

5. CONFIRMATION OF MINUTES

5.1 Adopt Ordinary Meeting of Council Minutes 20 September 2023

The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Wednesday, 20 September 2023

COUNCIL RESOLUTION

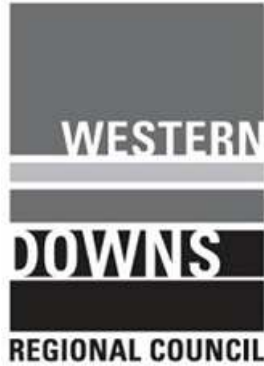
Moved By Cr. A. N. Smith

Seconded By Cr. M. J. James

That this Report be received and that:

1. The Unconfirmed Minutes of the Ordinary Meeting of Council held on 20 September 2023, copies of which have been circulated to Members, be taken as read and confirmed.

CARRIED



Ordinary Meeting of Council Minutes

Date: Wednesday, 20 September 2023

Time: 9:30am

Location: Western Downs Regional Council
Miles Customer Service Centre

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

1. DECLARATION OF MEETING OPENING

The Chairperson declared the Meeting open at 9.30AM.

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. O. G. Moore

That council approve the attendance of Cr. M. J. James by Teleconference.

CARRIED

2. OPENING PRAYER AND MINUTE SILENCE

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

3. APOLOGIES

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. K. A. Bourne

That Council accept the apology for non-attendance from Cr C.T.Tillman

CARRIED

4. CONGRATULATIONS

Cr. K. A. Bourne requested that congratulations be extended to Miles Back to the Bush Committee and volunteers for hosting an exciting and vibrant festival for 2023. The event added significantly to our region's vibrancy and offered Miles locals and visitors to the community an outstanding and diverse offering of activities and events across the four days. Congratulations on the team's effort in presenting an event that was jam packed with fun for the whole family.

Cr. K. A. Bourne requested that congratulations be extended to Dalby Delicious and Delightful Festival Committee and volunteers on hosting an outstanding 2023 festival. Such an exciting event that offers significant cultural diversity recognition and opportunities to showcase, support, educate and celebrate 'the people that make it' right here on the Western Downs.

Cr. K. A. Maguire requested that congratulations be extended to Bell Theatre Restaurant for its 26th event under the guidance of Mrs Ruth Storey. Thank the committee for its commitment in providing cultural experiences and great entertainment for the wider Western Downs communities.

Cr. K. A. Maguire requested that congratulations be extended to one long table event at Chinchilla for providing an excellent atmosphere celebrating multicultural people, foods, and entertainment.

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

UNCONFIRMED

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 August 2023.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne
Seconded By Cr. A. N. Smith

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. K. A. Bourne

Seconded By Cr. K. A. Maguire

That Council resolve to close the Meeting in accordance with Sections 275J (3) (g) of the *Local Government Regulation 2012* at 9:46am to discuss the following Confidential Reports:

1. Executive Services Confidential Report Dalby Aerodrome Agricultural Lease H, I, J and U Proposed Lease Renewal
2. Executive Services Confidential Report - Proposed Sale of 7 and 9 Marfleet Street, Tara
3. Community and Liveability Confidential Report Infrastructure Charges for Southern Queensland Rural Health Development

CARRIED

COUNCIL RESOLUTION - REOPEN MEETING

Moved By Cr. P. T. Saxelby

Seconded By Cr. A. N. Smith

That Council resolve to reopen the Meeting at 9:51am.

CARRIED

10.1 EXECUTIVE SERVICES

10.1.1 Executive Services Confidential Report Dalby Aerodrome Agricultural Lease H, I, J and U Proposed Lease Renewal

The purpose of this Report is to obtain Council approval to renew the Agricultural Lease H, I, J and U at the Dalby Aerodrome.

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. K. A. Bourne

That this Report be received and that Council:

1. apply the exception contained within section 236(1)(c)(iii) of the *Local Government Regulation 2012*.
2. offer G & D Rockliff Pty Ltd a 5-year lease over land described as Lease H on SP342945 and Leases I, J and U on SP207425 at the Dalby Aerodrome on the terms as outlined in this report, and
3. delegate authority to the CEO to negotiate and sign all documents necessary to finalise the lease.

