



## Ordinary Meeting of Council Minutes

**Date:** Wednesday, 15 November 2023

**Time:** 10:30am

**Location:** WDRC - Tara Soldiers Memorial Day

**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 Services)
- G. K. Cook, General Manager (Infrastructure Services)
- D. Fletcher, General Manager (Community & Liveability)
- B. Donald, Senior Executive Officer
- A. Lyell, Executive Services Administration Officer

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**1. DECLARATION OF MEETING OPENING**

The Chairperson declared the Meeting open at 10.37AM.

**COUNCIL RESOLUTION**

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

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

That Cr. M. J. James attends via Teleconference.

**CARRIED**

**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**

There were no apologies.

**4. CONGRATULATIONS**

Cr. P. T. Saxelby requested that congratulations be extended Kartara Clark from Chinchilla who has been selected for the 2023 Queensland Athletics Team to compete at the Australian Track and Field Championships in Perth.

Cr O. G. Moore presented 2 trophies to the Mayor which were awarded to WDRC at the recent IPWEAQ Conference. He passed on his appreciation and congratulations to all staff and community members who worked on the projects.

- Best Project under One Million Dollars - Waterloo Plains Parklands, Wandoan
- IPWEA Presidents Award - Russell Park Bike Trails, Bunya Mountains

**5. CONFIRMATION OF MINUTES**

**5.1 Adopt Ordinary Meeting of Council Minutes 25 October 2023**

The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Wednesday, 25 October 2023

**COUNCIL RESOLUTION**

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

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

That this Report be received and that:

1.The Unconfirmed Minutes of the Ordinary Meeting of Council held on 25 October 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 no business arising from the minutes of previous meeting.

**7. DECLARATIONS OF CONFLICTS OF INTEREST**

There were no declarations of conflicts of interest.

**8. PRESENTATION OF PETITIONS BY COUNCILLORS**

There were no petitions presented by Councillors.

**9. MAYORAL UPDATE**

**9.1 Executive Services Mayoral Report October 2023**

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

**COUNCIL RESOLUTION**

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

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

That this Report be received and noted with the exception that the Mayor did not attend the 24th October Connect with Council Barbecue at Jandowae.

**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. K. A. Bourne

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

That Council resolve to close the Meeting in accordance with Sections 254J (3) (g) of the *Local Government Regulation 2012* at 10.51 AM to discuss the following Confidential Reports:

1. Executive Services Confidential Report - Amend Resolution - Offer New Lease X Dalby Aerodrome - Glen Shaw

**CARRIED**

**COUNCIL RESOLUTION - REOPEN MEETING**

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

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

That Council resolve to reopen the Meeting at 10:52am.

## **10.1 EXECUTIVE SERVICES**

### **10.1.1 Executive Services Confidential Report Amend Resolution Offer New Lease X Dalby Aerodrome - Glen Shaw**

The purpose of this Report is to amend resolution 10.1.3 from Council's 18 January 2023 OMC to offer Lease X at Dalby Aerodrome to a new proposed lessee, Glen Shaw.

#### **COUNCIL RESOLUTION**

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

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

That this Report be received, and Council resolves to:

1. Amend resolution 10.1.3 point 3 from Ordinary Meeting of Council January 2023 by deleting "GB Shaw & Co Pty Ltd" and inserting "Glen Barry Shaw" and
2. Amend resolution 10.1.3 point 4 from Ordinary Meeting of Council January 2023 by deleting point 4 and replace with the following; "Delegate authority to CEO to negotiate and sign all documents necessary to finalise the surrender of Lease X and for it to be reoffered for lease to Glen Barry Shaw as set out in the November 2023 Ordinary Meeting of Council Report - Amend Resolution - Offer New Lease X Dalby Aerodrome - Glen Shaw."

**CARRIED**

## **10.2 CORPORATE SERVICES**

## **10.3 COMMUNITY AND LIVEABILITY**

## **10.4 INFRASTRUCTURE SERVICES**

## **11. DEPUTATION**

There were no deputations.

## 12. PLANNING

### 12.1 (030.2023.121.001) Community and Liveability Report Development Application for Material Change of Use for Medium Impact Industry on Lots 1 to 3 on RP54665 at 42 Hickey Street and George Street Jandowae Morrissey & Co Pty Ltd C/- Precinct Urban Planning

The purpose of this Report is for Council to decide the application for a Material Change of Use to establish Medium Impact Industry on land described as Lots 1 to 3 on RP54665, and situated at 42 Hickey Street and George Street, Jandowae.

