

Ordinary Meeting of Council

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

On Thursday, 17 April 2025

Commencing at 9:30am

**J. Taylor
CHIEF EXECUTIVE OFFICER**

17 April 2025

Ordinary Meeting of Council Agenda

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

Pages

1. **DECLARATION OF MEETING OPENING**
2. **OPENING PRAYER AND MINUTE SILENCE**
3. **APOLOGIES**
4. **CONGRATULATIONS**
5. **CONFIRMATION OF MINUTES**
 - 5.1 **Adopt Ordinary Meeting of Council Minutes 20 March 2025** 1

The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Thursday, 20 March 2025.
6. **BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETINGS**
7. **DECLARATIONS OF CONFLICTS OF INTEREST**
8. **PRESENTATION OF PETITIONS BY COUNCILLORS**
9. **MAYORAL UPDATE**
 - 9.1 **Executive Services Mayoral Report February 2025** 41

The purpose of this Report is to provide Council with significant meetings, forums and delegations attended by the Mayor during the month of March 2025.

10. CONFIDENTIAL ITEMS

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

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

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

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

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

(b) industrial matters affecting employees;

(c) the local government's budget;

(d) rating concessions;

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

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

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

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

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

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

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

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

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

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

10.1 EXECUTIVE SERVICES

- 10.1.1 Executive Services Confidential Report - Request for New Surveyed Lease Area at Dalby Aerodrome
- The purpose of this report is to consider the request for a potential surveying of an additional lease area at the Dalby Aerodrome adjacent to "Lease B" for the storage of aircraft and a potential lease agreement with Dalby General Steel.

10.2 CORPORATE SERVICES

10.3 COMMUNITY AND LIVEABILITY

- 10.3.1 Community and Liveability Confidential Report Re Capital Budget Adjustment for Dalby Washdown Facility Project
- This report seeks Council's support for a capital budget adjustment of \$173,650.91 (excl. GST) to support the completion of the Dalby Washdown Facility upgrade. This adjustment responds to a number of contractor-related challenges that have emerged, requiring additional oversight and technical support to ensure the project is delivered to standard.

10.4 INFRASTRUCTURE SERVICES

11. DEPUTATION

12. PLANNING

- 12.1 (035.2021.409.001) Community and Liveability Report Development Application for Reconfiguring a Lot (1 Lot into 7 Lots) Lot 266 on LY201 Slessar Street Chinchilla Hicks C/- PATS Consulting Pty Ltd 44
- The purpose of this Report is to decide the development application for Reconfiguring a Lot (1 lot into 7 lots) on land described as Lot 266 on LY201, Slessar Street, Chinchilla.
- 12.2 (030.2024.562.001) Community and Liveability Report Development Application for Material Change of Use for Hardware and Trade Supplies on Lot 12 on SP342954 at 18 Inverai Road Chinchilla Jacksons Parts n Industrial Supplies C/- Swep Consulting 72
- The purpose of this Report is for Council to decide the proposed development for Material Change of Use for Hardware and Trade Supplies on land described as Lot 12 on SP342954, located at 18 Inverai Road, Chinchilla.
- 12.3 (030.2024.779.001) Community and Liveability Report Development Application for Material Change of Use for a Tourist Park on Lots 7-10 on RP75401 and Lot 2 on RP186292 Myall Street Dalby Campervan & Motorhome Club of Australia Ltd 116
- The purpose of this Report is for Council to decide the application for a Material Change of Use for a Tourist Park on land described as Lots 7 to 10 on RP75401 and Lot 2 on RP186292, located at Myall Street, Dalby.

13. EXECUTIVE SERVICES

- 13.1 Executive Services Chief Executive Officer Report March 2025** 148
The purpose of this Report is to provide Council with significant meetings, forums and delegations attended by the Chief Executive Officer during the month of March 2025.
- 13.2 Executive Services Report Outstanding Actions March 2025** 151
The purpose of this Report is to provide Council with an updated on the status of outstanding Council Meeting Action Items to 20 March 2025.

14. CORPORATE SERVICES

- 14.1 Corporate Services Financial Report March 2025** 157
The purpose of this report is to provide Council with the Financial Report for the period ending 31 March 2025 and to seek approval for amendments to the 2024-25 capital works programme.

15. INFRASTRUCTURE SERVICES

- 15.1 Infrastructure Services Report Tender Evaluation RFT000050 DWSUP Evaporation Ponds** 169
The purpose of this Report is to provide Council with an assessment of the tenders received for RFT000050 DWSUP Evaporation Ponds and to make a recommendation for the award of contract.
- 15.2 Infrastructure Services Works April 24/25 Capital Works Progress Update** 175
The purpose of this Report is for the Works Department to provide an update to Council regarding the 2024/25 Capital Works Program for the month of March 2025

16. COMMUNITY AND LIVEABILITY

- 16.1 Community and Liveability Report SES Local Controller Honorary Payment** 179
To seek Council's consideration and approval for an increase to the annual honorary payment provided to the SES Regional Local Controller, recognising the leadership, time commitment, and operational responsibility attached to this voluntary role.

17. NOTICES OF MOTION

- 17.1 CONSIDERATION OF NOTICES OF MOTION/BUSINESS**
- 17.2 RECEPTION OF NOTICES OF MOTION FOR NEXT MEETING**

18. URGENT GENERAL BUSINESS

19. MEETING CLOSURE

Title **Adopt Ordinary Meeting of Council Minutes 20 March 2025**

Date 7 April 2025

Responsible Manager J. Taylor, CHIEF EXECUTIVE OFFICER

Summary

The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Thursday, 20 March 2025.

Link to Corporate Plan

Nil

Material Personal Interest/Conflict of Interest

There are no declarations of material personal interest/conflicts of interest.

Officer's Recommendation

That this Report be received and that:

1. The Unconfirmed Minutes of the Ordinary Meeting of Council held on 20 March 2025, copies of which have been circulated to Members, be taken as read and confirmed.

Human Rights Considerations

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

There are no human rights implications associated with this report.

Attachments

1. Copy of Unconfirmed Minutes of the Ordinary Meeting of Council held on Thursday, 20 March 2025.

Authored by: B. Donald SENIOR EXECUTIVE OFFICER



Ordinary Meeting of Council Minutes

Date: 20 March 2025
Time: 9:30am
Location: Miles Leichardt Centre

Councillors:

- Cr. A. N. Smith
- Cr. K. A. Bourne
- Cr. O. G. Moore
- Cr. S. J. Condon
- Cr. P. T. Saxelby
- Cr. K. A. Maguire
- Cr. G. M. Olm
- Cr. M. J. James
- Cr. S. Bougoure

Officers:

- J. Taylor, Chief Executive Officer
- B. Bacon, General Manager (Corporate Services)
- T. Summerville, Planning & Environment Manager
- B. Barnett, Senior Works Manager
- B. Donald, Senior Executive Officer
- A. Lewis, Executive Services Administration officer
- B. Woodcock, Communication & Digital Marketing Officer

Ordinary Meeting of Council 20 March 2025

1. DECLARATION OF MEETING OPENING

The Chairperson declared the Meeting open at 9.30AM.

2. OPENING PRAYER AND MINUTE SILENCE

Noreen Bourne from Holy Cross Parish, delivered the opening prayer. This was followed by the observance of a minute silence.

3. APOLOGIES

Nil

4. CONGRATULATIONS

Cr K. A. Bourne requested that a congratulations be extended to Rosie Gill of La Rose Hairstylist for the remarkable achievement of 40 years in business here on the Western Downs, also marking 50 years of what Rosie loves doing, serving community. Rosie is to be commended for her dedication and commitment to the Miles and District small business community as well as her generosity and passion in contributing to a strong and connected community spirit.

5. CONFIRMATION OF MINUTES

5.1 Adopt Ordinary Meeting of Council Minutes 20 February 2025

The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Thursday, 20 February 2025.

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 20 February 2025, copies of which have been circulated to Members, be taken as read and confirmed.

CARRIED

6. BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETINGS

Cr. O. G. Moore requested clarification on the progress of item 10.3.1 regarding the Temporary Local Planning Scheme.

7. DECLARATIONS OF CONFLICTS OF INTEREST

12.4 Community and Liveability Report, Development Application for Reconfiguring a Lot (1 Lot into 11 Lots) of Lot 260 on SP185960, Blaxland Road Dalby, Derrick, namely:

Cr. S. J. Condon

In accordance with Chapter 5B of the Local Government Act 2009, Cr. S. J. Condon informed the meeting of a declarable conflict of interest in respect to this matter due to:

He is considered a close personal friend of the applicant.

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

12.2 (030.2024.691.001) Community and Liveability Report Development Application Material Change of Use for Health Care Service and Food and Drink Outlet on Lot 12 on SP151289 24-30 Zeller Street Chinchilla Southern Cross Care C/- Innovative Planning Solutions

Cr. P. T. Saxelby

In accordance with Chapter 5B of the Local Government Act 2009, Cr. P. T. Saxelby informed the meeting of a declarable conflict of interest in respect to this matter due to:

His mother is a resident of the facility.

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

8. PRESENTATION OF PETITIONS BY COUNCILLORS

9. MAYORAL UPDATE

9.1 Executive Services Mayoral Report February 2025

The purpose of this Report is to provide Council with significant meetings, forums and delegations attended by the Mayor during the month of February 2025.

COUNCIL RESOLUTION

Moved By Cr. S. J. Condon

Seconded By Cr. O. G. Moore

That this Report be received and noted.

CARRIED

10. CONFIDENTIAL ITEMS

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10.1 EXECUTIVE SERVICES

10.2 CORPORATE SERVICES

10.3 COMMUNITY AND LIVEABILITY

10.4 INFRASTRUCTURE SERVICES

11. DEPUTATION

12. PLANNING

12.1 (030.2021.398.001) Community and Liveability Report Development Application for Material Change of Use for Service Station and Food and Drink Outlet Lot 1 on SP294213 Owen Street Dalby Citimark Properties C/- Wolter Consulting Group

The purpose of this Report is for Council to decide the proposed development for Material Change of Use to establish a Service Station and Food and Drink Outlet on land described as Lot 1 on SP294213, and situated at Owen Street, Dalby.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. S. J. Condon

That this Report be received and that:

1. The application for Material Change of Use to establish a Service Station and Food and Drink Outlet on land described as Lot 1 on SP294213 and situated at Owen Street, Dalby, 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/Document No./Revision	Plan/Document Title and Details	Date
SD1001, Issue E	Location Plan, prepared by Cottee Parker	04/12/2024
SD1005, Issue H	Site Plan - Stage 01, prepared by Cottee Parker	04/12/2024
SD2001, Issue D	Floor Plan - Fast Food 01, prepared by Cottee Parker	04/12/2024
SD2002, Issue D	Floor Plan - Ampol, prepared by Cottee Parker	04/12/2024
SD3001, Issue D	Elevations, prepared by Cottee Parker	-
SD3002, Issue D	Elevations, prepared by Cottee Parker	-
SD3003, Issue D	Elevations, prepared by Cottee Parker	-
DA-C040, Revision C	Sewerage Reticulation Layout Sheet, prepared by Bornhorst + Ward	06.12.24
DA-C041, Revision B	Sewer Reticulation Long Section, prepared by Bornhorst + Ward	23.10.24
DA-C050, Revision C	Water Reticulation Layout Sheet, prepared by Bornhorst + Ward	06.12.24
Document No. 22020010_R02_V01_Stage_1	Flood Impact Assessment, Riverine Hydraulic Impact Assessment Proposed	20/12/2024

Drawing/Document No./Revision	Plan/Document Title and Details	Date
	Bunya Park Service Station, prepared by Water Technology Pty Ltd	

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.
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; and
 - 3.3 Plumbing Works.

APPROVED DEVELOPMENT

4. The approved development is a Material Change of Use to establish a Service Station and Food and Drink Outlet as shown on the Approved Plans.
5. The Service Station and Food and Drink Outlet development is to occur sequentially in the following Stages and as detailed in the application material:

Stage 1A: Service Station

Stage 1B: Food and Drink Outlet
6. Conditions within this approval are applicable to each Stage of the development, unless otherwise specified.
7. The approved development does not include the indicative future development area nominated on the Approved Plans.

COMPLIANCE, TIMING AND COSTS

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

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 Document, subject to and modified by any conditions of this approval.

INFRASTRUCTURE CHARGES

11. 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.

LANDSCAPING – GENERAL

12. 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, 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.
13. The Landscape Plan must detail:
 - 13.1 all proposed landscaping areas as shown on the Approved Site Plan, subject to any amendments required by the conditions of approval;
 - 13.2 the typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on-site;
 - 13.3 the number and size of plants; and
 - 13.4 the typical planting detail including preparation, backfill, staking and mulching
14. The developer must prepare and landscape the property in accordance with the Approved Landscape Plan, or as otherwise approved in writing by Council's authorised delegate. Any amendments approved by Council's authorised delegate are taken to be a part of the Approved Landscape Plan.
15. All approved landscaping treatments for the development are to be maintained on the property at all times.

FENCING

16. Boundary fences are not to be erected in a parallel arrangement with existing fences erected along the same boundary. That is, any existing fence shall be completely removed.

VISUAL AND GENERAL AMENITY

17. Any graffiti on buildings or structures associated with the development must be immediately removed.
18. The buildings and the site must be maintained in a clean and tidy manner at all times.
19. All plant and air-conditioning equipment and the like must be visually screened from the Warrego Highway.
20. 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.

LIGHTING

21. Outdoor lighting associated with the use must be designed, sited, installed and tested to comply with Tables 2.1 and 2.2 of *Australian Standard 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting Using a Control Level of 1*.
 - 21.1 Outdoor lighting of the development shall mitigate adverse lighting and illumination impacts by installation of outdoor lighting that:
 - 21.1.1 provides graduated intensity lighting with lower level brightness at the perimeter of the subject land and higher intensities at the centre of the subject land;

21.1.2 is directed onto the subject land and away from neighbouring properties; and

21.1.3 uses shrouding devices to preclude light overspill onto surrounding properties where necessary.

ACOUSTIC AMENITY - NOISE LIMITS

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

AIR QUALITY AND AMENITY - AIR RELEASE LIMITS

23. Air emissions (odour and dust) from the development shall not cause environmental nuisance or exceed the Air Quality Objectives listed in the *Environmental Protection (Air) Policy 2019* as measured at any sensitive place or commercial place.

REFUSE STORAGE AREAS

24. Refuse bin storage areas must be screened from public view. Where bin storage occurs outside any buildings, such storage areas shall be screened with a minimum 1.5 metre high solid screen fence or wall.

WASTE MANAGEMENT

25. All waste generated from construction of the premises must be effectively controlled on-site before disposal. All waste must be disposed of in accordance with the *Waste Reduction and Recycling Act 2011*.

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

HAZARDOUS CHEMICAL AND FUEL STORAGE

27. Ensure that all hazardous chemicals are stored and handled in accordance with the *Work Health and Safety Act 2011*.

28. Diesel is to be stored and handled in accordance with *Australian Standard 1940-2004 The Storage and Handling of Flammable and Combustible Liquids*.

ENGINEERING WORKS

29. Submit to Council, an Operational Work application for all civil works including earthworks, stormwater, water, sewer, roadworks, access and parking.

30. 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.

31. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, standards, relevant design guides, and Australian Standards.

32. 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.

33. Submit to Council, certification from a suitably qualified Engineer (RPEQ) that the works have been undertaken in accordance with the Approved Plans and specifications and to Council's requirements, prior to commencement of the use.

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

34. 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.
35. 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

36. Ensure that adjoining properties and roadways are protected from ponding or nuisance from stormwater as a result of any works undertaken as part of the proposed development. Provide overland flow paths that do not adversely alter the characteristics of existing overland flows on other properties.
37. Submit to Council for approval, a detailed Stormwater Management Plan and Report prior to submission of any application for Operational Work. The Stormwater Management Plan must include, but not be limited to the following:
- 37.1 demonstration that the peak discharge from the development is not greater than pre-development discharge;
 - 37.2 details of open channel and detention basin design, capacities and operation;
 - 37.3 lawful point of discharge;
 - 37.4 piped and overland flow site stormwater systems designed in accordance with the *Queensland Urban Drainage Manual*; and
 - 37.5 hydrology for the site based on *Australian Rainfall & Runoff: A Guide to Flood Estimation* using design Intensity Frequency Duration (IFD) data for the area as provided by the Bureau of Meteorology considering ARI 2 and ARI 50 events.

FLOODING - GENERAL

38. Ensure areas associated with the storage of hazardous chemicals and all control panels of critical services are built at a minimum 300mm above the defined flood level.

WATER SUPPLY

39. Connect the development to Council's reticulated water supply system via a single connection generally in accordance with Approved Drawing DA-C050, Revision C, prepared by Bornhorst + Ward and dated 6 December 2024, and subject to Council's requirements.

SEWER - GENERAL

40. 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.

41. Actual connection to Council's live sewerage infrastructure must be undertaken by or under the supervision of Council.
42. Do not build works within 1.5 metres from the centre of any existing sewer pipework or within the Zone of Influence, whichever is the greater (measured horizontally).
43. Maintain a minimum of a 3 metre wide corridor to be maintained for maintenance/upgrade purposes.
44. Ensure that a clear level area of a minimum of a 2.5 metre radius surrounding any existing sewer manholes on the site is provided for future maintenance/upgrade purposes.
45. The above minimum clearances to Council's sewer infrastructure do not preclude the need for works to proposed structures to prevent loading to the sewer system.

SEWER EXTENSION

46. Design and construct a new sewer extension from the site to connect into the existing manhole in Eton Street to service the whole of the proposed development, generally in accordance with Approved Drawings DA-C040, Revision C, dated 6 December 2024 and DA-C041, Revision B dated 23 October 2024, prepared by Bornhorst + Ward. The sewer works shall be constructed in accordance with a development approval for Operational Work.
47. Submit to Council prior to Operational Work approval, written consent from the property owner where such works require entry onto adjoining land prior to entry onto the adjoining land.

TRADE WASTE DISPOSAL (COMMERCIAL KITCHEN)

48. Obtain a Plumbing Approval from Council and the relevant inspections are to be undertaken prior to commencement of construction.
49. Do not release contaminants or contaminated water directly or indirectly from the premises or to the ground or groundwater at the premises, except for:
 - 49.1 uncontaminated overland stormwater flow;
 - 49.2 uncontaminated stormwater to the stormwater system;
 - 49.3 contaminants released to the sewer under and in accordance with a Trade Waste Permit granted by the Local Government under the *Sewerage and Water Supply Act 1949*; or
 - 49.4 other water following treatment through an oil/silt interceptor trap or separator.
50. Releases to water must not cause any visible oil slick or other visible evidence of oil or grease, nor contain visible grease, scum, litter or floating oil.

PARKING AND ACCESS - GENERAL

51. Design all access driveways, circulation driveways, parking aisles and car parking spaces in accordance with *Australian Standard 2890.1 Parking Facilities - Off Street Car Parking*.
52. Construct all access, manoeuvring, internal roads and parking areas with a concrete or asphalt surfacing.
53. Provide a minimum of 21 car parking spaces including a minimum of 1 person with disability (PWD) car parking space, 8 truck parking spaces and 3 caravan parking spaces in **Stage 1A**.

54. Provide a minimum of 22 car parking spaces including a minimum of 1 PWD car parking space in **Stage 1B**.
55. Design and construct all PWD car parking spaces in accordance with AS2890.6.
56. Provide vehicle bollards or tyre stops to control vehicular access and to protect landscaping and pedestrian areas where appropriate.
57. Line mark or otherwise delineate driveways within the development with directional arrows on the pavement to enable all vehicles to enter and leave the site in a forward gear.
58. 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.
59. Provide longitudinal gradient and crossfall for all driveways to comply with the requirements of AS2890.1.

PARKING AND ACCESS – SERVICING AND MANOEUVRING

60. Design along the route to and from all loading facilities and the external road network, all access driveways, parking aisles and the like with a layout that accommodates the turning movements of a Heavy Rigid Vehicle, and ensure that all vehicles are able to enter and exit the site in a forward direction.
61. Ensure loading and unloading operations are conducted wholly within the site and vehicles enter and exit the site in a forward direction.
62. Design along the route to and from all fuel bowzers, access driveways to accommodate the size of the vehicles that they are serviced by (for example, the bowzers for heavy vehicles shall accommodate the manoeuvring of a B-Double), and ensure that all vehicles are able to enter and exit the site in a forward direction.

VEHICLE ACCESS

63. Construct the accesses to the site as shown on Approved Drawing SD1005, Issue H, prepared by Cottey Parker and dated 4 December 2024.

ROADWORKS AND PEDESTRIAN SAFETY

64. Install signage for all works on or near roadways in accordance with the *Manual for Uniform Traffic Control Devices – Part 3, Works on Roads*.
65. Submit to Council, an application for any footpath, road or lane closures, and ensure all conditions of that approval are complied with during construction of the works.
66. Maintain safe pedestrian access along Council's footpaths at all times.

ELECTRICITY AND TELECOMMUNICATION

67. Connect the development to electricity and telecommunication services.

EARTHWORKS - GENERAL

68. Any earthworks not deemed to be “Minor Operational Work” under the *Western Downs Planning Scheme 2017 incorporating Amendment 1*, require an Operational Work application.
69. Any earthworks shall be in accordance with the earthworks modelled as part of Approved Document No. 22020010_R02_V01_Stage_1 Flood Impact Assessment,

Riverine Hydraulic Impact Assessment Proposed Bunya Park Service Station,
prepared by Water Technology Pty Ltd and dated 20 December 2024.

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

EROSION AND SEDIMENT CONTROL - GENERAL

71. 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.
72. 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

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

- 73.1 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;
- 73.2 remove immediately, any material spilled or carried onto existing roads to avoid dust nuisance and to ensure traffic safety; and
- 73.3 do not carry out works 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.

74. 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:

- 74.1 uncontaminated overland stormwater flow; and
- 74.2 uncontaminated stormwater to the stormwater system.

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

REFERRAL AGENCY RESPONSE

1. The State Assessment and Referral Agency Changed Referral Agency Response dated 14 February 2025.

ADVISORY NOTES

NOTE 1 -Currency Period

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

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

NOTE 2 - Aboriginal Cultural Heritage

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

<http://www.datsip.qld.gov.au/>

NOTE 3 - General Environmental Duty

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

NOTE 4 - General Safety of Public During Construction

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

NOTE 5 - Property Note (Audit of Conditions)

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

NOTE 6 - Duty to Notify of Environmental Harm

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

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

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

"Chapter 6 Dispute Resolution

Part 1 Appeal Rights

229 Appeals to Tribunal or P&E Court

- (1) *Schedule 1 states -*
 - (a) *matters that may be appealed to -*
 - (i) *either a tribunal or the P&E Court; or*
 - (ii) *only a tribunal; or*
 - (iii) *only the P&E Court; and*
 - (b) *the person -*
 - (i) *who may appeal a matter (the **appellant**); and*
 - (ii) *who is a respondent in an appeal of the matter; and*

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

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

CARRIED (5 to 4)

For (5): Cr. A. N. Smith, Cr. K. A. Bourne, Cr. K. A. Maguire,
Cr. S. J. Condon and Cr. M. J. James

Against (4): Cr. O. G. Moore, Cr. S. Bougoure,
Cr. G. M. Olm and Cr. P. T. Saxelby

**12.2 (030.2024.691.001) Community and Liveability Report Development
Application Material Change of Use for Health Care Service and Food and
Drink Outlet on Lot 12 on SP151289 24-30 Zeller Street Chinchilla Southern
Cross Care C/- Innovative Planning Solutions**

The purpose of this Report is for Council to decide the proposed development for Material Change of Use to establish a Health Care Service and Food and Drink Outlet on land described as Lot 12 on SP151289 and situated at 24-30 Zeller Street, Chinchilla.

Cr. P. T. Saxelby left the meeting at 10:27am.

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 a Material Change of Use to establish a Health Care Service and Food and Drink Outlet on land described as Lot 12 on SP151289 and situated at 24-30 Zeller Street, Chinchilla, be approved, subject to the following conditions:

APPROVED PLANS

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

Drawing No., Issue	Title and Details	Dated
Job No. 23014, DA-001/2	Proposed Site Plan, prepared by Smith + Tracey Architects	25/09/2024
Job No. 23014, DA-003/2	Proposed Floor Plan, prepared by Smith + Tracey Architects	25/09/2024
Job No. 23014, DA-005	Proposed Elevation + Section, prepared by Smith + Tracey Architects	25/09/2024
1024-DA-01, Rev A	Surface Treatment Plan, prepared by Butler and Webb	15.10.24
1024-DA-02, Rev A	Landscape Works Surface Treatment, prepared by Butler and Webb	15.10.24
1024-DA-03, Rev A	Landscape Works Planting Plan, prepared by Butler and Webb	15.10.24
1024-DA-04, Rev A	Landscape Works Planting Plan, prepared by Butler and Webb	15.10.24
1024-DA-05, Rev A	Landscape Works Edging Details, prepared by Butler and Webb	15.10.24
1024-DA-06, Rev A	Landscape Works General Planting Details, prepared by Butler and Webb	15.10.24
1024-DA-07, Rev A	Landscape Works General Planting Notes, prepared by Butler and Webb	15.10.24

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. Obtain the following further Permits prior to commencement of any work associated with the process:
 - 3.1 Development Permit for Building Works; and
 - 3.2 Compliance Permit for Plumbing Works.

APPROVED DEVELOPMENT

4. The approved development is a Material Change of Use for a Health Care Service and Food and Drink Outlet as shown on the Approved Plans.

COMPLIANCE, TIMING AND COSTS

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

FEES AND CHARGES

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

MAINTENANCE

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

INFRASTRUCTURE CHARGES

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

HOURS OF OPERATION

10. The development must operate only during the following hours unless otherwise approved by Council:

Mondays to Sundays: 7am until 9pm

11. Loading and unloading shall occur only between the hours of:

Mondays to Fridays: 7am until 6pm

Saturdays: 8am until 5pm

VISUAL AND GENERAL AMENITY

12. Any graffiti on the buildings must be removed immediately.
13. The buildings and the site must be maintained in a clean and tidy manner at all times.
14. All plant, air-conditioning equipment and the like must be visually screened from the street.
15. 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

16. Prior to commencement of the use, the developer must prepare and landscape the property in accordance with the Approved Landscape Plans, or as otherwise approved in writing by Council's authorised delegate. Any amendments approved by Council's authorised delegate are taken to be a part of the Approved Landscape Plan.

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

REFUSE STORAGE AREAS

18. Refuse bin storage areas must be screened from public view. Where bin storage occurs outside any buildings, such storage areas shall be screened with a minimum 1.5 metre high solid screen fence or wall.

WASTE MANAGEMENT

19. 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*.
20. 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*.
21. Clinical and medical waste generated by the operation of the development is to be handled, stored, transported and disposed in accordance with the relevant legislation.

ENGINEERING WORKS

22. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant Australian Standards.
23. Be responsible for the full cost of any alterations necessary, to easements and/or other public utility installations in connection with the development.

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

24. 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.
25. Repair all damage incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damage immediately upon completion of work associated with the development.

STORMWATER MANAGEMENT

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

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

WATER SUPPLY

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

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

SEWERAGE

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

TRADE WASTE DISPOSAL (COMMERCIAL KITCHEN)

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

PARKING AND ACCESS - GENERAL

38. Design all access driveways, and car parking spaces in accordance with Australian Standard 2890.1 - Parking Facilities - Off Street Car Parking.

Comment:This is a minimum standard. A higher standard of design is encouraged to readily accommodate a B99 design vehicle.

39. Construct all access driveways, manoeuvring areas and car parking spaces with concrete or asphalt surfacing.
40. Provide twelve (12) off-street car parks, in accordance with Approved Drawing No. DA-001/2, prepared by Smith + Tracey Architects, dated 25/09/2024.
41. Provide vehicle bollards or tyre stops to control vehicular access and to protect landscaping and pedestrian areas where appropriate.
42. 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.

ELECTRICITY AND TELECOMMUNICATIONS

43. Connect the development to electricity and telecommunication services.

EROSION AND SEDIMENT CONTROL - GENERAL

44. 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.
45. 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

46. Undertake operations and construction work associated with this development to the requirements of Council, including the following:
- 46.1 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;
- 46.2 remove immediately, any material spilled or carried onto existing roads to avoid dust nuisance and to ensure traffic safety; and
- 46.3 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.

47. 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:
- 47.1 uncontaminated overland stormwater flow; and
- 47.2 uncontaminated stormwater to the stormwater system.

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

ADVISORY NOTES

NOTE 1 - Currency Period

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

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

NOTE 2 - Aboriginal Cultural Heritage

It is advised that under Section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal

cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Aboriginal and Torres Strait Islander and Partnerships' website www.datsip.qld.gov.au

NOTE 3 - General Environmental Duty

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

NOTE 4 - General Safety of Public during Construction

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

NOTE 5 - Property Note (Audit of Conditions)

An inspection of the property to ascertain compliance with conditions will be undertaken twelve (12) months after the approval takes effect. If the work is completed prior to this time, please contact Council for an earlier inspection. A property note to this effect will be placed on Council's records.

NOTE 6 - Works in Road Reserve Permit

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

NOTE 7 - Infrastructure Charges Notice

An Infrastructure Charges Notice is attached.

NOTE 8 - Duty to Notify of Environmental Harm

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

NOTE 9 - Commencement of Use

- 9.1 Prior to commencement of this use, the applicant is to request a Compliance Inspection be undertaken by Council to confirm that all conditions of this Development Permit are considered compliant.
- 9.2 Upon receipt of confirmation from Council that all conditions of this Development Permit are considered compliant, the applicant is to notify Council **within 20 business days**, that this approved use has lawfully commenced.

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

Cr. P. T. Saxelby re-joined the meeting at 10:29am.

**12.3 (035.2022.609.001) Community and Liveability Report Development
Application for Reconfiguring a Lot (1 Lot into 2 Lots) of Lot 1 on SP294213
Owen Street Dalby Citimark Properties Pty Ltd C/- Wolter Consulting Group
Pty Ltd**

The purpose of this Report is for Council to decide the application for Reconfiguring a Lot (subdivision of 1 lot into 2 lots) on land described as Lot 1 on SP294213, located at Owen Street, Dalby.

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 Reconfiguring a Lot (subdivision of 1 lot into 2 lots) on land described as Lot 1 on SP294213 at Owen Street Dalby, be approved, subject to the following conditions:

APPROVED PLAN

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

Drawing No.	Title and Details	Dated
18-0343P-01, Sheet 1 of 1, Version B	Layout Plan, prepared by Wolter Consulting Group	13/10/2022

2. Where there is any conflict between the conditions of this development approval and the details shown on the Approved Plan, the conditions of this development approval must prevail.
3. Obtain the following further Permit prior to commencement of any work associated with the process:
 - 3.1 Operational Work (Extension to Sewer).

APPROVED DEVELOPMENT

4. The approved development is Reconfiguring a Lot (subdivision of 1 lot into 2 lots) as shown on the Approved Plan.

COMPLIANCE, TIMING AND COSTS

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

FEES AND CHARGES

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

MAINTENANCE

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

LOT NUMBERING

10. The numbering of all approved lots shall remain as indicated on the Approved Plan (unless otherwise amended/approved by Council).
11. The developer must make a request to Council for street numbering within 30 days of registration of the Survey Plan with the Titles Office.

LANDSCAPING

12. 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.
13. 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.

ENGINEERING WORKS

14. Complete all works approved and works required by the conditions of this development approval and/or any related approvals at no cost to Council, prior to Council's endorsement of the Survey Plan (Form 18B) unless stated otherwise.
15. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, relevant Australian Standards, Codes of Practice and relevant Design Manuals.
16. Be responsible for any alteration 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

17. 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.
18. 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

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).

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

WATER SUPPLY

21. Connect Proposed Lot 2 to Council's reticulated water network.

SEWERAGE

22. Connect Proposed Lot 2 to Council's reticulated sewerage system. The connection must be designed in accordance with Council's standards and be approved by Council's Utility Services Section.
23. Actual connection to Council's live sewerage infrastructure must be undertaken by or under the supervision of Council.
24. Do not build works within 1.5 metres of the centre of any existing sewer pipework or within the Zone of Influence, whichever is the greater (measured horizontally).
25. Maintain a minimum of a 3 metre wide corridor to be maintained for maintenance/upgrade purposes.
26. Ensure that a clear level area of a minimum of a 2.5 metre radius surrounding any existing sewer manholes on the site is provided for future maintenance/upgrade purposes.
27. The above minimum clearances to Council's sewer infrastructure do not preclude the need for works to proposed structures to prevent loading to the sewer system.

SEWER EXTENSION

28. Submit to Council, an Operational Work application for all works that will become Council infrastructure.
29. Design and construct a new sewer extension from the site to connect into the existing manhole in Eton Street to service the whole of the proposed development, generally in accordance with Approved Plans (from Material Change of Use Approval 030.2021.398.001) prepared by Bornhorst + Ward, DA-C040, Rev C, dated 06.12.24 and DA-C041, Rev B, dated 23.10.24. The sewer works shall be constructed in accordance with a Development Approval for Operational Work.
30. Submit to Council, the written consent from the property owner where such works require entry onto adjoining land prior to entry onto the adjoining land, prior to Operational Work approval.