CARRIED

10.1.2 Executive Services Confidential Report - Proposed Sale of 7 and 9 Marfleet Street, Tara

The purpose of this Report is to seek Council's direction regarding the proposed sale of 7 and 9 Marfleet Street, Tara.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. O. G. Moore

That this Report be received and that Council:

1. apply the exception contained in the *Local Government Regulation 2012 (Qld)*, section 236(1)(a)(i), (ii) and (2); and
2. approve the sale of Lot 15 on SP209328 and Lot 6 on SP183239 being numbers 7 and 9 Marfleet Street, Tara, to Energy Queensland Pty Ltd, at \$35,000 (excl GST) for each lot; and
3. delegate authority to the Chief Executive Officer to negotiate and sign all necessary documents to complete settlement.

CARRIED

10.2 CORPORATE SERVICES

10.3 COMMUNITY AND LIVEABILITY

10.3.1 Community and Liveability Confidential Report Infrastructure Charges for Southern Queensland Rural Health Development

This report is to seek Council's determination regarding a request by Southern Queensland Rural Health to waive Infrastructure Charges for the development of an Educational Establishment at 24-30 Zeller Street Chinchilla.

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. P. T. Saxelby

That this report be received and Council waive infrastructure charges in relation to Development Approval 030.2023.88 for Southern Queensland Rural Health

CARRIED

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. K. A. Maguire

That Council approves the attendance of Cr. C. T. Tillman by teleconference.

Cr. C. T. Tillman joined the meeting at 10:03am.

10.4 INFRASTRUCTURE SERVICES

12. PLANNING

12.1 (030&040.2023.81.001) Community and Liveability Report Development Application Material Change of Use for Service Station and Operational Work for Advertising Devices at 39 Drayton Street Dalby Plans in Motion Pty Ltd

The purpose of this Report is for Council to decide the development application for a Material Change of Use to establish a Service Station and Operational Work for Advertising Devices on land described as Lots 1 and 2 on RP96146, Lot 1 on RP2015 and Lot 34 on RP93495, and located at 39 Drayton Street, Dalby.

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. K. A. Maguire

That this Report be received and that:

1. The application for a Material Change of Use to establish a Service Station and Operational Work for Advertising Devices on land described as Lots 1 and 2 on RP96146, Lot 1 on RP2015 and Lot 34 on RP93495, located at 39 Drayton Street, Dalby, be approved, subject to the following conditions:

MATERIAL CHANGE OF USE

APPROVED PLANS

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

Drawing No., Revision	Plan Title and Details	Dated
DG01, Rev E	Site Plan, prepared by United Petroleum Pty Ltd	12/07/2023
DG02, Rev C	Store Layout, prepared by United Petroleum Pty Ltd	12/07/2023
DG03, Rev D	North/East & South/East Elevations, prepared by United Petroleum Pty Ltd	12/07/2023
DG04, Rev B	East & West Elevations, prepared by United Petroleum Pty Ltd	12/07/2023

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;
 - 3.2 Operational Work (other than for Advertising Devices); and
 - 3.3 Plumbing Works.

APPROVED DEVELOPMENT

4. The approved development is a Material Change of Use to establish a Service Station 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*, a separate **Infrastructure Charges Notice** is attached.

OPERATING HOURS

9. Unless otherwise approved in writing by Council, the approved use must only operate between the following hours:
Monday to Sunday: 24 hours a day, 7 days a week

VISUAL AND GENERAL AMENITY

10. Any graffiti on the buildings must be removed immediately.
11. The buildings and the site must be maintained in a clean and tidy manner at all times.
12. All plant and air-conditioning equipment and the like must be visually screened from Drayton Street and Condamine Street.
13. 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

14. The developer must submit to Council's Planning and Environment Manager or authorised delegate for endorsement, a detailed Landscaping Plan generally in accordance with the Approved Site Plan, for all landscaping associated with the development, prior to commencement of the use. The Plan shall be prepared by a suitably qualified and experienced Landscape Architect, Horticulturalist, or other person experienced in landscape design and construction.

