

5. CONFIRMATION OF MINUTES

5.1 Adopt Ordinary Meeting of Council Minutes 16 August 2023

The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Wednesday, 16 August 2023

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

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 16 August 2023, copies of which have been circulated to Members, be taken as read and confirmed.

CARRIED



Ordinary Meeting of Council Minutes

Date: Wednesday, 16 August 2023

Time: 9:30am

Location: Western Downs Regional Council
Wandoan Customer Service Centre

Councillors:

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

Officers:

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

1. DECLARATION OF MEETING OPENING

PROCEDURAL MOTION

Moved By Cr. K. A. Bourne

That the meeting be declared open at 9.30 am

CARRIED

PROCEDURAL MOTION

Moved By Cr. K. A. Bourne

That Cr. I. J. Rasmussen preside as chairperson at this ordinary council meeting of 16 August 2023.

CARRIED

2. OPENING PRAYER AND MINUTE SILENCE

Cr. M. J. James delivered the opening prayer. This was followed by the observance of a minute silence.

3. APOLOGIES

Moved By Cr. M. J. James

Seconded By Cr. K. A. Maguire

That Council accept the apology for non-attendance from Cr. P. M. McVeigh and Cr. A. N. Smith.

CARRIED

4. CONGRATULATIONS

Cr. K. A. Bourne requested that congratulations be extended to Orienteering Queensland and more specifically the Queensland School Orienteering organisers and volunteers for a successful Championship event hosted here in the Western Downs in July.

Cr. K. A. Bourne requested that congratulations be extended to Ingrid Young for being selected in the 2023 Queensland School Orienteering Team to compete in the Australian Schools Orienteering Championships as part of the Australian Orienteering Championships to be held in Western Australia in October.

Congratulations also to Gretel Young for being selected as a reserve for the team. Western Downs Regional Council commends you on your selection and wishes you all the best with the competition later in the year.

Cr. M. J. James requested that congratulations be extended to Breanna Collins, an employee at Kogan Creek Power Station who represented Australia in the Women's Trap Individual Event at the 2023 International Shooting Sport Federation (ISSF) Shotgun Junior World Championships in South Korea.

Cr. M. J. James requested that congratulations be extended to The Morgan family of "The Grove" Condamine, who won the 100 day HGP-free export, RNA Paddock to Plate Competition at the Brisbane with their Shorthorn Cattle and also placed second in the 100 day HGP class.

Cr. M. J. James requested that congratulations be extended to Dalby Wheatmen Rugby Union Player Sam Fermor who has been selected in the Australian Defence Force Rugby Union (ADFRU) Men's team to play in the World Defence Rugby 2023 Cup in France this month.

Cr. M. J. James requested that congratulations be extended to Skerman Farms - an intergenerational family farming enterprise (Dan and Chloe, Ross and Merryll, Luke and Michelle, Josh and Amanda), at "Fassifern" near Dalby who won the national AgriRisk High Achiever Award at the 2023 Cotton Industry Awards - announced at the 2023 Cotton Collective held in Toowoomba earlier this month.

Cr. P. T. Saxelby requested that congratulations be extended to Lindsey Doolan on being selected to represent Australia in South Africa at the 2024 Polocrosse World Cup. Western Downs Regional Council wishes Lindsey and her fellow team members all the best with their preparations in the lead up to next year's World Cup.

Cr. P. T. Saxelby requested that congratulations be extended to Chinchilla Polocrosse Club for holding a successful 2023 two-day carnival with over 70 teams from Queensland and New South Wales.

Cr. P. T. Saxelby requested that congratulations be extended to Chinchilla State High School Big Band, for winning first place at the Toowoomba Eisteddfod Big Band B Grade Section.

5. CONFIRMATION OF MINUTES

5.1 Adopt Ordinary Meeting of Council Minutes 19 July 2023

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

COUNCIL RESOLUTION

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

That this Report be received and that:

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

7. DECLARATIONS OF CONFLICTS OF INTEREST

There were no declarations of conflicts of interest.

8. PRESENTATION OF PETITIONS BY COUNCILLORS

There were no petitions present by Councillors.

9. MAYORAL UPDATE

9.1 Executive Services Mayoral Report July 2023

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

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire
Seconded By Cr. C. T. Tillman

That this Report be received and noted.

