Program be advised as follows:

UNCONFIRMED



	Applicant	Project Description	Total Project Cost	Applicant Contribution	Amount Requested	Amount Approved (Excl. G.S.T.)	Justification/Conditions	Suggestions
1	International Legends of League	International Legends of League Chinchilla Event	\$103,700.00	\$10,000.00	\$18,000.00	\$5,500.00		
						<b>FOR:</b> Cr. K.A. Bourne, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman <b>AGAINST:</b> Cr. K.A. Maguire <b>DID NOT VOTE:</b> <b>MOVED</b> CR. C. T. Tillman <b>SECONDED</b> CR. O. G. Moore <b>CARRIED</b>		
2	Queensland Rugby Football League Limited	Police Memorial \ Frank Fisher Cup	\$45,300.00	\$10,000.00	\$10,000.00	\$5,500.00		
						<b>FOR:</b> Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman <b>AGAINST:</b> <b>DID NOT VOTE:</b> <b>MOVED</b> CR. P. T. Saxelby <b>SECONDED</b> CR. K. A. Maguire <b>CARRIED</b>		
3	Campervan And Motorhome Club of Australia Limited	CMCA 36th National Rally Dalby QLD	\$277,600.00	\$0.00	\$20,000.00	\$10,000.00		
						<b>FOR:</b> Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman <b>AGAINST:</b> <b>DID NOT VOTE:</b> <b>MOVED</b> CR. C. T. Tillman <b>SECONDED</b> CR. K. A. Maguire <b>CARRIED</b>		
	<b>TOTAL FUNDED</b>					\$21,000.00		

		<p>The next Meeting of the Western Downs Regional Council Community Grants Assessment Reference Group in relation to the Destination Events Program will be held following the receipt of Applications for 2022/2023 Program.</p> <p>The Chairperson declared the Meeting closed at 9.30 am</p>
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**Privacy Statement** Any personal information you have supplied to or is collected by the Council will only be stored and processed by the Council for lawful purposes directly related to the functions and activities of the Council. Any personal information supplied will only be disclosed to a third party for the purpose of performing a lawful function or activity and for no other purpose.

Batch Number:	Dataworks Number:	Retention:
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<b>Title</b>	<b>Community and Liveability Report Recycle Market Enviro Grants Program 2023</b>
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<b>Date</b>	8 March 2023
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<b>Responsible Manager</b>	C. Barnard, COMMUNITIES MANAGER
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## Summary

The purpose of this report is to inform Council of the outcome of the funding round for the Recycle Market Enviro Grants Program funded by Iolar Operational Services which closed on 7 February 2023.

## Link to Corporate Plan

Strategic Priority: Active Vibrant Community

- We are a happy, inclusive community, proud of where we live.
- Our people of diverse backgrounds and ages are united by social, cultural, and sporting activities.
- Our parks, open spaces, and community facilities are alive with activities and connect our communities.
- We are a strong sustainable community supported by volunteers.
- We empower communities to develop local initiatives and events.

## Material Personal Interest/Conflict of Interest

Nil

## Officer's Recommendation

That this report be received and noted.

## Background Information

Under the contract between Council and Iolar Operational Services (Iolar), who operate the Dalby, Chinchilla and Miles Waste & Recycling Centres on behalf of the Council, Iolar are able to operate the "Tip Shops" at each site. Items of value either donated by the public or diverted from landfill disposal are sold to the public from these shops. A fixed percentage (40%) of the sale proceeds must be retained by the Contractor for the Enviro Grants program.

## Report

This report relates to the funding round of Recycle Market Enviro Grants Program which closed on 7 February 2023. Seven (7) applications have been assessed and the table below summarises the projects funded.