15. The Landscape Plan shall address the performance criteria listed below:
 - 15.1 to enhance the appearance of the development internally and externally;
 - 15.2 to screen the development and parked vehicles from public view and neighbouring properties; and
 - 15.3 to provide adequate vehicle sight lines and road safety.
16. The Landscape Plan must detail:
 - 16.1 a landscaping strip with a minimum width of 1 metre adjacent to the side and rear boundaries of the property and adjacent to the frontage of Drayton and Condamine Streets excluding areas used for vehicle access as shown on the Approved Site Plan;
 - 16.2 a minimum of one shade tree;
 - 16.3 the typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on-site;
 - 16.4 the number and size of plants; and
 - 16.5 the typical planting detail including preparation, backfill, staking and mulching.

Note: It is advised that suitable plant species for Dalby that may be considered in preparation of the Landscaping Plan are listed in Planning Scheme Policy 1 of the Western Downs Planning Scheme 2017 incorporating Amendment 1.

17. The developer must prepare and landscape the property in accordance with the Approved Landscape Plan prior to commencement of the use. Any amendments approved by Council's authorised delegate are taken to be a part of the Approved Landscape Plan.
18. All approved landscaping treatments for the development are to be maintained on the property at all times and must remain in a clean and tidy state at all times.

LANDSCAPING – MISCELLANEOUS

19. All declared weeds and pests shall be removed from the subject land, and the subject land kept clear of such nuisance varieties, always during the course of the development work and any ensuing defects liability period.
20. 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.

ACOUSTIC AMENITY - NOISE LIMITS

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

AIR QUALITY AND AMENITY - AIR RELEASE LIMITS

22. Air emissions 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.

REFUSE STORAGE AREAS

23. 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.
24. The developer must provide a sufficient number of general waste bins with a sufficient capacity throughout the development footprint for the disposal of waste and rubbish associated with the use.
25. 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.

WASTE MANAGEMENT

26. 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*.
27. 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

28. Ensure that all hazardous chemicals are stored and handled in accordance with the *Work Health and Safety Act 2011*.
29. Diesel is to be stored and handled in accordance with *Australian Standard 1940-2004 - The Storage and Handling of Flammable and Combustible Liquids*.

INDOOR AND OUTDOOR LIGHTING FOR SAFETY AND SECURITY

30. Outdoor security lighting must ensure safety of users of the development by:
 - 30.1 providing outdoor lighting in accordance with *Australian Standard 1158.3.1 – Road Lighting – Pedestrian Area (Category P) Lighting – Performance and Installation Design Requirements*; and
 - 30.2 the use of vandal-resistant lighting in public or publicly accessible areas.

31. Lighting is to be provided adjacent the pedestrian entrance and exit to the building and throughout the car parking areas and along pedestrian access paths.
32. Lighting must be provided to the following areas of the site:
 - 32.1 the entrances and exits of the approved buildings;
 - 32.2 the pathways between the parking areas and the entrances/exits of the building/s; and
 - 32.3 throughout car parking areas.

OUTDOOR LIGHTING – IMPACT MITIGATION

33. Direct lighting or lighting must not exceed 8.0 lux at 1.5 metres beyond the boundary of the site.
34. Outdoor lighting of the development must mitigate adverse lighting and illumination impacts by:
 - 34.1 providing outdoor lighting that is designed, installed and regulated in accordance with the parameters outlined in *Australian Standard 1158.1.1 – Control of Obtrusive Effects of Outdoor Lighting*; and
 - 34.2 installation of outdoor lighting that:
 - 34.2.1 provides graduated intensity lighting with lower level brightness at the perimeter of the subject land and higher intensities at the centre of the subject land;
 - 34.2.2 is directed onto the subject land and away from neighbouring properties; and
 - 34.2.3 uses shrouding devices to preclude light overspill onto surrounding properties where necessary.

ENGINEERING WORKS

35. Submit to Council, an Operational Work application for earthworks, stormwater management, car parking and associated traffic signage.
36. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant Australian Standards.
37. Be responsible for the full cost of any alterations necessary, to easements, relocation of signage 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

38. 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.
39. 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.

REMOVAL OF EXISTING BUILDINGS

40. Remove all redundant buildings located on the property further to obtaining appropriate approval from Council prior to construction.

CONSTRUCTION AND NUISANCE MANAGEMENT PLAN

41. Submit to Council for endorsement, a Construction and Nuisance Management Plan for the approved development work for the site. The Plan is to cover where applicable, the following:
 - air quality management;
 - noise and vibration management;
 - erosion and sediment management;
 - vegetation management;
 - waste management;
 - complaint management;
 - community awareness;
 - preparation of site work plans;
 - workers' car parking arrangements; and
 - traffic control during works.