TELECOMMUNICATIONS

31. Provide telecommunications to all lots within the development.

ELECTRICITY

32. Provide electricity supply to all lots within the development to comply with Ergon Energy's requirements.
33. Submit to Council, written confirmation from an electricity provider that an agreement has been made for the supply of electricity.

ENVIRONMENTAL HEALTH

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

34.1 do not cause nuisance to adjoining residents by the way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours; and

34.2 remove immediately, any material spilled or carried onto existing roads to avoid dust nuisance and to ensure traffic safety.

Timing: During construction and on-maintenance period and the establishment period of landscaping or areas disturbed during construction.

35. 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:

35.1 uncontaminated overland stormwater flow; and

35.2 uncontaminated stormwater to the stormwater system.

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

REFERRAL AGENCY RESPONSE

1. The Department of State Development, Infrastructure, Local Government and Planning (Department of Transport and Main Roads) issued a Concurrence Agency response for the application on which is attached.

ADVISORY NOTES

NOTE 1 - Flood Hazard

The property is identified as being located in the Low, Medium, High and Extreme Flood Hazard Areas on the Flood Hazard Overlay Map in the Western Downs Planning Scheme 2017 incorporating Amendment 1. You are advised that the proposed building works may be subject to inundation during a flood event.

NOTE 2 - Currency Period

A part of a development approval lapses at the end of the currency period. The standard currency period for Reconfiguring a Lot (**4 years** after the approval starts to have effect) as stated in Section 85 of the *Planning Act 2016*, applies to this approval.

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 .

<http://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 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.

NOTE 8 - Referral Agency Response

The Referral Agency response for the application from the State Assessment and Referral Agency is attached to the Decision Notice.

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

"Chapter 6 Dispute Resolution

Part 1 Appeal Rights

229 Appeals to Tribunal or P&E Court

(1) Schedule 1 states -

(a) matters that may be appealed to -

(i) either a tribunal or the P&E Court; or

(ii) only a tribunal; or

(iii) only the P&E Court; and

(b) the person -

(i) who may appeal a matter (the **appellant**); and

(ii) who is a respondent in an appeal of the matter; and

(iii) who is a co-respondent in an appeal of the matter; and

(iv) who may elect to be a co-respondent in an appeal of the matter.

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

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

(a) for an appeal by a building advisory agency - 10 business days after a Decision Notice for the decision is given to the Agency; or

(b) for an appeal against a deemed refusal - at any time after the deemed refusal happens; or

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

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

CARRIED (6 to 3)

For (5): Cr. A. N. Smith, Cr. K. A. Bourne, Cr. S. J. Condon,
Cr. K. A. Maguire, Cr. M. J. James, and Cr. S. Bougoure

Against (3): Cr. O. G. Moore, Cr. P. T. Saxelby, and Cr. G. M. Olm

**12.4 (035.2024.831.001) Community and Liveability Report Development
Application for Reconfiguring a Lot (1 Lot into 11 Lots) of Lot 260 on
SP185960 Blaxland Road Dalby Derrick**

The purpose of this Report is for Council to decide the application for Reconfiguring a Lot (subdivision of 1 lot into 11 lots) on land described as Lot 260 on SP185960, located at Blaxland Road, Dalby.

Cr. S. J. Condon left the meeting at 10:45am

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 Reconfiguring a Lot (subdivision of 1 lot into 11 lots) on land described as Lot 260 on SP185960, located at Blaxland Road, Dalby, be approved, subject to the following conditions:

APPROVED PLAN

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

Drawing No.	Title and Details	Dated
F1.01, Revision C	Sub-Division Concept, prepared by Derrick Architecture	30/10/23

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

3. Obtain the following further Permits prior to commencement of any work associated with the process:

- 3.1 Road Corridor (Vehicle Crossovers); and

- 3.2 Operational Work.

APPROVED DEVELOPMENT

4. The approved development is Reconfiguring a Lot (1 lot into 11 lots) in two stages as shown on the Approved Plan.
5. The development is to occur sequentially in the following stages as shown on the Approved Plan:

Stage 1: Proposed Lots 1 to 5 and a Balance Lot

Stage 2: Proposed Lots 6 to 11

6. Conditions within this approval are applicable to each stage of the development, unless otherwise specified.
7. The stages are to occur in sequential order.

COMPLIANCE, TIMING AND COSTS

8. All conditions of the approval shall be complied with before Council's endorsement of the Plan of Survey (Form 18B) unless otherwise noted within these conditions.
9. All costs associated with compliance with these conditions shall be the responsibility of the developer.
10. The Plan of Survey (Form 18B) shall not be executed until a letter of compliance is received demonstrating the development's compliance with all conditions of this approval.

FEES AND CHARGES

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

INFRASTRUCTURE CHARGES

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

MAINTENANCE

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

LOT NUMBERING

14. The numbering of all approved lots shall remain as indicated on the Approved Plan (unless otherwise amended/approved by Council).
15. The developer must make a request to Council for street numbering within 30 days of registration of the Survey Plan with the Titles Office.

LANDSCAPING

16. 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.
17. 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.

ENGINEERING WORKS

18. Submit to Council, an Operational Work application for all works that will become Council infrastructure.
19. Complete all works approved and works required by the conditions of this development approval and/or any related approvals at no cost to Council, prior to Council's endorsement of the Survey Plan (Form 18B) unless stated otherwise.
20. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, relevant Australian Standards, Codes of Practice and relevant Design Manuals.
21. Be responsible for any alteration necessary, to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and/or other public utility installations resulting from the development or from road and drainage works required in connection with the development.

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

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

FLOOD HAZARD

24. The habitable floor level of future Dwellings on each proposed lot is to be elevated a minimum of 300mm above the defined flood level for the proposed lot.

STORMWATER MANAGEMENT

25. 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).
26. Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.

WATER SUPPLY

27. Prior to Council's endorsement of the Survey Plan (Form 18B) for **Stage 1** of the development, connect proposed Lots 1 to 5 to Council's reticulated water network in accordance with Council standards.

28. Prior to Council's endorsement of the Survey Plan (Form 18B) for **Stage 2** of the development, connect proposed Lots 6 to 10 to Council's reticulated water network in accordance with Council standards.

WATER – EXTENSION

29. Prior to Council's endorsement of the Survey Plan (Form 18B) for **Stage 1** of the development, design and construct a 100mm diameter water main extension from the end of the existing water main in Blaxland Road (WD858/859) to service proposed Lots 4 to 10, including all necessary hydrants and flush points.
30. Provide isolation valves, hydrant markers and RPMs in accordance with WSAA Codes and Council's standards.
31. Design and construct all works in accordance with Council's requirements as set out in the "EDROC Regional Standards Manual" and relevant development standards used by Council.

ON-SITE WASTEWATER DISPOSAL

32. Future Dwellings must be connected to an on-site wastewater disposal system, in accordance with AS1547 and the Queensland Plumbing and Waste Water Code.

Timing: Prior to the issue of a Building Approval for a future Dwelling on the proposed lots.

VEHICLE ACCESS

33. The developer is to construct a crossover for each proposed lot with a minimum width of 3 metres in accordance with Council's Standard Drawing R-004, prior to Council's endorsement of the Survey Plan (Form 18B).
34. 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) or road infrastructure (eg street sign, street tree, etc).

Comment: Accesses for the Rural Residential Zone are required to be constructed prior to Council's endorsement of the Survey Plan (Form 18B). Accesses are encouraged to be located on the western and/or southern end of the frontage to encourage passive house design.

TELECOMMUNICATIONS

35. Design and provide telecommunications to all lots within the development in accordance with the *Australian Government Telecommunications in New Developments Policy*.

ELECTRICITY

36. Submit to Council, written confirmation from an electricity provider that a supply of electricity is available to all proposed lots, prior to Council's endorsement of the Survey Plan (Form 18B).

STREET LIGHTING

37. Prior to Council's endorsement of the Survey Plan (Form 18B) for **Stage 1** of the development, design and install street lighting along the frontage of Proposed Lots 1 to 5 along Derrick Avenue and Blaxland Road and the intersection of Derrick Avenue and Blaxland Road in accordance with *AS/NZS1158.3.1:2020* to a PR6 L33

standard. Submit to Council for endorsement, street lighting design plans showing the proposed public lighting system.

38. Prior to Council's endorsement of the Survey Plan (Form 18B) for **Stage 2** of the development, design and install street lighting along the frontage of Proposed Lots 6 to 10 to Blaxland Road in accordance with AS/NZS1158.3.1:2020 to a PR6 L33 standard. Submit to Council for endorsement, street lighting design plans showing the proposed public lighting system.
39. Enter into an agreement with an electricity supplier to provide a public lighting system in accordance with the lighting design plans as required by the previous condition. Submit to Council, written confirmation from an electricity provider that an agreement has been made to provide a public lighting system.

EROSION AND SEDIMENT CONTROL - GENERAL

40. Ensure that all reasonable action is taken to prevent sediment or sediment laden water from being transported to adjoining properties, roads and/or stormwater drainage systems.
41. Remove and clean-up the sediment or other pollutants in the event that sediment or other pollutants are tracked or released onto adjoining streets or stormwater systems, at no cost to Council.

ENVIRONMENTAL HEALTH

42. Undertake operations and construction work associated with this development to the requirements of Council, including the following:
 - 42.1 do not cause nuisance to adjoining residents by the way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours;
 - 42.2 remove immediately, any material spilled or carried onto existing roads to avoid dust nuisance and to ensure traffic safety; and
 - 42.3 do not carry out work on Sundays or Public Holidays (unless approved otherwise by Council).

Timing: During construction and on-maintenance period and the establishment period of landscaping or areas disturbed during construction.
43. Do not release contaminants or contaminated water directly or indirectly from the land subject to this approval, or to the ground or groundwater at the land subject to this approval, except for:
 - 43.1 uncontaminated overland stormwater flow; and
 - 43.2 uncontaminated stormwater to the stormwater system.

Timing: Prior to commencement of any works on-site, during works 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 .

<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 - 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 6 - Infrastructure Charges

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

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 (7 to 1)

For (6): Cr A. N. Smith Cr. K. A. Bourne, Cr. P. T. Saxelby, Cr. K. A. Maguire,
Cr. G. M. Olm, Cr. M. J. James, and Cr. S. Bougoure

Against (1): Cr. O. G. Moore

Conflict (1): Cr. S. J. Condon

Cr. S. J. Condon re-joined the meeting at 10:58am.

The meeting adjourned at 10:58am.

13. EXECUTIVE SERVICES

13.1 Executive Services Chief Executive Officer Report February 2025

The purpose of this Report is to provide Council with significant meetings, forums and delegations attended by the Chief Executive Officer during the month of February 2025.

The meeting resumed at 11:15am.

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby

Seconded By Cr. G. M. Olm

That this Report be received.

CARRIED

13.2 Executive Services Report Outstanding Actions February 2025

The purpose of this Report is to provide Council with an updated on the status of outstanding Council Meeting Action Items to 20 February 2025.

Cr Bougoure left the meeting at 11:27am due to a previous declared conflict.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. M. J. James

That this Report be received.

CARRIED

Cr Bougoure re-joined the meeting at 11:29am.

14. CORPORATE SERVICES

14.1 Corporate Services Report Annual Review of Council to Chief Executive Officer Delegations

The purpose of this Report is to conduct an annual review of delegations by Council to the Chief Executive Officer pursuant to section 257(5) of the *Local Government Act 2009*.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. G. M. Olm

That Council resolves to:

1. note that an annual review of delegations to the Chief Executive Officer has been conducted in accordance with section 257(5) of the *Local Government Act 2009*; and
2. pursuant to section 257(1) of the *Local Government Act 2009*:
 - a. revoke the delegations as detailed in the attached *Annual Review of Register of Delegations Council to Chief Executive Officer*; and
 - b. delegate the new and amended powers as detailed in the attached *'Annual Review of Delegations Council to Chief Executive Officer* to the Chief Executive Officer.

CARRIED

14.2 Corporate Services Report Complaints About the Chief Executive Officer - Council Policy

The purpose of this report is to present the proposed *Complaints about the Chief Executive Officer Policy* for approval.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. P. T. Saxelby

That Council resolves to adopt the *Complaints About the Chief Executive Officer Policy* as per Attachment Two.

CARRIED

14.3 Corporate Services Report Rescind Councillor Briefings and Workshops - Council Policy

The purpose of this report is to present the *Councillor Briefings and Workshops - Council Policy* for rescission.

COUNCIL RESOLUTION

Moved By Cr. M. J. James

Seconded By Cr. G. M. Olm

That Council resolves to rescind the *Councillor Briefings and Workshops – Council Policy*.

CARRIED

14.4 Corporate Services Report Audit Committee Meeting 26 February 2025

The purpose of this report is to provide Council with the report of the Western Downs Regional Council Audit Committee meeting held on 26 February 2025

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. K. A. Bourne

That Council resolves to receive the Unconfirmed Minutes of the Western Downs Regional Council Audit Committee Meeting held on 26 February 2025.

CARRIED

14.5 Corporate Services Financial Report February 2025

The purpose of this report is to provide Council with the Financial Report for the period ending 28 February 2025 and to seek approval for amendments to the 2024-25 capital works programme.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. G. M. Olm

That Council resolves to receive the February 2025 Financial Report and:

1. note the amendments to the 2024-25 Capital Works Programme as listed in section 3(a) of this report, with additional expenditure budget of \$64,250 (exclusive of goods and services tax) being added to the programme;
2. resolves to approve capital expenditure budget being removed from 2024-25 of \$138,880 (exclusive of goods and services tax) as listed in section 3(b) of this report; and
3. notes the 2023-24 Carry Forward Programme update as listed in attachment two of this report.

CARRIED

15. INFRASTRUCTURE SERVICES

15.1 Infrastructure Services Works February 24/25 Capital Works Progress Update

The purpose of this Report is for the Works Department to provide an update to Council regarding the 2024/25 Capital Works Program for the month of February 2025

COUNCIL RESOLUTION

Moved By Cr. G. M. Olm

Seconded By Cr. S. J. Condon

That this Report be received and noted.

CARRIED

16. COMMUNITY AND LIVEABILITY

16.1 Community Liveability Report - Motions Australian Local Government Association (ALGA) National General Assembly

The purpose of this report is to seek Council endorsement of motions proposed to be submitted to the Australian Local Government Association (ALGA) for consideration at the 2025 National General Assembly.

COUNCIL RESOLUTION

Moved By Cr. M. J. James

Seconded By Cr. K. A. Bourne

That this Report be received and Council resolves to endorse the following motions for the Australian Local Government Association's 2025 National General Assembly:

(1) This National General Assembly calls on the Australian Government to allocate more funding to road and other structural infrastructure to sustainably manage state and federal transport infrastructure and complete the critical road maintenance backlog.

(2) This National General Assembly calls on the Australian Government to treat digital connectivity as critical infrastructure, not an afterthought. Without urgent action, the nation risks leaving the very people who drive our economy behind.

(3) This National General Assembly calls on the Australian Government to assess and invest in expanded long-term bulk water supply infrastructure to enable water security of regional Australia and unlocks new economic opportunities for the nation.

(4) This National General Assembly calls on the Australian Government to increase untied funding to at least 1 percent of Commonwealth taxation revenue, indexed annually and with payment timing certainty.

(5) This National General Assembly calls on the Australian Government to make home insurance accessible and affordable for all Australians, regardless of their postcode.

(6) This National General Assembly calls on the Australian Government to reform building certifier accreditation processes, to allow persons with appropriate equivalent competencies to become Building Certifiers and include Building Certification on the Occupation Shortage List .

(7) This National General Assembly calls on the Australian Government to allocate a dedicated funding program to support the redevelopment and/or remediation of aquatic facilities.

CARRIED

16.2 Community and Liveability Report The Community Tenure Strategy (2025-30)

The purpose of this Report is to seek Council's adoption of the Community Tenure Strategy. The Community Tenure Strategy formalises processes and procedures to provide community organisations tenure of Council owned Assets, establish clear guidelines and inform future policymaking regarding the use of Council-owned facilities and land accessed by community organisations. The goal is to provide direction that supports community organisations and the important role they play in the liveability of the Western Downs while also ensuring the responsible stewardship of public assets.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. O. G. Moore

That this report is received, and that Council:

1. Resolves to adopt the Community Tenure Strategy (2025-30).

CARRIED

17. NOTICES OF MOTION

17.1 CONSIDERATION OF NOTICES OF MOTION/BUSINESS

17.2 RECEPTION OF NOTICES OF MOTION FOR NEXT MEETING

18. URGENT GENERAL BUSINESS

19. MEETING CLOSURE

The Meeting concluded at 12:03pm.

Title **Executive Services Mayoral Report February 2025**

Date 4 April 2025

Responsible Manager J. Taylor, CHIEF EXECUTIVE OFFICER

Summary

The purpose of this Report is to provide Council with significant meetings, forums and delegations attended by the Mayor during the month of March 2025.

Link to Corporate Plan

Strategic Priority: Active Vibrant Communities

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

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and noted.

Background Information

Nil

Report

Meetings, delegations and forums attended by the Mayor during the month of March 2025:

Date	Who/Where	Details
3 March 2025	<ul style="list-style-type: none"> Radio interview with 4WK 	Phone
4 March 2025	<ul style="list-style-type: none"> Radio Interview with Triple M 	Phone
5 March 2025	<ul style="list-style-type: none"> Photo opportunity with Queensland Manufacturing Councillor Budget Information Session Business After Hours 	Dalby Dalby Dalby
7 March 2025	<ul style="list-style-type: none"> International Women's Day Breakfast Radio Interview with 4WK 	Chinchilla Phone
8 March 2025	<ul style="list-style-type: none"> Queensland Disaster Management Coordinators Extraordinary Meeting 	Teams meeting
9 March 2025	<ul style="list-style-type: none"> Queensland Disaster Management Coordinators Extraordinary Meeting Queensland Disaster Management Coordinators Extraordinary Meeting 	Teams meeting Teams meeting
10 March 2025	<ul style="list-style-type: none"> Queensland Disaster Management Coordinators Extraordinary Meeting Meeting with Create Advisory 	Teams meeting Teams meeting

	<ul style="list-style-type: none"> Queensland Disaster Management Coordinators Extraordinary Meeting 	Teams meeting
11 March 2025	<ul style="list-style-type: none"> Local Government Association Queensland Local Connections Mayoral Networking Event 	Brisbane
12 March 2025	<ul style="list-style-type: none"> Meeting with Goombi Renewable Energy Hub Radio Interview with 4WK Meeting with Landtrak Meeting with Hon John-Paul Langbroek MP, Minister for Education and the Arts Meeting with Delos Delta 	Brisbane Phone Brisbane Brisbane Brisbane
13 March 2025	<ul style="list-style-type: none"> Western Downs Energy Roundtable Meeting with Hon Brent Mickelberg, Minister of Transport and Main Roads Meeting with Hon David Crisafulli, Premier of Queensland and Hon Ann Leahy, Minister for Local Government and Water and Minister for Fire, Disaster Recovery and Volunteers 	Brisbane Brisbane Brisbane
14 March 2025	<ul style="list-style-type: none"> Dalby Chamber International Women's Day Breakfast Meeting with Ratepayer Meeting with past resident 	Dalby Dalby Dalby
15 March 2025	<ul style="list-style-type: none"> Words Out West Dalby Tennis Opening Event 	Chinchilla Dalby
18 March 2025	<ul style="list-style-type: none"> Interview with Ben Dobbin Pre-agenda Meeting Councillor Information Sessions 	Phone Dalby Dalby
19 March 2025	<ul style="list-style-type: none"> Radio Interview with 4WK Meandarra Council Connect 	Phone Meandarra
20 March 2025	<ul style="list-style-type: none"> Ordinary Meeting of Council Councillor Information Sessions 	Miles Miles
22 March 2025	<ul style="list-style-type: none"> Lindsay Williams Shield event 	Wandoan
25 March 2025	<ul style="list-style-type: none"> Development Assessment Panel Meeting 	Dalby
26 March 2025	<ul style="list-style-type: none"> Radio Interview with 4WK Community Leaders Council Event 	Phone Biloela
27 March 2025	<ul style="list-style-type: none"> Community Leaders Council Event 	Biloela
31 March 2025	<ul style="list-style-type: none"> Radio Interview 4WK 	Phone

Consultation (Internal/External)

Nil

Legal/Policy Implications (Justification if applicable)

Nil

Budget/Financial Implications

Nil

Human Rights Considerations

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

There are no human rights implications associated with this report.

Conclusion

The forgoing represents activities undertaken by the Mayor during the month of March 2025.

Attachments

Nil

Authored by: Hailey Wex, Executive Officer to the Mayor

Title (035.2021.409.001) Community and Liveability Report Development Application for Reconfiguring a Lot (1 Lot into 7 Lots) Lot 266 on LY201 Slessar Street Chinchilla Hicks C/- PATS Consulting Pty Ltd

Date 29 March 2025

Responsible Manager T. Summerville, PLANNING AND ENVIRONMENT MANAGER

Summary

The purpose of this Report is to decide the development application for Reconfiguring a Lot (1 lot into 7 lots) on land described as Lot 266 on LY201, Slessar Street, Chinchilla.

Link to Corporate Plan

Strategic Priority: Strong Diverse Economy

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

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and that:

1. The applicant be advised that the development application for Reconfiguring a Lot (1 lot into 7 lots) on land described as Lot 266 on LY201, located at Slessar Street, Chinchilla, be approved, subject to the following conditions:

APPROVED PLAN

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

Drawing No.	Title and Details	Dated
21124901, Issue P1	Proposed Lot Layout plan, prepared by Brandon & Associates as amended in red by Council on 28/03/2025	-

2. Where there is any conflict between the conditions of this development approval and the details shown on the Approved Plan, the conditions of this development approval must prevail.
3. Obtain the following further Permits prior to commencement of any work associated with the process:
 - 3.1 Road Corridor (Vehicle Crossovers); and
 - 3.2 Operational Work.

APPROVED DEVELOPMENT

4. The approved development is Reconfiguring a Lot (1 lot into 7 lots) as shown on the Approved Plan.

COMPLIANCE, TIMING AND COSTS

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

FEES AND CHARGES

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

INFRASTRUCTURE CHARGES

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

MAINTENANCE

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

LOT NUMBERING

11. The numbering of all approved lots shall remain as indicated on the Approved Plan (unless otherwise amended/approved by Council).
12. The developer must make a request to Council for street numbering within 30 days of registration of the Survey Plan with the Titles Office.

LANDSCAPING

13. 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.
14. 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 FENCE

15. Prior to Council's endorsement of the Plan of Survey (Form 18B), the applicant is to provide an acoustic assessment for review and endorsement by Council's Planning and Environment Manager or authorised delegate, prepared by a qualified and experienced Acoustic Consultant regarding the erection of acoustic fencing along the western boundary of the subject land shared with Lot 1 on RP202873 (67 Slessar Street, Chinchilla) as illustrated by the Approved Plan.

16. The acoustic assessment must provide the following details:
 - 16.1 the nominated height in metres above ground level relative to the site;
 - 16.2 how the acoustic fence will be constructed of an aesthetically pleasing and weather-resistant material;
 - 16.3 that the acoustic fence is continuous and gap free; and
 - 16.4 the surface density of the acoustic fencing and the impact of the fencing on the likely acoustic impacts on the operation of the Ergon Energy Depot.
17. Prior to Council's endorsement of the Plan of Survey (Form 18B), the acoustic fencing is to be erected at the nominated height and located in accordance with the recommendations within the Approved Acoustic Assessment.
18. Acoustic fencing is to be installed by the developer at the developer's cost.
19. Fences must be maintained in a good state of repair and to ensure that privacy is maintained between the development and adjoining properties.

ENGINEERING WORKS

20. Submit to Council, an Operational Work application for all works that will become Council infrastructure.
21. Complete all works approved and works required by the conditions of this development approval and/or any related approvals at no cost to Council, prior to Council's endorsement of the Survey Plan (Form 18B) unless stated otherwise.
22. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, relevant Australian Standards, Codes of Practice and relevant Design Manuals.
23. Be responsible for any alteration 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

24. 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.
25. 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.

FLOOD HAZARD

26. The habitable floor level of future Dwellings on each proposed lot is to be elevated a minimum of 300mm above the defined flood level for the proposed lot.

STORMWATER MANAGEMENT

27. 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).

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

ON-SITE WASTEWATER DISPOSAL

29. Future Dwellings must be connected to an on-site wastewater disposal system, in accordance with AS1547 and the Queensland Plumbing and Waste Water Code.

Timing: Prior to the issue of a Building Approval for a future Dwelling on the proposed lots.

WATER SUPPLY

30. Prior to Council's endorsement of the Survey Plan (Form 18B) for the development, connect proposed Lots 2 to 5 to Council's reticulated water network in accordance with Council standards.

VEHICLE ACCESS

31. The developer is to construct a crossover for each proposed lot with a minimum width of 3 metres in accordance with Council's Standard Drawing R-004, prior to Council's endorsement of the Survey Plan (Form 18B).
32. 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) or road infrastructure (eg street sign, street tree, etc).

Comment: Accesses for the development are required to be constructed prior to Council's endorsement of the Survey Plan (Form 18B). Accesses are encouraged to be located on the western and/or southern end of the frontage to encourage passive house design.

TELECOMMUNICATIONS

33. Design and provide telecommunications to all lots within the development in accordance with the *Australian Government Telecommunications in New Developments Policy*.

ELECTRICITY

34. Submit to Council, written confirmation from an electricity provider that a supply of electricity is available to all proposed lots, prior to Council's endorsement of the Survey Plan (Form 18B).

STREET LIGHTING

35. Prior to Council's endorsement of the Survey Plan (Form 18B) for the development, design and install street lighting along the frontage of Proposed Lots 2 to 7 along Rodger Street and Slessar Street and the intersection of Rodger Street and Slessar Street in accordance with *AS/NZS1158.3.1:2020* to a PR6 L33 standard. Submit to Council for endorsement, street lighting design plans showing the proposed public lighting system.
36. Enter into an agreement with an electricity supplier to provide a public lighting system in accordance with the lighting design plans as required by the previous condition. Submit to Council, written confirmation from an electricity provider that an agreement has been made to provide a public lighting system.

EROSION AND SEDIMENT CONTROL - GENERAL

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

38. Remove and clean-up the sediment or other pollutants in the event that sediment or other pollutants are tracked or released onto adjoining streets or stormwater systems, at no cost to Council.

ENVIRONMENTAL HEALTH

39. Undertake operations and construction work associated with this development to the requirements of Council, including the following:
- 39.1 do not cause nuisance to adjoining residents by the way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours;
 - 39.2 remove immediately, any material spilled or carried onto existing roads to avoid dust nuisance and to ensure traffic safety; and
 - 39.3 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 landscaping or areas disturbed during construction.

40. 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:
- 40.1 uncontaminated overland stormwater flow; and
 - 40.2 uncontaminated stormwater to the stormwater system.

Timing: Prior to commencement of any works on-site, during works 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 - 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 6 - Infrastructure Charges

An Infrastructure Charges Notice is attached to this approval.

Background Information

The relevant background information of this application is as follows:

Application No: 035.2021.409.001		Assessment No: A12162	Subject File Refs: AD6.6.2 & LG7.9.1
Assessing Officer:		Dominic Bradley Planning Officer Development Assessment	
PART 1: APPLICATION			
Applicant:		RJ and EG Hicks C/- PATS Consulting Pty Ltd	
Owner:		RJ and EG Hicks	
Site Address:		Slessar Street, Chinchilla	
Site Area:		65,560m ²	
Real Property Description:		Lot 266 on LY201	
Proposed Development:		Subdivision of 1 lot into 7 lots	
Category of Assessment:		Impact	
Type of Application:		Reconfiguring a Lot	
Relevant Planning Scheme:		Western Downs Planning Scheme 2017 incorporating Amendment 1	
Zone:		Low Density Residential	
Overlays:		<ul style="list-style-type: none">• Flood Hazard• Scenic Amenity• Extractive Industry • Agricultural Land Classification• Water Resource Catchment• Road Hierarchy• Stormwater Overland Flow Path	<ul style="list-style-type: none">- Extreme, High, Medium and Low- Urban Gateway- Authority to Prospect ATP 676- Petroleum Leases PL 185 - Class A- Groundwater Vulnerability Area- Access- Minor Flow Path
Pre-lodgement Meeting:		No	
Application Lodgement Date:		26/052021	
Properly Made Application:		Yes	Date: 26/05/2021
Confirmation Notice Issued:		Yes	Date: 09/06/2021

PART 2: REFERRALS		
Ergon Energy as an Advice Agency under Schedule 10 of the <i>Planning Regulation 2017</i>	<ul style="list-style-type: none">On 12/06/2021, the applicant referred the application to Ergon Energy as an Advice Agency for the application.On 17/06/2021, Ergon Energy provided a Referral Agency response for the application.	
PART 3: INFORMATION REQUEST		
Information Request Issued:	Yes	Date: 23/06/2021
Response Received:	Yes	Date: 03/03/2025
PART 4: PUBLIC NOTIFICATION		
Start Date:	Yes	Date: 25/01/2023
Notice of Compliance Received:	Yes	Date: 03/03/2023
Submissions:	2 (1 properly made submission and 1 not properly made submission)	
Submission Consideration Period	Yes	Date: 06/03/2023 - 17/03/2023
PART 5: DECISION PERIOD		
Date Commenced:	18/03/2023	
Decision Due Date:	17/04/2025	
	Note: Decision Period was extended to allow the applicant to respond to Council's Information Request and to allow Council to decide the application at its April Meeting	

Report

1. Background

1.1 Site Context

The subject land is legally described as Lot 266 on LY201, located at Slessar Street, Chinchilla. The property has an area of 65,560m² and frontage to both Slessar and Rodger Streets, both of which are bitumen formed roads maintained by Council.

The subject land is predominantly vacant residential land which contains pockets of native vegetation. The northern section of the property is used as a sporting field by the Chinchilla Christian College located on Lot 3 on SP322116 at 88 Oak Street, Chinchilla.

The subject land and Lot 3 on SP322116 are subject to a development approval (035.2024.33.001) for Reconfiguring a Lot (Boundary Realignment - 2 lots into 2 lots) which reduced the size of Lot 266 on LY201 (proposed Lot 2 on SP345019) from 6.556ha to 2.5ha and increased the size of Lot 3 on SP322116 (Proposed Lot 10 on SP345019) from 5.612ha to 9.659ha.

The purpose of the application was to separate the part of Lot 266 on LY201 used by the Chinchilla Christian College as a sporting field from the balance of the property.

Council has endorsed Form 18B and the Survey Plan for development approval 035.2024.33.001, but the Plan of Survey has yet to be registered with the Titles Office to finalise the registration of the allotment configuration.

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

The subject land is also located in close proximity of the Chinchilla Rugby League Club (ie opposite side of Rodger Street) which is within the Recreation and Open Space Zone. The subject land adjoins Lot 1 on RP202873 (67 Slessar Street) which is owned and operated by Ergon Energy as a Transport Depot and is located within the Community Facilities Zone.

The subject land is serviced by Council's reticulated water network but is not serviced by Council's reticulated sewer network. The property is also serviced by the reticulated electricity network and is serviced by telecommunication infrastructure.

1.2 Proposal

The applicant has lodged a development application seeking a development approval for Reconfiguring a Lot (1 lot into 7 lots) on the subject land.

The intent of the proposed development is to create 6 new rural residential style lots and a balance lot. The 6 new lots are located on the southern part of the lot with frontage to Slessar Street and/or Rodger Street.

The proposed development will result in the following lots:

Proposed Lot No.	Size	Frontage
1	4.047ha	286.846m to Rodger Street
2	4,192.4033m ²	29.800m to Rodger Street
3	4,192.0776m ²	29.800m to Rodger Street
4	4,191.7546m ²	29.800m to Rodger Street
5	4,191.4317m ²	29.800m to Rodger Street
6	4,210.5766m ²	93.651m to Slessar Street
7	4,212.5352m ²	89.016m to Rodger Street 57.944m to Slessar Street

Each lot will be serviced by a new crossover to Rodger Street or Slessar Street in accordance with Council's standards.

The proposed lots will be connected to the reticulated water network. An on-site effluent disposal system will be provided to each new dwelling constructed on the lots as required. Each lot is able to be connected to electricity and serviced by telecommunications.

2. Assessment

2.1 Assessment Matters

The application for Reconfiguring a Lot (subdivision of 1 lot into 7 lots) is Impact Assessable development, as part of the subject land is located within the Extreme and High Flood Hazard Areas as illustrated by the Flood Hazard Overlay Mapping of the Planning Scheme.