CARRIED

10. CONFIDENTIAL ITEMS

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

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

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

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

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

(b) industrial matters affecting employees;

(c) the local government's budget;

(d) rating concessions;

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

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

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

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

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

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

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

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

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

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

COUNCIL RESOLUTION - CLOSE MEETING

Moved By Cr. M. J. James

Seconded By Cr. K. A. Maguire

That Council resolve to close the Meeting in accordance with Sections 254J (3) (d,e,g,i) of the *Local Government Regulation 2012* at 9.47am to discuss the following Confidential Reports:

1. Executive Services Confidential Report - Expression of Interest to Lease Two Lots Kumbarilla Lane Kogan
2. Corporate Services Confidential Summary Report Quarterly Liability Update as at 30 June 2023
3. Corporate Services Confidential Report Additional Water Concession Due to Undetected Water Leak
4. Community and Liveability Confidential Report Western Downs Planning Scheme 2017 Major Amendment 2 Business and Planning Improvement Amendment Package

CARRIED

COUNCIL RESOLUTION - REOPEN MEETING

Moved By Cr. P. T. Saxelby

Seconded By Cr. C. T. Tillman

That Council resolve to reopen the Meeting at 10.01am.

CARRIED

10.1 EXECUTIVE SERVICES

10.1.1 Executive Services Confidential Report - Expression of Interest to Lease Two Lots Kumbarilla Lane Kogan

The purpose of this report is to seek Council's approval to call expressions of interest to lease two lots at Kumbarilla Lane, Kogan, east of the Braemer Power Station.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. K. A. Maguire

That this Report be received and that Council resolves that:

1. It is in the public interest, pursuant to section 228(3)(a) and (b) *Local Government Regulation 2012* to invite Expressions of Interest ("EOI") to lease Lot 2 SP214220 and Lot 3 SP200461 ("Land") at Kumbarilla Lane Kogan, before inviting written tenders, noting that:
 - a. Leasing the Land in proximity to the Braemer Power Station, is expected to result in the Land reaching its full potential and increase its revenue generation for Council and additional economic opportunities for the benefit of the community.
 - b. The EOI allows all interested parties to express their interest in leasing the Land. Council will then assess the best proposed use of the Land for the benefit of the community and assess the suitability of the lessee before progressing further and calling tenders from a short listed group.
 - c. Inviting an EOI to lease the Land enables Council to maintain ownership and control of the Land for the benefit of the community to ensure it maintains:
 - i. the revenue stream from CSG interests, and
 - ii. its existing quarry assets whilst at the same time securing rights to allow future quarry expansion.

CARRIED

10.2 CORPORATE SERVICES

10.2.1 Corporate Services Confidential Summary Report Quarterly Liability Update as at 30 June 2023

The purpose of this Report is to provide Council with a quarterly update on liability matters as at 30 June 2023.

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby

Seconded By Cr. O. G. Moore

That Council resolves to receive the *Corporate Services Confidential Summary Report Quarterly Liability Update, as at 30 June 2023*.

CARRIED

10.2.2 Corporate Services Confidential Report Additional Water Concession Due to Undetected Water Leak

The purpose of this report is to discuss a request for a concession which is greater than that contemplated by the *Water Meters – Council Policy*, associated with an undetected leaking pipe which resulted in a substantial consumption of water.

COUNCIL RESOLUTION

Moved By Cr. C. T. Tillman

Seconded By Cr. P. T. Saxelby

That Council grant a further concession of \$1,979.18, in addition to the \$709.37 previously granted, bringing the total concession amount to \$2,688.55, based on average water consumption charges issued for this property of \$148.92 per half-year.

FORESHADOWED MOTION

Cr. K. A. Bourne foreshadowed that if the motion on the floor failed, she would move:

That Council resolves to grant a concession of \$709.37, being a further reduction of twenty-five (25) per cent of the gross water consumption charges and provides an interest free period of twelve (12) months for the payment of the outstanding amount.

