

5. CONFIRMATION OF MINUTES

5.1 Adopt Ordinary Meeting of Council Minutes 17 May 2023

The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Wednesday, 17 May 2023

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby

Seconded By Cr. C. T. Tillman

That this Report be received and that:

1.The Unconfirmed Minutes of the Ordinary Meeting of Council held on 17 May 2023, copies of which have been circulated to Members, be taken as read and confirmed.

CARRIED



Ordinary Meeting of Council Minutes

Date: Wednesday, 17 May 2023

Time: 9:30am

Location: Western Downs Regional Council
Tara Customer Service Centre
Tara Soldiers Memorial Hall, 19 Fry Street, Tara

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:

- B. Bacon, General Manager (Corporate Services)
- D. Fletcher, General Manager (Community and Liveability)
- L. Cook, Acting General Manager (Infrastructure Services)
- C. Craig, Senior Executive Officer
- H. Wex, Executive Officer to the Mayor
- S. Thompson, General Counsel

1. DECLARATION OF MEETING OPENING

The Chairperson declared the Meeting open at 9.30AM.

2. OPENING PRAYER AND MINUTE SILENCE

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

3. APOLOGIES

Chief Executive Officer, Jodie Taylor, who was representing Council at the Australian Petroleum Production and Exploration Association (APPEA) annual conference.

4. CONGRATULATIONS

Cr M. J. James requested that Council acknowledges that it is Wear Orange Wednesday, when people are encouraged to wear orange and thank all SES volunteers who generously give their time to help communities during flood and storm emergencies.

Cr K. A. Maguire requested that congratulates be extended to Grant Dobell, a percussionist in Year 11 at the Chinchilla State High School, who has been selected as one of 10 Australian students to attend the National Youth Wind Ensemble at the Royal Conservatoire of Scotland.

5. CONFIRMATION OF MINUTES

5.1 Adopt Ordinary Meeting of Council Minutes 19 April 2023

The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Wednesday, 19 April 2023

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. P. T. Saxelby

That this Report be received and that:

1.The Unconfirmed Minutes of the Ordinary Meeting of Council held on 19 April 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

There was business arising from the minutes of previous minutes.

7. DECLARATIONS OF CONFLICTS OF INTEREST

10.4.1 Infrastructure Services Confidential Report Head Agreement Arrow

In accordance with Chapter 6, Part 2, Division 5A of the *Local Government Act 2009*, Cr. P. M. McVeigh informed the meeting of a declarable conflict of interest in respect to this matter due to having farming operations sit with Arrow Energy's tenement for the development and growth of its business.

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

8. PRESENTATION OF PETITIONS BY COUNCILLORS

There were no petitions presented by Councillors.

9. MAYORAL UPDATE

9.1 Executive Services Mayoral Report April 2023

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

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. K. A. Maguire

That this Report be received and noted.

CARRIED

10. CONFIDENTIAL ITEMS

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

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

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

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

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

(b) industrial matters affecting employees;

(c) the local government's budget;

(d) rating concessions;

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

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

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

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

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

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

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

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

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

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

COUNCIL RESOLUTION- CLOSE MEETING

Moved By Cr. C. T. Tillman

Seconded By Cr. A. N. Smith

That Council resolve to close the Meeting in accordance with Section 254J (a - i) of the *Local Government Regulation 2012* at 9.56am to discuss the following Confidential Reports:

10.2.1 – Corporate Services Confidential Report Quarterly Liability Update as at 31 March 2023

10.4.1 – Infrastructure Services Confidential Report Head Agreement Arrow

CARRIED

Cr. P. M. McVeigh left the meeting at 9.58am.

Cr A. N. Smith assumed the chair at 9.58am

COUNCIL RESOLUTION - REOPEN MEETING

That Council resolve to reopen the Meeting at 10.08AM

Cr. P. M. McVeigh re-joined the meeting at 10.09am.