The following Assessment Benchmarks apply to this development:

ASSESSMENT MATTERS
<p>The development was assessed against the following Assessment Benchmarks:</p> <ul style="list-style-type: none"> ▪ Western Downs Planning Scheme 2017 incorporating Amendment 1 <ul style="list-style-type: none"> • Strategic Plan • Low Density Residential Code • Reconfiguring a Lot Code • Transport, Access and Parking Code • Flood Hazard Overlay Code • Natural Resources Overlay Code • Stormwater Overland Flow Path Overlay Code • Scenic Amenity Overlay Code.

The development was assessed against all of the Assessment Benchmarks listed above and complies with all of these with the exceptions listed below.	
Benchmark Reference	Reasons for Approval Despite Non-compliance with Benchmark
Reconfiguring a Lot Code	
AO1.1 The minimum lot area and street frontage dimensions are in accordance with Table 9.4.4.2 – Minimum lot size and frontages.	<p>Table 9.4.4.2 (Minimum Lot Size and Frontages) of the Reconfiguring a Lot Code provides that the minimum lot size for lots within the Low Density Residential Zone is to be 4,000m² where outside the Priority Infrastructure Area (PIA) for Chinchilla.</p> <p>The proposed development will create 7 lots that exceed the minimum lot size for the Low Density Residential Zone where outside the PIA for Chinchilla.</p> <p>Table 9.4.4.2 (Minimum Lot Size and Frontages) of the Reconfiguring a Lot Code provides that minimum frontage of a lot within the Low Density Residential Zone is to be 40m where outside the PIA for Chinchilla.</p> <p>Proposed Lots 1, 6 and 7 comply with the minimum frontage requirements for the Low Density Residential Zone.</p> <p>Proposed Lots 2 to 5 will not comply within the minimum frontage requirements for the Low Density Residential Zone.</p> <p>The lot configuration and size of proposed Lots 2 to 5 are sufficient to accommodate the siting of a future dwelling with the necessary supporting infrastructure (effluent disposal system) in accordance with the minimum setbacks for the Low Density Residential Zone.</p> <p>The development is consistent with Performance Outcome 1 of the Reconfiguring a Lot Code.</p>
PO7 Development must take into account and seek to ameliorate any existing negative environmental impacts, having regard to: <ul style="list-style-type: none"> (a) noise; (b) hours of operation; (c) traffic; (d) lighting; (e) advertising devices; (f) visual amenity; (g) privacy; (h) odour; or (i) emissions. 	<p>The property is located within proximity to existing land uses which have the potential to impact on the amenity of the proposed lots when they are developed for residential purposes.</p> <p>Acoustic Impacts of the Ergon Energy Depot</p> <p>The development is adjoined to the west by the Ergon Energy Depot which is located within the Community Facilities Zone.</p> <p>The operation of this existing use has potential to result in noise impacts on the future residents of proposed Lots 2 to 6.</p> <p>The applicant has prepared an Acoustic Assessment as part of the application to determine the potential noise impacts of the operation of this use on the future residences sited centrally on proposed Lots 2 to 6.</p> <p>The person who prepared the Report operated as a Planning Consultant and it is unclear if they are a qualified and experienced Acoustic Consultant as well.</p>

	<p>The Acoustic Assessment does not require that acoustic fencing is required along the shared property boundary between the Ergon Energy Depot and proposed Lots 2 to 6.</p> <p>The Acoustic Assessment provides that the installation of acoustic fencing would not completely resolve the potential acoustic impacts of the Depot on the proposed lots and is expensive to install and maintain.</p> <p>The Acoustic Assessment recommends that future residences constructed on proposed Lots 2 to 6 are to be sited and designed to meet the acoustic guidelines outlined in the Acoustic Report.</p> <p>It is noted that this recommendation does not address the potential acoustic impacts within the private open space of each lot.</p> <p>It is considered that an acoustic fence should be conditioned to lessen the potential amenity impacts on any future residences constructed on the proposed lots resulting from the approval.</p> <p>It is recommended to condition that acoustic assessment be provided for Council's review and endorsement reflecting that acoustic fencing is constructed along the western boundary of Lots 2 to 6 of the approval.</p> <p>The development will also be conditioned to ensure that the recommendations of the approved Acoustic Assessment are implemented, and acoustic fencing is constructed along the boundary of proposed Lots 2 to 6 of the development.</p> <p>Lighting of the Chinchilla Rugby League Fields</p> <p>The development is also located in close proximity of the Chinchilla Ruby League fields (across the road from Rodger Street) to the west.</p> <p>The operation of the Chinchilla Rugby League fields will result in lighting emissions that have the potential to impact the amenity of future residences constructed on the proposed lots.</p> <p>It is considered that lighting impact from the Rugby League fields on proposed Lots 2 to 6 could be addressed through the design and siting of a future residence (for example, installing blinds on the windows) and landscaping treatments within the private open space of each property.</p> <p>It is considered that the proposed development is consistent with Performance Outcome 9 of the Low Density Residential Zone Code, subject to compliance with the recommended conditions of approval.</p>
<p>Where within an Urban Zone</p> <p>AO8.1</p>	<p>The property is located within the Low Density Residential Zone which is an Urban Zone.</p>

<p>Each lot is connected to Council's reticulated sewerage system in accordance with SC6.2 – Planning Scheme Policy 1 – Design and Construction Standards.</p>	<p>However, the property is not located within a PIA for Chinchilla and is not serviced by Council's reticulated sewer network and is therefore unable to comply with Acceptable Outcome 8.1 of the Reconfiguring a Lot Code.</p> <p>The applicant has advised that future residences constructed on the resulting lots will be serviced by an on-site effluent disposal system.</p> <p>The proposed lots are a sufficient size and configuration to accommodate a future residence and an on-site effluent disposal system.</p> <p>The development will be conditioned to ensure that a future residence constructed on the proposed lots is serviced by an effluent disposal system.</p>
<p>Stormwater Overland Flow Path Overlay Code</p>	
<p>AO2.4</p> <p>No new lots are created within a Minor Flow Path identified on Stormwater Overland Flow Path Overlay maps (OM-012) except where for the creation of a lot for the purposes of public open space.</p>	<p>The property is impacted by a Minor Flow Path illustrated by the Stormwater Overland Flow Path Overlay mapping of the Planning Scheme.</p> <p>The development will increase the number of lots impacted by a Minor Flow Path and does not comply with Acceptable Outcome 2.4 of the Stormwater Overland Flow Path Overlay Code.</p> <p>The development will not involve any buildings or earthworks that would impact on the conveyance of stormwater flow paths on the subject land.</p> <p>Based on the size of the future lots, it is considered that future residences constructed on the lots impacted by the Minor Flow Path could be appropriately designed to limit the impact on the conveyance of stormwater on the property and on adjoining properties.</p> <p>The development is consistent with Performance Outcome 2 of the Stormwater Overland Flow Path Overlay Code.</p>

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

Strategic Plan

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

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

It is considered that the Liveable Communities and Housing theme of the Strategic Plan is relevant to this application. The proposed development will result in 6 new lots of regular configurations and with a suitable size to accommodate future rural residential development. The additional residential lots will provide increased land to accommodate housing options to meet the diverse housing needs of the Chinchilla community now and in the future.

The proposed development is consistent with the Strategic Plan.

Low Density Residential Zone Code

The subject land is located within the Low Density Residential Zone and requires assessment against the Acceptable Outcomes of the Low Density Residential Zone Code.

The proposed development will increase the number of Low Density Residential lots in Chinchilla and is consistent with the intent and purpose of the Low Density Residential Zone Code.

Based on the nature of the proposed development, the design requirements for buildings and structures are not relevant to the assessment of this application.

It is considered that the configuration and size of the proposed lots will provide a suitable area for the siting of a future residence in accordance with the minimum setbacks under the Low Density Residential Zone Code.

The development is consistent with the Acceptable Outcomes of the Low Density Residential Zone Code.

Development Codes

Reconfiguring a Lot Code

The proposed development is for Reconfiguring a Lot seeking to subdivide land into 7 lots for future residential development.

All lots created by the development are consistent with the minimum lot requirements for the Low Density Residential Zone under Table 9.4.4.2 and Acceptable Outcome 4 of the Reconfiguring a Lot Code.

As previously mentioned in the assessment table above, proposed Lots 2 to 5 do not comply with the minimum frontage requirements for the Low Density Residential Zone.

The proposed lots are considered to be of suitable configuration and size to accommodate future residential uses and associated infrastructure requirements and access to Rodger Street and/or Slessar Street.

The development will be conditioned to connect to the reticulated water network and that future dwellings on each lot is serviced by an effluent disposal system. Each lot is able to be connected to reticulated electricity and is able to be serviced by telecommunications.

The proposed development is consistent with the Performance Outcomes of the Reconfiguring a Lot Code.

Transport, Access and Parking Code

The property has frontage to Slessar Street and to Rodger Street which are roads of a suitable standard for the increase in traffic generated by the development.

The development will be conditioned to ensure that an access point is developed for each allotment in accordance with Council's Engineering standards.

The proposed development is consistent with the Acceptable Outcomes of the Transport, Access and Parking Code, subject to the recommended conditions of approval.

Overlay Codes

Natural Resources Overlay Code

The site is identified as Class A Agricultural Land within the Agricultural Land Classification Overlay of the Planning Scheme and requires assessment against the Natural Resources Overlay Code.

The property is not located within the Rural Zone and is located within the Low Density Residential Zone. It is considered that the land is already alienated for rural purposes, as it is not a size, configuration or in a location that is viable for productive rural purposes.

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

Flood Hazard Overlay Code

Part of the property is impacted by areas of Extreme, High, Medium and Low Flood Hazards within the Flood Hazard Overlay as illustrated by the Flood Hazard Overlay mapping of the Planning Scheme.

The proposed development will not increase the number of lots impacted by areas of Extreme and High Flood Hazards. The only part of the subject land impacted by flooding is proposed Lot 1 and the remaining lots will not be impacted by flooding.

It is noted that proposed Lot 1 is a balance lot and will be realigned with Lot 3 on SP322116 (ie part of the Chinchilla Christian School) in accordance with Development Approval 030.2024.33.001.

The development is consistent with the Acceptable Outcomes of the Flood Hazard Overlay Code.

Scenic Amenity Overlay Code

A small part of the southern frontage of the subject land to Slessar Street is identified within the Urban Gateway for Chinchilla as illustrated by the Scenic Amenity Overlay mapping of the Planning Scheme.

The proposed development will not result in any clearing of vegetation including street trees within the mapped Urban Gateway and is consistent with Performance Outcome 3 of the Scenic Amenity Overlay Code.

Stormwater Overland Flow Path Overlay Code

The property is impacted by a Minor Flow Path illustrated by the Stormwater Overland Flow Path Overlay Mapping of the Planning Scheme.

As discussed in the assessment table above, the development will increase the number of lots impacted by a Minor Flow Path. The proposed development will not result in any building or earthworks that will impact on the Minor Flow Path on the property.

Future development of a dwelling on each lot can be appropriately elevated to ensure that the development will limit any impact on the conveyance of stormwater.

The development is consistent with the Performance Outcomes of the Stormwater Overland Flow Path Overlay Code.

3. Other Relevant Matters

3.1 Referral

The application required referral to Ergon Energy as an Advice Agency under Schedule 10 of the *Planning Regulation 2017*.

The application required referral, as the application is within 100m of a Substation which is located on the other side of Slessar Street to the south-west of the subject land.

Ergon Energy has provided a Referral Agency response for the application which is attached for consideration (**Attachment 3**).

3.2 Public Notification

The application for Reconfiguring a Lot (subdivision of 1 lot into 7 lots) is Impact Assessable development under the Planning Scheme and the applicant was required to publicly notify the application as part of the development assessment process in accordance with the *Planning Act 2016* and the *DA Rules*.

Public notification for the application was undertaken for a period of 15 business days between 26 January 2023 and 21 February 2023.

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

- placed an advertisement within the Western Downs Town and Country on 26 January 2023; and
- placed a notice on the premises in the way prescribed under the *DA Rules* on 25 January 2023; and
- notified the owners of all lots adjoining the subject property on 24 January 2023.

On 3 March 2023, Council received a Notice of Compliance with Public Notification along with evidence that public notification had been completed in accordance with the *DA Rules* and the *Planning Act 2016*.

During the Public Notification Period of the application, Council received two submissions regarding the application. One was a properly made submission while the other submission was not a properly made submission.

The matters raised by the submitters have been considered by Council's Assessing Officer in the attached submission table (**Attachment 5**).

3.3 Infrastructure Charges

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

The property is located within Charge Area A of the Resolution but is not located within the Priority Infrastructure Area for Chinchilla. Proposed Lots 2 to 6 will be serviced by Council's Water, Stormwater, Transport and Parks Networks. Proposed Lot 1 will only be serviced by Council's Stormwater, Parks and Transport Networks.

Based on the servicing networks and charges area for the property, the infrastructure charges for Lots 2 to 6 of the development will be \$20,160.00 per lot. The infrastructure charges applicable to Lot 1 will be \$12,600.00 per lot.

The infrastructure charges for the development will be partially offset by the infrastructure charges credit of \$20,600.00 for the existing lot based on the servicing networks in accordance with Part 3.4(e)(i) of the Resolution.

An Infrastructure Charges Notice has been prepared for the development and is attached for consideration (**Attachment 4**).

Consultation (Internal/External)

Internal

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

Council's Planning Officer Development Assessment and Planning and Environment Manager have reviewed this Report and provided comments where necessary.

External

Ergon Energy has provided an Advice Agency response for the application which is attached to this Report for consideration.

Legal/Policy Implications (Justification if applicable)

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

"Chapter 6 Dispute Resolution

Part 1 Appeal Rights

229 Appeals to Tribunal or P&E Court

- (1) *Schedule 1 states -*
 - (a) *matters that may be appealed to -*
 - (i) *either a tribunal or the P&E Court; or*
 - (ii) *only a tribunal; or*
 - (iii) *only the P&E Court; and*
 - (b) *the person -*
 - (i) *who may appeal a matter (the **appellant**); and*
 - (ii) *who is a respondent in an appeal of the matter; and*
 - (iii) *who is a co-respondent in an appeal of the matter; and*
 - (iv) *who may elect to be a co-respondent in an appeal of the matter.*
- (2) *An appellant may start an appeal within the appeal period.*
- (3) *The **appeal period** is -*
 - (a) *for an appeal by a building advisory agency - 10 business days after a Decision Notice for the decision is given to the Agency; or*
 - (b) *for an appeal against a deemed refusal - at any time after the deemed refusal happens; or*

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

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

Budget/Financial Implications

Nil

Human Rights Considerations

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

There are no human rights implications associated with this Report.

Conclusion

The proposed development has been assessed against the requirements of the Western Downs Planning Scheme 2017 incorporating Amendment 1. It is considered that the proposed development is consistent with the intent of the Western Downs Planning Scheme 2017 incorporating Amendment 1, and therefore is recommended for approval, subject to conditions.

Attachments

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

Authored by: D Bradley, A/PRINCIPAL PLANNER

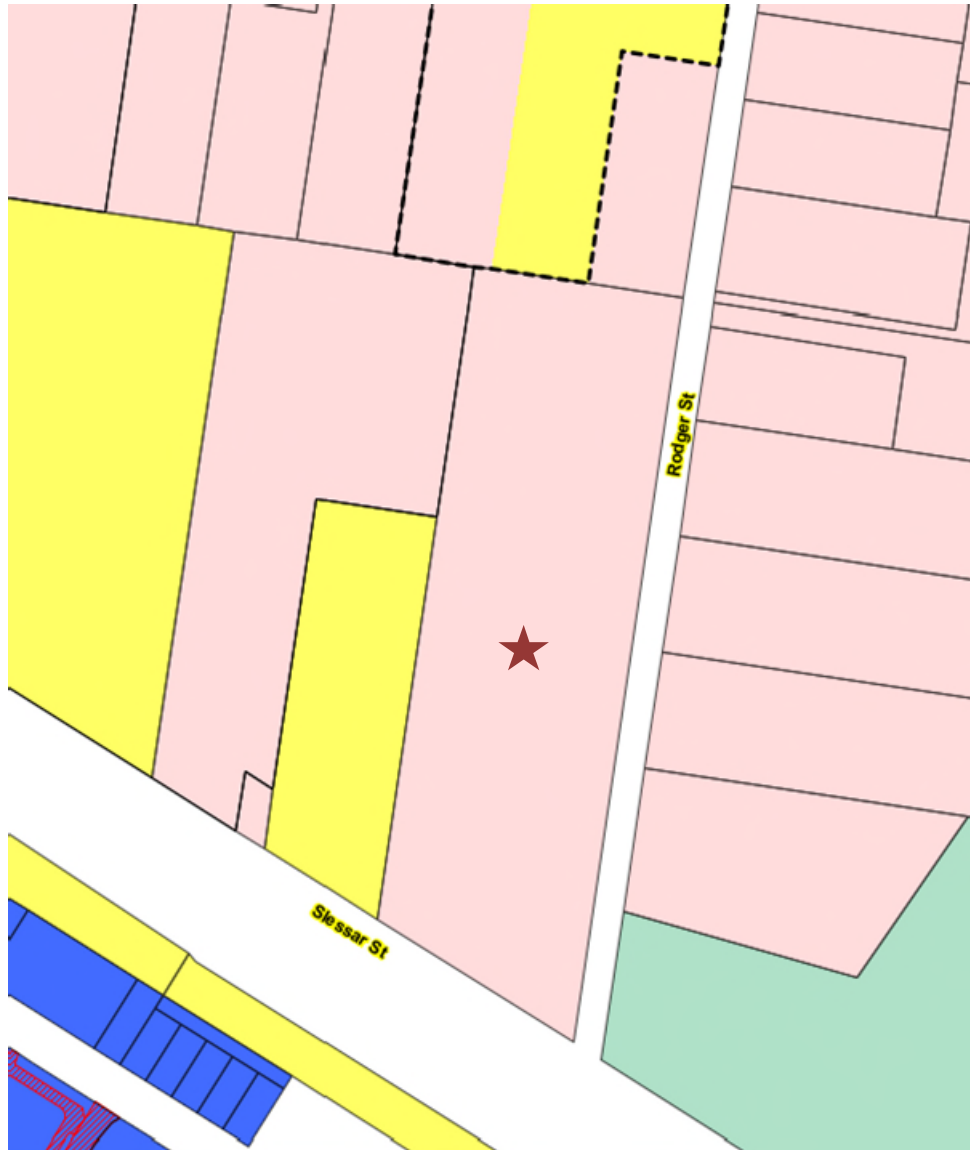
Lot and Plan Map

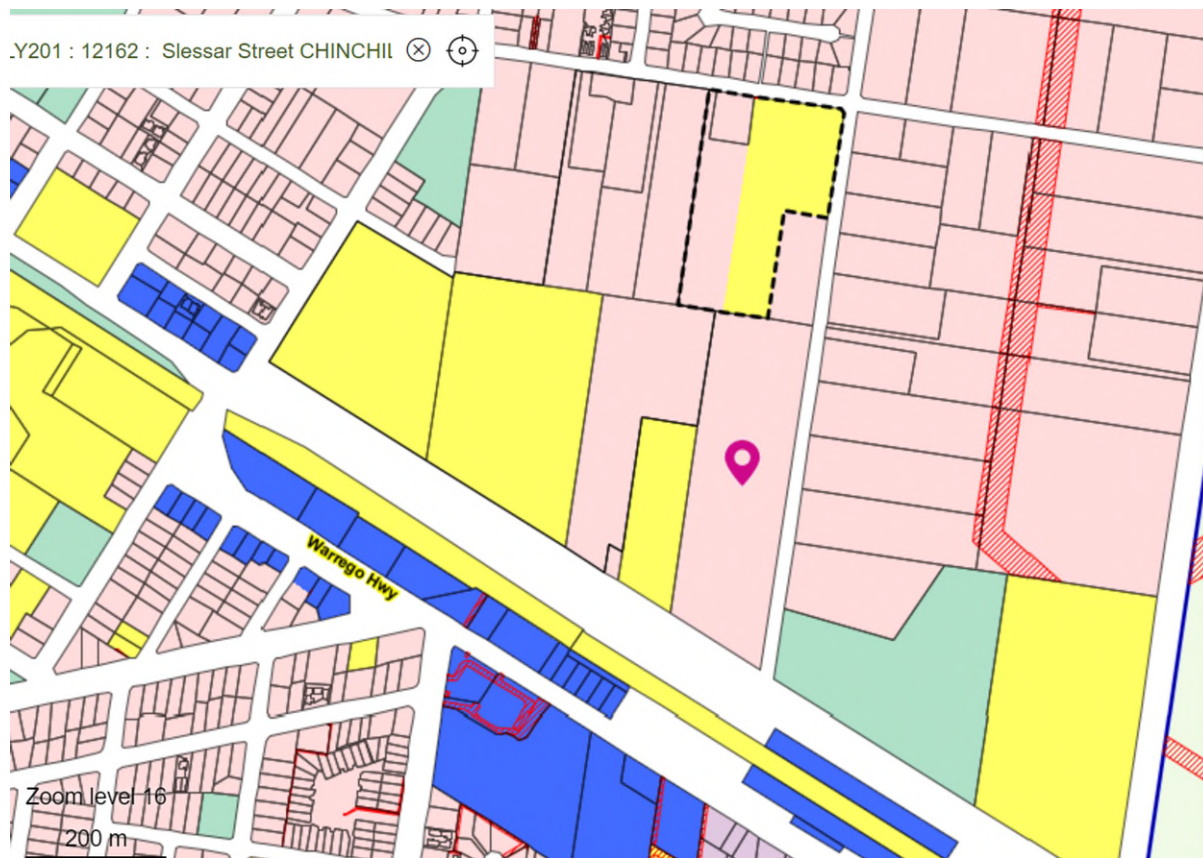


Aerial Map



Zoning Map





Planning Zones

- Community Facilities Zone
- Local Centre Zone
- District Centre Zone
- Major Centre Zone
- Low Density Residential Zone
- Medium Density Residential Zone
- Low Impact Industry Zone
- Medium Impact Industry Zone
- High Impact Industry Zone
- Recreation and Open Space Zone

Scenic Amenity Urban Gateway



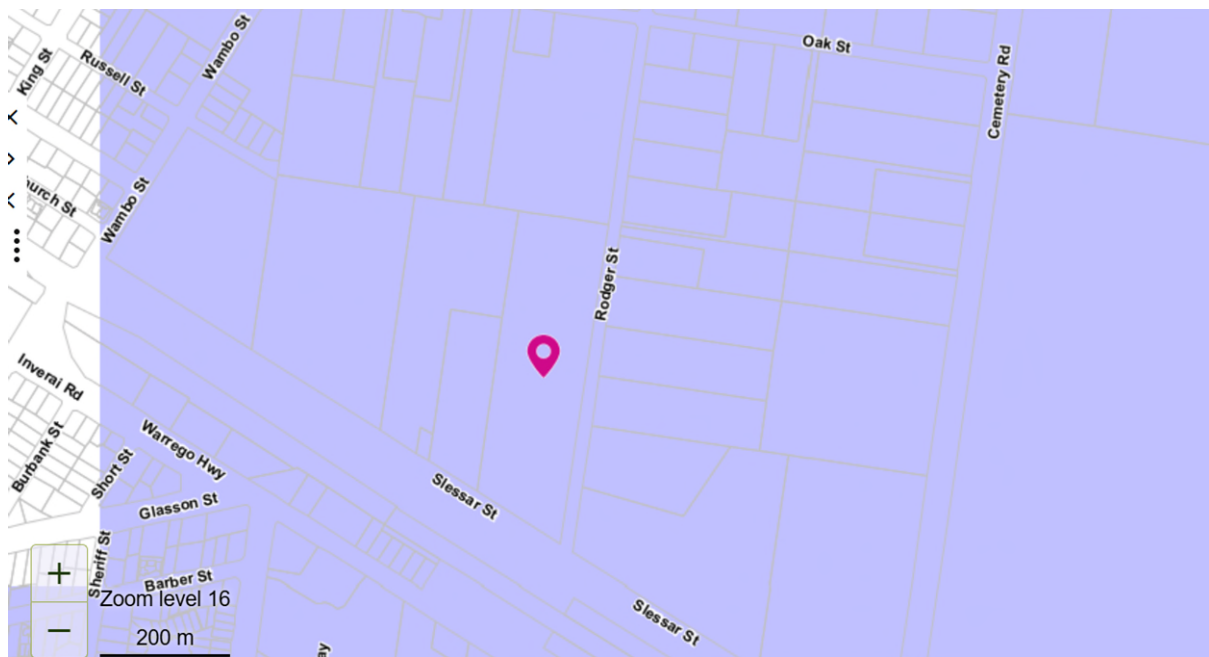
Stormwater Overland Flow Path Overlay Map



Stormwater Overland Flow

- Minor Flow Path
- Major Flow Path

Water Resources Catchment Overlay Map

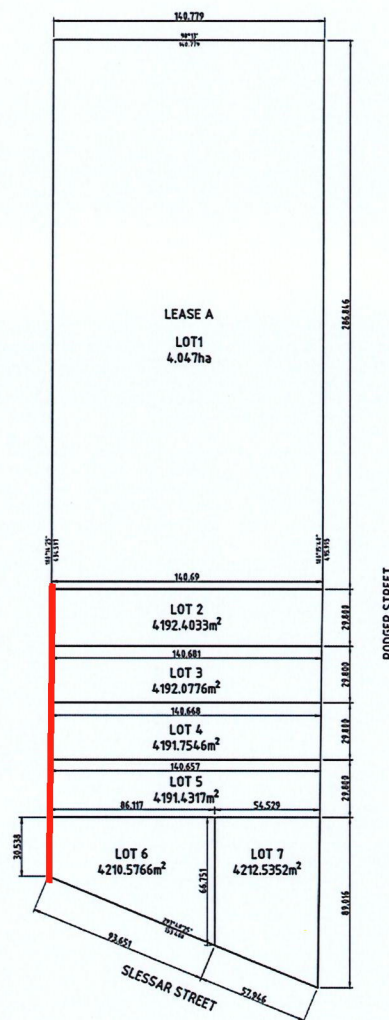
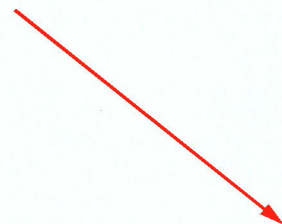


- Groundwater Vulnerability Area

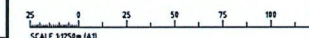


Amended in Red by
Council on 28/03/2025

An acoustic fence
is to be installed
along western
boundary of the
site for proposed
Lots 2 to 6



ISSUE FOR
APPROVAL



Issue Status/Amendment	Date



CHINCHILLA (HEAD OFFICE):
2 Columbia Street, Chinchilla Qld. 4413
Telephone: (07) 4653 3251
Fax: (07) 4652 5021
RUBRA:
51 Queen Street, Roma Qld. 4455
Telephone: (07) 4622 3792
Fax: (07) 4622 3241
TOOWOOMBA:
12/16 Angus Avenue, Toowoomba Qld. 4350
Telephone: (07) 4622 3792
Fax: (07) 4622 3241

RJ & EG HICKS
RURAL RESIDENTIAL SUBDIVISION
LOT 286 ON LY201 - RODGER STREET, CHINCHILLA

Designed	Checked
Drawn	Checked
Approved	

PROPOSED LOT LAYOUT PLAN

Job Number 211249	Drawing Number 21124901	Issue P1
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420 Flinders Street, Townsville QLD 4810
PO Box 1090, Townsville QLD 4810
ergon.com.au

17 June 2021

Western Downs Regional Council
PO Box 551
Dalby QLD 4405

Attention: Kate Swepson
Via email: info@wdrc.qld.gov.au

Cc Raymond James Hicks & Eleanor Gwen Hicks
c/- PATS Consulting Pty Ltd
113 Ramsay Street
Centenary Heights QLD 4350
Attention: Geoff Broadbent
Via email: geoff_broadbent@hotmail.com

Dear Kate,

Referral Agency Response – Development Permit for a Reconfiguring a Lot (1 Lot into 7 Lots including Balance Lot) at Slessor Street, Chinchilla (Lot 266 LY201)

Council Ref: 035.2021.409.001
Applicant Ref: N/A
Our Ref: HBD 7343000

We refer to the abovementioned Development Application, which has been referred to Ergon Energy pursuant to section 54(1) of the *Planning Act 2016*.

In accordance with Schedule 10, Part 9, Division 2 of the *Planning Regulation 2017*, the application has been assessed against the purposes of the *Electricity Act 1994* and *Electrical Safety Act 2002*. This notice is provided in accordance with section 56 of the *Planning Act 2016*.

As an Advice agency to the application, Ergon has no requirements in relation to the proposed Reconfiguring a Lot (1 Lot into 7 Lots including Balance Lot).

Should you require further information regarding this matter, feel free to contact the undersigned on 0456 836 609 or email townplanning@ergon.com.au.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Maddison Low'.

Maddison Low
Town Planner

Have you seen our fact sheets?

See the 'considerations when developing around electricity infrastructure' section of our website
www.ergon.com.au/referralagency

INFRASTRUCTURE CHARGES NOTICE

APPLICANT:	Mr RJ and Mrs EG Hicks
APPROVED DEVELOPMENT:	Reconfiguring a Lot (Subdivision of 1 lot into 7 lots) at Slessar Street, Chinchilla
FILE REFS:	035.2021.409.001, A12162 & LG7.9.1
AMOUNT OF THE CHARGE:	\$113,400.00
LAND TO WHICH CHARGE APPLIES:	Lot 266 on LY201
PAYABLE TO:	Western Downs Regional Council
WHEN PAYABLE:	Prior to execution of the Plan of Survey (Form 18B)

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

The charge has been calculated on the following basis:

USE	Charge	Reference	No. of Units	Amount
Reconfiguring a Lot in a Residential Planning Area	\$20,160.00* per lot (water, stormwater, transport and parks networks)	Table 3.3.3, Col 3, Charge Area A	6 Lots	\$120,960.00
	12,600.00* per lot (stormwater, transport and parks networks)	Table 3.3.3, Col 3, Charge Area A	1 Lot	\$ 12,600.00
DISCOUNT	Discount Charge	Reference	No. of Units	Discount Amount
Existing Lot	\$20,160.00* per lot (water, stormwater, transport and parks networks)	Section 3.4(1)(e)(iv)	1 lot	\$ 20,160.00
* Includes a discount for development not within an area serviced by, or requiring connection to Council's reticulated water, sewer or stormwater networks. The rate is applied in accordance with Table 5.1 Allocation of Infrastructure Charge to Trunk Infrastructure Networks.			Water	\$ 27,216.00
			Stormwater	\$ 43,092.00
			Parks	\$ 21,546.00
			Transport	\$ 21,546.00
			TOTAL CHARGE	\$113,400.00

INFORMATION NOTICE

[Section 119 of the *Planning Act 2016*]

DECISION AND REASONS

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

APPEALING DECISION

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

Attachment 5 - Submission Assessment Table

Submitters' Concerns	Submission Excerpts	Planning Officer's Comments
<p>Reverse Amenity Impacts</p> <p>A submitter is concerned about the potential reverse impacts on the proposed Lots by the Ergon Energy Depot.</p>	<p><i>"The Town Planning Report for the application advises that the development will not result in any negative environmental impacts.</i></p> <p><i>However, the Town Planning Report failed to consider the negative impacts that may be created by surrounding land uses.</i></p> <p><i>The Ergon Energy Depot located at 67 Slessar Street, Chinchilla (Lot 1 on RP202873) adjoins the western boundary of the development site.</i></p> <p><i>The depot is an industrial operation and may have impacts regarding noise, hours of operation, lighting and visual amenity.</i></p> <p><i>Ergon Energy requests that the applicant provide an Acoustic Impact Assessment. The Acoustic Impact Assessment must analyse the noise impact of the depot on the proposed residential lots."</i></p>	<p>The applicant has prepared an Acoustic Impact Assessment in response to Council's Information Request and the submission received, to address how the potential amenity impacts from the Ergon Energy Depot on the proposed lots will be mitigated.</p> <p>It is noted that the Acoustic Impact Assessment has been prepared by Geoff Broadbent who has historically operated as a Planning Consultant and is not recognised as a qualified Acoustic Consultant.</p> <p>The Acoustic Impact Assessment indicates that in order to reduce the noise impacts of the Ergon Energy Depot, the siting of future residences should be appropriately set back and designed with acoustic treatments on the windows and wall facing the Ergon Energy Depot.</p> <p>The Acoustic Impact Assessment does not propose any acoustic fencing along the shared property boundary of the Ergon Energy Depot and the proposed residential lots. The Acoustic Report advised that this measure did not reduce acoustic impacts below the required acoustic thresholds and are expensive to maintain and install.</p> <p>It is unclear how the owners of the land would be made aware of these requirements for acoustic treatments of a future residence. It is also unclear on the additional costs that would be incurred by future land owners constructing a new residence on the land.</p> <p>The applicant's acoustic recommendations only address the acoustic impacts from the Ergon Energy Depot on a future residence on the relevant lots and not on the private open space associated with that residential use.</p> <p>The acoustic treatments recommended by the applicant are not linked to the approved development but rather to a future building on the resulting allotment.</p> <p>It is not considered equitable that the reverse amenity impacts are only addressed by each land owner through the design of a future residence on the resulting lots.</p> <p>The applicant is required to demonstrate compliance of the development with Performance Outcome 9 of the Low Density Residential Zone Code, and it is not considered that the recommendation of the acoustic assessment is sufficient to demonstrate compliance.</p> <p>It is recommended that Council condition that an amended Acoustic Assessment be prepared by a suitably qualified person that provides details of an acoustic fence being installed along the common boundary of the subject land and the Ergon Energy Depot, to ensure that the acoustic impacts are mitigated for future land owners of the proposed lots.</p>

Submitters' Concerns	Submission Excerpts	Planning Officer's Comments
<p>Lot Size and Servicing Infrastructure</p> <p>A submitter is concerned that the lot size may not be of a suitable size to design an effluent disposal system to service the residence.</p>	<p><i>"Development application in Rodger Street, 4,000 sqm blocks, are they being connected to sewer systems, if they are not then they look too small to us to have septic systems."</i></p>	<p>The subject land is located within the Low Density Residential Zone but is not within the Priority Infrastructure Area for Chinchilla, and is serviced by Council's reticulated sewer network.</p> <p>The proposed development will result in residential lots over 4,000m² which is consistent within the minimum lot size for the Low Density Residential Zone. It is considered that 4,000m² is the required land area to be able to develop the land with a residence that is serviced by an on-site effluent disposal system.</p> <p>The proposed lots are considered to have suitable size and configuration for the siting of a residence and supporting effluent disposal systems. The development will be conditioned to ensure that a future residence on each lot is serviced by an approved effluent disposal system.</p>

Title (030.2024.562.001) Community and Liveability Report Development Application for Material Change of Use for Hardware and Trade Supplies on Lot 12 on SP342954 at 18 Inverai Road Chinchilla Jacksons Parts n Industrial Supplies C/- Sweb Consulting

Date 29 March 2025

Responsible Manager T. Summerville , PLANNING AND ENVIRONMENT MANAGER

Summary

The purpose of this Report is for Council to decide the proposed development for Material Change of Use for Hardware and Trade Supplies on land described as Lot 12 on SP342954, located at 18 Inverai Road, Chinchilla.