Applicant	Project	Amount Approved
Wandoan Housing Association Inc	Solar Panels for Juandah Gardens	\$11,000.00
Miles District Football Club Inc	Solar Panels Centenary Oval	\$17,000.00
Live Well Merakai Health Hub	Live Well Health Hub	\$0.00
Chinchilla Family Support Centre	Reducing Landfill	\$10,938.00
Columboola Environmental Education Centre	Connecting with our Environment	\$3,036.00
Miles & District Historical Society Inc	MHVM Solar System Upgrade	\$18,255.00
Wandoan Junior Rugby League Football Club Inc	Clubhouse Solar Project	\$15,000.00
		<b>\$75,229.00</b>

#### Consultation (Internal/External)

##### Internal

Waste Coordinator

##### External

Managing Director Iolar Operational Services

#### Legal/Policy Implications (Justification if applicable)

The Community Grants – Council Policy references partnering agreements to ensure all granting activities are undertaken in accordance with the governance model implemented under this Policy. Iolar Operational Services deliver this funding under their policy POL860 which outlines the objectives and guidelines for the Recycle Market Enviro Grants Program.

#### Budget/Financial Implications

Iolar Operational Services fully fund this program and handles payment from its own resources.

#### Human Rights Considerations

There are no human rights implications associated with this report.

#### **Conclusion**

The applicants as above have been advised of the outcome of their applications.

#### **Attachments**

Nil

**Authored by:** K. Wood, Community Grants Officer

<b>Title</b>	<b>Community and Liveability Report Waiving of Building and Plumbing Application Fees for Bushfire Rebuilds</b>
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<b>Date</b>	3 April 2023
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<b>Responsible Manager</b>	T. Summerville, PLANNING AND ENVIRONMENT MANAGER
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## Summary

The purpose of this Report is to seek approval to waive application fees for Building and Plumbing Applications for replacement Dwelling Houses or Domestic Outbuildings or Structures that were damaged during the February 2023 bushfires.

## Link to Corporate Plan

Strategic Priority: Active Vibrant Community

- We are a happy, inclusive community, proud of where we live.

Strategic Priority: Quality Lifestyle

- Our residents are provided with modern infrastructure and quality essential services across our region.
- We attract families to live, work, prosper, and play in our region.

Strategic Priority: Sustainable Organisation

- We are recognised as a financially intelligent and responsible Council.
- We focus on proactive, sustainable planning for the future.
- Our agile and responsive business model enables us to align our capacity with service delivery.

## Material Personal Interest/Conflict of Interest

Nil

## Officer's Recommendation

That this report be received and that Building and Plumbing Application Fees be waived where the Building or Plumbing Application is to replace a Dwelling House, Domestic Outbuilding or Structure damaged in the bushfire events of February 2023.

## Background Information

In February 2023 bushfires occurred in the Western Downs Region, affecting parts of Tara and Miles. As a result of these bushfires, some residents lost their homes and/or associated outbuildings and structures. Recovery is now underway as residents begin to reconstruct their homes and/or outbuildings and structures.

## Report

To support impacted residents to recover and rebuild as quickly as possible, and to encourage and enable residents to rebuild in a way that is compliant with Building and Plumbing Regulations, it is recommended that Council waive the application fees for Building and Plumbing Applications for the reconstruction of Dwelling Houses, Domestic Outbuildings or Structures that were damaged in the bushfires.

The areas that this would be confined to are Tara and Miles where approximately 25 properties were affected.

Building and Plumbing Application fees for Dwelling Houses and/or Domestic Outbuildings are set out below. Please note that the fee can vary depending on the type of application required.

<b>Building Application</b>	<b>Fee</b>
Building Lodgement Fee for all Applications	\$195.00
Building Demolition or Removal - Classes 1 & 10 per allotment	\$340.00
Building Residential - New Dwelling (Single Detached and Removal Dwelling)	\$1,645.00
New Residential Building - Class 1 - Transportable Home (2 inspections only)	\$825.00
Building - Class 10 (Garages, Carports and Sheds) 30m <sup>2</sup> and under	\$220.00
Building - Class 10 (Garages, Carports and Sheds) >30m <sup>2</sup>	\$330.00
Building Residential – Alterations and Additions to Residential Buildings 50m <sup>2</sup> and under	\$395.00
Building Residential – Alterations and Additions to Residential Buildings >50m <sup>2</sup>	\$510.00
Building – Class 10b – Aboveground Swimming Pool and/or Spa (1 inspection only)	\$340.00
Building – Class 10b – Inground Swimming Pool (maximum of 2 inspections)	\$490.00