10.1 EXECUTIVE SERVICES

10.2 CORPORATE SERVICES

10.2.1 Corporate Services Confidential Report Quarterly Liability Update as at 31 March 2023

The purpose of this Report is to provide Council with a quarterly update on liability matters as at 31 March 2023.

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. K. A. Bourne

That Council resolves to receive the *Corporate Services Confidential Summary Report Quarterly Liability Update, as at 31 March 2023.*

CARRIED

10.3 COMMUNITY AND LIVEABILITY

10.4 INFRASTRUCTURE SERVICES

10.4.1 Infrastructure Services Confidential Report Head Agreement Arrow

The purpose of this report is to seek Council approval for Western Downs Regional Council to enter into a Road Infrastructure Agreement (RIIA) with Arrow Energy Pty Ltd ACN 078 521 936, Arrow CSG (Australia) Pty Ltd ACN 054 260 650, Australian CBM Pty Ltd ACN 067 312 029, Arrow (Tipton Two) Pty Ltd ACN 117 853 755, Arrow (Tipton) Pty. Ltd. ACN 114 927 507, Arrow (Daandine) Pty. Ltd. ACN 114 927 507, Arrow Braemar 2 Pty Ltd ACN 127 500 949, Arrow (Southern Generation) Pty. Ltd. ACN 128 813 490, CleanCo Queensland Limited ACN 628 008 159 (together "Arrow"). The agreement is titled - Head Agreement

In accordance with Chapter 6, Part 2, Division 5A of the *Local Government Act 2009*, Cr. P. M. McVeigh informed the meeting of a declarable conflict of interest in respect to this matter due to having farming operations sit with Arrow Energy's tenement for the development and growth of its business.

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

Cr. P. M. McVeigh left the meeting at 10.14am.

Cr. A. N. Smith assumed the chair at 10.14am.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. P. T. Saxelby

That this report be received and that:

1. Council enters into the Road Infrastructure Agreement ("RIA") with Arrow Energy Pty Ltd, Arrow CSG (Australia) Pty Ltd, Australian CBM Pty Ltd, Arrow (Tipton Two) Pty Ltd, Arrow (Tipton) Pty. Ltd., Arrow (Daandine) Pty. Ltd., Arrow Braemar 2 Pty Ltd, Arrow (Southern Generation) Pty. Ltd. and CleanCo Queensland Limited

CARRIED

Cr. P. M. McVeigh re-joined the meeting at 10.19am.

11. DEPUTATION

Jeremy Mooring - Project Manager - Speaker on behalf of HeliSmart Pty Ltd.

Tara Neighbourhood Centre - Roz Wade - Official Tara and District Community Plan 2023-2033

COUNCIL RESOLUTION - ADJOURN MEETING

Moved By Cr. P. T. Saxelby

Seconded By Cr. I. J. Rasmussen

That Council resolve to adjourn the Meeting.

The Meeting adjourned at 10.48am.

CARRIED

COUNCIL RESOLUTION - READJOURN MEETING

MOVED by: Cr. P. T. Saxelby

Seconded by: Cr. K. A. Maguire

That Council resolve to readjourn the Meeting.

The Meeting resumed at 11:21am.

CARRIED

12. PLANNING

12.1 (035.2022.712.001) Community and Liveability Report Development Application for Reconfiguring a Lot (Boundary Realignment 2 lots into 2 lots) Lot 0 on SP243189 and Lot 182 on SP261625 at 19 Cooper Street Dalby PJ Porter Pty Ltd and Alrex Pty Ltd

The purpose of this Report is for Council to decide a Development Application for Reconfiguring a Lot (Boundary Realignment - 2 lots into 2 lots) of land described as Lot 0 on SP243189 and Lot 182 on SP261625, located at 19 Cooper Street, Dalby.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. K. A. Maguire

That this Report be received and that:

1. The development application seeking development approval for Reconfiguring a Lot (Boundary Realignment - 2 lots into 2 lots) of land described as Lot 0 on **SP243189 and Lot 182 on SP261625 and situated at 19 Cooper Street, Dalby, be approved, subject to the following conditions of approval:**

APPROVED PLAN

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

Plan No: Sheet 1 of 2

Description: Plan of Lot 182 and Common Property, prepared by Cottrell, Cameron & Steen Surveys Pty Ltd, dated 12/12/2022

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

APPROVED DEVELOPMENT

3. The approved development is Reconfiguring a Lot (Boundary Realignment - 2 lots into 2 lots) as shown on the Approved Plan.