Link to Corporate Plan

Strategic Priority: Strong Diverse Economy

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

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and that:

1. The application for a Material Change of Use to establish Hardware and Trade Supplies on land described as Lot 12 on SP342954, located at 18 Inverai Road, Chinchilla, 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/Document No./Revision	Drawing/Document Title and Details	Dated
SD-051, Rev F	Proposed Site Plan, prepared by WD Building Design	6-11-2024
SD-110, Rev F	Ground Floor Plan, prepared by WD Building Design	6-11-2024
SD-111, Rev F	Level 1 Floor Plan, prepared by WD Building Design	6-11-2024
SD-200, Rev F	Elevations, prepared by WD Building Design	6-11-2024
SD-201, Rev F	Elevations, prepared by WD Building Design	6-11-2024
R0002-24-25/014, Rev A	Stormwater Management Plan, prepared by McMurtrie Consulting Engineers	7/01/2025

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.
3. The following further permits must be obtained prior to commencement of any work associated with the process:
 - 3.1 Development Permit for Building Works;
 - 3.2 Compliance Permit for Plumbing Work; and
 - 3.3 Road Corridor Permit (Vehicle Crossovers).

APPROVED DEVELOPMENT

4. The approved development is a Material Change of Use to establish a Hardware and Trade Supplies on the subject property in accordance with the Approved Plans and Document.

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 and Document, 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's Planning and Environment Manager or authorised delegate, the approved use must only operate between the following hours:

Monday to Friday:	8:00am to 5:00pm
Saturday:	8:00am to 12:00pm
Sundays and Public Holidays:	No operation
10. Unless otherwise approved in writing by Council's Planning and Environment Manager or authorised delegate, loading and unloading shall occur only between the hours of:

Monday to Friday:	8:00am to 5:00pm
Saturdays:	8:00am to 12:00pm (noon)
Sundays and Public Holidays:	No deliveries to occur and no audible noise

FENCING

11. The developer is to install solid screen fencing with a minimum height of 1.8 metres above ground level along the side and rear boundaries of the property as illustrated on the Approved Plans.
12. Fencing material shall be compatible with that used within the locality and maintained in good repair.
13. 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.

LANDSCAPING

14. The developer must submit to Council's Planning and Environment Manager or authorised delegate for endorsement, an updated detailed Landscape Plan for all landscaping associated with the development, prior to commencement of the development.
15. The Landscaping Plan is to illustrate the following:
 - 15.1 a 1 metre wide landscaping strip along the frontage of the property to Inverai Road as illustrated by the Approved Plans;
 - 15.2 three street trees within the road reserve of Short Street as illustrated by the Approved Plans;
 - 15.3 the typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on-site;
 - 15.4 the number and size of plants; and
 - 15.5 the typical planting detail including preparation, backfill, staking and mulching.

Note: Please refer to Part 6 of Planning Scheme Policy 1 within the Western Downs Planning Scheme 2017 incorporating Amendment 1 for guidance on the type of trees, shrubs and groundcover recommended for Chinchilla.
16. Once the Landscaping Plan is endorsed by Council, the landscaping treatments illustrated on the Approved Landscape Plan are to be retained and maintained on the property. Any amendments approved by Council's authorised delegate are taken to be a part of the Approved Landscape Plan.
17. All approved landscaping treatments for the development are to be maintained on the property at all times.

NOISE EMISSIONS

18. 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 a commercial place.

OUTDOOR LIGHTING - IMPACT MITIGATION

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

VISUAL AND GENERAL AMENITY

20. Any graffiti on the buildings must be immediately removed.

21. The buildings and the site must be maintained in a clean and tidy manner at all times.
22. All plant and air-conditioning equipment and the like must be visually screened from Short Street.

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 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

25. All waste generated from construction of the premises must be effectively controlled on-site before disposal. All waste must be disposed of in accordance with the *Environmental Protection (Waste Management) Regulation 2000*.
26. All waste generated on-site must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.

ENGINEERING WORKS

27. 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.
28. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant Australian Standards.
29. Be responsible for the full cost of any alterations necessary, to easements and/or other public utility installations in connection with the development.

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

30. 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.
31. Repair all damage incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damage immediately upon completion of work associated with the development.

STORMWATER MANAGEMENT

32. Provide stormwater management generally in accordance with the Approved Stormwater Management Plan prepared by McMurtrie Consulting Engineers, dated 7 January 2025, subject to detailed design and except as altered by conditions of this development approval.
33. Design and construct stormwater drainage to ensure that the development will achieve "no worsening" as described in the Queensland Urban Drainage Manual (QUDM) to all downstream properties including road reserves and the like, for design storms up to ARI100.

34. 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.
35. Stormwater from sealed areas and overflow pipes from stormwater detention structures and/or tanks installed for the stormwater system is required to be piped to the kerb and channel.
36. Design and construct all internal stormwater drainage works to comply with the relevant Section/s of AS/NZS 3500.3.2.
37. 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.

LAWFUL POINT OF DISCHARGE

38. 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).

WATER SUPPLY

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

ELECTRICITY AND TELECOMMUNICATIONS

40. Connect the development to electricity and telecommunication services.

SEWERAGE

41. 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 Utilities Services Section.
42. Actual connection to Council's live sewerage infrastructure must be undertaken by or under the supervision of Council.
43. Do not build works within 1.5 metres of the centre of any existing sewer pipework or within the Zone of Influence, whichever is the greater (measured horizontally).
44. Maintain a minimum of a 3 metre wide corridor to be maintained for maintenance/upgrade purposes.
45. Ensure that a clear level area of a minimum of a 2.5 metre radius surrounding any existing sewer manholes on the site is provided for future maintenance/upgrade purposes.
46. The above minimum clearances to Council's sewer infrastructure do not preclude the need for works to proposed structures to prevent loading to the sewer system.

PARKING AND ACCESS

47. Design all access driveways, aisles, and car parking spaces in accordance with *Australian Standard 2890.1 - Parking Facilities - Off Street Car Parking*.
48. Design and construct all driveway and parking areas to provide a concrete, asphalt or a two-coat bitumen seal.
49. Provide a minimum of 13 car parking spaces including a minimum of 1 person with disability (PWD) car parking space.

50. Provide a PWD car parking space designed and line marked in accordance with *AS2890.6 Off-Street Parking for People with Disabilities*.
51. Provide vehicle bollards or tyre stops to control vehicular access and to protect landscaping or pedestrian areas where appropriate.
52. 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.

PARKING AND ACCESS - SERVICING

53. Provide loading bay facilities for a Medium Rigid Vehicle in the location generally shown on the Approved Plans.
54. Ensure loading and unloading operations are conducted wholly within the site and vehicles enter and exit the site in a forward direction.
55. Install R2-4 Regulatory Signs (NO ENTRY) at each of the entry/exit points, erected 1 metre offset from the driveway and facing the opposite direction to the one-way flow, in accordance with the Manual for Uniform Traffic Control Devices (MUTCD).

VEHICLE ACCESS

56. Construct a commercial crossover between the property boundary and the edge of the Short Street and Inverai Road road pavement, with widths as shown on Approved Plan No. SD-051, Rev F, prepared by WD Building Design and dated 6 November 2024. Accesses shall be constructed in accordance with Council's Standard Drawing R-006. Ensure that crossover splay is designed to accommodate turning movements of a Medium Rigid Vehicle.
57. 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).

ELECTRICITY AND TELECOMMUNICATIONS

58. Connect the development to electricity and telecommunication services.

EROSION AND SEDIMENT CONTROL - GENERAL

59. 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.
60. 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

61. Undertake operations and construction work associated with this development to the requirements of Council, including the following:
 - 61.1 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;
 - 61.2 remove immediately, any material spilled or carried onto existing roads to avoid dust nuisance and to ensure traffic safety; and
 - 61.3 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.

62. 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:

62.1 uncontaminated overland stormwater flow; and

62.2 uncontaminated stormwater to the stormwater system.

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

REFERRAL AGENCY RESPONSE

1. The Department of State Development, Infrastructure, Local Government and Planning provided a Concurrence Agency response on 23 October 2024 and is attached.

ADVISORY NOTES

NOTE 1 - Currency Period

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

*(a) **6 years** starting the day the approval takes effect;*

(b) if the approval states a different period from when the approval takes effect—the stated period."

NOTE 2 - Aboriginal Cultural Heritage

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

NOTE 3 - General Environmental Duty

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

NOTE 4 - General Safety of Public during Construction

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

NOTE 5 - Property Note (Audit of Conditions)

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

NOTE 6 - Works in Road Reserve Permit

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

NOTE 7 - Infrastructure Charges Notice

An Infrastructure Charges Notice is attached.

NOTE 8 - Referral Agency Response

The Department of State Development, Infrastructure, Local Government and Planning provided a Referral Agency response as Concurrence Agency for the application.

NOTE 9 - 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 10 - Commencement of Use

- (i) Prior to commencement of this use, the applicant is to request a Compliance Inspection be undertaken by Council to confirm that all conditions of this Development Permit are considered compliant.
- (ii) Upon receipt of confirmation from Council that all conditions of this Development Permit are considered compliant, the applicant is to notify Council **within 20 business days**, that this approved use has lawfully commenced.

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

"Chapter 6 Dispute Resolution

Part 1 Appeal Rights

229 Appeals to Tribunal or P&E Court

- (1) *Schedule 1 states -*
 - (a) *matters that may be appealed to -*
 - (i) *either a tribunal or the P&E Court; or*
 - (ii) *only a tribunal; or*
 - (iii) *only the P&E Court; and*

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

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

Background Information

The relevant background information to this application is as follows:

Application No: 030.2024.562.001	Assessment No: A10555	Subject File Refs: AD6.6.2 & LG7.6.1
PART 1: APPLICATION		
Applicant:	Jacksons Parts N Industrial Supplies C/- Swep Consulting	
Owner:	Jambk Pty Ltd	
Site Address:	18 Inverai Road, Chinchilla	
Site Area:	1,662m ²	
Real Property Description:	Lot 12 on SP342954	
Proposed Development:	Material Change of Use for Hardware and Trade Supplies	
Level of Assessment:	Impact	
Type of Application:	Material Change of Use	
Relevant Planning Scheme:	Western Downs Planning Scheme 2017 incorporating Amendment 1	
Zone:	Major Centre Zone and Low Density Residential Zone	
Precinct:	N/A	

Overlays:	<ul style="list-style-type: none">• Extractive Industry• Natural Resources• Stormwater Overland Flow• Stock Routes• Scenic Amenity• Road Hierarchy• Noise Corridor	<ul style="list-style-type: none">- Petroleum Lease PL185- Authority to Prospect ATP676- Class A Agricultural Land- Groundwater Vulnerability Area- Minor Flow Path- 50m Stock Route Buffer- 100m Scenic Route Buffer- Access Road and State Controlled Arterial- Mandatory Category 1-58 dB(A)- Mandatory Category 2 - 63 dB(A)
Pre-lodgement Meeting:	Yes	Date: 01/02/2024
Application Lodgement Date:	09/09/2024	
Properly Made Application:	Yes	Date: 14/09/2024
Confirmation Notice Issued:	Yes	Date: 19/09/2024
PART 2: REFERRAL		
State Assessment and Referral Agency (SARA) (Department of Transport and Main Roads as Technical Agency) as a Concurrence Agency under Schedule 10 of the <i>Planning Regulation 2017</i>	<ul style="list-style-type: none">• On 23/09/2024, the applicant referred the application to SARA.• On 25/09/2024, SARA issued an Action Notice advising that the application had not been properly referred.• On 08/10/2024, SARA issued a Confirmation Notice advising that the application was properly referred.• On 23/10/2024, SARA issued a Referral Agency response for the application.	
PART 3: INFORMATION REQUEST		
Information Request Issued:	Yes	Date: 02/10/2024
Applicant's Response Received:	Yes	Date: 30/01/2025 Note: The Information Request Response Period was extended by agreement for period of 20 business days.
PART 4: PUBLIC NOTIFICATION		
Start Date:	Yes	Date: 21/02/2025
Notice of Compliance Received:	Yes	Date: 19/03/2025
Submissions Received:	Nil	
PART 5: DECISION PERIOD		
Date Commenced:	20/03/2025	
Decision Due Date:	01/05/2025	

Report

1. Background Information

1.1 Property Context

The subject land is described as Lot 12 on SP342954 and located at 18 Inverai Road, Chinchilla. The property is a corner allotment with frontage to Inverai Road and Short Street with an area of 1,662m².

The subject land is unimproved by any buildings or structures other than a small shed. The property is located within a mixed use locality characterised by existing commercial and industrial land uses with frontage to Inverai Road and by single dwellings and ancillary domestic outbuildings.

The property is located within the Major Centre Zone and Low Density Residential Zone of the Western Downs Planning Scheme 2017 incorporating Amendment 1 (the Planning Scheme). The site is impacted by the Scenic Amenity, Agricultural Land Classification, Stormwater Overland Flow Path and Stock Route Overlays of the Planning Scheme.

The property does not have an existing access point to either Inverai Road or to Short Street. The frontage of Inverai Road and intersection of Short Street features stormwater infrastructure. The remaining frontage of the subject land to Short Street does not feature stormwater infrastructure.

The property has access to Council's reticulated sewer network and water network and can be connected to electricity and telecommunications.

1.2 Proposal

The applicant has lodged a development application seeking development approval for a Material Change of Use to establish Hardware and Trade Supplies on the subject land.

The applicant is Jacksons Parts N Industrial Supplies who sell parts and supplies servicing industrial and agricultural businesses in Chinchilla. The application has been lodged, as the business is seeking to expand and to develop the subject land for this purpose.

The proposed development will involve construction of a two storey building for the purpose of Hardware and Trade Supplies. The building will have a total gross floor area (GFA) of 1,829.1m² and a maximum height of 7.36m above ground level.

The first floor will have an area of 921.5m² and will include retail space for the display of products, reception, office, staff room, amenities, storage, deliveries and dispatch area. The second floor will have an area of 907.6m² and will be used for the purpose of storage of products sold by the business.

The development will operate from 8am to 5pm Monday to Friday and from 8am to 12pm on Saturdays. The applicant has advised that the development will employ a maximum of four staff at any one time.

The development proposes two commercial crossovers with customers entering the site via a crossover to Short Street and exiting the site via the crossover to Inverai Road. The development will include a total of 13 parking spaces for staff and customers, including 1 person with disability (PWD) parking space.

The applicant has advised that the development will be connected to reticulated water, sewer, electricity and telecommunications.

2. Assessment

2.1 Assessment Matters

The development application for a Material Change of Use for Hardware and Trade Supplies is Impact Assessable, as part of the property is located within the Low Density Residential Zone in which Hardware and Trade Supplies is an inconsistent use.

The following benchmarks apply to this development:

ASSESSMENT MATTERS	
<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> ▪ Western Downs Planning Scheme 2017 incorporating Amendment 1 <ul style="list-style-type: none"> • Strategic Plan • Major Centre Zone Code • Low Density Residential Zone Code • Transport, Access and Parking Code • Infrastructure Services Code • Stormwater Overland Flow Path Overlay Code • Natural Resources Overlay Code • Scenic Amenity Overlay Code • Stormwater Overland Flow Overlay Code 	
<p>The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below:</p>	
Assessment Benchmark	Reasons for the Approval Despite Non-compliance with Benchmark
Low Density Residential Zone Code	
<p>AO3.1</p> <p>Site coverage is a maximum of 50% of the total site area, unless a Development Code provides an alternative maximum site cover.</p>	<p>The proposed building will have a total site coverage of 65% of the subject land which does not comply with Acceptable Outcome 3.1 of the Low Density Residential Zone Code.</p> <p>The subject land is located within the Low Density Residential Zone and also within the Major Centre Zone.</p> <p>The development is consistent with the maximum site coverage of 150% under Acceptable Outcome 2 of the Major Centre Zone Code.</p> <p>The scale of the proposed building is a consistent height with the maximum height requirements for the Low Density Residential Zone Code.</p> <p>The building will be visually screened from surrounding properties along side and rear setbacks by colourbond fencing and will provide appropriate landscaping treatments to enhance the amenity and character of the locality.</p> <p>It is not considered that scale of the proposed development will dominate the subject land, and is consistent with the character and amenity of the Low Density Residential Zone and with Performance Outcome 3 of the Low Density Residential Zone Code.</p>
<p>AO4.3</p> <p>Buildings and structures have a minimum setback of 4 metres from the secondary road frontage.</p>	<p>The proposed building will have a 0m setback from Short Street which is the secondary frontage of the property. The proposed setback does not comply with the minimum setback distance of 4m from Short Street in accordance with Acceptable Outcome 4.3 of the Low Density Residential Zone Code.</p> <p>The proposed secondary frontage setback of the building will not result in any amenity impacts on surrounding residential land uses including overshadowing or privacy.</p>

	<p>The siting of the building complies with the minimum side and rear setbacks for the Low Density Residential Zone.</p> <p>The applicant proposes landscaping treatments within the road reserve of Short Street which will soften the visual impact of the reduced setback along the frontage of Short Street.</p> <p>The proposed development is consistent with Performance Outcome 4 of the Low Density Residential Zone Code.</p>
Major Centre Zone Code	
<p>AO4.1</p> <p>Buildings equal to or less than two storeys in height have a minimum setback of 3 metres from the primary road frontage.</p>	<p>The proposed development does not comply with the minimum primary frontage setback of 3m in accordance with Acceptable Outcome 4.3 of the Major Centre Zone Code.</p> <p>The proposed building will be set back 4.023m from the frontage of Inverai Road which is the primary frontage of the subject land. However, the awning of the building will have a minimum setback of 1m from Inverai Road.</p> <p>The building is considered to be articulated to create visual interest and will be softened by landscaping treatments. It is not considered that the proposed setbacks will impact on the amenity and character of the Major Centre Zone.</p> <p>The proposed development is consistent with the Performance Outcome 4 of the Major Centre Zone Code.</p>
<p>AO11.1</p> <p>A minimum of one (1) shade tree is provided for every six car parking spaces.</p>	<p>The applicant does not intend to provide shade trees within the car parking area or a 1m landscaping strip around vehicle movement and car parking areas adjacent to buildings and site boundaries in accordance with Acceptable Outcomes 11.1 and 11.2 of the Major Centre Zone Code.</p>
<p>AO11.2</p> <p>A densely planted landscape buffer with a minimum width of one (1) metre is provided to all vehicle movement and car parking areas adjacent to buildings and site boundaries.</p>	<p>As an Alternative Solution to Acceptable Outcomes 11.1 and 11.2 of the Major Centre Zone Code, the applicant proposed to provide 3 street trees within the Short Street road reserve and proposes a 1m wide landscaping strip along the Inverai Road frontage excluding areas used for pedestrian and vehicular access purposes.</p> <p>It is considered that the applicant's landscaping treatments are acceptable and will be conditioned as part of the recommended approval.</p> <p>The proposed development is consistent with Performance Outcome 11 of the Major Centre Zone Code.</p>
Transport, Access and Parking Code	
<p>AO4</p> <p>Car parking is provided in accordance with the requirements identified in Table 9.4.5.2 - Car parking generation rates</p>	<p>Table 9.4.5.2. and Acceptable Outcome 4 of the Transport, Access and Parking Code provides that car parking for a Material Change of Use for Hardware and Trade Supplies is to be provided at a rate of 2 parking spaces per 100m² of GFA.</p> <p>The proposed development will involve construction of a new building with a total GFA of 1,829.1m² which equates to 36 parking spaces.</p>

<p>and service vehicle requirements.</p> <p>Note - Car parking rates are to be rounded up to the nearest whole number.</p>	<p>The applicant proposes to provide a total of 13 parking spaces to service the development, including 1 PWD parking space as an alternative solution to Acceptable Outcome 4 of the Transport, Access and Parking Code.</p> <p>The applicant has advised that the rate provided within Table 9.4.5.2 of the Transport, Access and Parking Code is not reflective of the parking supply required to service the demand generated by the development.</p> <p>The applicant has advised that only 700m² of the GFA of the building will function as retail space which is the primary traffic generated area of the site.</p> <p>The applicant has advised that customer numbers are expected to remain consistent, with customers parking for a short period of time to collect or order parts sold by the business. The development will only employ a maximum of 4 staff at any one time.</p> <p>Additional street parking spaces are available for customers adjacent to the frontage of Inverai Road and Short Street.</p> <p>It is considered that the applicant's alternative solution is consistent with Performance Outcome 4 of the Transport, Access and Parking Code and can be accepted.</p>
Scenic Amenity Overlay Code	
<p>AO2.3</p> <p>Buildings and structures are set back a minimum of 100 metres from Scenic Routes and waterway crossings identified on the Scenic Amenity Overlay maps (OM-011), unless for the following land uses:</p> <ul style="list-style-type: none"> (a) Food and drink outlet; (b) Winery; (c) Tourist attraction; (d) Nature-based tourism; and (e) Short-term accommodation. 	<p>The subject land is within the 100m Scenic Route Buffer Area for the Warrego Highway which is a Scenic Route identified within the Scenic Amenity Overlay mapping of the Planning Scheme.</p> <p>The building associated with the Hardware and Trade Supplies use will not be set back 100m from the Warrego Highway in accordance with the requirements of Acceptable Outcome 2.3 of the Scenic Amenity Overlay Code.</p> <p>The development fronts Inverai Road which is a local access road that gains access to the Warrego Highway. Accordingly, the subject land does not have direct frontage to the Warrego Highway but is within the 100m buffer area for the mapped Scenic Route.</p> <p>The proposed building will be articulated with pedestrian entry point and windows and advertising which will soften the built form of the building from Inverai Road.</p> <p>The development will include landscaping treatments along the frontage of the building to Inverai Road which will enhance the amenity of Inverai Road.</p> <p>It is considered that the design and siting of the development will not negatively impact on the amenity or character of the Warrego Highway, and that the proposed development is consistent with Performance Outcome 2 of the Scenic Amenity Overlay Code.</p>

Stormwater Overland Flow Path Overlay Code	
<p>Where for Material Change of Use or Building Work</p> <p>AO2.1</p> <p>No buildings are located within a Major Flow Path or Minor Flow Path identified on Stormwater Overland Flow Path Overlay maps (OM-012).</p>	<p>The subject land is all located within a Minor Flow Path illustrated by the Stormwater Overland Flow Path Overlay mapping of the Planning Scheme.</p> <p>The development will result in an additional building and impervious area within the mapped Minor Flow Path and does not comply with Acceptable Outcome 2.1 of the Stormwater Overland Flow Path Overlay Code.</p> <p>The applicant has submitted a Stormwater Management Plan prepared by McMurtie Consulting Engineers to manage the stormwater that may be generated by the development and to ensure that it is directed to a lawful point of discharge.</p> <p>The Stormwater Management Report has been reviewed by Council's Consultant Development Engineer and is acceptable.</p> <p>It is not considered that the siting and scale of the proposed building will significantly impact on the conveyance of stormwater on the property or on adjoining properties.</p> <p>The development will be conditioned to ensure that it does not result in stormwater impacts or nuisance on adjoining properties.</p>

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

Strategic Plan

The Strategic Plan sets the policy direction for the Planning Scheme and forms the basis for ensuring appropriate development occurs in the Planning Scheme area for the life of the Planning Scheme. The Strategic Plan is represented by five strategic themes, being Liveable Communities and Housing, Environment and Heritage, Economic Growth, Infrastructure and Safety, and Resilience to Natural Hazards.

The proposed development is consistent with the strategic element for Economic Growth under the Strategic Plan. The proposed development will facilitate the growth of an existing commercial business that services and that is integral to the operation of the industrial and agricultural sectors in Chinchilla.

The property is serviced by the required reticulated infrastructure and will not require any upgrade to infrastructure to service the development. The operation of the development is unlikely to result in any amenity impacts on surrounding properties and is consistent with the mixed use character of the locality.

The proposed development is consistent with the elements of the Strategic Plan.

Major Centre Zone Code

The northern part of the property is located within the Major Centre Zone and therefore the application requires assessment against the Acceptable Outcomes of the Major Centre Zone Code.

The development of a Material Change of Use for Hardware and Trade Supplies is identified as a consistent use within the Major Centre Zone. The proposed development will allow for the expansion of an existing business servicing the township of Chinchilla and is consistent with the intent and purpose of the Major Centre Zone Code.

The development is predominantly consistent with the siting and design requirements of the Major Centre Zone Code and will provide landscaping treatments which will enhance the visual amenity of the subject land.

The proposed development is consistent with the Performance Outcomes of the Major Centre Zone Code.

Low Density Residential Zone Code

The property is partly located within the Low Density Residential Zone in which the development of a Material Change of Use for Hardware and Trade Supplies is an inconsistent use. However, the subject land is also located within Major Centre Zone in which the development of Hardware and Trade Supplies is a consistent use.

As previously discussed in Table 2.1 of the Report, the development does not comply with the design or siting requirements for the Low Density Residential Zone Code. However, it is considered that the non-compliance will not result in significant impacts on the amenity or character of the Low Density Residential Zone.

The nature of the proposed use and the operating hours of the development are unlikely to result in amenity impacts on sensitive land uses within the Low Density Residential Zone. The application required public notification to be undertaken and no submissions were received regarding the application.

The proposed development will be conditioned to ensure that lighting and noise emissions from the development comply with the required standards.

The proposed development is consistent with the Performance Outcomes of the Low Density Residential Zone Code.

Transport, Access and Parking Code

The applicant proposes entry crossover to Short Street and exit crossover to Inverai Road which will be conditioned in accordance with Council's Engineering standards.

The development will be serviced by 13 parking spaces, including 1 PWD parking space. As discussed in Table 2.1 of this Report, it is considered that 13 parking spaces will service the demand generated by the development.

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

Infrastructure Services Code

The development will be conditioned to connect to relevant reticulated infrastructure in accordance with the Acceptable Outcomes of the Infrastructure Services Code.

Scenic Amenity Overlay Code

The Warrego Highway is identified as a Scenic Route and the property is located within the 100m Buffer Area of the Scenic Route as illustrated by the Scenic Amenity Overlay Mapping of the Planning Scheme.

As discussed within Table 2.1 of this Report, the proposed development will result in buildings being constructed within the Scenic Route Buffer Area. It is considered that the design of the building is appropriately articulated and will include appropriate landscaping which will enhance the visual amenity of the proposed development from the frontage of Inverai Road and Short Street.

The proposed development is consistent with the Performance Outcomes of the Scenic Amenity Overlay Code.

Regional Infrastructure Corridor - Stock Route Overlay Code

The Warrego Highway is identified as a Stock Route and the subject land is within the Stock Route Buffer Area illustrated by the Regional Infrastructure Corridor - Stock Route Overlay of the Planning Scheme.

The property is not located within the Rural Zone and will not have any impact on the operation of the Stock Route.

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

Stormwater Overland Flow Path Overlay Code

The property is impacted by a Minor Flow Path illustrated by the Stormwater Overland Flow Path Overlay mapping of the Planning Scheme.

As discussed in Part 2.1 of this Report, the applicant has prepared a Stormwater Management Plan to ensure that additional stormwater generated by the development is appropriately managed and is directed to the lawful point of discharge.

The proposed development is consistent with the Performance Outcomes of the Stormwater Overland Flow Path Overlay Code.

Natural Resources Overlay Code

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

The property is not located within the Rural Zone and is not used for rural activities. The site is not of a size, configuration or location that land is able to be used for productive rural activities. It is considered that the proposed development will not fragment or alienate land that is able to be used for rural activities.

The development will not require access to groundwater resource and will not result in any groundwater contamination.

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

3. Other Relevant Matters

3.1 Referral

The application required referral to the State Assessment and Referral Agency (SARA) (Department of Transport and Main Roads as a Technical Agency) as a Concurrence Agency under Schedule 10 of the *Planning Regulation 2017*.

The application triggered referral based on the proximity of the subject land to the Warrego Highway which is a State controlled road. The Referral Agency response provided by SARA is attached to this Report for consideration (**Attachment 3**).

3.2 Public Notification

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

Public notification for the application was undertaken for a period of 15 business days between 21 February 2025 and 17 March 2025.

To commence public notification for the application, the applicant:

- placed an advertisement within the Western Downs Town and Country on 20 February 2025;
- placed a notice on the premises in the way prescribed under the DA Rules on 20 February 2025; and
- sent a notice to each adjoining land owner in the way prescribed under the DA Rules on 17 February 2025.

On 24 February 2025, Council received a Notice of Compliance with Public Notification along with evidence that public notification had been completed in accordance with the DA Rules and the *Planning Act 2016*.

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

3.3 Infrastructure Charges

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

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

The development of a Material Change of Use for a Hardware and Trade Supplies Use falls within the Commercial (Bulk Goods) Development Class of the Infrastructure Charges Resolution and is charged \$119.00 per m² of GFA for Council's water, sewer, transport and parks networks. The development would also be charged \$4.00 per m² of impervious area for the stormwater network.

The proposed development will have a total GFA of 1,829.1m² which comes to \$217,662.90 in infrastructure charges for the water, sewer, transport and parks networks. The development has an impervious area of 1,634.70m² which equates to \$6,538.80 in infrastructure charges for the stormwater network.

The infrastructure charges would be partially offset by the credit for the existing commercial lot, of \$40,320.00 in accordance with Part 3.4 of the Infrastructure Charges Resolution.

An Infrastructure Charges Notice is attached (**Attachment 4**) to the recommended approval reflecting the infrastructure charges payable for the development.

Consultation (Internal/External)

Internal

This Report and attachments have been reviewed by Council's Planning and Environment Manager, Planning Officer Development Assessment and Consultant Development Engineer, and their comments have been incorporated.

External

The State Assessment and Referral Agency has provided a Concurrence Agency response for the application which is attached to this Report for consideration.

Legal/Policy Implications (Justification if applicable)

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

"Chapter 6 Dispute Resolution

229 Appeals to Tribunal or P&E Court

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

...(g) *for any other appeal - 20 business days after a Notice of the decision for the matter, including an Enforcement Notice, is given to the person.*

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

Budget/Financial Implications

Nil

Human Rights Considerations

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

There are no human rights implications associated with this Report.