Timing: Prior to commencement of works.

42. Implement the approved Construction Management Plan at all times during construction of the development.
43. Ensure a legible copy of the approved Construction Management Plan is available on-site at all times during construction and earthworks.

STORMWATER MANAGEMENT

44. Design stormwater management generally in accordance with the "Stormwater Management" section of the Town Planning Report (R-001) prepared by Plans in Motion Pty Ltd and dated 14 February 2023. Stormwater management, including detention if required, shall be submitted as part of an Operational Work application.
45. All contaminated stormwater shall pass through an approved oil/water separator (SPEL Purceptor or approved equivalent) prior to discharge to the sewer network.
46. All stormwater infrastructure and relevant management practices must be in compliance with Council's plumbing and drainage requirements.
47. Install a hydrocarbon sensor to a shut-off valve of the stormwater filter outlet.
48. Ensure that the stormwater filter is reinstated after any major spill.
49. Provide overland flow paths that do not alter the characteristics of existing overland flows or create an increase in flood damage on other properties.

50. Ensure that works undertaken as a part of the development will not cause any actionable nuisance to adjoining properties.
51. Contaminants must not be released on premises where they could reasonably be expected to move or be washed into a roadside gutter, stormwater drain or waterway.
52. Only rainwater from uncontaminated areas is to drain directly into the stormwater drainage system. The activity must not be conducted in a manner that may or will cause contamination of surface stormwater run-off.
53. Stormwater must be diverted away from storage and contaminated work areas.
54. Ensure any fuel spillage anywhere on the forecourt area is not released or allowed to enter into stormwater infrastructure, roadside gutters or other water outside of the property.
55. Conduct the activity in a manner that will prevent the contamination of surface stormwater run-off.
56. Discharge stormwater run-off from uncontaminated sealed areas and overflows from any rainwater tanks to the existing underground stormwater systems in Drayton Street and Condamine Street via underground pipes.

WATER SUPPLY

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

SEWER

58. Connect the development to Council's reticulated sewerage system via a single connection. The connection must be designed in accordance with Council's standards and be approved by Council's Utility Services Section.

PARKING AND ACCESS - GENERAL

59. Design and construct all driveway, manoeuvring and car parking areas with concrete, asphalt or a two-coat bitumen seal.
60. Provide 10 car parking spaces including a minimum of 1 person with disability (PWD) car parking space generally in accordance with the Approved Plans.
61. Provide a PWD car parking space designed and line marked in accordance with *AS2890.6 Off-Street Parking for People with Disabilities*.
62. Provide vehicle bollards or tyre stops to control vehicular access and to protect landscaping or pedestrian areas where appropriate.
63. Line mark or otherwise delineate the car park aisles and driveways within the development with directional arrows on the pavement, to enable all vehicles to enter and leave the site in a forward gear.

64. 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.
65. Ensure loading and unloading operations are conducted wholly within the site.
67. Provide appropriate pavement marking to identify the pedestrian crossing connecting to the new footpath section in Condamine Street.
68. Provide appropriate traffic signage at entry and exit locations, to provide priority to traffic in Drayton Street and Condamine Street.
69. Install at exit locations from the development to Drayton Street and Condamine Street, R1-1A "STOP" signage as specified in the *Manual of Uniform Traffic Control Devices – Part 13: Local Area Traffic Management* and provide line marking.

VEHICLE ACCESS

70. 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).

REDUNDANT CROSSOVERS

71. Remove all redundant crossovers and reinstate the kerb and channel, road pavement, services, grass verge and any footpath to the standard immediately adjacent the frontage of the site.

ELECTRICITY

72. Connect the development to electricity services.

EARTHWORKS - GENERAL

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

EROSION AND SEDIMENT CONTROL - GENERAL

74. Undertake erosion and sediment control during construction work in accordance with Council's Standard Drawing No's D-005 (Rev A), D-006 (Rev A) and D-007 (Rev A) as applicable.
75. 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.
76. 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.

AMALGAMATION OF LOTS

77. The property must be amalgamated into a single allotment. The Registered Survey Plan must be submitted to Council for Council's records prior to commencement of the use.