FEES AND CHARGES

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

MAINTENANCE

5. The development shall be maintained in accordance with the Approved Plan, subject to and modified by any conditions of this approval.

COMPLIANCE, TIMING AND COSTS

6. All conditions of the approval shall be complied with before Council's endorsement of the Plan of Survey (Form 18B), unless otherwise noted within these conditions.

7. All costs associated with compliance with these conditions shall be the responsibility of the developer unless otherwise noted.
8. The Plan of Survey (Form 18B) shall not be executed until a letter of compliance is received demonstrating the development's compliance with all conditions of this approval.
9. Submit to Council, an amended Community Management Statement for the Cedar Court Dalby Community Title Scheme 42535 reflecting the approval. The amended Community Management Statement is to ensure that Proposed Lot 182 is provided with lawful access to Cooper Street through Proposed Lot 0 (Common Property) unless otherwise approved by Council's Planning and Environment Manager or an authorised delegate.

LOT NUMBERING

10. The numbering of all approved lots shall remain as indicated on the Approved Plan (unless otherwise amended/approved by Council).

ENGINEERING WORKS

11. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant Australian Standards.
12. 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

13. 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.
14. 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

15. Provide overland flow paths that do not adversely alter the characteristics of existing overland flow or create an increase in flood damage on other properties.
16. Ensure that adjoining properties and roadways are protected from ponding as a result of any site works undertaken.

EROSION AND SEDIMENT CONTROL - GENERAL

17. Ensure that all reasonable action is taken to prevent sediment or sediment laden water from being transported to adjoining properties, roads and/or stormwater drainage systems.

ADVISORY NOTES

NOTE 1 - Flood Hazard

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

NOTE 2 - 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 reconfiguring a lot — if a plan for the reconfiguration, that under the Land Title Act, is required to be given to a local government for approval is not given to the local government within —*
 - (i) the period stated for that part of the approval; or*
 - (ii) if no period is stated— 4 years after the approval starts to have effect."*

NOTE 3 - Aboriginal Cultural Heritage

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

NOTE 4 - General Environmental Duty

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

NOTE 5 - General Safety of Public During Construction

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

NOTE 6 - Property Note (Audit of Conditions)

An inspection of the property to ascertain compliance with conditions will be undertaken 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 7 - Duty to Notify of Environmental Harm

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

CARRIED

12.2 (050.2022.340.001) Community and Liveability Report Development Application Other Change to Existing Material Change of Use Approval for Industry (Medium Impact Industry) and Caretaker's Residence at 195 Auburn Road, Chinchilla Shield Hardwood Pty Ltd C/-

The purpose of this Report is for Council to decide an Other Change Application for an existing Development Approval for a Material Change of Use to establish an Industry (Medium Impact Industry) and Caretaker's Residence on land described as Lot 2 on RP14931, located at 195 Auburn Road, Chinchilla.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. C. T. Tillman

That this Report be received and that:

1. The Other Change Application seeking to change the existing Material Change of Use approval for Industry (Medium Impact Industry) and Caretaker's Residence on land described as **Lot 2 on RP14931 and situated at 195 Auburn Road, Chinchilla**, be approved, subject to the following amendments to the conditions of approval:

(a) Condition 1 is amended as follows:

1.0 APPROVED PLANS

1.1 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: A0.100, Project No. 150022

Description: Location Plan, Revision 1, prepared by Building Design Professionals, dated 11.05.15