Conclusion

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

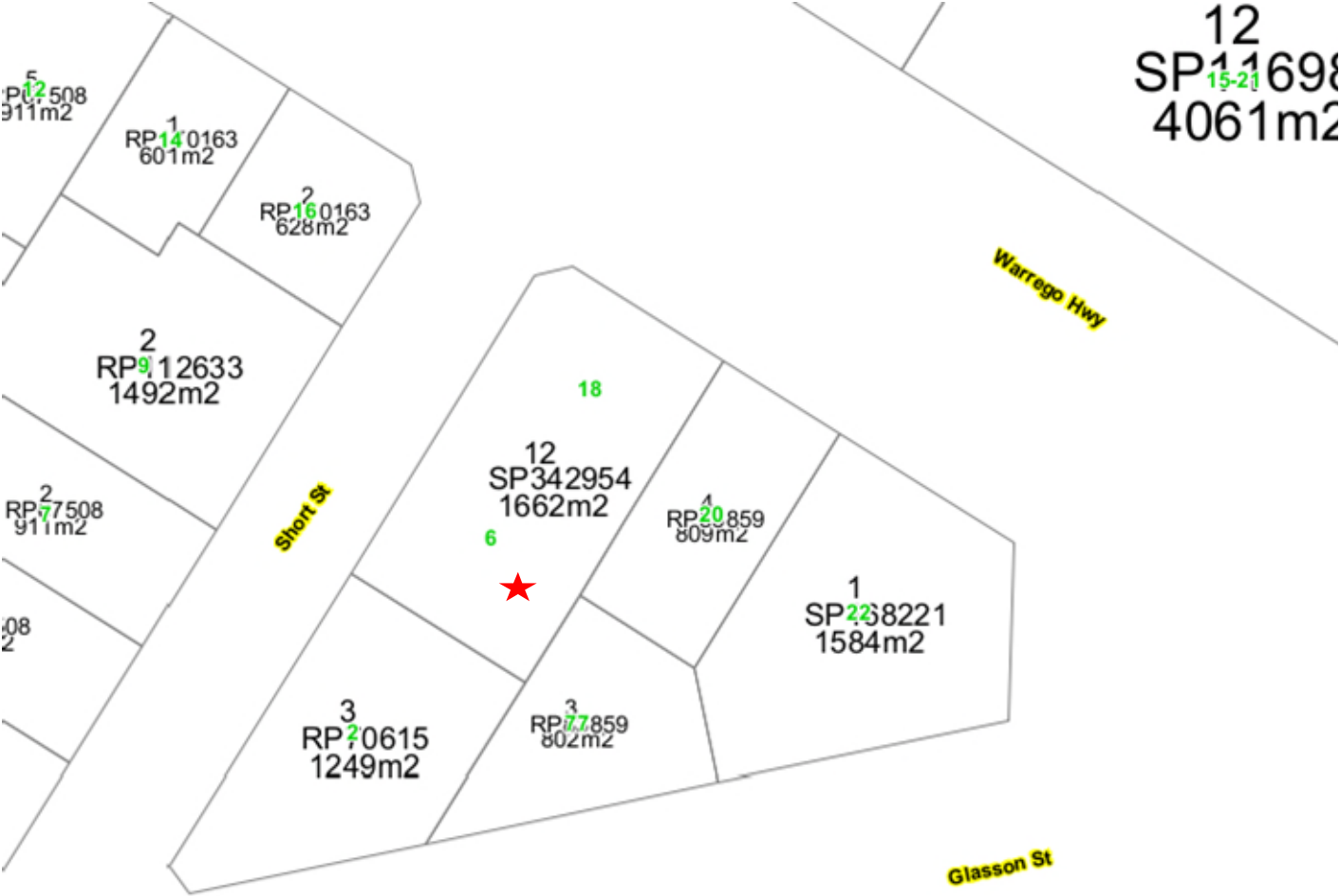
Attachments

1. Locality Plans
2. Proposal Plans
3. Referral Agency Response
4. Infrastructure Charges Notice

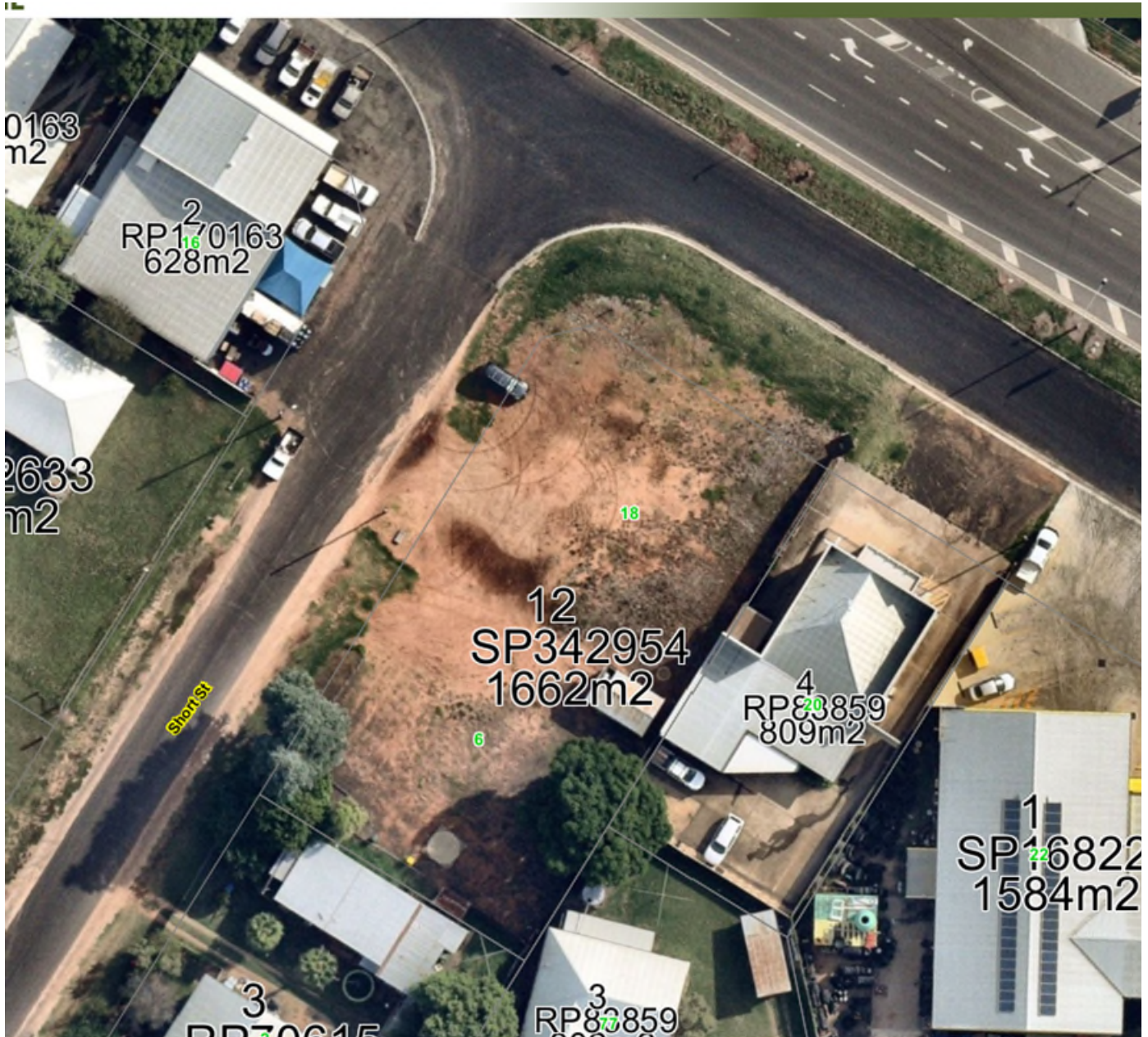
Authored by: D Bradley, A/PRINCIPAL PLANNER

Attachment 1 - Locality Plans

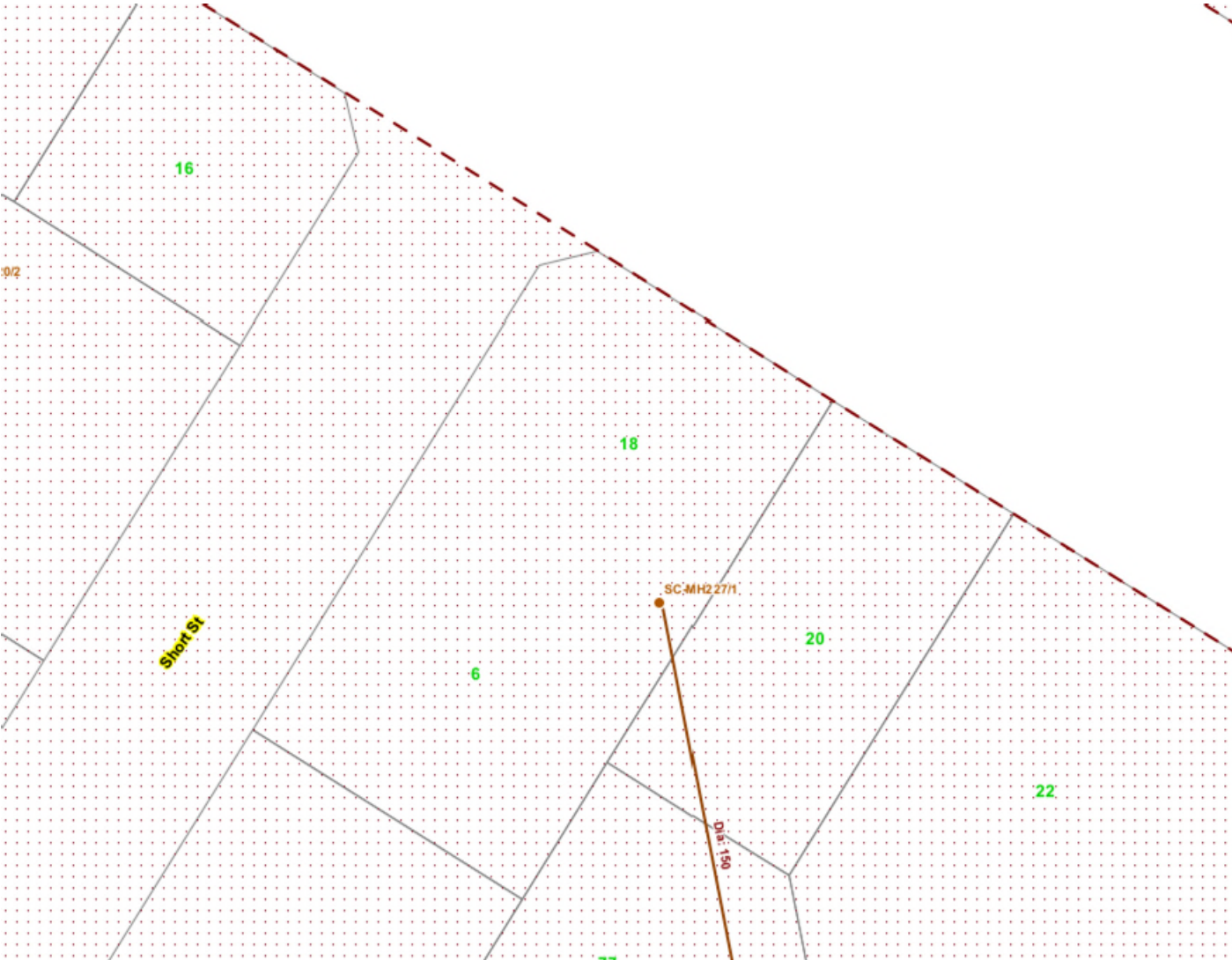
Lot and Plan Map



Aerial Map






Sewer Network Overlay Map



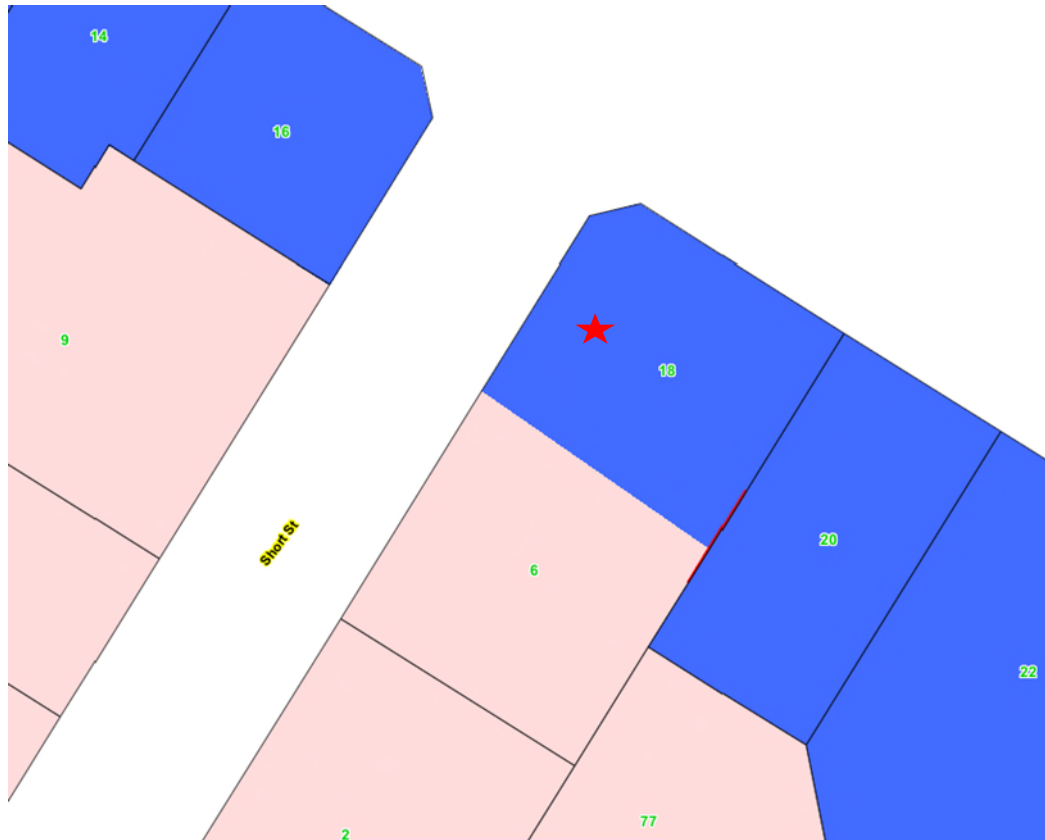
-  Defined Sewerage Area
-  Gravity Sewer Mains
-  Manhole

Water Network Map











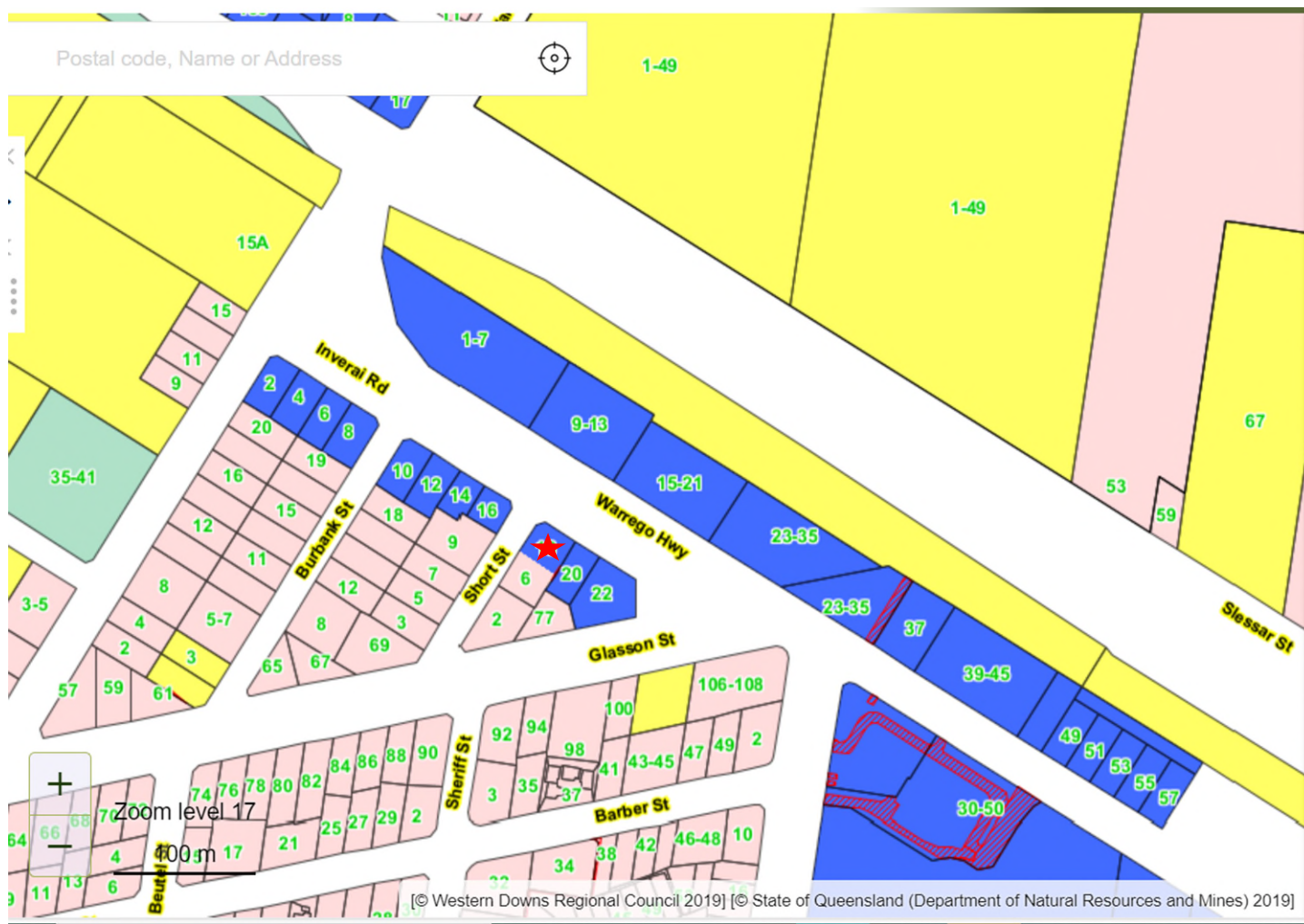
-  Water Serviced Areas
-  Water Main
-  Fire Hydrant

Zoning Map

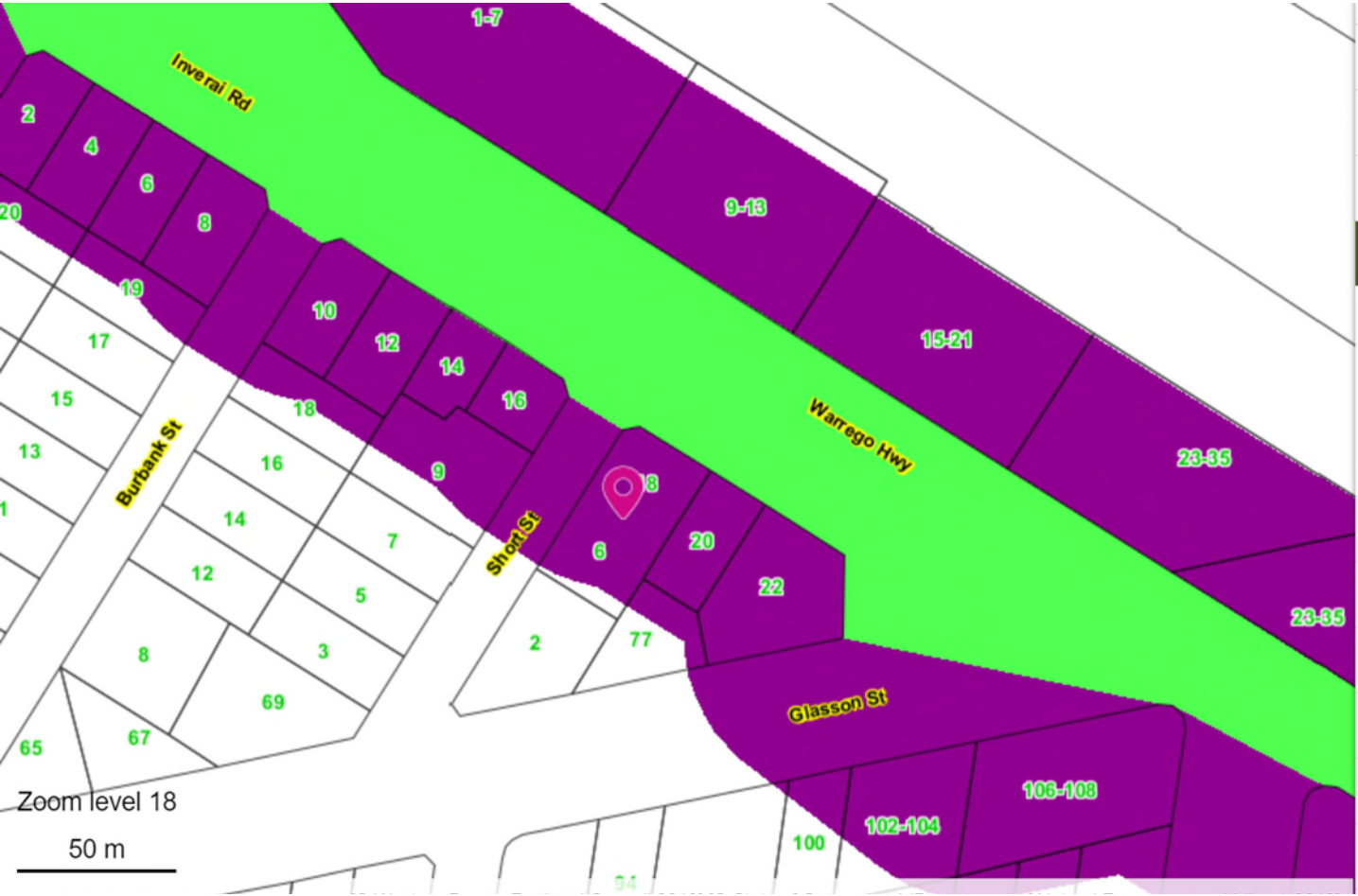


Planning Zones

-  Community Facilities Zone
-  Local Centre Zone
-  District Centre Zone
-  Major Centre Zone
-  Low Density Residential Zone
-  Medium Density Residential Zone
-  Low Impact Industry Zone
-  Medium Impact Industry Zone
-  High Impact Industry Zone
-  Recreation and Open Space Zone

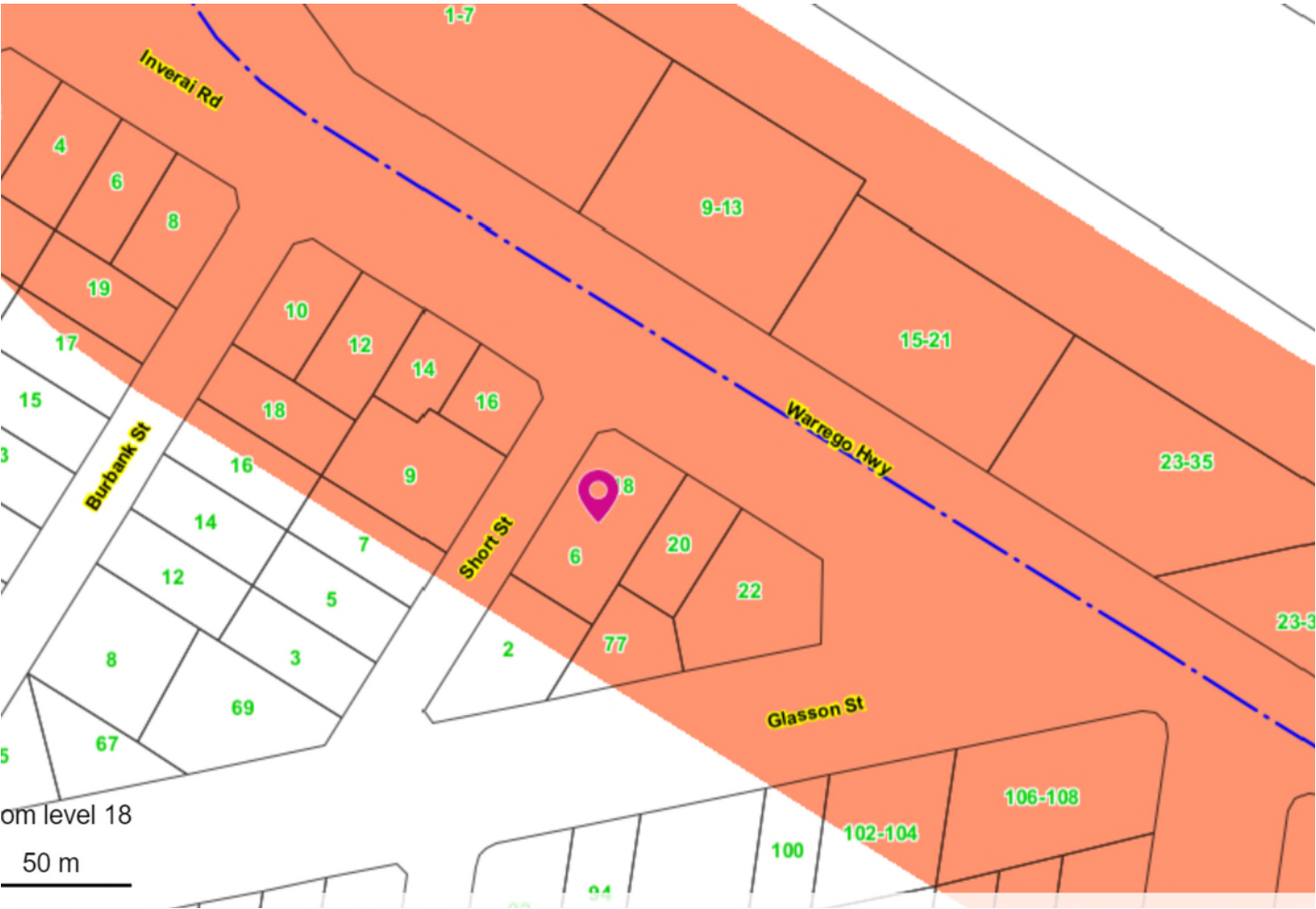


Stock Route Overlay Map



- Stock Route
- Stock Route (50m Buffer)

Scenic Amenity Overlay Map



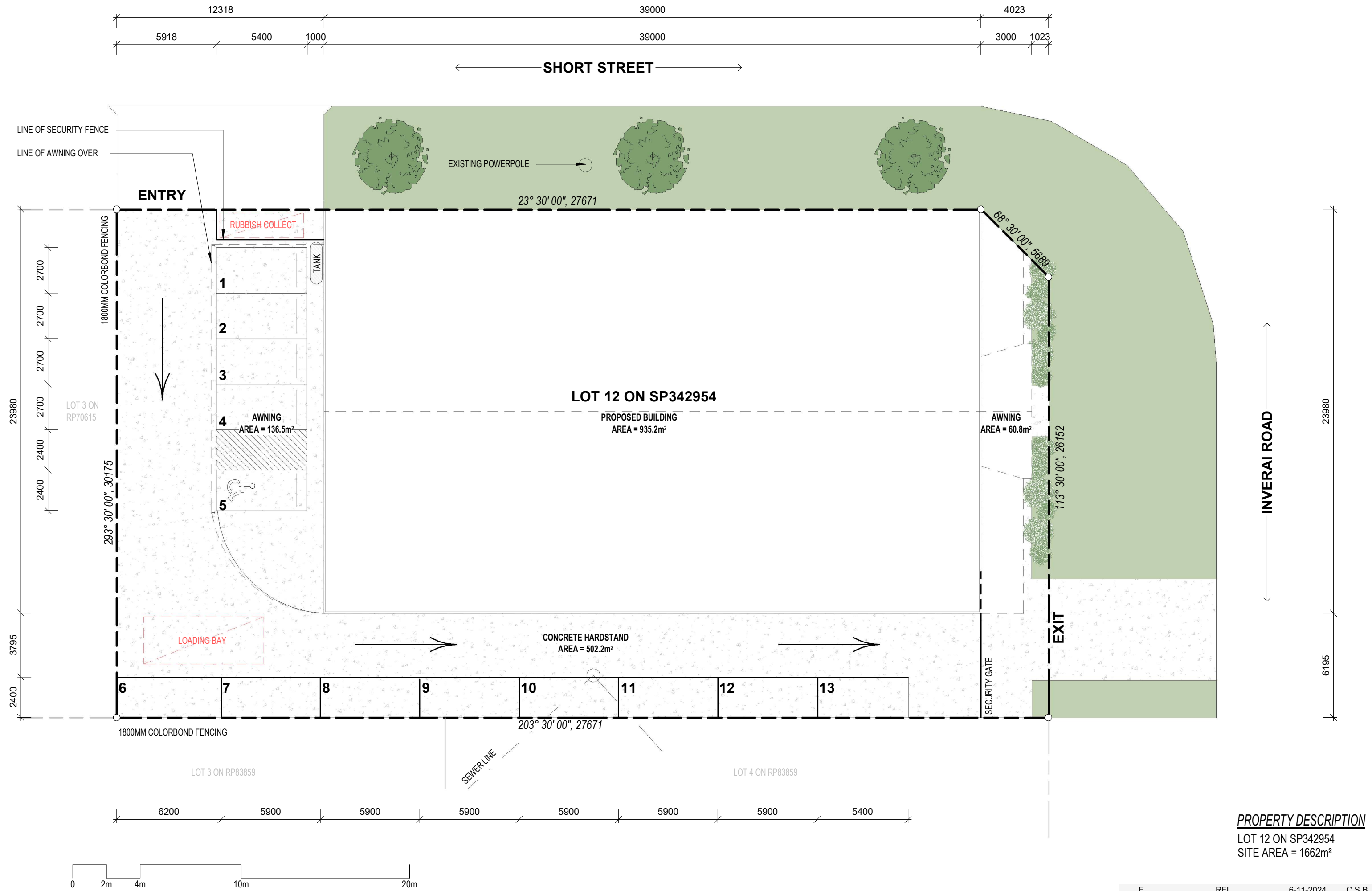
- Scenic Routes
- Scenic Routes Buffer (100m)

Stormwater Overland Flow Path Overlay



Stormwater Overland Flow

- Minor Flow Path
- Major Flow Path



PROPERTY DESCRIPTION
LOT 12 ON SP342954
SITE AREA = 1662m²

100 2600 70 2700 70 26490 70 6800 100
100 6940 70 31790 100

SEC
A

SHORT STREET

23980
70 1500 3000
70 4000
70 2500 70
70 12500
100

RUBBISH COLLECT

1

2

3

4

5

TANK
STORE

AMENITIES
24.5m²

STAFFROOM
28m²

STORE
17.3m²

UP

UNPACKING

DELIVERIES/ DISPATCH
86.7m²

30-30 R/D

CUSTOMER BIN

RETAIL
707m²

OFFICE
37.4m²

RECEPTION
20.6m²

100 100
5370
70 2000
1000 15340
100 23780
100

INVERAI ROAD

LINE OF AWNING OVER

LINE OF MEZZANINE OVER
1200 DEEP PALLETT RACKING

6

7

8

9

10

11

12

13

SEC
A

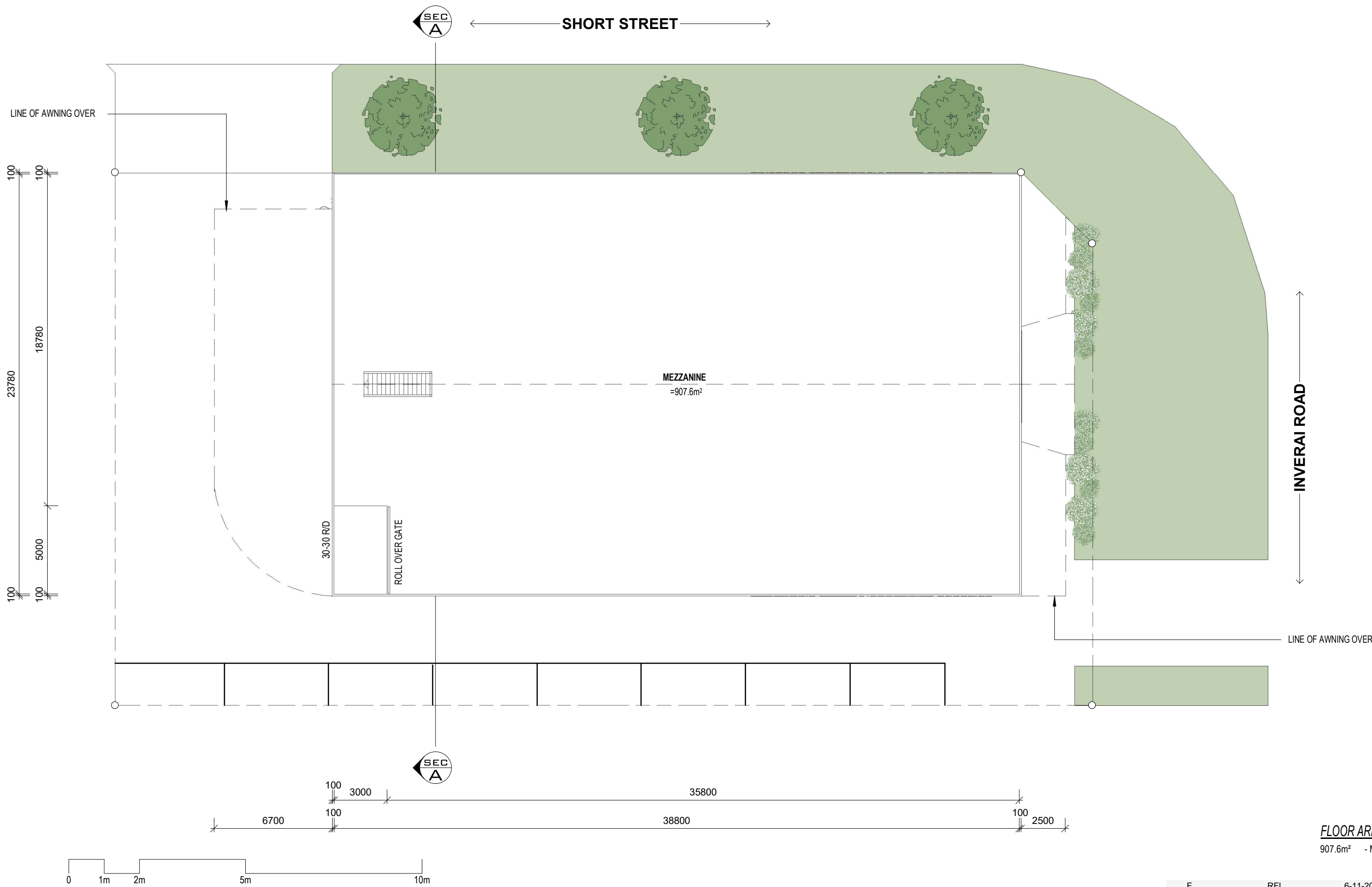
100 6940 70 600 31190 100
39000 2500
AWN