#### **COUNCIL RESOLUTION**

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

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

That this Report be received and that:

1. The development application for a Material Change of Use to establish a Medium Impact Industry on land described as Lots 1, 2 and 3 on RP54665 and situated at 42 Hickey Street and George Street, Jandowae, be approved, subject to the following conditions:

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

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

<b>Drawing/ Document No, Revision, Sheet No.</b>	<b>Plan or Document Title and Details</b>	<b>Dated</b>
3400-DA, Issue 0, Sheet 1 of 3	Site/Floor Plan, prepared by Clearspan Building Solutions	09/02/23
3400-DA, Issue 0, Sheet 2 of 3	South-west Elevation and North-east Elevation, prepared by Clearspan Building Solutions	09/02/23
3400-DA, Issue 0, Sheet 3 of 3	North-west Elevation and South-east Elevation, prepared by Clearspan Building Solutions	09/02/23
J001383, Version 1	Site Based Management Plan, prepared by Range Environmental Consultants	11/08/2023
J001383, Version 1	Noise Impact Assessment, prepared by Range Environmental Consultants	11/08/2023

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

#### **APPROVED DEVELOPMENT**

4. The approved development is a Material Change of Use for a Medium Impact Industry (Boiler Making and Metal Fabrication Business) as shown on the Approved Plans and Documents.
5. The approved development is limited to a boiler making production of 210 tonnes per annum of steel product.
6. The applicant shall provide a written statement to Council on 1 June each year regarding the production level of the development to demonstrate the development remains in compliance with Condition 5 of the approval.

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

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

#### **FEES AND CHARGES**

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

#### **MAINTENANCE**

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

#### **OPERATING HOURS**

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

Monday to Friday	-	7am to 5pm
Saturdays and Sundays	-	No Operation
Public Holiday	-	No Operation

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

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

#### **INFRASTRUCTURE CHARGES**

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

#### **SITE BASED MANAGEMENT PLAN**

16. The approved use must be carried out in accordance with the Approved Document entitled Site Based Management Plan, prepared by Range



Environmental Consultants, dated 11 August 2023, except as altered by conditions of this development approval.

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

#### **LANDSCAPING**

18. 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.

19. The Landscape Plan must detail:

- 19.1 a landscaping buffer with a minimum width of 1 metre along Hickey Street frontage of the property excluding the proposed industrial crossover to Hickey Street;
- 19.2 the typical species to be planted, consisting mainly of drought-tolerant native species suitable to their individual location on-site;
- 19.3 the number and size of plants to be planted; and
- 19.4 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 Dalby.

20. 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. Any amendments approved by Council's authorised delegate are taken to be a part of the Approved Landscape Plan.
21. All approved landscaping treatments for the development are to be maintained on the property at all times.

#### **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.
23. The development is to operate at all times in accordance with the strategies and actions outlined in the Approved Site Based Management Plan and Approved Noise Impact Assessment, to manage the impacts of the development on the environment and on sensitive land uses.
24. If Council receives a valid complaint regarding noise emissions from the property, Council reserves the right to require the applicant to re-assess the site management procedures already in place.

#### **AIR QUALITY AND AMENITY - AIR RELEASE LIMITS**

25. Odours or airborne contaminants (smoke, dust and odour) 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.
26. The development is to operate at all times in accordance with the strategies and actions outlined in the Approved Site Based Management Plan to manage the impact of air emissions on the environment and on sensitive land uses.
27. If Council receives a valid complaint regarding air emissions from the property, Council reserves the right to require the applicant to re-assess site management procedures already in place under the Approved Site Based Management Plan.

#### **ACOUSTIC BARRIERS AND FENCING**

28. Acoustic barriers are to be erected at the nominated heights and located in accordance with the recommendations within the Approved Noise Impact Assessment.
29. For the boundary acoustic barriers, these must be:
  - 29.1 of a nominated height relative to the finished pavement level of the site;
  - 29.2 constructed of an aesthetically pleasing and weather-resistant material such as earth mound, fibrous cement, painted or treated timber, brick, or a combination thereof;
  - 29.3 continuous and gap free; and
  - 29.4 constructed of a material with a surface area density in accordance with the Approved Acoustic Report.
30. Acoustic fencing is to be installed by the developer at the developer's cost.

#### **FENCING - GENERALLY**

31. Fences must be maintained in a good state of repair and to ensure that privacy is maintained between the development and adjoining properties.
32. Fencing along the road frontages is to be constructed using transparent materials to ensure visibility is maintained.
33. Boundary fences are not to be erected in a parallel arrangement with existing fences erected along the same boundary. That is, the existing fence shall be completely removed.

#### **CERTIFICATION OF NOISE**

34. Prior to commencement of the use, certification from a suitably qualified Acoustic Consultant is to be provided to Council's Planning and Environment Manager or an authorised delegate stating that:
  - 34.1 all acoustic barriers have been erected and that they comply with the conditions of this approval and the approved Acoustic Report.