Drawing No: A0.101, Project No. 150022

Description: Site Plan, Revision 1, prepared by Building Design Professionals, dated 11.05.15

Drawing No: A0.102, Project No. 150022

Description: Development Area Plan, Revision 2, prepared by Building Design Professionals, dated 04.08.15

Drawing No: 2022-019-001, Revision B

Description: Sawmill Site Layout, prepared by Swep Consulting, dated 26/04/2023

Drawing No: N/A

Description: New Development Site on existing DA - Sawmill, prepared by Shield

Drawing No: A2.100, Project No. 150024

Description: Caretakers Floor Plan, Revision 1, prepared by Building Design Professionals, dated 11.05.15

Drawing No: A2.200, Project No. 150024

Description: Caretakers Elevations, Revision 1, prepared by Building Design Professionals, dated 11.05.15

Drawing No: A1.100, Project No. 150022

Description: Office Floor Plan, Revision 1, prepared by Building Design Professionals, dated 11.05.15

Drawing No: A1.200, Project No. 150022

Description: Elevations, Revision 1, prepared by Building Design Professionals, dated 11.05.15

Drawing No: A3.100, Project No. 150024

Description: Shed Floor Plan, Revision 1, prepared by Building Design Professionals, dated 11.05.15

Drawing No: A3.201, Project No. 150024

Description: Shed Elevations, Revision 1, prepared by Building Design Professionals, dated 11.05.15

(b) Condition 2 is amended as follows:

2.0 APPROVED DEVELOPMENT

2.1 The approved development is a Material Change of Use to establish an Industry-(Medium Impact Industry), **High Impact Industry (Sawmill)** and Caretaker's Residence on land described as Lot 2 on RP14931 and situated at 195 Auburn Road, Chinchilla.

(c) Condition 23 is amended as follows:

23.0 WATER SUPPLY

23.1 Provide a potable water supply for the development independent from Council's water reticulation system. Monitor water quality continuously to ensure compliance with WSAA (Water Services Association of Australia) Guidelines and HACCP (Hazard Analysis and Critical Control Points) standards for potable water.

~~23.2 Provide on-site water storage for the development with a minimum capacity of 22,500 litres.~~

(d) Condition 24 is amended as follows:

24.0 ON-SITE SEWERAGE

24.1 Connect the development to an on-site ~~effluent~~ **wastewater** 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 Wastewater Code.

24.2 Obtain a Development Permit for Plumbing Works for the on-site sewerage treatment system.

- (e) Condition 28 is amended as follows:

28.0 ELECTRICITY AND TELECOMMUNICATIONS

28.1 Connect the development to electricity and telecommunication services.

~~28.2 Remove all redundant telecommunication connections and reinstate the land.~~

~~28.3 Remove all redundant electrical connections and reinstate the land.~~

- (f) An additional Condition is included as follows:

33.0 SETBACKS

33.1 The proposed Sawmill Sheds must have a minimum setback distance of 15 metres from any side boundary of the subject site.

33.2 The proposed Caretaker's Residence must have a minimum setback distance of 6 metres from any side boundary of the subject site.

- (g) All other conditions remain unchanged.

CARRIED

12.3 (030.2023.88.001) Community and Liveability Report Development Application for Material Change of Use for an Educational Establishment on Lot 12 on SP151289 at 24-30 Zeller Street Chinchilla The University of Queensland C/- Innovative Planning Solutions P

The purpose of this Report for Council to decide a Development Application for a Material Change of Use to establish an Educational Establishment on land described as Lot 12 on SP151289, located at 24-30 Zeller Street, Chinchilla.