0 2m 4m 10m 20m

FLOOR AREA

37.4m² - OFFICE
707m² - RETAIL
24.5m² - AMENITIES
28m² - STAFFROOM
86.7m² - DISPATCH
14m² - STORAGE
20.6m² - RECEPTION
921.5m² - TOTAL

F RFI 6-11-2024 C.S.B

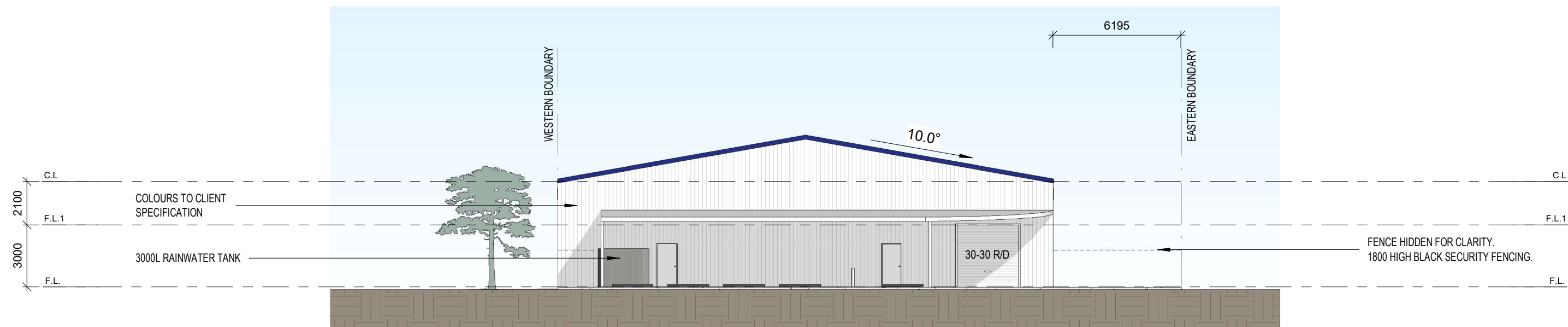


FLOOR AREA
907.6m² - MEZZANINE



NORTHERN ELEVATION

SCALE 1 : 200

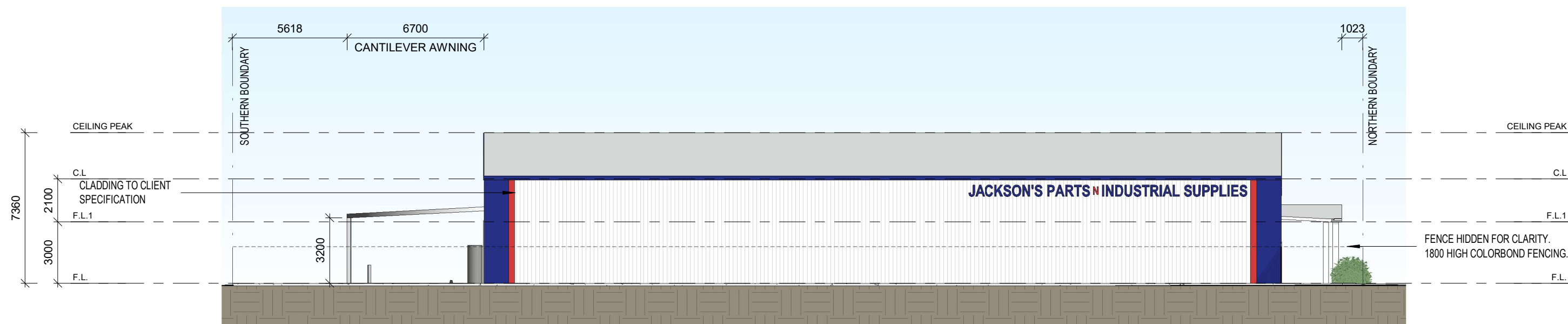


SOUTHERN ELEVATION

SCALE 1 : 200

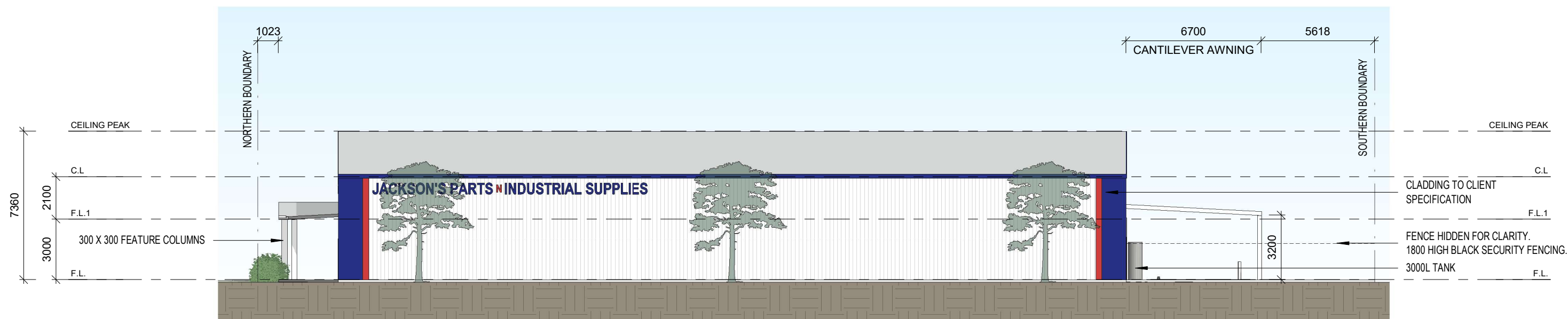


F RFI 6-11-2024 C.S.B



EASTERN ELEVATION

SCALE 1 : 200

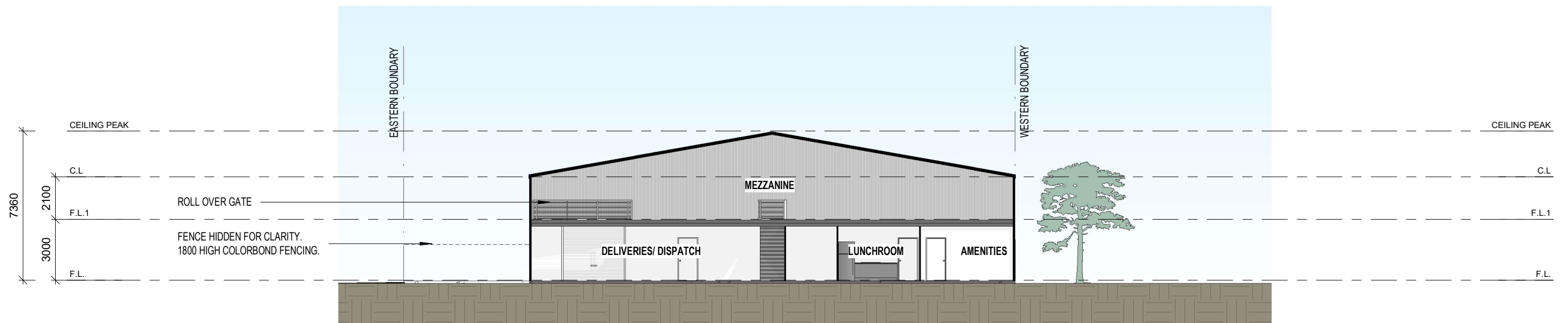


WESTERN ELEVATION

SCALE 1 : 200



F RFI 6-11-2024 C.S.B



SECTION A-A
SCALE 1 : 200



SARA reference: 2409-42488 SRA
Council reference: 030.2024.562.001

23 October 2024

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

Attention: Dominic Bradley

Dear Mr Bradley

SARA referral agency response—18 Inverai Road, Chinchilla

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

(Referral agency response given under section 28 of the Development Assessment Rules)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 4 October 2024.

Response

Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , SARA advises it has no requirements relating to the application.
Date of response:	23 October 2024
Advice:	Advice to the applicant is in Attachment 1
Reasons:	The reasons for the referral agency response are in Attachment 2

Development details

Description:	Development permit	Material change of use for MCU - Hardware and Trade Supplies
SARA role:	Referral agency	
SARA trigger:	Schedule 10, part 9, division 4, subdivision 2, table 4, item 1 (Planning Regulation 2017) – Development near a state transport corridor or that is a future state transport corridor	
SARA reference:	2409-42488 SRA	

Assessment manager:	Western Downs Regional Council
Street address:	18 Inverai Road, Chinchilla
Real property description:	Lot 12 on SP342954
Applicant name:	Jacksons Parts N Industrial Supplies
Applicant contact details:	17-19 Taylor Street East Roma QLD 4455 kate@swepecon.com.au
<i>Human Rights Act 2019</i> considerations:	The decision has been assessed for compatibility with human rights under the <i>Human Rights Act 2019</i> . The decision was found not to limit human rights under the <i>Human Rights Act 2019</i> therefore, it is reasonable to conclude the decision is compatible with human rights.

Representations

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

Copies of the relevant provisions are in **Attachment 3**.

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

For further information please contact Malcolm McDowell, Planning Officer, on 07 3452 6897 or via email ToowoombaSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Paul Gleeson
A/Manager

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

cc Jacksons Parts N Industrial Supplies, kate@swepecon.com.au

Attachment 1—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP), (version 3.0). If a word remains undefined it has its ordinary meaning.

Attachment 2—Reasons for referral agency response

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

The reasons for SARA's decision are:

The development complies with State Code 1. Specifically, the development:

- does not increase the likelihood or frequency of accidents, fatalities, or serious injury for users of a state-controlled road
- does not adversely impact the structural integrity or physical condition of state-controlled roads, road transport infrastructure, public passenger transport infrastructure or active transport infrastructure
- does not adversely impact the function efficiency of state-controlled roads or future state-controlled roads
- does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate state-controlled roads, future state-controlled roads or road transport infrastructure
- does not significantly increase the cost to plan, construct, upgrade or maintain state-controlled roads, future state-controlled roads or road transport infrastructure
- protects community amenity from significant adverse impacts of environmental emissions generated by road transport infrastructure or vehicles using state-controlled roads

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP, version 3.0, as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- Section 58 of the *Human Rights Act 2019*.

Attachment 3— Representations about a referral agency response provisions

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

INFRASTRUCTURE CHARGES NOTICE

APPLICANT:	Jackson Parts N Industrial Supplies
APPROVED DEVELOPMENT:	Material Change of use to establish Hardware and Trade Supplies on land situated at 18 Inverai Road, Chinchilla
FILE REFS:	030.2024.562.001, A10555 & LG7.6.1
AMOUNT OF THE CHARGE:	\$183,881.70
LAND TO WHICH CHARGE APPLIES:	Lot 12 on SP342954
PAYABLE TO:	Western Downs Regional Council
WHEN PAYABLE:	Prior to commencement of the use

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

The charge has been calculated on the following basis:

USE	Charge	Reference	No. of Units	Amount
Material Change of use for Hardware and Trade Supplies	\$119.00 per m ² of GFA (water, sewer, transport, parks networks)	Table 3.3.3, Col 2, Charge Area A	1,829.10m ²	\$217,662.90
Commercial (Bulk Goods) Development Class	\$4.00 per m ² of Impervious Area (stormwater network)	Table 3.3.3, Col 3, Charge Area A	1,634.7m ²	\$ 6,538.80
DISCOUNT	Discount Charge	Reference	No. of Units	Discount Amount
Credit for existing Commercial Lot	\$40,320.00 per lot (water, sewer, stormwater, transport, parks networks)	3.4(e)(iii)	1 lot	\$ 40,320.00
			Water	\$ 36,776.34
			Sewer	\$ 36,776.34
			Stormwater	\$ 55,164.52
			Parks	\$ 27,582.25
			Transport	\$ 27,582.25
			TOTAL CHARGE	\$183,881.70

INFORMATION NOTICE

[Section 119 of the *Planning Act 2016*]

DECISION AND REASONS

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

APPEALING DECISION

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

Title (030.2024.779.001) Community and Liveability Report Development Application for Material Change of Use for a Tourist Park on Lots 7-10 on RP75401 and Lot 2 on RP186292 Myall Street Dalby Campervan & Motorhome Club of Australia Ltd

Date 1 April 2025

Responsible Manager T. Summerville, Planning and Environment Manager

Summary

The purpose of this Report is for Council to decide the application for a Material Change of Use for a Tourist Park on land described as Lots 7 to 10 on RP75401 and Lot 2 on RP186292, located at Myall Street, Dalby.

Link to Corporate Plan

Strategic Priority: Strong Diverse Economy

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

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and that:

1. The application for a Material Change of Use for a Tourist Park on land described as Lots 7 to 10 on RP7540 and Lot 2 on RP186292, located at Myall Street, Dalby, be approved, subject to the following conditions:

APPROVED PLAN

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

Drawing No.	Title and Details	Dated
001	Site Plan, prepared by Campervan & Motorhome Club of Australia Ltd as amended by Council on 04/04/2025	-

2. Where there is any conflict between the conditions of this development approval and the details shown on the Approved Plan, the conditions of this development approval must prevail.
3. Obtain the following further Permits prior to commencement of any work associated with the process:
 - 3.1 Building Work;
 - 3.2 Operational Work (Earthworks);
 - 3.3 Road Corridor (Vehicle Crossover); and

3.4 Plumbing Works.

APPROVED DEVELOPMENT

4. The approved development is for a Material Change of Use for a Tourist Park (40 Recreational Vehicle Sites including Manager's Site) as shown on the Approved Plan.

OPERATING HOURS

5. Unless otherwise approved in writing by Council, check-in and check-out hours are limited to between 7:00am and 6:00pm, 7 days a week.

LAND USE

6. The development use is limited to part of the subject land outlined in the signed agreement for lease with Council.
7. Site use is limited to self-contained Recreational Vehicles (RVs) with inbuilt amenities only.
8. No tents or camping are permitted on the site.

COMPLIANCE, TIMING AND COSTS

9. 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.
10. All costs associated with compliance with these conditions shall be the responsibility of the developer.

FEES AND CHARGES

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

INFRASTRUCTURE CHARGES

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

RISK MANAGEMENT PLAN

13. Prior to commencement of the use, submit a Flood Risk Management Plan for review and endorsement by Council's Planning and Environment Manager or an authorised delegated, prepared and signed by a Registered Professional Engineer Queensland (RPEQ) including, but not limited to the following matters:
 - 13.1 flood free emergency access to the development site;
 - 13.2 flood warning triggers;
 - 13.3 evacuation and safety procedures;
 - 13.4 emergency services' contact numbers;
 - 13.5 electrical services protection;
 - 13.6 property protection; and
 - 13.7 signage.

14. Ensure a copy of the Council Approved Flood Risk Management Plan is available on-site to customers, staff and Council at all times.
15. Implement recommendations of the approved, Risk Management Plan for the period of the use.

SITE MANAGEMENT PLAN

16. Prior to commencement of the use, prepare and submit a Site Management Plan (SMP) for endorsement by Council's Planning and Environment Manager or authorised delegate, that outlines how the operator will manage the operational aspects for the development. The SMP must include the following aspects:
 - 16.1 code of conduct for guests;
 - 16.2 a dedicated contact person (including name and contact details); the contact person must be available 24 hours a day, 7 days a week, be responsible for the premises and be available to address complaints;
 - 16.3 a complaints management process;
 - 16.4 hours of operation, including hours of operation for check-in and RV generator usage;
 - 16.6 noise management procedures;
 - 16.7 site care and maintenance including clean-up of flood debris trapped in fence lines;;
 - 16.8 refuse management; and
 - 16.9 security and access.
17. Once endorsed by Council, the measures and procedures outlined in the approved SMP are to be implemented by the developer at all times.

MAINTENANCE

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

FENCING

19. The applicant is to install a 1.8 metre high screen fence along the shared boundaries of the subject land with Lot 3 on RP2072 (Bagot Street), Lot 1 on RP186292 (10 Amos Street, Dalby) and Lot 6 on RP75401 (1A Myall Street, Dalby) as illustrated on the Approved Site Plan prior to commencement of the use. The installed screen fence shall provide appropriate gaps underneath the fence line to allow for the conveyance of flood water.
20. Existing boundary fencing is to maintained in good state of repair.
21. 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.
22. Other than area used for vehicle access to Myall Street, the applicant is to install suitable fencing around the boundaries of the remaining approved lease area for security of occupants and to delineate the tourist park use area from the remaining park land.
23. Proposed boundary fencing is to consider flood conveyance of the property and is not to obstruct overland flow of flood water.

VISUAL AND GENERAL AMENITY

24. The buildings and the site must be maintained in. a clean and tidy manner at all times.

LANDSCAPING

25. 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 Detailed Landscaping Plans shall be prepared by a suitably qualified and experienced Landscape Architect, Horticulturalist, or other person experienced in landscape design and construction.
26. The Landscape Plan must detail:
- 26.1 a landscaping strip with a minimum width of 2 metres is to be provided in the locations shown on the Site Plan as amended in red, and to the common boundaries with all adjoining residential lots and along the frontage of the property to Amos Street and Myall Street;
 - 26.2 The plant species selected are not to have invasive roots and are to be suitable to locate in proximity to Council's sewer network on the property;
 - 26.3 the typical species to be planted, consisting mainly of drought-tolerant native species suitable to their individual location on-site;
 - 26.4 the number and size of plants to be planted; and
 - 26.5 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. Alternative plant species not listed suitable for Dalby under Part 6 of Planning Scheme Policy 1 will be considered by Council's Planning Department and the Parks and Gardens Department.
27. Once the Landscape Plan has been endorsed by Council's Planning and Environment Manager or authorised delegate, the developer must prepare and landscape the property in accordance with the Approved Landscape Plan, or as otherwise approved in writing by Council's authorised delegate. Any amendments approved by Council's authorised delegate are taken to be a part of the Approved Landscape Plan.
28. All approved landscaping treatments for the development are to be maintained on the property at all times.
29. 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.
30. 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

31. 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.
32. Generators associated with individual Recreational Vehicles are only permitted to be used between the hours of 7:00am and 6:00pm.
33. 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.

REFUSE STORAGE AREAS

34. 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.
35. 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. The bins are to be secured to prevent access from pests and animals to bin areas throughout the subject land.
36. 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

37. 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*.
38. 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*.

OUTDOOR LIGHTING - IMPACT MITIGATION

39. Outdoor lighting associated with the use must be designed, sited, installed and tested to comply with Tables 2.1 and 2.2 of *Australian Standard 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting Using a Control Level of 1*.
40. Installation of outdoor lighting that:
 - 40.1 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;
 - 40.2 is directed onto the subject land and away from neighbouring properties; and
 - 40.3 uses shrouding devices to preclude light overspill onto surrounding properties where necessary.

OUTDOOR LIGHTING FOR SAFETY AND SECURITY

41. Outdoor security lighting must ensure safety of users of the development by:
 - 41.1 providing outdoor lighting in accordance with *Australian Standard 1158.3.1 – Road Lighting – Pedestrian Area (Category P) Lighting – Performance and Installation Design Requirements*; and
 - 41.2 the use of vandal-resistant lighting in public or publicly accessible areas.
42. Lighting must be provided to the following areas of the site:
 - 42.1 the pathways between the parking areas and the entrances/exits of the building/s; and
 - 42.2 throughout RV parking areas.

ENGINEERING WORKS

43. Submit to Council, an Operational Work application for all civil works including earthworks, internal road and stormwater.

44. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, standards, relevant design guidelines, and Australian Standards.
45. 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

46. 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.
47. 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

48. Design and construct stormwater drainage to ensure that the development will achieve "no nuisance" as described in the Queensland Urban Drainage Manual (QUDM) to all downstream properties including road reserves and the like for design storms up to AR1100.
49. 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.
50. 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.
51. 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).

PARKING

52. Provide a maximum of 40 RV parking spaces including the Caretaker's site as shown on the Approved Plan.
53. Provide vehicle bollards or tyre stops to control vehicular access and to protect landscaping or pedestrian areas where appropriate.

INTERNAL ROADWAY AND MANOEUVRING - GENERAL

54. Design and construct all internal roadway and manoeuvring areas to provide a dust suppressive gravel.
55. Maintain dust suppression treatment to all internal roadways and vehicle manoeuvring areas, ensuring not to have an adverse impact on adjoining properties.
56. Provide directional signage to indicate proposed one-way and two-way internal roads.
57. In the event that Council receives a bona fide complaint in relation to dust emissions produced from the site, Council reserves the right to require the applicant to provide either concrete, asphalt, or bitumen seal to all vehicle manoeuvring areas.

VEHICLE ACCESS

58. Construct a commercial crossover between the property boundary and the edge of the Myall Street road pavement, having a minimum width of 6 metres, generally in accordance with Council's Standard Drawing R-006. This includes any required culverts across the existing swale drain, which shall be reinforced concrete bulk culverts unless approved by Council.
59. 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).

WATER SUPPLY

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

SEWERAGE

61. 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.
62. Actual connection to Council's live sewerage infrastructure must be undertaken by or under the supervision of Council.
63. Do not build works within 1.5 metres from the centre of any existing sewer pipework or within the Zone of Influence, whichever is the greater (measured horizontally).
64. Maintain a minimum of a 3 metre wide corridor to be maintained for maintenance/upgrade purposes.
65. Ensure that a clear level area of a minimum of a 2.5 metre radius surrounding any existing sewer manholes on the site is provided for future maintenance/upgrade purposes.
66. The above minimum clearances to Council's sewer infrastructure do not preclude the need for works to proposed structures to prevent loading to the sewer system.
67. Install a "Dump Point" that connects via gravity to Council's sewer network. The "Dump Point" shall be located away from nearby residences to avoid odour nuisance. The Dump Point shall automatically seal in the event of flooding on the site. The Dump Point shall be approved by Council prior to installation.

ELECTRICITY

68. Connect the development to electricity and telecommunication services.

SITE LEVELS

69. There shall be no change to finished ground levels, including but not limited to the access and internal roadways unless otherwise approved by Council through a related Operational Work approval.

EROSION AND SEDIMENT CONTROL - GENERAL

70. 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.

71. Remove and clean-up the sediment or other pollutants in the event that sediment or other pollutants are tracked or released onto adjoining streets or stormwater systems, at no cost to Council.

ENVIRONMENTAL HEALTH

72. Undertake operations and construction work associated with this development to the requirements of Council, including the following:
- 72.1 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;
 - 72.2 remove immediately, any material spilled or carried onto existing roads to avoid dust nuisance and to ensure traffic safety; and
 - 72.3 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 landscaping or areas disturbed during construction.

73. 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:
- 73.1 uncontaminated overland stormwater flow; and
 - 73.2 uncontaminated stormwater to the stormwater system.

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

ADVISORY NOTES

NOTE 1 - Flood Hazard

The proposed development is located on land subject to Extreme Flood Hazard Areas. Any building work not raised above the Defined Flood Level may be subject to inundation.

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.

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.

NOTE 8 - Infrastructure Charges

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

Background Information

Report

The relevant background information to this application is as follows:

Application No: 030.2024.779.001	Assessment No: A1750	Subject File Refs: AD6.6.2 & LG7.6.1
Assessing Officer:	Tim O'Leary REEL PLANNING, CONSULTANT	
PART 1: APPLICATION		
Applicant:	Campervan & Motorhome Club of Australia Ltd	
Owner:	Western Downs Regional Council	
Site Address:	Myall Street, Dalby	
Site Area:	Lot 7: 607m ² Lot 8: 607m ² Lot 9: 607m ² Lot 10: 1.535ha Lot 2: 3,728m ² Combined Area: 20,899m ²	
Real Property Description:	Lots 7-10 on RP75401 and Lot 2 on RP186292	
Proposed Development:	Tourist Park (40 Recreation Vehicle Sites including Manager's Site)	
Level of Assessment:	Impact	
Type of Application:	Material Change of Use	
Relevant Planning Scheme:	Western Downs Planning Scheme 2017 incorporating Amendment 1	
Zone:	Recreation and Open Space	
Precinct:	N/A	

Overlays:	Airport Environs	-	OLS Conical Limitation
	Flood Hazard	-	Extreme
	Extractive Industry	-	Petroleum Leases (PL198)
	Agricultural Land Classification	-	Class A
	Waterway Corridors	-	Waterway Corridor
	Wetlands	-	Wetlands (Lacustrine)
	Road Hierarchy	-	Unformed Road
Pre-lodgment Meeting:	Yes	Date:	25/09/2024
Application Lodgment Date:	25/11/2024		
Action Notice Issued:	Yes	Date:	10/12/2024
Properly Made Application:	Yes	Date:	17/12/2024
Confirmation Notice Issued:	Yes	Date:	20/12/2024
PART 4: PUBLIC NOTIFICATION			
Start Date:	Yes	Date:	27/01/2025
Notice of Compliance Received:	Yes	Date:	18/02/2025
Submissions Received:	Yes	2 properly made submissions	
Submission Consideration Period:	From 19/02/2025 to 04/03/2025		
PART 5: DECISION PERIOD			
Date Commenced:	05/03/2025		
Decision Due:	28/04/2025		

Report

1. Background Information

1.1 Site Context

The subject land is formally described as Lots 7-10 on RP75401 and Lot 2 on RP186292, located at Myall Street, Dalby. The site has frontage to two unformed roads that extend from Myall Street and Amos Street.

The subject land is made up of five Council owned properties with a combined area of 20,899m². The site is currently vacant land and is improved by landscaping, bollard fencing, outdoor lighting and pedestrian pathway.

The site adjoins the Myall Creek and existing land parcels within the Recreation and Open Space Zone which are predominantly largely vacant or containing parkland, and also within the Low Density Residential Zone developed for the purpose of a Dwelling House and ancillary buildings.

The property is located within the Recreation and Open Space Zone of the Western Downs Planning Scheme 2017 incorporating Amendment 1 (the Planning Scheme). The land is impacted by the Airport Environs, Flood Hazard, Agricultural Land Classification, Waterway Corridor, Wetlands and Road Hierarchy Overlays of the Planning Scheme.

The subject land is currently accessed from two unformed roads that extend from Myall Street and Amos Street. Council's water network is not available along the unformed roads and Council's sewerage infrastructure exists along the southern boundary of Lot 10 on RP75401. Reticulated electricity and gas are provided along Myall Street and Amos Street.

1.2 Proposal

The applicant has submitted a development application for a Material Change of Use to establish a Tourist Park on the subject land.

The applicant is Campervan & Motorhome Club of Australia Ltd (CMCA) who has executed a lease agreement for the use of part of the subject land owned by Council, to develop part of the land for the purpose of a low cost, recreational vehicle (RV) park.

The CMCA operates similar recreational vehicle parks that are available for both members and non-members across Australia.

The balance of the lots will be retained as open space recreational land incorporating a public concrete footpath, street lighting, riparian corridor, the Myall Creek and associated landscaping.

The proposed development would provide short-term accommodation sites for up to 39 recreational vehicles. The property will feature a Caretaker and a single site for the purpose of the Manager's residence adjacent to the site entry to the property.

The applicant has advised that guest stays are capped at 14 nights in any 21 day period. The average stays of guests in CMCA is generally 2 nights, based on other sites operating around Australia.

The development would not include common toilet facilities, as vehicles must be self-contained to stay at the RV Park. The proposed development will include a communal wastewater dump point for guests, along with water points, barbecue shelter and storage shed. The development will be fenced with bollards.

The property will gain access from a new crossover point to Myall Street and no access will be taken from Amos Street. The site access will provide gravelled access and manoeuvring areas which will give access to the grassed caravan sites.

2. Assessment Matters

The application for a Material Change of Use for a Tourist Park in the Extreme Flood Hazard Area is Impact Assessable development under Table 5.5.13 of the Planning Scheme.