OPERATIONAL WORK (ADVERTISING DEVICES)

APPROVED PLANS

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

Drawing No., Revision	Plan Title and Details	Dated
DG05, Rev C	Signage, prepared by United Petroleum Pty Ltd	12/07/2023
DG03, Rev D	North/East & South/East Elevations, prepared by United Petroleum Pty Ltd	12/07/2023
DG04, Rev B	East & West Elevations, prepared by United Petroleum Pty Ltd	12/07/2023

2. The following further Development Permit must be obtained prior to commencement of any work associated with the process:
- 2.1 Building Works

APPROVED DEVELOPMENT

3. The approved development is Operational Work for Advertising Devices 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.

VISUAL AND GENERAL AMENITY

7. The sign structure and the site must be maintained in a clean and tidy manner at all times.

MAINTENANCE

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

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

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

VEHICLE ACCESS

10. The Advertising Devices must not cause obstruction of, or distraction to pedestrians or vehicular traffic.

LIGHTING - IMPACT MITIGATION

11. Direct lighting or lighting must not exceed 8.0 lux at 1.5 metres beyond the boundary of the site.
12. Signage is to be designed to have a maximum luminance of 500cd/m and is not to involve flashing lights.

EROSION AND SEDIMENT CONTROL - GENERAL

13. 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.

REFERRAL AGENCY RESPONSE

The application is subject to the following Referral Agency requirements:

1. The Concurrence Agency response provided by the Department of State Development, Infrastructure, Local Government and Planning dated 26 July 2023.

ADVISORY NOTES

NOTE 1 - Currency Periods

Material Change of Use

*"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."*

Operational Work

"To the extent a development approval is for Operational Work, the approval lapses if the development under the approval does not start within the following period (the currency period) -

- (a) **2 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 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 - General Environmental Duty and Duty to Notify of Environmental Harm

All persons have a general environmental duty (GED) under the *Environmental Protection Act 1994 (EP Act)* to not carry out any activity that causes, or is likely to cause environmental harm unless the person has an authority to do so, or has taken all reasonable and practicable measures to prevent or minimise the harm.

Please be advised that the property (Lots 1 and 2 on RP96146, Lot 1 on RP2015 and Lot 34 on RP93495) is listed on the Environmental Management Register for the purpose of a Service Station.

Please be advised that meeting your GED would include actively seeking information to understand risks and implement measures to prevent or minimise 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 - Department of Transport and Main Roads

Please be advised that the Department of Transport and Main Roads has power to require the removal or modification of a light or sign in proximity to a Main Road (ie Drayton Street or Condamine Street) which may create a danger to traffic.

Council advises that you have responsibility to ensure that your sign complies with Department of Transport and Main Roads' "Roadside Advertising Manual " which can be accessed via the following hyperlink:

<https://www.tmr.qld.gov.au/business-industry/Technical-standards-publications/Roadside-advertising-manual>

For further information on the "Roadside Advertising Manual", contact the Toowoomba Regional Office of the Department of Transport and Main Roads via email downsswr.office@tmr.qld.gov.au or via telephone (07) 4639 0777.

NOTE 8 - Referral Agency Response

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

NOTE 9 - Infrastructure Charges

An Infrastructure Charges Notice is attached.

APPEAL RIGHTS

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see Chapter 6, Part 2 of the *Planning Act 2016*).

"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 August 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 August 2023.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore
Seconded By Cr. K. A. Bourne

That this Report be received.

CARRIED

13.2 Executive Services Report Outstanding Actions August 2023

The purpose of this Report is to provide Council with an updated on the status of outstanding Council Meeting Action Items to 16 August 2023.

COUNCIL RESOLUTION

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

That this Report be received.

CARRIED

14. CORPORATE SERVICES

14.1 Corporate Services Report Audit Committee Meeting 13 September 2023

The purpose of this report is to provide Council with the report of the Western Downs Regional Council Audit Committee Meeting held on 13 September 2023.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. K. A. Maguire

That Council receive the Unconfirmed Minutes of the Western Downs Regional Council Audit Committee Meeting held on 13 September 2023.