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby

Seconded By Cr. M. J. James

That this Report be received and that:

1. The development application seeking a development approval for a Material Change of Use to establish an Educational Establishment on land described as Lot 12 on SP151289, located at 24-30 Zeller Street, Chinchilla, be approved, subject to the following conditions of approval:

APPROVED PLANS

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

Job No., Drawing No., Issue	Title and Details	Dated
6934, SD1002, 02	Site Master Plan, prepared by COTEEPARKER	13/02/2023
6934, SD1004, 04	Proposed Site Plan, prepared by COTEEPARKER	13/02/2023
6934, SD2004, 09	Floor Plan - Level 00, prepared by COTEEPARKER	13/02/2023
6934, SD3001, 03	Elevations - Sheet 01, prepared by COTEEPARKER	07/02/2023
6934, SD3002, 01	Elevations - Sheet 02, prepared by COTEEPARKER	07/02/2023

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 Permits must be obtained prior to commencement of any work associated with the process:
 - 3.1 Building Works; and
 - 3.2 Plumbing and Drainage Permit.

APPROVED DEVELOPMENT

4. The approved development is a Material Change of Use for an Educational Establishment 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.

FEES AND CHARGES

6. 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

7. 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.

INFRASTRUCTURE CHARGES

8. 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 Notice** is attached.

VISUAL AND GENERAL AMENITY

9. Any graffiti on the buildings must be immediately removed.
10. The buildings and the site must be maintained in a clean and tidy manner at all times.
11. All plant, air-conditioning equipment and the like must be visually screened from the street.
12. All declared weeds and pests must be removed from the subject land and the subject land kept clear of such nuisance varieties at all times during the course of development work and any ensuing defects liability period.

LANDSCAPING – GENERAL

13. The developer must submit to Council's Planning and Environment Manager or authorised delegate for endorsement, a detailed Landscaping Plan for all landscaping associated with the development. The Plan shall be prepared by a suitably qualified and experienced Landscape Architect, Horticulturalist, or other person experienced in landscape design and construction.
14. The Landscape Plan must detail:
 - 14.1 the staging of the development and landscaping treatments to be provided for each Stage of the development;
 - 14.2 the typical species to be planted, consisting mainly of drought-tolerant native species suitable to their individual location on-site;
 - 14.3 the number and size of plants to be planted; and
 - 14.4 the typical planting detail including preparation, backfill, staking and mulching.

NOTE: Please refer to Part 6 of Planning Scheme Policy 1 within the Western Downs Planning Scheme 2017 incorporating Amendment 1 for guidance on the type of trees, shrubs and groundcover recommended for Chinchilla.

15. Once the landscape plan has been endorsed by Council's Planning and Environment Manager or authorised delegate, 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.

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

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.

ENGINEERING WORKS

18. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant Australian Standards.
19. 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

20. Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.
21. Repair all damage incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damage immediately upon completion of work associated with the development.

STORMWATER MANAGEMENT

22. Design and construct stormwater drainage to ensure that there is no nuisance or interference to the current use or potential future use of all downstream properties including road reserves and the like, for design storms of ARI2, ARI5, ARI10, ARI20 and ARI50.
23. Provide overland flow paths that do not adversely alter the characteristics of existing overland flows or create an increase in flood damage on other properties.
24. Ensure that adjoining properties and roadways are protected from ponding as a result of any site works undertaken.
25. Design and construct stormwater drainage incorporating measures to prevent any solid matter or floatable oils being carried into the existing stormwater system.

Comment: It is considered that stormwater management for this application will be encompassed within the stormwater management for the site as a whole, in accordance with the conditions of Development Approval 030&040.2022.519.001.

WATER SUPPLY

26. Connect the development to Council's reticulated water supply system in accordance with Council requirements.

Comment: It is considered that water connection for this application will be encompassed within the water connection provided in accordance with the conditions of Development Approval 030&040.2022.519.001.

SEWERAGE

27. Connect the development to Council's existing reticulated sewerage system via a single connection as per the conditions of Development Approval 030&040.2022.519.001.
28. Actual connection to Council's live sewerage infrastructure must be undertaken by or under the supervision of Council.
29. Do not build work within 1.5 metres from the centre of any existing sewer pipework or within the Zone of Influence, whichever is the greater (measured horizontally).
30. Maintain a minimum of a 3-metre-wide corridor to be maintained for maintenance/upgrade purposes.
31. Ensure that a clear level area of a minimum of a 2.5 metre radius surrounding any existing sewer manholes on the site, is provided for future maintenance/upgrade purposes.
32. The above minimum clearances to Council's sewer infrastructure do not preclude the need for work to proposed structures to prevent loading to the sewer system.