The following Assessment Benchmarks apply to the assessment of the development:

ASSESSMENT MATTERS
<p>The development was assessed against the following Assessment Benchmarks:</p> <ul style="list-style-type: none">▪ Western Downs Planning Scheme 2017 incorporating Amendment 1<ul style="list-style-type: none">▪ Strategic Plan▪ Open Space and Recreation Zone Code▪ Transport, Access and Parking Code▪ Infrastructure Services Code▪ Airport Environs Overlay Code▪ Flood Hazard Overlay Code▪ Natural Resources Overlay Code▪ Waterway Corridors Overlay Code▪ Wetlands Overlay Code
<p>The development was assessed against all of the Assessment Benchmarks listed above and complies with all of these with the exceptions listed below.</p>

Assessment Benchmark	Reasons for the Approval Despite Non-compliance with Benchmark
Strategic Plan	
<p>3.3.1 Strategic Outcome 3</p> <p>The settlement pattern contains urban development within identified boundaries to create compact, diverse and vibrant communities. Significant urban development for residential purposes takes advantage of the access to existing facilities and services. The settlement pattern maximises the utilisation of existing infrastructure and maintains and enhances access to services, employment opportunities and recreational and social infrastructure for all residents.</p>	<p>The proposed development is not within the Urban Area identified on Settlement Pattern Strategic Plan Map 1.</p> <p>The proposed development will be contained within a defined lease area of land held by Council under freehold tenure, which adjoins residential lots within the Urban Area that is provided with existing infrastructure. Accordingly, the proposed development is a logical expansion of the Urban Area.</p> <p>Existing infrastructure (eg landscaping, bollard fencing, outdoor lighting and pedestrian pathways) ensure adequate movement around the leased area.</p> <p>The proposed development will provide economic gain for local businesses through indirect spending. The site also capitalises on natural assets and builds on the existing economic strengths of the region (ie tourism).</p>
<p>3.3.1 Strategic Outcome 8</p> <p>Where development is not consistent with the purpose and intent of the Zone, overriding community need will need to be demonstrated as well as valid planning justification provided as to why the proposed use cannot be reasonably established in a more appropriate Zone.</p>	<p>Furthermore, the proposed development will provide opportunities for people to gather and socialise, contributing to a healthy, safe and liveable community.</p> <p>Furthermore, there are two key factors that outline why this site is appropriate for the proposed use, ahead of other sites within an appropriate Zone that would not involve the limiting of public access.</p> <p>Firstly, the site is one of the largest undeveloped sites close to the centre of Dalby, with good access to urban services and will enable the efficient provision of infrastructure. Secondly, this location (and infrastructure efficiency) will allow the site to operate as a low cost alternative for travellers with RVs.</p> <p>The site has not been formally designated as a public park by Council (noting that the site is linked to parks through the pathway network, which will remain unchanged by the proposed development).</p> <p>However, the flood risk present on the site limits potential alternative uses and is the driving factor behind the site being designated as a non-urban area, despite the site's location in the centre of Dalby.</p> <p>The proposed use is one of the few uses that is compatible with a site with such extensive flood risk exposure, as there are minimal permanent structures associated with the proposal and all site occupants will have the capacity to leave, ensuring the risk to people and property is at a minimal level.</p> <p>Therefore, it is considered that there is an overriding economic and social community need and valid planning justification to support the proposed development.</p>

Assessment Benchmark	Reasons for the Approval Despite Non-compliance with Benchmark
Recreation and Open Space Zone Code	
Overall Outcome 2 Development does not restrict public access and does not detract from the primary function of the site for sport and recreation activities.	The proposed development will restrict public access to the bulk of the site, which will be utilised by the proposed Tourist Park. However, the site has never been formally designated as a public park under Council's Local Government Infrastructure Plan, and the proposed development will retain public access to the pathway around the periphery of the site, linking Amos Street to George Anderson Park and across Myall Creek to Winifred Street.
Overall Outcome 5 Facilitate informal sport and recreation activities consistent with community need and expectations.	
AO3.1 Buildings and structures have a minimum setback of 10 metres to the road frontage.	The proposed development will involve a small garden shed (9m ²) which will be sited 6m from the frontage of the property to Myall Street and 4m from southern side boundary of the property with Lot 6 on RP75401 (1a Myall Street).
AO3.3 Buildings and structures have a minimum side and rear boundary clearance of 6 metres.	It is considered that the proposed setback will not significantly impact on the amenity of the adjoining property, nor the character of Myall Street based on the scale of the proposed building. The proposed building will be screened from the frontage of Myall Street and the adjoining property by existing screen fencing and landscaping treatments within the development which will be conditioned as part of the approval. It is considered that the development complies with Performance Outcome 3 of the Recreation and Open Space Code.
Flood Hazard Overlay Code	
Where for Material Change of Use AO3.1 Uses within the following Activity groups are not located within an Extreme Flood Hazard Area identified on Flood Hazard Overlay maps (OM004): (a) Accommodation activities; (b) Business activities; (c) Centre activities, Community activities or Entertainment activities, except where for a Club with a maximum gross floor area of 100m ² ; (d) Industry activities;	The proposed use is within an Extreme Flood Hazard Area. Therefore, compliance with PO3 must be achieved. Performance Outcome 3 of the Flood Hazard Overlay Code states: "PO 3 <i>Development within an Extreme Flood Hazard Area on Flood Hazard Overlay Maps (OM-004) is appropriate to the flood hazard risk having regard to the:</i> (a) <i>likelihood and frequency of flooding;</i> (b) <i>the flood risk acceptability of development;</i> (c) <i>the vulnerability of and safety risk to persons associated with the use; and</i> (d) <i>associated consequences of flooding in regard to impacts on proposed buildings, structures and supporting infrastructure."</i>

Assessment Benchmark	Reasons for the Approval Despite Non-compliance with Benchmark
<p>(e) Rural activities, except where for animal husbandry, cropping and permanent plantation.</p>	<p>The site is within an Extreme Flood Hazard Area and has a minimum flood depth between 1.2 and 2m within the mapping of the Defined Flood Event for Dalby.</p> <p>However, a condition will be imposed requiring the preparation and adherence to a Flood Emergency Evacuation Plan prepared by a suitably qualified person.</p> <p>The proposed development has been reviewed by Council's Consultant Development Engineer and this condition is considered to appropriately address flood risk on the site.</p> <p>Note that the restriction of the site to solely RV users is considered fundamental to the acceptability of the development, due to the ability for RVs to leave the site in a timely fashion if any flood risk is identified. With conditions imposed, the proposal is considered to comply with Performance Outcome 3 of the Flood Hazard Overlay Code.</p>
<p>Where for Material Change of Use or Building Work</p> <p>AO4.1</p> <p>Buildings, including extensions to existing buildings are:</p> <p>(a) not located within an Extreme Flood Hazard Area on Flood Hazard Overlay maps (OM004); or</p> <p>(b) elevated above the defined flood level; and</p> <p>(c) elevated above the defined flood level plus 300mm freeboard where for habitable rooms within a dwelling.</p>	<p>The proposed open shelter and garden shed are within an Extreme Flood Hazard Area and are not elevated or provided with flood-free access.</p> <p>The proposed garden shed has an area of 9m² and the proposed shelter is open on all sides. The proposed building work is for the two non-habitable structures and will not increase the number of people at risk of flooding.</p> <p>The proposal has been reviewed by Council's Consultant Development Engineer and the proposal is unlikely to significantly impact on flood conveyance capacity or potential property damage on adjoining premises.</p> <p>Furthermore, a Flood Emergency Evacuation Plan will be conditioned, at the direction of Council's Consultant Development Engineer, to ensure users evacuate the site adequately, despite the lack of flood-free access.</p> <p>With conditions imposed, the proposal is considered to comply with Performance Outcome 4 of the Flood Hazard Overlay Code.</p>
Transport, Access and Parking Code	
<p>AO3</p> <p>All lots must have vehicle access to a formed road. Access is to be designed and constructed in accordance with SC6.2 - Planning Scheme Policy 1 - Design and Construction Standards.</p>	<p>The development will gain access form part of Myall Street which is not formed and the development will not comply with Acceptable Outcome 3 of the Transport, Access and Parking Code.</p> <p>The property has frontage to Myall Street which will be used to gain access to the proposed development. The frontage of the property to Myall Street and location of the access point to Myall Street is an unformed section of Myall Street.</p>

Assessment Benchmark	Reasons for the Approval Despite Non-compliance with Benchmark
	<p>The formed section of Myall Street finishes in a cul-de-sac head immediately to the south of the subject land adjacent to Lot 6 on RP75401 (1a Myall Street).</p> <p>The development has been conditioned to design the crossover to Myall Street to allow for vehicles to gain entry and exit via the formed cul-de-sac head for Myall Street.</p>
Waterway Overlay Code	
<p>AO1.2</p> <p>A minimum setback is provided between buildings and structures and the top of the high bank of a waterway corridor as identified on the Waterway Corridors Overlay maps (OM-013) by a distance not less than identified in Table 8.2.11.2.</p>	<p>The property is bordered by the Myall Creek and part of the property is identified within the Waterway Corridor within the Water Corridors Overlay mapping of the Planning Scheme.</p> <p>Table 8.2.11.2 of the Waterway Corridors Overlay Code provides that setbacks for buildings from the Myall Creek (Stream Order 6) is 50m from the high water bank.</p> <p>The proposed development will involve a small garden shed and undercover areas which will remain open.</p> <p>The siting of these buildings does not comply with the minimum setback provided under Acceptable Outcome 1.2 of the Waterway Corridors Overlay Code.</p> <p>The siting of the buildings will not result in any clearing of significant vegetation in proximity to the Myall Creek, as it will be sited in an area that is clear of vegetation.</p> <p>The proposed development will result in landscaping treatments to enhance the amenity of the lease area and provide increase vegetation cover in close proximity to the Myall Creek.</p> <p>It is considered that the development will not impact on the Myall Creek and the development will be conditioned to ensure that stormwater generated by the development is appropriately managed.</p> <p>It is considered that the proposed development is consistent with Performance Outcome 1 of the Waterway Corridors Overlay Code.</p>

2.1 Assessment against the Western Downs Planning Scheme 2017 incorporating Amendment 1

2.1.1 Strategic Plan

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

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

It is considered that the Liveable Communities and Housing Theme of the Strategic Plan is relevant to the application.

The proposed development is not within the Urban Area identified on the Settlement Pattern Strategic Plan Map. However, the site adjoins residential lots within the Urban Area and is capable of being provided with efficient connections to all relevant urban infrastructure. Furthermore, the site is located in close proximity to the centre of Dalby, and can be broadly described as designated as non-urban due to the flood risk present over the site.

Consequently, as the proposed use is considered compatible with the level of flood risk (when considered in conjunction with the conditions of approval), the proposed development is appropriate for the site and location within the context of the urban area of Dalby. Therefore, the proposed development creates a logical expansion of the Urban Area.

The proposed development will also retain the existing park infrastructure (eg landscaping, bollard fencing, outdoor lighting and pedestrian pathways) to ensure adequate movement around the leased area.

The proposed development is consistent with the Strategic Plan.

2.1.2 Recreation and Open Space Zone Code

The proposed development is a Material Change of Use for a Tourist Park use which is a consistent use within the Recreation and Open Space Zone.

As discussed in Part 2.1 of this Report, the development will allow for the leased area to be used as a Tourist Park while allowing for the balance area to continue to be used for the purpose of parkland, and is consistent with the Overall Outcomes of the Recreation and Open Space Zone Code.

The proposed development is consistent with the built form and siting requirements for the Recreation and Open Space Zone Code other than as discussed in Part 2.1 of this Report.

The development will be conditioned to provide landscaping treatments along the boundary fence line to visually screen the development and enhance the amenity of the lease area.

The development has been conditioned to provide suitable fencing along the boundary of the property shared with adjoining residences where the fencing does not exist or is insufficient to provide visual screening from the development and preserve the privacy and amenity of residents in Myall and Amos Streets.

The proposed development will employ an on-site Manager to ensure the development operates in accordance with the conditions of approval. The applicant will be required to provide a Site-based Management Plan for endorsement by Council which will need to be implemented by the Operator of the site.

The development will be conditioned to comply the Quality Objectives listed in the *Environmental Protection (Noise) Policy 2019* when measured at any sensitive place or commercial place.

The development has been conditioned that in the event that Council receives a valid noise complaint regarding noise emissions from the site, Council is able to require a noise impact assessment be undertaken to review the operating hours and to determine if additional measures are required to manage the noise generated by the approved development.

Lighting has also been conditioned to ensure that it does not result in light pollution for surrounding residential properties and that the development is appropriately lit for security and crime prevention.

The proposed development is consistent with the Overall and Performance Outcomes of the Recreation and Open Space Zone Code

2.1.3 Development Codes

Transport, Access and Parking Code

The property has frontage to Myall Street and to Amos Street.

The applicant proposed a new crossover to the cul-de-sac head at the end of the formed section of Myall Street to access the site. No access is proposed to Amos Street.

It is considered that the development will provide sufficient space for recreational vehicles to be able to enter and exit safely in a forward motion.

The proposed development is consistent with the Acceptable Outcomes of the Transport, Access and Parking Code, subject to compliance with the recommended conditions of approval.

Infrastructure Services Code

The property is serviced by Council's reticulated water and sewer network.

The proposed development will not feature any amenities, with only recreational vehicles that are self-contained able to stay at the development.

The applicant has proposed a dump point for self-contained recreational vehicles to be able to dispose of their waste water into Council's sewer system which has been conditioned as part of the approval.

The applicant has advised that the property will be connected to reticulated water and electricity which have been conditioned as part of the development. The subject land is able to be serviced by telecommunications.

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

2.1.4 Overlay Codes

Flood Hazard Overlay Code

The subject land is in an Extreme Flood Hazard Area within the Flood Hazard Overlay mapping of the Planning Scheme.

The proposed development is generally consistent with the Acceptable Outcomes of the Flood Hazard Overlay Code, other than those discussed in Part 2.1 this Report.

A condition is included requiring the preparation of and adherence to a Flood Emergency Evacuation Plan for review and endorsement by Council, which once endorsed, will be implemented for the operation of the development.

The proposed development has been reviewed by Council's Consultant Development Engineer and this condition is considered to appropriately address flood risk to the site.

The restriction of the site to solely RV users is considered fundamental to the acceptability of the development, due to the ability for RVs to leave the site in a timely fashion if any flood risk is identified.

Furthermore, the proposed garden shed has an area of 9m² and the proposed shelter is open on all sides. Therefore, the proposal is not likely to significantly impact on flood conveyance capacity of the subject land or on adjoining or downstream properties.

The proposed development is consistent with the Performance Outcomes of the Flood Hazard Overlay Code.

Airport Environs Overlay Code

The site is within the OIS Conical limitation Area for the Dalby Airport as illustrated by the Airport Environs Overlay of the Planning Scheme.

The proposed development will not involve buildings or structures that would impact on the operation or the safety of the Dalby Airport.

The proposed development is consistent with the Acceptable Outcomes of the Airport Environs Overlay Code.

Natural Resources Overlay Code

The subject land is identified as Class A Agricultural Land within the Agricultural Land Classification Overlay of the Planning Scheme.

The property is not located within the Rural Zone. The subject land is not of suitable size, configuration or location for productive rural uses. It is considered that proposed development will not fragment or alienate viable Class A Agricultural Land.

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

Waterway Corridors Overlay Code

The subject land is partially impacted by the Waterway Corridor illustrated within the Waterway Corridors Overlay Mapping of the Planning Scheme.

As discussed in Part 2.1 of this Report, the scale and nature of the development are not expected to impact on Myall Creek and will not result in any clearing of vegetation within the mapped Waterway Corridor.

The development will be conditioned to ensure that stormwater generated by the development is appropriately managed and that the site is operated to prevent pollution and contaminants from entering the creek.

The proposed development is consistent with the Acceptable Outcomes of the Waterway Corridors Overlay Code.

Wetlands Overlay Code

The subject land is partially within the mapped Palustrine Wetlands Area within the Wetlands Overlay mapping of the Planning Scheme.

The proposed buildings and structures are not within the Wetland Buffer Area and no stormwater or wastewater will be discharged to the wetlands.

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

3. Other Relevant Matters

3.1 Public Notification

The application for a Material Change of Use for a Tourist Park on land within the Extreme Flood Hazard Area is Impact Assessable development under the Planning Scheme.

As the application is Impact Assessable development, the applicant was required to publicly notify the application as part of the development assessment process in accordance with the *Planning Act 2016* and the *DA Rules 2*.

Public notification for the application was undertaken for a period of 15 business days between 24 January 2025 and 17 February 2025.

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

- placed an advertisement within the Western Downs Today on 24 January 2025; and
- placed a notice on the premises in the way prescribed under the *DA Rules* on 27 January 2025; and
- notified the owners of all lots adjoining the subject property on 21 January 2025.

On 18 February 2025, Council received a Notice of Compliance with Public Notification along with evidence that public notification had been completed in accordance with the *DA Rules* and the *Planning Act 2016*.

At the conclusion of the Public Notification Period, Council had received 2 properly made submissions regarding the application.

A summary of the key issues raised in the submissions and how these matters have been assessed by Council are provided in the table below.

Matters Raised in Submissions	Description of how Matters were Dealt with in Reaching the Decision
<p>Flood risk</p> <p>Submitters are concerned of inadequate response time/access during a flood event, repair costs due to flood damage and poor drainage infrastructure.</p>	<p>It is acknowledged that the site is located within an Extreme Flood Hazard Area and will be subject to inundation during significant flooding.</p> <p>The proposed buildings and structures are limited to a 9m² garden shed and an open communal shelter.</p> <p>The development will not significantly impact on flood conveyance capacity or potential property damage on adjoining premises.</p> <p>The development has been conditioned to ensure that the level of the land is not raised unless approved by Council through an Operational Work approval in which the hydraulic impacts of any works can be assessed.</p> <p>A condition will be imposed requiring the preparation of and adherence to a Flood Emergency Evacuation Plan. The proposed development has been reviewed by Council's Consultant Development Engineer and this condition is considered to appropriately address flood risk to the site.</p>

Matters Raised in Submissions	Description of how Matters were Dealt with in Reaching the Decision
	<p>Note that the restriction of the site to solely RV users is considered fundamental to the acceptability of the development, due to the ability for RVs to leave the site in a timely fashion if any flood risk is identified.</p> <p>The proposed development will be conditioned to 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).</p> <p>Council's Consultant Development Engineer, has determined that with conditions imposed, the proposed development can provide adequate flood evacuation measures and drainage.</p>
<p>Water contamination</p> <p>Submitters are concerned of the proposed dump point contaminating local ecosystems and the black soil during wet weather.</p>	<p>The proposed dump point will connect to Council's reticulated sewerage system via a single connection.</p> <p>Council's Consultant Development Engineer has advised that dump points will not be impacted during flooding and would be unlikely to result in back flow issues.</p> <p>Conditions will be imposed to 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.</p> <p>The proposed parking and manoeuvring areas will be sealed to prevent excess sediment and to ensure vehicles can adequately evacuate the site during wet weather events.</p> <p>With conditions imposed, the proposed development can prevent sediment and other water contamination off the site.</p>
<p>Traffic impacts</p> <p>Submitters are concerned of congestion and inadequate local road infrastructure.</p>	<p>The proposed development includes a maximum capacity of 39 RVs and 1 Manager's RV Park at any time and a maximum trip generation of 80 trips per day.</p> <p>However, expected traffic is seasonal and is not likely to worsen the integrity of local roads.</p> <p>It is noted that the existing road conditions will be retained, except for a minor extension from Myall Street to the proposed access point.</p> <p>The proposed access will be conditioned to be generally in accordance with Council's Standard Drawing R-006. This includes any required culverts across the existing swale drain, which shall be reinforced concrete bulk culverts unless approved by Council.</p> <p>With conditions imposed, the proposed development can ensure traffic impacts are appropriately mitigated.</p>

Matters Raised in Submissions	Description of how Matters were Dealt with in Reaching the Decision
<p>Pollution and pests</p> <p>Submitters are concerned of noise, air and dust pollution as well as attracting pests.</p>	<p>The preparation of and adherence to a Site Management Plan has been conditioned. Requirements for the Plan include a guest code of conduct, a dedicated contact person and a compliant management process.</p> <p>Check-in will be conditioned to be allowed only between 7am and 6pm. Generator usage for individual RVs will be conditioned to be allowed only between 7am and 6pm. Furthermore, the proposed development will be conditioned to be in accordance with the <i>Environmental Policy (Noise) 2019</i>.</p> <p>The proposed operation and construction work will be conditioned to not cause nuisance to adjoining residents via smoke or dust at any time. The proposed development also includes the use of gravelled parking and manoeuvring areas to minimise potential dust emissions. Council has also reserved the right to require the construction of sealed parking and manoeuvring areas if bona fide complaints regarding dust from the site are received.</p> <p>The proposed development includes waste bins with sufficient capacity for the disposal of waste associated with the use. All waste will be conditioned to be managed in accordance with the <i>Waste Reduction and Recycling Act 2011</i>.</p> <p>With conditions imposed, the proposed development can ensure pollution is appropriately managed and pests are not attracted to the site.</p>
<p>Privacy and security</p> <p>Submitters are concerned of reduced privacy and security.</p>	<p>The proposed development includes a landscaped buffer along all boundaries shared with residential uses.</p> <p>A landscaped buffer with a minimum width of 2m will be planted along the existing fence line of the properties illustrated by the amended Site Plan.</p> <p>It is noted that some of the fencing of adjoining properties does not provide adequate screening, and conditions have been included requiring new fencing for properties illustrated on the amended Site Plan.</p> <p>The development has also been conditioned to provide suitable fencing around the remaining boundaries of the lease for the security of the use and to determine the boundary of the use and the common parkland.</p> <p>The other existing fencing along the shared boundaries' side boundary is adequate for security purposes and will be retained through conditions.</p> <p>With conditions imposed, the proposed development can ensure privacy and security impacts are appropriately mitigated.</p>

Matters Raised in Submissions	Description of how Matters were Dealt with in Reaching the Decision
Ground maintenance Submitters are concerned of ground maintenance within the leased area.	The preparation and adherence to a Site Management Plan has been conditioned. A requirement for the Plan is to include details on site care and maintenance for the land.
Property values Submitters are concerned of property values lowering.	The impact of property values due to the proposed development is not considered a relevant planning matter that is able to be considered by Council.

3.2 Infrastructure Charges

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

The property is located within Charge Area A of the Resolution. The leased area will be serviced by Council's Water, Sewer, Stormwater, Transport and Parks Networks.

The Material Change of use for a Tourist Park falls within the Accommodation Short-term Class of the Resolution.

Under Table 3.3.3 of the Resolution, a Material Change of Use for a Tourist Park within Charge Area A serviced by all networks, is \$1,500.00 per site. The proposed development will involve 39 sites and a Manager's site, which comes to \$60,000.00 in infrastructure charges.

The relevant lots are located within the Recreation and Open Space Zone and as a result, no credit is available to offset the infrastructure charges applicable to the development.

An Infrastructure Charges Notice is attached to the approval and is attached to this Report for consideration.

Consultation (Internal/External)

Internal

Council's Planning and Environment Manager, A/Principal Planner and Consultant Development Engineer have reviewed this Report and provided comments where necessary.

Legal/Policy Implications (Justification if applicable)

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

"Chapter 6 Dispute Resolution

Part 1 Appeal Rights

229 Appeals to Tribunal or P&E Court

(1) Schedule 1 states -

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

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

Budget/Financial Implications

Nil

Human Rights Considerations

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

Conclusion

The proposed development has been assessed against the requirements of the Western Downs Planning Scheme 2017 incorporating Amendment 1. It is considered that the proposed development is consistent with the requirements of the Planning Scheme and is therefore recommended to be approved, subject to the attached conditions.

Attachments

1. Locality Plans
2. Proposal Plans
3. Infrastructure Charges Notice

Authored by: T O'Leary, REEL PLANNING CONSULTANT

Attachment 1 – Locality Plans

Zone Map

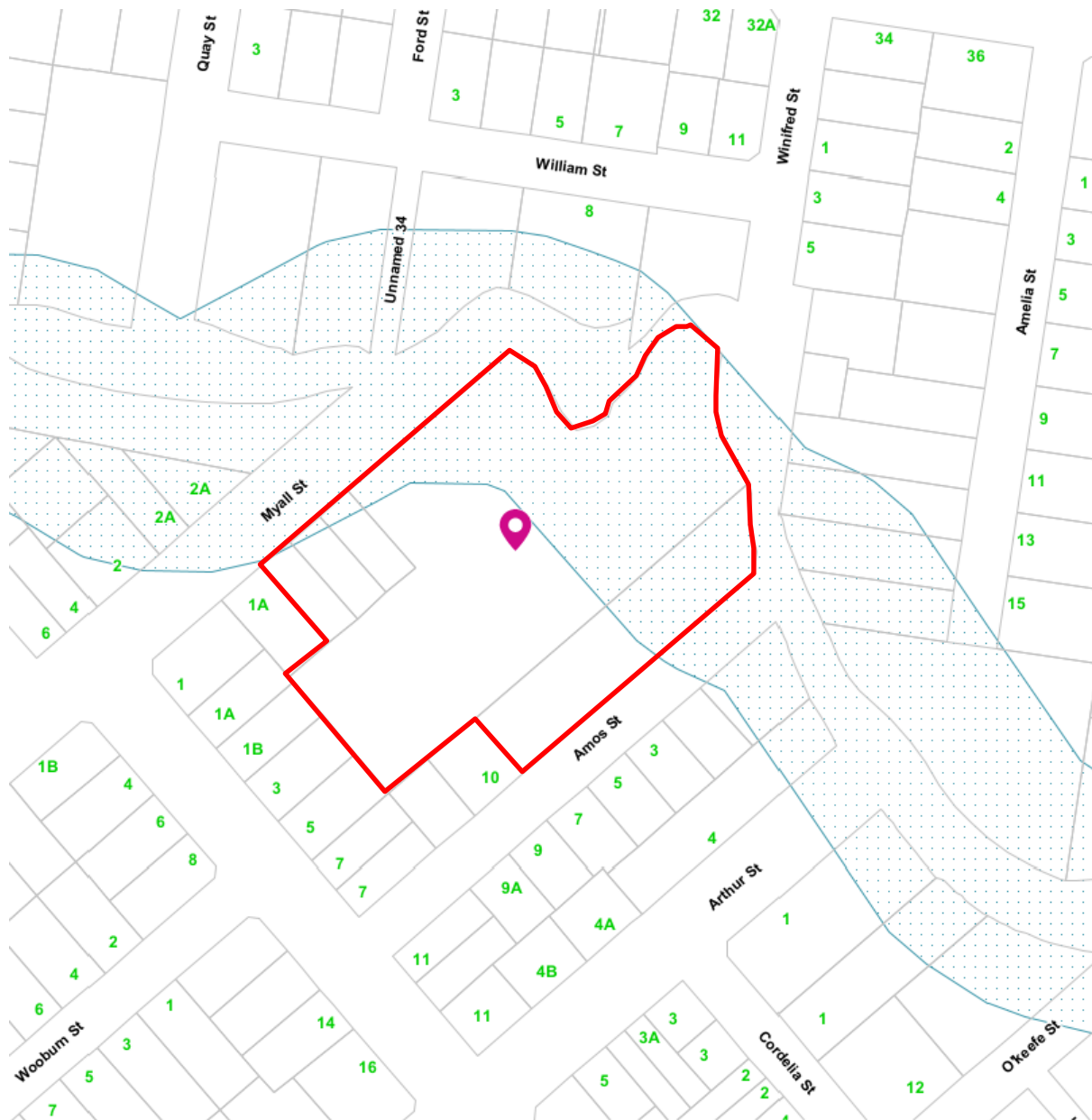



- | | |
|---|--|
| Community Facilities Zone | Recreation and Open Space Zone |
| Local Centre Zone | Rural Residential Zone / Rural Residential 20000 ... |
| District Centre Zone | Rural Residential Zone / Rural Residential 4000 P... |
| Major Centre Zone | Rural Residential Zone / Rural Residential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

Flood Hazard Overlay



Waterway Corridors Overlay



 Waterway Corridor

Wetlands Overlay



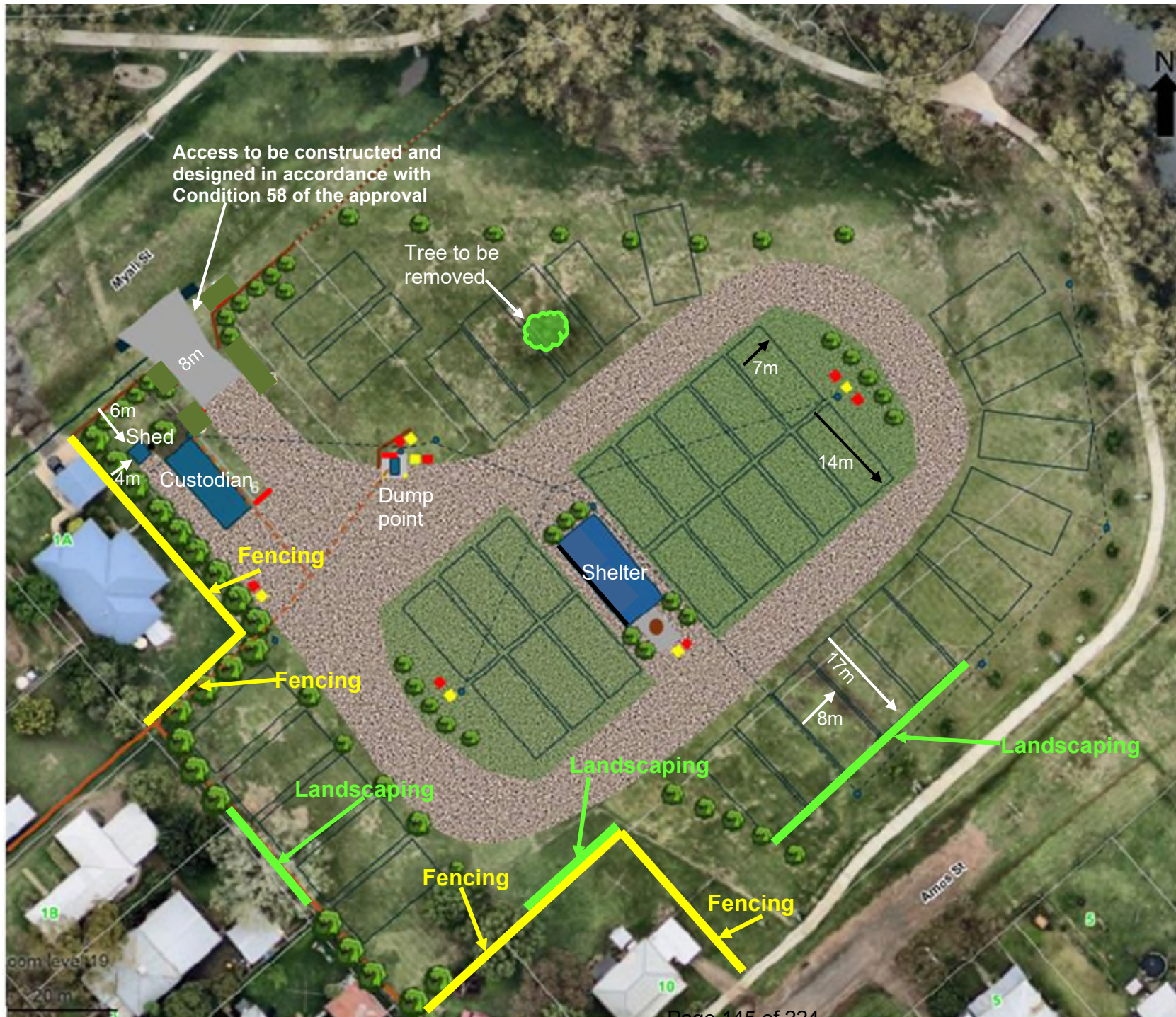
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Site Plan

Plan No. 001

Prepared by Campervan &
Motorhome Club of
Australia Ltd

Amended
by Council on
04/04/2025



INFRASTRUCTURE CHARGES NOTICE

APPLICANT:	Campervan & Motorhome Club of Australia Ltd
APPROVED DEVELOPMENT:	Material Change of Use for a Tourist Park on land situated at Myall Street, Dalby
FILE REFS:	030.2024.779.001, A1750 & LG7.6.1
AMOUNT OF THE CHARGE:	\$60,000.00
LAND TO WHICH CHARGE APPLIES:	Lots 7-10 on RP75401 and Lot 2 on RP186292
PAYABLE TO:	Western Downs Regional Council
WHEN PAYABLE:	Prior to commencement of the Use

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

The charge has been calculated on the following basis:

USE	Charge	Reference	No. of Units	Amount
Material Change of Use for a Tourist Park Accommodation (Short-term) Class	\$1,500.00 per site (water, sewer, stormwater, transport, parks networks)	Table 3.3.3, Col 1, Charge Area A	40 sites	\$60,000.00
DISCOUNT	Discount Charge	Reference	No. of Units	Discount Amount
Nil	-	-	-	Nil
			Water	\$12,000.00
			Sewer	\$12,000.00
			Stormwater	\$18,000.00
			Parks	\$ 9,000.00
			Transport	\$ 9,000.00
			TOTAL CHARGE	\$60,000.00

INFORMATION NOTICE

[Section 119 of the *Planning Act 2016*]

DECISION AND REASONS

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

APPEALING DECISION

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

Title **Executive Services Chief Executive Officer Report March 2025**

Date 2 April 2025

Responsible Manager J. Taylor, CHIEF EXECUTIVE OFFICER

Summary

The purpose of this Report is to provide Council with significant meetings, forums and delegations attended by the Chief Executive Officer during the month of March 2025.

Link to Corporate Plan

Strategic Priority: Strong Economic Growth

- There is a confidence in our strong and diverse economy.
- We're open for business and offer investment opportunities that are right for our region.
- We optimise our tourism opportunities, unique experiences, and major events.
- Business and industry in our region live local and buy local.
- Our region is a recognised leader in energy, including clean, green renewable energies.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received.

Background Information

Nil

Report

The below lists the meetings, delegations and forums attended by the Chief Executive Officer during the month of March 2025.

Date	Who/Where	Details
3 March 2025	<ul style="list-style-type: none"> • Meeting with Queensland Police Service • Meeting with Queensland Renewable Energy Jobs Advocate 	Dalby Teams Meeting
4 March 2025	<ul style="list-style-type: none"> • Queensland Police Service and Rural Fire Service Queensland Stakeholder Meeting • Meeting with University of Queensland • Discussion with Co-Exist Australia • Meeting with Hamilton Locke Lawyers 	Dalby Teams Meeting Phone Call Teams Meeting
5 March 2025	<ul style="list-style-type: none"> • Councillor Budget Session 	Dalby
7 March 2025	<ul style="list-style-type: none"> • Meeting with Delos Delta 	Teams Meeting
10 March 2025	<ul style="list-style-type: none"> • Meeting with Create Advisory 	Teams Meeting

11 March 2025	<ul style="list-style-type: none"> Local Government Association of Queensland Local Connections Mayoral Networking Event 	Brisbane
12 March 2025	<ul style="list-style-type: none"> Meeting with Goombi Renewable Energy Hub Meeting with Landtrak Meeting with Hon John-Paul Langbroek MP, Minister for Education and the Arts Meeting with Delos Delta 	Brisbane Brisbane Brisbane Brisbane
13 March 2025	<ul style="list-style-type: none"> Western Downs Energy Roundtable Meeting with Hon David Crisafulli, Premier of Queensland and Hon Ann Leahy, Minister for Local Government and Water and Minister for Fire, Disaster Recovery and Volunteers 	Brisbane Brisbane
14 March 2025	<ul style="list-style-type: none"> Dalby Chamber of Commerce International Women's Day Breakfast 	Dalby
18 March 2025	<ul style="list-style-type: none"> Pre-agenda Meeting Councillor Information Sessions Meeting with the Office for Metropolitan Architecture (OMA) 	Dalby Dalby Dalby
19 March 2025	<ul style="list-style-type: none"> Meandarra Council Connect 	Meandarra
20 March 2025	<ul style="list-style-type: none"> Ordinary Meeting of Council Councillor Information Sessions 	Miles Miles
21 March 2025	<ul style="list-style-type: none"> Meeting with Region Manager, Department of Local Government, Water and Volunteers Local Government Association of Queensland Webinar Meeting with Department of State Development, Infrastructure and Planning 	Dalby Teams Meeting Dalby
25 March 2025	<ul style="list-style-type: none"> Meeting with Create Advisory Development Assessment Panel Meeting 	Teams Meeting Dalby
26 March 2025	<ul style="list-style-type: none"> SMART Digital Program Project Executive Committee Meeting Meeting with CEO of QLD Reconstruction Authority (QRA) 	Teams Meeting Brisbane
27 March 2025	<ul style="list-style-type: none"> Local Government Managers Australia CEO Forum Meeting with Graeme Bolton, Director-General - Department of Primary Industries 	Brisbane Brisbane
31 March 2025	<ul style="list-style-type: none"> Meeting with SecNewgate Discussion with Developer Meeting with Arrow Energy 	Dalby Teams Meeting Dalby

Consultation (Internal/External)

Chief Executive Officer

Legal/Policy Implications (Justification if applicable)

Nil

Budget/Financial Implications

Nil

Human Rights Considerations

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

There are no human rights implications associated with this report.