<b>Plumbing Application</b>	<b>Fee</b>
Plumbing – Additional Requested Inspection	\$135.00 + travel fee where required
Plumbing Approval and Inspections – Residential - New Dwellings	\$560.00 up to 9 fixtures \$50.00 per additional fixture up to 15 fixtures then \$30.00 per fixture up to 50 fixtures POA for over 50 fixtures
Alterations and additions	\$60.00 per fixture up to 15 fixtures then \$30.00 per fixture POA for over 50 fixtures
Plumbing – On-site Wastewater System Approval	\$225.00
Plumbing – Backflow Device Registration (one-off payment - payment at the time of Plumbing Application)	\$225.00
Plumbing – Minor Works	\$205.00 for 2 fixtures & 1 inspection \$55.00 per additional fixture up to maximum 4 fixtures
Plumbing – Drainage Design (sewered area only)	\$30.00 per fixture (minimum fee \$200.00)
Plumbing – Application for building within the Zones of Influence of a Council Sewer Main	\$340.00
Plumbing – On-site Grey Water Installation in Sewered Area	\$205.00
Plumbing – Inspections of On-site Grey Water Installation in Sewered Area	\$245.00

#### Consultation (Internal/External)

This matter was discussed at Council's Development Assessment Panel Meeting on 20 March 2023 where it was agreed that a Report be presented to Council seeking approval to waive Building and Plumbing Application fees for residents affected by the bushfires in Tara and Miles wishing to reconstruct their bushfire damaged homes.

#### Legal/Policy Implications (Justification if applicable)

Nil

#### Budget/Financial Implications

The waiving of Building and Plumbing Application fees in this scenario would be foregone revenue, rather than an increased expense to Council. It is anticipated that this foregone revenue would amount to approximately \$30,000.00.

#### Human Rights Considerations

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

There are no human rights implications associated with this Report.

### **Conclusion**

The waiving of Building and Plumbing Application fees would support residents to recover and rebuild as quickly as possible.

### **Attachments**

Nil

**Authored by:** Bridget Moodley, PRINCIPAL PLANNER

<b>Title</b>	<b>Councillor Megan James Notice of Motion Requesting an Information Session of Installation and Operation of CCTV Networks</b>
<b>Date</b>	<i>13 April 2023</i>
<b>Prepared by</b>	<i>Cr. M. J. James - Spokesperson for Strategic Communications &amp; Council Facilities</i>

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## **Purpose**

To discuss the Notice of Motion submitted by Cr Megan James to request an information session regarding role of Council in public safety, with a particular focus on better understanding the installation and operation of closed circuit television networks (CCTV).

## **Background**

At Council's Ordinary Meeting of 15 March 2023, council received a deputation from Sergeant Werner "Vern" Crous who shared the view of the Miles Police on the importance of having strategically positioned CCTV equipment in the town as part of a modern approach to efficient and effective policing.

In response to this deputation, Councillor James submitted a notice of motion requesting an information session to discuss the installation and operation of closed circuit television networks. The notice of motion was submitted at agenda item 17 during the meeting.

It is expected that the information session would assist Councillors to better understand

- The role of Council in public safety
- The cost of, and funding opportunities for, the installation of and operation of CCTV networks (including examples of models adopted in other councils in Queensland)
- Other public safety measures council currently employs (eg. Lighting)
- How Council can best work in collaboration with community, businesses State and Federal Governments, and local police to continue to deliver safe and liveable communities.

## **Proposed Recommendation**

That Council request an information session on Western Downs Regional Council's role in public safety, including the cost of and funding opportunities for the installation and operation of CCTV networks, to inform Council on how it can best work in collaboration with community, businesses, State and Federal Governments, and local police to continue to deliver safe and liveable communities.