TRADE WASTE DISPOSAL (COMMERCIAL KITCHEN)

33. Connect the commercial kitchen to Council's reticulated sewer network. Obtain a Plumbing Approval from Council and the relevant inspections are to be undertaken prior to connection to the sewer.

ELECTRICITY AND TELECOMMUNICATIONS

34. Connect the development to electricity and telecommunication services.

EROSION AND SEDIMENT CONTROL - GENERAL

35. 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.
36. 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

37. Undertake operations and construction work associated with this development to the requirements of Council, including the following:
 - 37.1 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.
 - 37.2 remove immediately, any material spilled or carried onto existing roads to avoid dust nuisance and ensure traffic safety; and
 - 37.3 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.

38. 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:

38.1 uncontaminated overland stormwater flow; and

38.2 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 currency 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

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 - Works in Road Reserve Permit

It is advised that a Works in Road Reserve Permit (including a fee for the vehicle crossover and compliant with Western Downs Regional Council's Development Manual) may be accepted in place of a development application for a Development Permit for Operational Work (Access Works).

NOTE 7 - Infrastructure Charges Notice

An Infrastructure Charges Notice is attached.

NOTE 8 - 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 9 - Commencement of Use

- 9.1 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.
- 9.2 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.

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

"Chapter 6 Dispute Resolution

Part 1 Appeal Rights

229 Appeals to Tribunal or P&E Court

(1) Schedule 1 states -

(a) matters that may be appealed to -

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

(b) the person -

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

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

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

CARRIED

13. EXECUTIVE SERVICES

13.1 Executive Services Chief Executive Officer Report April 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 April 2023.

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. I. J. Rasmussen

That this Report be received.

CARRIED

13.2 Executive Services Report Outstanding Actions April 2023

The purpose of this Report is to provide Council with an updated on the status of outstanding Council Meeting Action Items to 11 May 2023.

COUNCIL RESOLUTION

Moved By Cr. C. T. Tillman

Seconded By Cr. O. G. Moore

That this Report be received.

CARRIED

13.3 Executive Services Quarterly Report Q3 January to March 2023

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

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. M. J. James

That Council resolve to receive the Executive Services Quarterly Report for the period January to March 2023.

CARRIED

14. CORPORATE SERVICES

14.1 Aquatic Facilities Strategy 2023-2038

The purpose of this Report is to seek the adoption of the *Aquatic Facilities Strategy 2023-2038*. The Strategy guides the future direction of aquatic facilities across the Western Downs, delivering benefit to the community by balancing priorities and needs across the region. This Strategy reflects the needs and aspirations of the local community, as well as material and financial constraints.

PROCEDURAL MOTION - LAY ON THE TABLE

Moved By Cr. K. A. Bourne

Seconded By Cr. C. T. Tillman

That the Report '*lay on the table*' awaiting the presentation of an updated strategy at the next meeting.

CARRIED (8 to 1)

14.2 Corporate Services Report Audit Committee Self-Assessment March 2023

The purpose of this Report is to provide Council with the outcome of the Audit Committee Self-Assessment for 2023.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. O. G. Moore

That Council receive the *Corporate Services Report Audit Committee Self-Assessment March 2023* and accept the resignation of Cr I. J. Rasmussen from the Audit Committee effective immediately.

FORESHADOWED MOTION

Cr M. J. James foreshadowed that if the Motion on the floor failed, she would move:

That Council receive the *Corporate Services Report Audit Committee Self-Assessment March 2023*.

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

FORESHADOWED MOTION MOVED

Moved By Cr. M. J. James

Seconded By Cr. K. A. Maguire

That Council receive the *Corporate Services Report Audit Committee Self-Assessment March 2023*.