**Note:** In the event that further sound proofing is required for an acoustic fence on the recommendation from the suitably qualified Acoustic Consultant, these works are to be completed prior to certification of the development and commencement of the use.

#### **ACOUSTIC AMENITY - MECHANICAL PLANT**

35. All regulated devices as defined under the *Environmental Protection Act 1994* must be installed, operated and maintained to comply with the noise limits specified within the *Environmental Protection Act 1994*.

#### **LIGHTING**

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

#### **REFUSE STORAGE AREAS**

37. 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.
38. The size and capacity of the refuse storage areas must be sufficient to accommodate the level of waste likely to be generated from the development having regard to the frequency of refuse collection.
39. Refuse 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;
40. The collection of waste must be undertaken so as to minimise, so far as reasonable and practical, excessive noise to neighbouring occupants.

#### **WASTE MANAGEMENT**

41. 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*.
42. 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**

43. Ensure all hazardous chemicals are stored and handled in accordance with the *Workplace Health and Safety Act 2011*.
44. 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.
45. 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**

46. Complete all works approved and works required by conditions of this development approval and/or any related approvals at no cost to Council, prior to commencement of the use unless stated otherwise.
47. Undertake Engineering designs and construction in accordance with the Planning Scheme, Council's standards, relevant design guides, and Australian Standards.

48. 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**

49. 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.
50. Repair all damage incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damage immediately upon completion of works associated with the development.

**VEHICLE ACCESS - TURNOUT**

51. Construct a commercial crossover between the property boundary and the edge of the Hickey Street road pavement, having a minimum width of 9 metres, generally in accordance with Council's Standard Drawing R-006. Ensure that crossover splay is designed to accommodate turning movements of the largest expected delivery vehicle.
52. 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).

**PARKING AND ACCESS - GENERAL**

53. Design and construct all manoeuvring and parking areas with concrete, asphalt or a two-coat bitumen seal.
54. Provide a minimum of 1 on-site car parking space, constructed in accordance with AS290.1.
55. Ensure access to car parking spaces, vehicle loading and manoeuvring areas and driveways remain unobstructed and available for their intended purpose during the hours of operation.

**DELIVERY MANAGEMENT**

56. Develop and implement a "Delivery Management Plan" for any instance where deliveries (including loading and unloading) are carried out on a public road. The "Delivery Management Plan" shall include, but not be limited to:
- 56.1 procedures for safe parking within the public road space, including signage and traffic control;
  - 56.2 procedures for the safe loading and unloading from any vehicle;
  - 56.3 management of traffic and pedestrian safety;
  - 56.4 no delivery vehicle shall block any through traffic using the road; and
  - 56.5 any necessary indemnity is the responsibility of the operator of the site.

**ELECTRICITY AND TELECOMMUNICATIONS**

57. Connect the development to electricity and telecommunication services.

**WATER SUPPLY**

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

**SEWERAGE**

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

**STORMWATER MANAGEMENT**

60. Provide overland flow paths that do not adversely alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.
61. Ensure that adjoining properties and roadways are protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.
62. Discharge all minor storm flows that fall or pass onto the site to the lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM).

**EROSION AND SEDIMENT CONTROL - GENERAL**

63. 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.
64. 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**

65. Undertake operations and construction work associated with this development to the requirements of Council, including the following:
- 65.1 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;
  - 65.2 remove immediately, any material spilled or carried onto existing roads to avoid dust nuisance and to ensure traffic safety; and
  - 65.3 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.

66. 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:
- 66.1 uncontaminated overland stormwater flow; and
  - 66.2 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.

#### REMOVAL OF EXISTING BUILDINGS

67. Remove the existing paint shed located on the property prior to commencement of construction.
68. All waste material associated with demolition works must only be disposed of at a waste facility approved for the receipt of that waste.

#### AMALGAMATION OF LOTS

69. Lots 1, 2 and 3 on RP54665 must be amalgamated to form a single allotment. The registered Survey Plan must be submitted to Council prior to commencement of the use.

#### REFERRAL AGENCY RESPONSE

1. The State Assessment and Referral Agency as Concurrence Agency (Department of Transport and Main Roads as Technical Agency), provided a Concurrence Agency response dated 20 April 2023 which is attached to this approval.

#### ADVISORY NOTES

##### NOTE 1 - Currency Period

*"A part of a development approval lapses at the end of the currency period. The standard currency period, as stated in Section 85 of the Planning Act 2016, applies to this approval as outlined below:*

- *Material Change of Use (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.

**NOTE 7 - Referral Agency Response**

The Referral Agency response is attached to the approval.

**NOTE 8 - Infrastructure Charges**

An Infrastructure Charges Notice is attached to this approval in accordance with the conditions of 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 October 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 October 2023.