The **ORIGINAL MOTION** was **PUT** and **CARRIED (5 to 2)**

10.3 COMMUNITY AND LIVEABILITY

10.3.1 Community and Liveability Confidential Report Western Downs Planning Scheme 2017 Major Amendment 2 Business and Planning Improvement Amendment Package

The purpose of this Report is for Council to decide to exercise its power under the *Planning Act 2016* and in accordance with the process set out in the Minister's Guidelines and Rules, to make amendments to its Planning Scheme and Planning Scheme Policies from time to time, to ensure those Policy and Regulatory Instruments remain contemporary, reflective of Council's current Policy positions, and appropriately manage planning and development across the Western Downs Region.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. O. G. Moore

That this Report be received and that:

1. Council resolve, for the purposes of Chapter 2, Part 4, Section 16.1 of the Minister's Guidelines and Rules, to commence making a major amendment to its Planning Scheme.
2. Council endorse the proposed Planning Scheme Amendment and Maps (Major Amendment 2 – Business and Planning Improvement Amendment Package), including the Amended Planning Scheme Policies incorporated at Schedule 6 (**Attachments 1A and 1B**), prepared in accordance with Chapter 2, Part 4, Section 16.4 and Chapter 3, Part 1, Section 2.2 of the Minister's Guidelines and Rules.
3. Council endorse the proposed Communications Strategy (**Attachment 2**).
4. Council decide to make the proposed amendments to the Planning Scheme Policies, incorporated in Schedule 6 of Major Amendment 2 – Business and Planning Improvement Amendment Package, in accordance with Chapter 3, Part 1, Sections 2.1 of the Minister's Guidelines and Rules.
5. Council give notice to the Planning Minister of the decision to amend the Planning Scheme, provide the required material (as set out in Schedule 3 of the Minister's Guidelines and Rules) and request a State Interest Review of Major Amendment 2, in accordance with Chapter 2, Part 4, Section 16.5 of the Minister's Guidelines and Rules.
6. Council decide to proceed to public consultation of Major Amendment 2 – Business and Planning Improvement Amendment Package and the proposed amendments to the Planning Scheme Policies incorporated in Schedule 5, in accordance with Chapter 2, Part 4, Sections 18.1 and 18.2 and Chapter 3, Part 1, Section 3 of the Minister's Guidelines and Rules, after receiving and subject to the outcome of the State Interest Review and the Planning Minister's Notice issued under Chapter 2, Part 4, Section 17.5 of the Minister's Guidelines and Rules.
7. That the Chief Executive Officer be granted all powers under the Minister's Guidelines and Rules to amend Proposed Major Amendment 2 – Business

and Planning Improvement Amendment Package as detailed in Clause 2 above, prior to and in the course of the State Interest Review.

CARRIED

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. C. T. Tillman

That council hold an information session to consider a second amendment to the planning scheme in relation to, but not limited to, lot sizes, urban and rural residential, land use and density.

CARRIED

10.4 INFRASTRUCTURE SERVICES

11. DEPUTATION

There were no deputations.

12. PLANNING

12.1 (030.2023.119.001) Community and Liveability Report Development Application Material Change of Use for an Extractive Industry (Gravel Pit) on Lot 173 on LY128 668 Red Hill Road Red Hill Sellars C/- Swep Consulting

The purpose of this Report is for Council to decide the proposed development for Material Change of Use to establish an Extractive Industry (Gravel Pit - less than 5,000tpa) on land described as Lot 173 on LY128 and situated at 668 Red Hill Road, Red Hill.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. K. A. Maguire

That this Report be received and that:

1. The application for Material Change of Use to establish an Extractive Industry (Gravel Pit - less than 5,000tpa) on **Lot 173 on LY128 and situated at** 668 Red Hill Road, Red Hill be approved, subject to the following conditions:

APPROVED PLANS AND DOCUMENT

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

Drawing No., Revision	Title and Details	Dated
2023-012-001, Revision A	Overall Site Plan, prepared by Swep Consulting	20/04/2023
2023-012-002, Revision A	Site Plan - Detail, prepared by Swep Consulting	20/04/2023
-	Site Based Management Plan - Gravel Pit, prepared by Swep Consulting	-

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

APPROVED DEVELOPMENT

3. The approved development is a Material Change of Use for an Extractive Industry (Quarry up to a maximum of 5,000 tonnes per annum) as shown on the Approved Plans.