CARRIED

ADJOURN RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. C. T. Tillman

That Council resolve to adjourn the Meeting.

The Meeting adjourned at 12.37pm

The Meeting resumed at 1.47pm

CARRIED

14.3 Corporate Services Report Proposed Sale of Land for Arrears of Rates 2023

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

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. C. T. Tillman

That Council resolves to:

1. sell the properties listed in Attachment 1 for overdue rates and charges; and
2. delegate to the Chief Executive Officer its power to take all further steps to effect sale of the land (including the power to end sale procedures).

CARRIED

14.4 Corporate Services Report Quarter Three 2022-23 Operational Plan and Enterprise Risk Management Review

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

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. K. A. Maguire

That Council resolves to receive the *Quarter Three 2022-23 Operational Plan and Enterprise Risk Management Review*.

CARRIED

14.5 Corporate Services Financial Report April

The purpose of this Report is to provide Council with the Financial Report for the period ending 30 April 2023.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. A. N. Smith

That Council resolves to receive the April 2023 Financial Report.

CARRIED

14.6 Corporate Services Quarterly Report January to March 2023

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

COUNCIL RESOLUTION

Moved By Cr. M. J. James

Seconded By Cr. K. A. Bourne

That Council resolve to receive the Corporate Services Quarterly Report for the period January to March 2023.

CARRIED

15. INFRASTRUCTURE SERVICES

15.1 Infrastructure Services Report Transport Asset Maintenance Management Plan (TAMMP) 2022 Review

The purpose of this Report is to provide Council with a summary of the Transport Asset Maintenance Management Plan 2022/23 review findings.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. P. T. Saxelby

That this Report be Received and Noted by Council.

CARRIED

15.2 Infrastructure Services Report Charles, Curtis and Owen Streets Dalby - Kerb and Channel Upgrade project scope change

The purpose of this report is to provide a project update for the Charles, Curtis and Owen Streets, Dalby Reconstruction projects with kerb and channel upgrades as per Council's 2022/23 Capital Works Program.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. C. T. Tillman

That this Report be received and that;

1. the Charles, Curtis and Owen Street, Dalby kerb and channel upgrade project scope be modified in consideration of design constraints to effectively manage and control overland stormwater.

a) Charles Street (0.41 - 0.52) and Owen Street (1.74 - 1.86) reconstruction with kerb and channel upgrade projects be removed from the Council's 2022/23 Capital Works program due to underground stormwater not being feasible.

b) Curtis Street (2.073 - 2.643) reconstruction with kerb and channel upgrade project scope and budget be refined to include new underground stormwater, and kerb and channel infrastructure between Branch Creek Road and Orpen St, with table drain works and new culvert structures at Hallinan Court and McPherson Court on the remaining section of Curtis Street at a revised project budget of \$464,955.

CARRIED

15.3 Infrastructure Services Quarterly Report January to March 2023

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

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby

Seconded By Cr. K. A. Bourne

That this Report be received.

CARRIED

16. COMMUNITY AND LIVEABILITY

16.1 Community and Liveability Report Words Out West Readers & Writers Fest 2023

The purpose of this report is to provide Council with an overview of the success of Words Out West: Western Downs Readers & Writers Fest held in March 2023.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. M. J. James

That this report be received.

CARRIED

16.2 Community and Liveability Quarterly Report (Q3) January to March 2023

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

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. I. J. Rasmussen

That this Report be received and noted.

CARRIED

17. NOTICES OF MOTION

17.1 CONSIDERATION OF NOTICES OF MOTION/BUSINESS

There were no notices of motions raised for next meeting.

17.2 RECEPTION OF NOTICES OF MOTION FOR NEXT MEETING

There were no notices of motions raised for next meeting.

18. URGENT GENERAL BUSINESS

There was no Urgent General Business raised.

19. MEETING CLOSURE

The Meeting concluded at 2.09pm