##### **COUNCIL RESOLUTION**

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

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

That this Report be received.

**CARRIED**

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

The purpose of this Report is to provide Council with an updated on the status of outstanding Council Meeting Action Items to 25 October 2023.

##### **COUNCIL RESOLUTION**

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

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

That this Report be received.

**CARRIED**

#### 13.3 Executive Services Quarterly Report Q4 April to June 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 first quarter of the 2023-2024 financial year.

##### **COUNCIL RESOLUTION**

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

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

That this report be received and noted.

**CARRIED**

## 14. CORPORATE SERVICES

### 14.1 Corporate Services Report Showgrounds Master Plan Priorities

The purpose of this Report is to seek endorsement to progress, and to confirm the priority order of the six Council owned Showgrounds Master Plans to be developed across the Western Downs region showgrounds, as a priority action identified within the *Showgrounds Strategy 2023-2038*.

#### **COUNCIL RESOLUTION**

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

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

That Council resolve to proceed with master planning of its showgrounds in the following priority order:

1. Dalby and Tara – 2023-2024 and 2024-2025 financial years;
2. Jandowae and Bell – 2025-2026 financial year; and
3. Wandoan and Miles – 2026-2027 financial year.

**CARRIED**

### 14.2 Corporate Services Report Pool Heating Review

The purpose of this Report is to seek approval for recommendations made as a result of the pool heating review into the installation of outdoor pool heating across Western Downs Regional Council's portfolio of aquatic facilities. This includes installation of solar thermal heating at the Miles and Wandoan pools to be included as part of the mid-year budget review for the 2023-24 capital budget.

#### **COUNCIL RESOLUTION**

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

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

That Council resolves to:

1. approve solar thermal pool heating to be installed at the Miles Aquatic Centre during the 2023-2024 financial year; and
2. include the installation of solar thermal pool heating at the Wandoan Aquatic Centre as part of the capital budget deliberations for the 2024-2025 financial year.

**CARRIED**

**14.3 Corporate Services Financial Report October 2023**

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

**COUNCIL RESOLUTION**

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

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

That Council resolves to receive the October 2023 Financial Report.

**CARRIED**

**14.4 Corporate Services Quarterly Report July to September 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 first quarter of the 2023 - 2024 financial year.

**COUNCIL RESOLUTION**

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

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

That council resolve to receive the Corporate Services Quarterly Report for the period July to September 2023.

**CARRIED**

**14.5 Corporate Services Report Quarter One 2023-24 Operational Plan and Enterprise Risk Management Review**

The purpose of this report is to provide Council with the status of the strategic risks which Council manages under the *Enterprise Risk Management Framework* and the first quarter progress in achieving the actions outlined in the *2023-24 Operational Plan*.

**COUNCIL RESOLUTION**

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

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

That Council resolves to receive the *Quarter One 2023-24 Operational Plan and Enterprise Risk Management Review*.

**CARRIED**

**15. INFRASTRUCTURE SERVICES**

**15.1 Infrastructure Services Quarterly Report July to September 2023**

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

**COUNCIL RESOLUTION**

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

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

That Council resolve to receive the Infrastructure Services Quarterly Report for the period July to September 2023.

**CARRIED**

**16. COMMUNITY AND LIVEABILITY**

**16.1 Community and Liveability Report Waiving of Building and Plumbing Application Fees for October 2023 Bushfire Rebuilds**

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 October 2023 bushfires.

**COUNCIL RESOLUTION**

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

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

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 October 2023.

**CARRIED**

**16.2 Community and Liveability Report Darling Downs South West Council of Mayors Regional Waste Plan**

The purpose of this report is to seek Council's endorsement of a regional waste strategy that has been prepared by the Darling Downs South West Council of Mayors group.

**COUNCIL RESOLUTION**

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

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

That this report be received and Council resolves to support the Darling Downs Regional Waste and Resource Recovery Management Plan as detailed in attachment 1, and the Technical Report for the Darling Downs and South West Region as detailed in attachment 1

**CARRIED**

**16.3 Community and Liveability Quarterly Report (Q1) July to September 2023**

The purpose of this Report is to provide Council with an update in relation to the Community and Liveability Division's strategic and operational activities for the first quarter of the 2023/2024 Financial Year.

**COUNCIL RESOLUTION**

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

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

That Council resolve to receive the Community and Liveability Quarterly Report for the period July to September 2023.

**CARRIED**

**17. NOTICES OF MOTION**

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

There were no Notices of Motion/Business for consideration.

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

There were no Notices of Motion for the next meeting

**18. URGENT GENERAL BUSINESS**

There was no Urgent General Business.

**19. MEETING CLOSURE**

The Meeting concluded at 11:50 AM.