COMPLIANCE, TIMING AND COSTS

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

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. A record of each year's output must be kept on-site and be available for review at the request of Council's Planning and Environment Manager or authorised delegate, within 48 hours of such request.
 - 7.1 Material extracted from the site must not exceed an output of 5,000 tonnes per annum.
8. The development (including landscaping, parking, driveways and other external spaces) shall be maintained in accordance with the Approved Plans and Document subject to and modified by any conditions of this approval.

APPLICATION DOCUMENTATION

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

CONTOUR PLANS

10. Prior to commencement of any extraction, Council must be provided with an initial Contour Plan of the general extraction area shown on the Approved Plans. The Plan is to be prepared by a Licensed Surveyor.
11. On the first anniversary of this Development Permit taking effect, and every twelve (12) months thereafter, a new Contour Plan of the active Extraction Pit/s must be prepared by a Licensed Surveyor and must be submitted to Council for review.

HOURS OF OPERATION/LOADING AND UNLOADING

12. Quarrying operations and transport haulage must only operate between the following hours:
Monday to Sunday: 5:00am to 7:00pm

SITE BASED MANAGEMENT PLAN

13. The approved use must be carried out in accordance with the Approved Site Based Management Plan - Gravel Pit, prepared by Swep Consulting and submitted with the application, except as altered by conditions of this development approval.
14. The 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.

ACOUSTIC AMENITY - NOISE LIMITS

15. 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.

16. 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.

AIR QUALITY AND AMENITY - AIR RELEASE LIMITS

17. 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.

LIGHTING

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

LANDSCAPING - MISCELLANEOUS

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

WASTE MANAGEMENT

20. All waste generated from construction of the premises must be effectively controlled on-site before disposal. All waste must be disposed of in accordance with the *Waste Reduction and Recycling Act 2011*.
21. All waste generated on-site must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.

ENGINEERING WORKS

22. The applicant is responsible for the full cost of any alterations necessary to any infrastructure services and/or other public utility installations resulting from the development or from road and drainage works required in connection with the development.

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

23. 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.
24. Repair damage to any Council and public utility services infrastructure and asset where damage is a result of the proposed development.
25. Repair any damage to infrastructure assets immediately where it creates a hazard to the community, including a pedestrian or vehicular safety

hazard and all other instances repair immediately upon completion of the works associated with the development.

STORMWATER

26. Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any activities undertaken as part of the proposed development.

VEHICLE ACCESS

27. Ensure that the existing crossover is constructed in accordance with Council's Standard Drawing No. R-007. Ensure that crossover splay is designed to accommodate the turning movements of the largest expected vehicle.

EROSION AND SEDIMENT CONTROL

28. Undertake erosion and sediment control in accordance with the *International Erosion Control Association (Australasia) Best Practice Erosion and Sediment Control Guidelines*.

ENVIRONMENTAL

29. The operations and construction work associated with this development shall be carried out to the requirements of Council. Where material is spilled or carried onto existing roads by vehicles emanating from the Quarry, it is to be removed forthwith so as to restrict dust nuisance and ensure traffic safety.

REHABILITATION

30. Submit to Council, a "Rehabilitation Management Plan" outlining the works to be undertaken to rehabilitate the site at the time of decommissioning of the extraction operations.

ADVISORY NOTES

NOTE 1 - Special Rates

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

NOTE 2 - Currency 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 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 (035.2023.188.001) Community and Liveability Report Development Application Reconfiguring a Lot (1 Lot into 2 Lots) on Lot 77 on LY323 Woolletts Road Diamondy White Wind Project No 1 Pty Ltd C/- Environmental Resources Management Australia Pty Ltd

The purpose of this Report is for Council to decide the proposed development for Reconfiguring a Lot (1 lot into 2 lots) on land described as Lot 77 on LY323 and situated at Woolletts Road, Diamondy.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. K. A. Bourne

That this Report be received and that:

1. The application for Reconfiguring a Lot (1 lot into 2 lots) on land described as Lot 77 on LY323 and situated at Woolletts Road, Diamondy be approved, subject to the following conditions:

APPROVED PLANS AND DOCUMENT

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

Plan No./Reference	Plan Title and Details	Dated
File WMWF_0033_03A Premises Plan, Rev 03A	Stage 1 Premises Plan Phillip Hoare, prepared by Wambo Wind Farm	14/02/2023
BR190455, Issue No: 3	Site Based Stormwater Management Plan, prepared by ACOR Consultants (QLD) Pty Ltd	21/07/2020

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

APPROVED DEVELOPMENT

3. The approved development is Reconfiguring a Lot (1 lot into 2 lots) as shown on the Approved Plans.

COMPLIANCE, TIMING AND COSTS

4. All conditions of the approval shall be complied with before Council's endorsement of the Form 18B, unless otherwise noted within these conditions.
5. All costs associated with compliance with these conditions shall be the responsibility of the developer unless otherwise noted.
6. The Form 18B shall not be executed until a letter of compliance is received demonstrating the development's compliance with all conditions of this approval.

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

LOT NUMBERING

9. The developer is to make a request to Council for street numbering within 30 days of registration of the Survey Plan with the Titles Office.

LANDSCAPING

10. 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 works and any ensuing defects liability period.
11. Apart from declared weeds and pests, trees, shrubs and landscaped areas currently existing on the subject land shall be retained where possible, and action taken to minimise disturbance during construction work.

INFRASTRUCTURE CHARGES

12. 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.

ENGINEERING WORKS

13. Be responsible for any alteration necessary, to easements and/or other public utility installations resulting from the development or from road and drainage works required in connection with the development.
14. Submit to Council, certification from a suitably qualified Engineer (RPEQ) that the works have been undertaken in accordance with the Approved Plans, Document and specifications and to Council's requirements, prior to Council's endorsement of the Form 18B.

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

15. 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.
16. 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.

STORMWATER MANAGEMENT

17. Provide overland flow paths that do not alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.
18. Provide drainage works generally in accordance with the Approved Site Based Stormwater Management Plan, Document No. BR190455, Issue 3, prepared by ACOR Consultants (QLD) Pty Ltd, dated 21 July 2020.
19. 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).

VEHICLE ACCESS

20. Design and construct vehicle turnouts generally in accordance with Council's Standard Drawing No. R-007, to accommodate the turning movement of the largest design vehicle expected.

WATER SUPPLY

21. Provide a suitable water supply for all uses, staff, and visitors to the sites.

ON-SITE WASTEWATER DISPOSAL

22. Connect all future developments on the proposed Lots to an on-site wastewater disposal system as applicable, in accordance with, AS1547 and the Queensland Plumbing and Waste Water Code.

Comment: A pump-out system by a licensed wastewater contractor may be considered subject to Council approval.

23. Obtain a Development Permit for Plumbing Work for the on-site sewerage treatment system as applicable.

SERVICES

24. Design and provide electricity and telecommunications to all lots of the development.
25. Ensure that all services on proposed Lots are wholly located within the lot it serves.

EARTHWORKS - GENERAL

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

ENVIRONMENTAL HEALTH

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

- 27.1 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;
- 27.2 remove immediately, any material spilled or carried onto existing roads to avoid dust nuisance and ensure traffic safety; and
- 27.3 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.

- 28. 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:
 - 28.1 uncontaminated overland stormwater flow; and
 - 28.2 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

*"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 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 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.

CARRIED

COUNCIL RESOLUTION - ADJOURN MEETING

Moved By Cr. P. T. Saxelby

Seconded By Cr. M. J. James

That Council resolve to adjourn the Meeting.

The Meeting adjourned at 10.33am.

The Meeting resumed at 10.46am.

CARRIED

13. EXECUTIVE SERVICES

13.1 Executive Services Report Permanent Road Closure Application for Road Reserve that bisects Lots 29 & 58 on RG128 Kogan Condamine Road, Crossroads

To determine an application for the permanent closure of a road reserve that is an unformed road that runs along the eastern boundary of Lot 29 on RG128 Kogan Condamine Road, Crossroads.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. P. T. Saxelby

That this Report be received and that:

1. Council advises the Department of Resources and the applicant that it has no objections to the permanent closure of the unformed road reserve along the eastern boundary of Lot 29 RG128 being 3407 Kogan-Condamine Road, Crossroads owned by Terroir Properties Pty Ltd.