CARRIED

14.2 Corporate Services Report Write Off Outstanding Unrecoverable Accounts Receivable 2023

The purpose of this report is to seek Council's approval to write off the attached outstanding Accounts Receivable, Infringement Notices, Gas Notice, and unpaid rates and charges in relation to a terminated road lease. The outstanding amounts have been deemed unrecoverable and the associated write-offs, except for the identified rates and charges write-off, relate to accounts that have been provided for in the 2022-23 financial statements.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. A. N. Smith

That Council resolves to write-off:

1. \$82,967.33 comprising:
 - a. \$22,677.93 of unrecoverable accounts receivable (goods and services tax exclusive);
 - b. \$18,682.00 of unrecoverable infringements notices (goods and services tax exclusive); and
 - c. \$35,434.05 of unrecoverable gas accounts (goods and services tax exclusive); and
2. \$644.11, being unrecoverable rates and charges in relation to a terminated road lease.

CARRIED

14.3 Corporate Services Report Communications and Community Engagement Strategy Implementation Update

The purpose of this report is to update Council on the status of the *Communications and Community Engagement Strategy* implementation.

COUNCIL RESOLUTION

Moved By Cr. M. J. James

Seconded By Cr. K. A. Maguire

That Council resolve to receive the update on the progress of the implementation of its *Communications and Community Engagement Strategy*.

CARRIED

14.4 Corporate Services Report Rescind Disclosures (Conflicts of Interest and Prescribed Personal Interests) - Council Policy

The purpose of this report is to seek Council's resolution to rescind the *Disclosures (Conflicts of Interest and Prescribed Personal Interests) - Council Policy*.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. K. A. Bourne

That Council resolves to rescind the *Disclosure (Conflicts of Interest and Prescribed Personal Interests) - Council Policy*, noting it will be replaced by the *Conflicts of Interest for Employees - Organisational Policy* and *Conflicts of Interest for Employees Guideline* approved by the Executive Leadership Team.

CARRIED

14.5 Corporate Services Report Rescind Policy Framework - Council Policy

The purpose of this report is to seek Council's resolution to rescind the *Policy Framework - Council Policy*.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. A. N. Smith

That Council resolves to rescind the *Policy Framework - Council Policy*, noting it will be replaced by the *Policy Framework and Policy Framework Guidelines* approved by the Executive Leadership Team.

CARRIED

11. DEPUTATION

11.1 Kerry Mulholland

Mr Mulholland provided Council with an update of the Miles Historical Village Museum.

COUNCIL RESOLUTION - ADJOURN MEETING

Moved By Cr. P. T. Saxelby

Seconded By Cr. A. N. Smith

That Council resolve to adjourn the Meeting.

The Meeting adjourned at 10.40am.

The Meeting resumed at 10.58am.

CARRIED

14.6 Corporate Services Financial Report August

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

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen

Seconded By Cr. A. N. Smith

That Council resolves to receive the August 2023 Financial Report.

CARRIED

15. INFRASTRUCTURE SERVICES

15.1 Infrastructure Services Works August 2023/24 Capital Works Progress Update

The purpose of this Report is for the Works Department to provide an update to Council regarding the 2023/24 Capital Works Program for the month of August 2023.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. P. T. Saxelby

That this Report be received.

CARRIED

16. COMMUNITY & LIVEABILITY

16.1 Community & Liveability Report Dalby Cultural Centre

The purpose of this report is to provide a detailed update on the development of the Dalby Cultural Centre (DCC). Further, the report seeks Council approval of the preferred location of Thomas Jack Park for the future DCC.

COUNCIL RESOLUTION

Moved By Cr. M. J. James

Seconded By Cr. C. T. Tillman

That the report be received and that Council:

1. proceed with concept planning for the Dalby Cultural Centre and approve "Thomas Jack Park" as the preferred location;
2. retain the nature of Thomas Jack Park as a community parkland within the concept designs and any future master planning of the site; and
3. resolves to maintain the former Myall 107 site, located at 107 Drayton Street, Dalby, for ongoing deliberation regarding its optimal future utilisation, ensuring that all possibilities are thoroughly assessed.

CARRIED

17. NOTICES OF MOTION

17.1 CONSIDERATION OF NOTICES OF MOTION/BUSINESS

17.1.1 Request Review of Councillor Portfolios and Committee structures in local government governance

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. A. N. Smith

That council undertake a strategic workshop to:

1. Review existing Councillor Portfolios.
2. Give consideration and compare the effectiveness of portfolios and committee structures in local government governance.
3. Provide recommendations to the next Council on effectiveness and suggested changes.

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 11.22am.