CARRIED (6 to 1)

13.2 Executive Services Report Outstanding Actions July 2023

The purpose of this Report is to provide Council with an updated on the status of outstanding Council Meeting Action Items to 19 July 2023.

COUNCIL RESOLUTION

Moved By Cr. C. T. Tillman

Seconded By Cr. K. A. Maguire

That this Report be received.

CARRIED

13.3 Executive Services Chief Executive Officer Report July 2023

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

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby

Seconded By Cr. K. A. Bourne

That this Report be received.

CARRIED

13.4 Executive Services Quarterly Report 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 fourth quarter of the 2022-2023 financial year.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. M. J. James

That this report be received and noted.

CARRIED

14. CORPORATE SERVICES

14.1 Corporate Services Report Aquatic Facilities Strategy 2023-2038 Priority Actions

The purpose of this Report is to seek Council's endorsement to pursue priority action outcomes of the Aquatic Facilities Strategy 2023-2038.

COUNCIL RESOLUTION

Moved By Cr. M. J. James

Seconded By Cr. C. T. Tillman

That Council resolves to:

1. commence the exploration of replacement options and development of concept plans in 2023-24 for the Chinchilla Aquatic Facility, including at a greenfield site (in accordance with existing approved budgets);
2. commence essential remediation works in 2023-24 for the Chinchilla Aquatic Facility (in accordance with existing approved budgets);
3. develop concept plans for the remediation and moderate upgrade of the Wandoan Aquatic Facility (in accordance with existing approved budgets);
4. schedule the required remediation of the Chinchilla, Miles, Jandowae, and Dalby aquatic facilities across the 2023-24, 2024-25, and 2025-26 financial years (subject to budget considerations);
5. amend the Capital Budget Ten (10) year forecasts for the aquatic facilities to reflect the revised order of priority; and
6. investigate the feasibility of implementing temperature control mechanisms at Western Downs' aquatic facilities.

CARRIED

COUNCIL RESOLUTION

Moved By Cr. M. J. James

Seconded By Cr. P. T. Saxelby

That Council trial the use of the existing temperature control (heating) system during the shoulder months of the 2023/24 swimming season at the Dalby outdoor swimming pool.

AMENDMENT NO. 1

Moved By Cr. C. T. Tillman

Seconded By Cr. K. A. Maguire

That council trial the use of the existing temperature control (heating) system during the shoulder months and the swim season for 2023/24 at the Dalby outdoor swimming pool.

The **AMENDMENT NO. 1** was **PUT** and **LOST (3 to 4)**

The **ORIGINAL MOTION** was **PUT** and **CARRIED**

14.2 Corporate Services Report - Queensland Audit Office 2023 Interim Management Report

The purpose of this report is to provide an update on external audit activities for the 2023 financial year.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. K. A. Maguire

That Council resolves to receive the Queensland Audit Office's *2023 Interim Management Report*.

CARRIED

14.3 Corporate Services Report Quarter Four 2022-23 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 fourth and final quarter progress in achieving the actions outline in the *2022-23 Operational Plan*.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. K. A. Maguire

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

CARRIED

14.4 Corporate Services Financial Report July

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

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. O. G. Moore

That Council resolves to receive the July 2023 Financial Report.

CARRIED

14.5 Corporate Services Quarterly Report April to June 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 fourth 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 April to June 2023.

CARRIED

15. INFRASTRUCTURE SERVICES

15.1 Infrastructure Services Quarterly Report April to June 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. O. G. Moore

Seconded By Cr. P. T. Saxelby

That Council resolve to receive the Infrastructure Services Quarterly Report for the period April to June 2023.

CARRIED

16. COMMUNITY AND LIVEABILITY

16.1 Community and Liveability Quarterly Report April to June 2023

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

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. C. T. Tillman

That this Report be received and noted.

CARRIED

17. NOTICES OF MOTION

17.1 CONSIDERATION OF NOTICES OF MOTION/BUSINESS

17.1.1 Request Review of the Council Meetings Policy

COUNCIL RESOLUTION

Moved By Cr. M. J. James

Seconded By Cr. K. A. Bourne

That Council review the Council Meetings Policy.

CARRIED

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 11.59am.