Conclusion

The foregoing represents activities undertaken by the Chief Executive Officer during the month of March 2025.

Attachments

Nil.

Authored by: A. Lewis, EXECUTIVE SERVICES ADMINISTRATION OFFICER

Title **Executive Services Report Outstanding Actions March 2025**

Date 2 April 2025

Responsible Manager J. Taylor, CHIEF EXECUTIVE OFFICER

Summary

The purpose of this Report is to provide Council with an updated on the status of outstanding Council Meeting Action Items to 20 March 2025.

Link to Corporate Plan

Strategic Priority: Strong Economic Growth

- There is a confidence in our strong and diverse economy.
- We're open for business and offer investment opportunities that are right for our region.
- We optimise our tourism opportunities, unique experiences and major events.
- Business and industry in our region live local and buy local.
- Our region is a recognised leader in energy, including clean, green renewable energies.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received.

Background Information

Nil

Report

The purpose of this Report is to provide Council with an update on the status of Outstanding Council Meeting Action Items to the Meeting held on 20 March 2025

1. Outstanding Council Meeting Action List (As at 20 March 2025)

Meeting date	Item description	File No.	Council Resolution/Task	Responsible Division
20/06/2024	Executive Services Report: Road Closure Application - Bell Park Lot 121 D924	AD6.6.2	That this report be received and that the Council resolves as follows: <ol style="list-style-type: none"> 1. That, subject to receiving the required approval from the Department of Resources, Council approves the permanent closure of Unnamed Road 07. 2. Council delegates to and requests that the Chief Executive Officer advise the Department of Resources that it has no objections to the permanent road closure of Unnamed 	Executive Services

Meeting date	Item description	File No.	Council Resolution/Task	Responsible Division
			<p>Road 07 and its amalgamation into lot 121 D924.</p> <p>3. Council approves the amalgamation of the closed road into Joshua Bell Park.</p> <p>4. The Chief Executive Officer causes such actions to be taken as are necessary to finalise that amalgamation.</p> <p>CARRIED</p>	
19/09/2024	Executive Services Confidential Report Proposed Disposal of Two Properties: 1 & 2 RP5565137 Day Street, Tara and Lot 6 RP184124 Retreat Road, Kowguran	AD6.6.2	<p>That this report be received, and that Council resolve to:</p> <p>a. offer 1 & 2 RP5565137 Day Street, Tara and Lot 6 RP184124 Retreat Road, Kowguran, for sale by auction; and</p> <p>b. delegate authority to the Chief Executive Officer to finalise and sign all necessary documents to affect the aforementioned disposal by auction.</p> <p>CARRIED</p>	Executive Services
19/09/2024	Executive Services Confidential Report Proposed Lease for EV Charging Station in Bell Park - Tesla	AD6.6.2	<p>That this Report be received and Council resolves:</p> <p>That the exception in section 236(1)(c)(v) of the Local Government Regulation 2012 (Qld) applies to the proposed lease of Lot 121D924, such that disposal by tender or auction is not required in the public interest.</p> <p>That Council further resolves to:</p> <p>a. offer to enter into a lease to Tesla Corporation or its relevant entity (Tesla) for the defined area of Joshua Bell Park (currently described as Lot 121 D924) for 15 years, on terms materially consistent with those identified in the report presented to Council, subject also to the following specific conditions:</p> <p>for the purpose of the construction and conduct of super chargers for electric vehicles and associated infrastructure;</p> <p>the establishment of the facility, including the lease documentation and registration, shall be at no cost to Council;</p> <p>the rent payable shall be the assessed market rent of \$800 per annum plus GST to be increased annually according to the Consumer Price Index and to be revalued at the expiration of each 5 year period of the lease;</p> <p>Tesla must ensure that upon termination or cessation of the lease, all infrastructure associated with the facility is removed and the leased area left in a safe and clean condition.</p> <p>b. approve a lease term of greater than 10 years pursuant to section 65(3A)(b) of the Land Title Act 1994 (Qld); and</p>	Executive Services

Meeting date	Item description	File No.	Council Resolution/Task	Responsible Division
			c. delegate to the CEO the negotiation, execution and registration of the lease with Tesla on the terms described in paragraph 2 of this resolution. CARRIED	
17/10/2024	Executive Services Confidential Report Disposal of Land Parcels Lots 7-10 RP75401 and part of Lot 2 RP186292 Myall Street, Dalby	AD6.6.2	1. That Council resolves to accept the tender of Campervan and Motorhome Club of Australia Limited (CMCA) pursuant to section 228(10) of the Local Government Regulation, subject to the following: a.) delegating to the Chief Executive Officer the power to negotiate and execute an agreement for lease with CMCA on terms substantially in accordance with the attached draft agreement; and b.) fulfilment of the conditions contained in the agreement for lease, delegate to the Chief Executive Officer the negotiation, execution, and registration of a lease including the following conditions: i. an annual rent of \$3,000 (plus goods and services tax), which reflects the range of the market rent assessment received by Council; ii. annual increase of rent in accordance with the terms of the lease; iii. a term of ten (10) years; and iv. otherwise substantially in accordance with the attached draft lease. c.) updating landholders in the vicinity of the subject land of this decision and informing them of the expected timing of any actions to be taken pursuant to Council's decision. CARRIED	Executive Services
21/11/2024	Executive Services Report Proposed Disposal of Lot 27 SP159192 Windeyer Road, Wandoan	AD6.6.2	That Council resolves to: a. offer Lot 27 SP159192 Windeyer Road, Wandoan for sale by auction; and b. delegate authority to the Chief Executive Officer to finalise and sign all necessary documents to affect the aforementioned disposal by auction. CARRIED	Executive Services
21/11/2024	Executive Services Confidential Report Disposal of Part Lot 220 SP209293, Haddock Place, Tara	AD6.6.2	That Council resolves: (a) that the exception provided in s236(1)(b) of the <i>Local Government Regulation</i> 2012 applies to the disposal of a valuable non-current asset of Council and accordingly, disposal by way of tender or auction is not required; (b) to reconfigure and dispose of part of Lot 220 SP209293 (having an approximate area of 6000 square metres) to the St Vincent de Paul Society for housing purposes; (c) to delegate to the Chief Executive Officer the power to enter into a contract with the St Vincent de Paul Society at a cost of \$1.00 and to negotiate such terms as are necessary to	Executive Services

Meeting date	Item description	File No.	Council Resolution/Task	Responsible Division
			achieve delivery of the housing project in accordance with an approved business plan prior to transfer and subject to the project being fully developed and operational within five years of this resolution CARRIED	
21/11/2024	Executive Services Confidential Report - Proposed Request for Expressions of Interest for Lot 1 and part of Lot 2 on SP173901 Dalby-Apunyal Road for High Impact Industry Development	AD6.6.2	That Council resolves that it is in the public interest, pursuant to section 228(3)(a) and (b) of the <i>Local Government Regulation 2012</i> (Qld) to invite Expressions of Interest ('EOI') to dispose of Lot 1 on SP173901 and part of Lot 2 on SP173901 Dalby-Apunyal Road, Dalby, for High Impact Industry development for the following reasons: <ol style="list-style-type: none"> 1. disposing of the land is expected to result in the Land reaching its full potential by offering land to obtain further development opportunities and employment to the region; 2. it will allow all interested parties to submit detailed proposals stating their interest in acquiring 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 applicant; 3. it will allow Council to invite tenders from a smaller class of submissions that are considered to be in the best interests of the community and to filter out proposals that are not considered to be appropriate; and 4. it will require vendors to provide Returnable Schedules which align to Council's <i>Economic Development Strategy 2023-2028</i> and <i>Communities Partnering Framework</i>. The returnable schedule requires vendors to provide measurable outcomes of the project. CARRIED	Executive Services
05/12/2024	Executive Services Confidential Report Potential Lease Agreement at the Tara Aerodrome	AD6.6.2	That Council receives this report and resolves: <ol style="list-style-type: none"> 1. that the exception in section 236(1)(b)(i) of the <i>Local Government Regulation 2012</i> (Qld) applies in relation to the lease and the easement, such that the disposal is not required to be by way of tender or auction; 2. to offer Rural Fire Service a 30 year lease over the portion of the land surveyed as Lease A, within lot 2 RP96955, for a peppercorn rental amount of \$1.00 exclusive of GST and is not subject to CPI increases; and 3. to grant an easement which burdens that part of lot 2 RP96955 described as Easement B (servient tenement) for the benefit of Lease A (dominant 	Executive Services

Meeting date	Item description	File No.	Council Resolution/Task	Responsible Division
			tenement) pursuant to section 82 of the <i>Land Title Act 1994</i> (Qld); CARRIED	
05/12/2024	Executive Services Confidential Report Potential Lease Agreement Chinchilla Aerodrome for the Installation of Self- serve JetA1 Fuel Facility	AD6.6.2	That Council resolves: 1. that the exception contained within section 236(1)(c)(vii) of the <i>Local Government Regulation 2012 (Qld)</i> applies to the proposed lease; 2. to offer IOR Aviation Pty Ltd a 30 year lease over a portion of the land of approximately 300 square metres to be determined by a survey plan, within lot 185 LY920, for the purpose of installing and maintaining a self-serve fixed JetA1 fuel facility, to include the following conditions: a. a market rental amount to be determined by a registered valuer; b. conditions must include ensuring the facility is operated in accordance with all applicable standards and all approvals required by law; c. the lessee to meet all applicable costs of establishing the lease, including survey, valuation and registrations costs; d. such other commercially prudent conditions as may be considered in Council's interests. 3. to delegate authority to the Chief Executive Officer to negotiate commercially appropriate terms and to sign all necessary documents to enter into the lease. CARRIED	Executive Services

Deputations (as at 20 March 2025)

Meeting date	Name	Council Resolution/Task	Comments	Responsible Division

Consultation (Internal/External)

Chief Executive Officer;
General Manager (Community & Liveability);
General Manager (Corporate Services);
General Manager (Infrastructure Services); and
Relevant Managers, Coordinators and Officers.

Legal/Policy Implications (Justification if applicable)

Nil

Budget/Financial Implications

Nil

Human Rights Considerations

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

There are no human rights implications associated with this report.

Conclusion

This report is provided to inform Council of the progress of resolutions of Council

Attachments

Nil

Authored by: A. Lewis, Executive Services Administration Officer

Title	Corporate Services Financial Report March 2025
Date	4 April 2025
Responsible Manager	T. Skillington, CHIEF FINANCIAL OFFICER

Summary

The purpose of this report is to provide Council with the Financial Report for the period ending 31 March 2025 and to seek approval for amendments to the 2024-25 capital works programme.

Link to Corporate Plan

Strategic Priority: Sustainable Organisation

- *We are recognised as a financially intelligent and responsible Council.*
- *We focus on proactive, sustainable planning for the future.*

The monthly financial report provides an overview of Council's progress for the 2024-25 financial year and assists the organisation to manage its immediate budget, whilst being cognisant of its long-term financial goals.

Material Personal Interest/Conflict of Interest

There are no personal interests nor conflicts of interest associated with the consideration of this matter.

Officer's Recommendation

That Council resolves to receive the March 2025 Financial Report and:

- (1) note the amendment to the 2024-25 capital works programme as listed in section 3(a) of this report, with additional expenditure budget of \$19,520 (exclusive of goods and services tax) being added to the programme;
- (2) approve capital expenditure budget being moved from 2025-26 to 2024-25 of \$297,718 (exclusive of goods and services tax) as listed in section 3(b) of this report; and
- (3) note the 2023-24 Carry Forward Programme update as listed in attachment two of this report.

Background Information

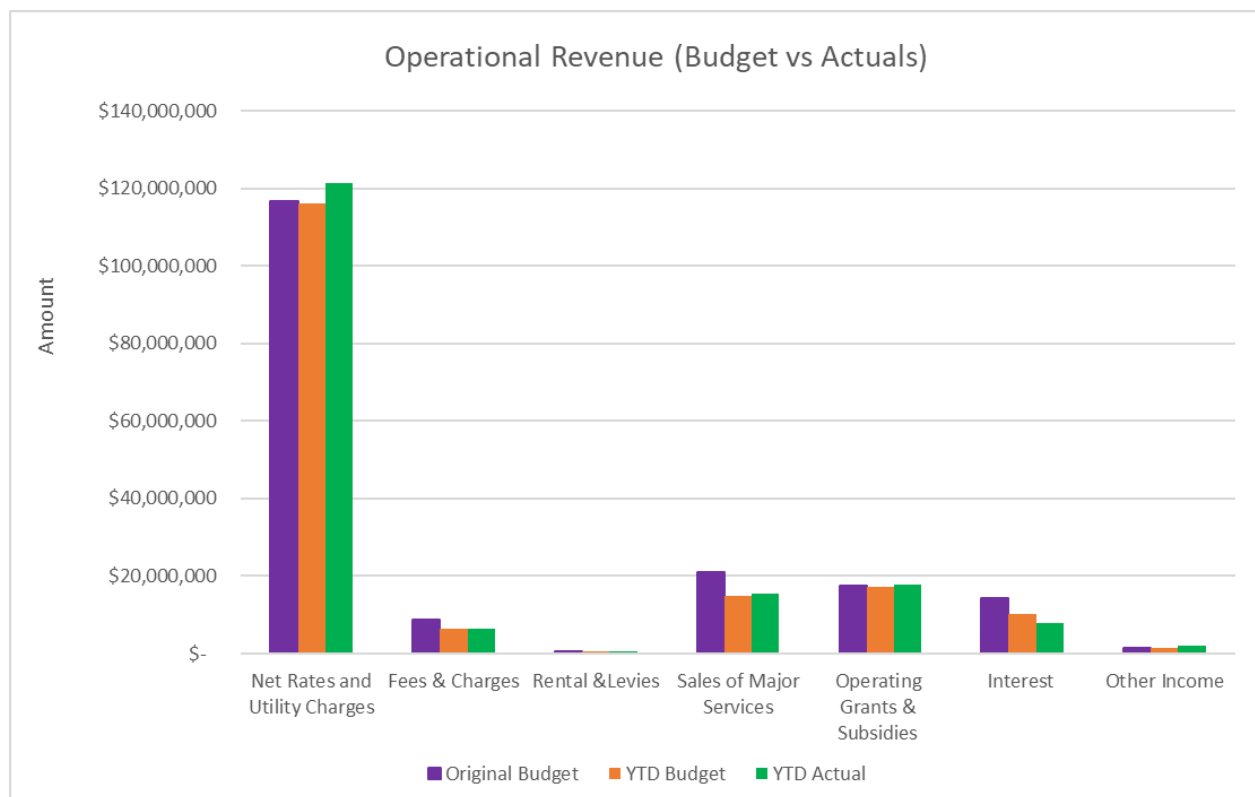
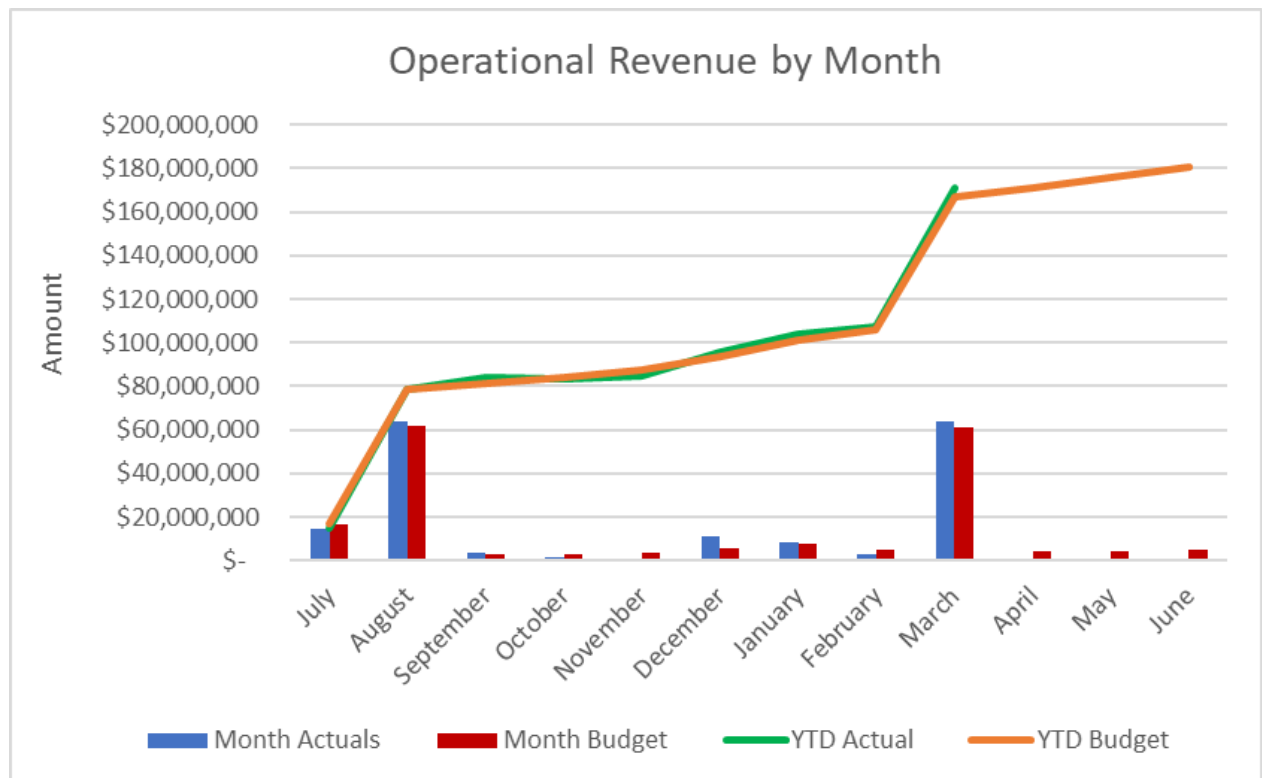
The Chief Executive Officer is required by section 204(2) of the *Local Government Regulation 2012* to present the Financial Report once a month or at each meeting if the local government meets less frequently than monthly. The Financial Report must state the progress that has been made in relation to the local government's budget for the period of the financial year up to a day as near as practicable to the end of the month before the meeting is held.

Report

1. Operating Result

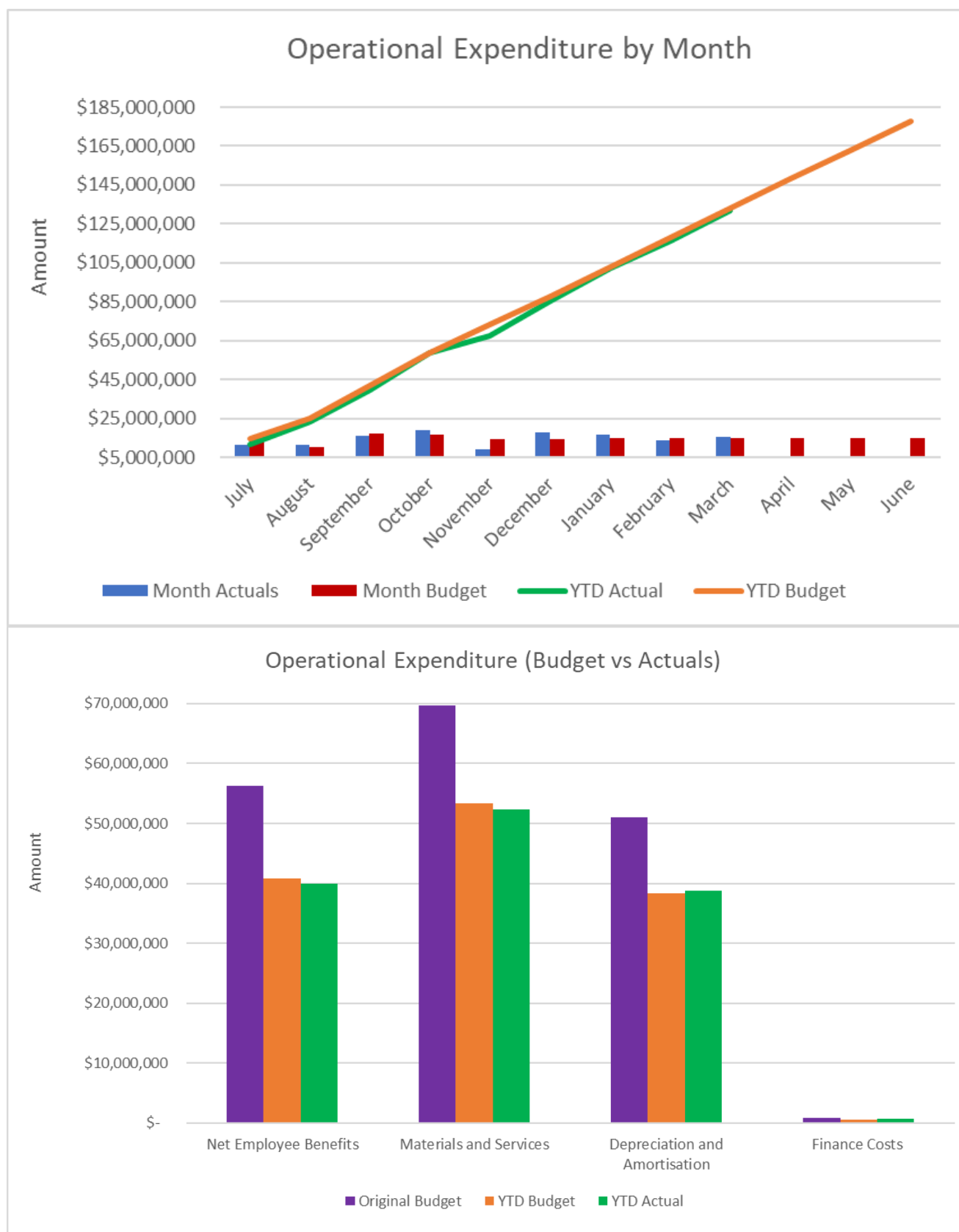
The operating position as of 31 March 2025 is a \$39,533,114 surplus, compared to a budgeted surplus of \$33,994,504 which is \$5,538,609 ahead of budget. The operating surplus ratio as of 31 March 2025 is 23.09 per cent, which exceeds Council's target of 1.0 per cent. The operating surplus has surpassed target due to the final rates levy (council's major revenue stream) for the financial year being levied. This ratio will reduce over the coming months as expenditure is spent.

Graphs and a summary of major variances for revenue and expenses are listed below:



Operational Revenue is \$4,140,019 ahead of budget as of 31 March 2025, due to:

- ↑ Net Rates and Utility Charges is ahead of budget due to greater rates revenue received from:
 - (a) Windfarm, Power Hub, and Solar Farm leases being registered and now rated. There are still more leases to be registered this financial year and revenue will increase due to this. This revenue was not included in the budget due to the uncertainty as to when these projects would be registered and valued;
 - (b) an audit was undertaken for the transmission/substation sites rating categories with a review of the output capacity. From this audit it was found that some rate payers output capacity was higher than the category they were in and thus they were moved to the correct category which resulted in a higher rate being charged and more revenue received;
 - (c) an increase in the Intensive Industries category with leases being valued and registered;
 - (d) there have also been multiple category changes across residential, commercial and industrial, and rural to rural residential. This also includes new properties coming online;
 - (e) discounts are behind budget. This is due to a phasing issue; rate payers have until early May to pay their rates to receive the discount; and
 - (f) water volumetric (consumption) is behind budget due to less water being levied in the first levy due to numerous rain events causing reduced consumption. There is a risk that the second water levy could also fall short of budget due to the continued wet weather;
- ↑ Fees and Charges income is essentially in line with budget. Fees and charges at the Dalby Washdown Bay will fall short of budget due to the closure of the facility for capital repairs;
- ↑ Rental and Levies is ahead of budget due mainly to receiving revenue for Community Housing. When forming the 2024-25 budget there were no budget inclusions (revenue or expenditure) for Community housing due to the handover date being delayed until 30 September 2024;
- ↑ Sales of Major Services is ahead of budget mainly due to additional Commercial works being awarded and Saleyards income surpassing budget with higher throughput at the facility. Quarry sales are lagging due to a timing issue of processing sales. It is expected that Sales of Major Services will exceed budget for the year due to the additional commercial works awarded and the additional Saleyards revenue;
- ↑ Operating Grants and Subsidies is ahead of budget due to additional grants and contributions being received which were not budgeted. \$1,090,873 was received from the Queensland Reconstruction Authority (QRA) for Natural Disaster reimbursements relating to the 2023-24 financial year. Additionally, Council has been successful in numerous funding programmes, including Western Downs Skilling Queenslanders for Work traineeship programme, Shape Western Downs Energy Funds, Community Recovery and Resilience, and an Environmental protection grant. Expenses will also be higher due to this funding. The Financial Assistance Grant will fall short of budget by \$933,372 for the year due to the change in methodology;
- ↓ Interest Revenue is behind budget due to the Queensland Investment Corporation (QIC) fair value movement (value of the shares) reducing and falling short of budget by \$3,859,690. The distribution portion of the investment is ahead of budget \$1,481,913. There is a risk that this investment will fall short of budget for the year. Queensland Treasury Corporation (QTC) and the NAB general account are also behind budget \$188,226, due to a reduced cash balance; and
- ↑ Other Income is ahead of budget due to additional miscellaneous reimbursements being received as well as revenue received being ahead of projected phasing.



Operational Expenditure is \$1,398,590 behind budget as of 31 March 2025 due to:

- ↓ Net Employee Benefits is behind budget due to the fulltime equivalent being lower than forecast;
- ↓ Materials and Services is behind budget due to outstanding invoices not being accrued at the end of the month. Utilities (water and sewerage) materials and services is over budget due to an increased use of contractors due to staff vacancies and Commercial Works is over budget due to additional works being performed. Quarry materials will also be over budget due to this, however it will be offset with additional revenue. It is expected that materials and services will exceed budget for the year due to these above factors as well as increased contractor costs for running the swimming pools and waste transfer sites. There have also been costs which were in the capital budget which have been deemed operational in nature and have been moved to the operational budget;
- ↑ Depreciation and Amortisation is greater than budget due to higher than projected valuations of council assets (increase in the value of council assets). Most of the large increases were in site improvement (swimming pool) assets. Depreciation will exceed budget for the year due to this; and
- ↑ Finance Costs are greater than budget due to bank fees being higher than budget.

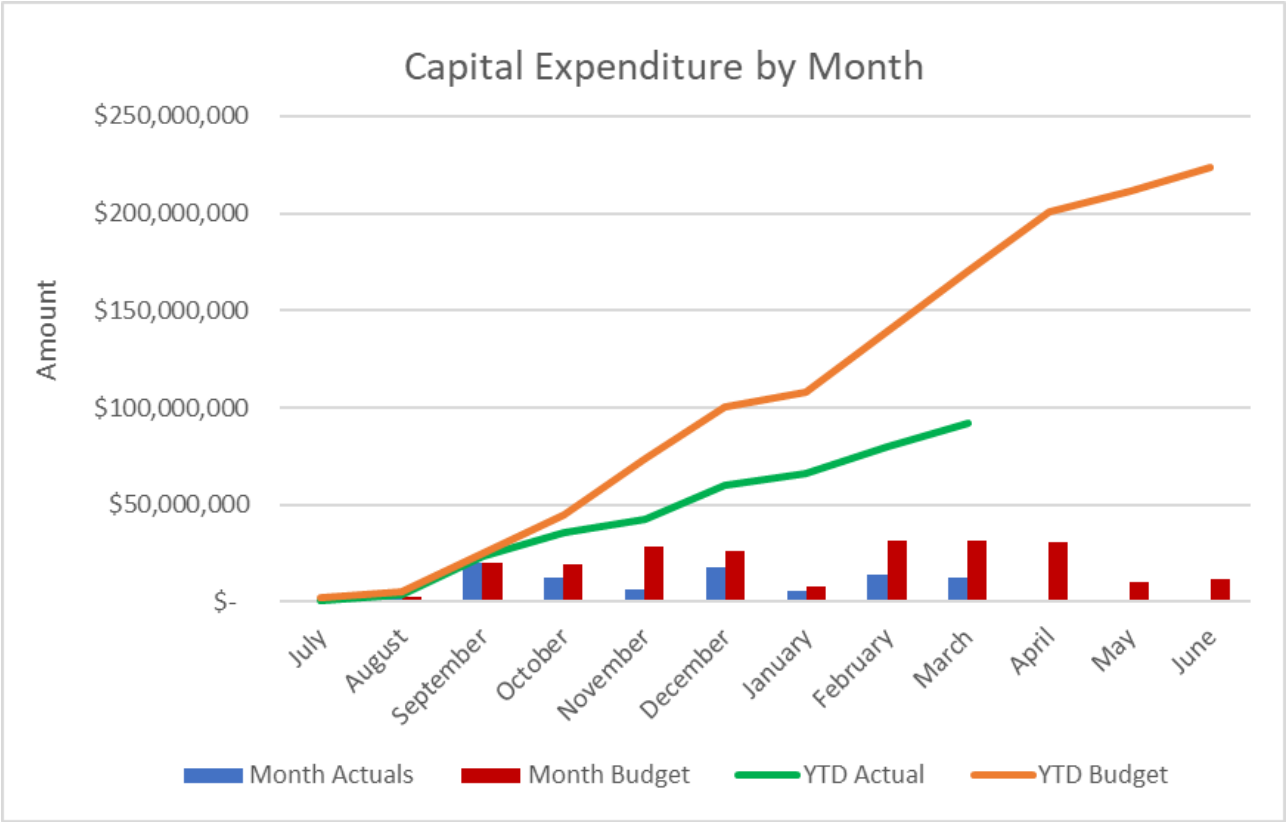
2. Capital Revenue and Expenditure

Capital Revenue

- ↓ Capital Revenue is behind budget \$42,010,997 due to flood works revenue being behind budget. When the flood revenue budget was formed, it was based on Queensland Reconstruction Authority (QRA) unit rates, however Council's unit rates have come in lower than the Queensland Reconstruction Authority's meaning Council will only get reimburse for the actual costs. A majority of the flood programme scheduled for completion in May 2025.

Capital Expenditure

- ↓ Capital Expenditure is behind budget \$78,233,737 as of 31 March 2025 with \$92,342,138 spent year to date. A majority of this underspend relates to the Flood programme.



Below is a summary of the capital works program broken up by budget type.

By Budget Type				
Division	Total Approved Budget	YTD Budget	YTD Actuals	Variance (YTD Budget less YTD Actuals)
Total Council	223,312,381	170,575,875	92,342,138	78,233,737
General	86,800,304	56,220,947	43,724,239	12,496,708
Flood	130,757,814	110,096,688	45,448,333	64,648,355
Carry-Over	5,754,263	4,258,240	3,169,566	1,088,674

- (1) Council's general programme is behind budget \$12,496,708 due to delays in contractors commencing works and delays in receiving progress claims (timing issue). Project owners are indicating that around \$16,100,000 will need to be carried forward into future financial years. These carryovers relate to the Dalby Cultural Precinct and the Dalby Water Supply projects;
- (2) Council's flood programme is behind budget \$64,648,355. The budget for flood works is based on approved works, however Council will only get paid for the actual costs. At this point Council's costs are lower than the approved value. A majority of the flood programme is scheduled for completion in May 2025; and
- (3) Council's carry-over programme (projects carried over from 2023-24 to 2024-25) is behind budget \$1,088,674 due to delays in receiving progress claims (timing issue).

Please see attachment two (2024-25 Carry Forward Programme update) which lists a summary of the carry-over programme and multi-year projects included in the general programme with a carry-over component from 2023-24. The flood programme has been excluded from this report.

3. Capital Budget Adjustments

Capital adjustments are required to the 2024-25 capital works program as listed below. These adjustments have already sought approval or are seeking to be approved in accordance with the *Budget - Statutory Policy*. Amounts included below are exclusive of goods and services tax.

Project	Expenditure Budget	Revenue Budget	Comment
3(a) New capital project added to the 2024-25 programme - Approved by Chief Executive Officer			
Jandowae Showgrounds Ramp Access to Pavilion (User Group Requested Project)	\$19,520	\$0	The Jandowae showgrounds user group has utilised funding from its showground allocation reserve to build an access ramp at the pavilion. The committee has utilised \$53,500 this financial year out of its allocation.
3(b) Project budget to be moved from 2025/26 to 2024/25 - To be approved by Council Resolution			
Regional Aquatic Centre Pool Resurfacing Miles and Chinchilla (Swimming/Fitness Centres Renewal Program)	\$297,718	\$0	This is an adopted 2024-25 project and was phased over two (2) financial years (2024-25) and (2025-26). Originally most of the work was to be performed next financial year (2025-26), however the contractor performing the works has provided a detailed schedule of works to be performed which has indicated that more work will be done this financial

Project	Expenditure Budget	Revenue Budget	Comment
			year, meaning additional budget is required. It is requested that council approve budget be moved from next years programme (2025-26) to this year's program (2024-25).

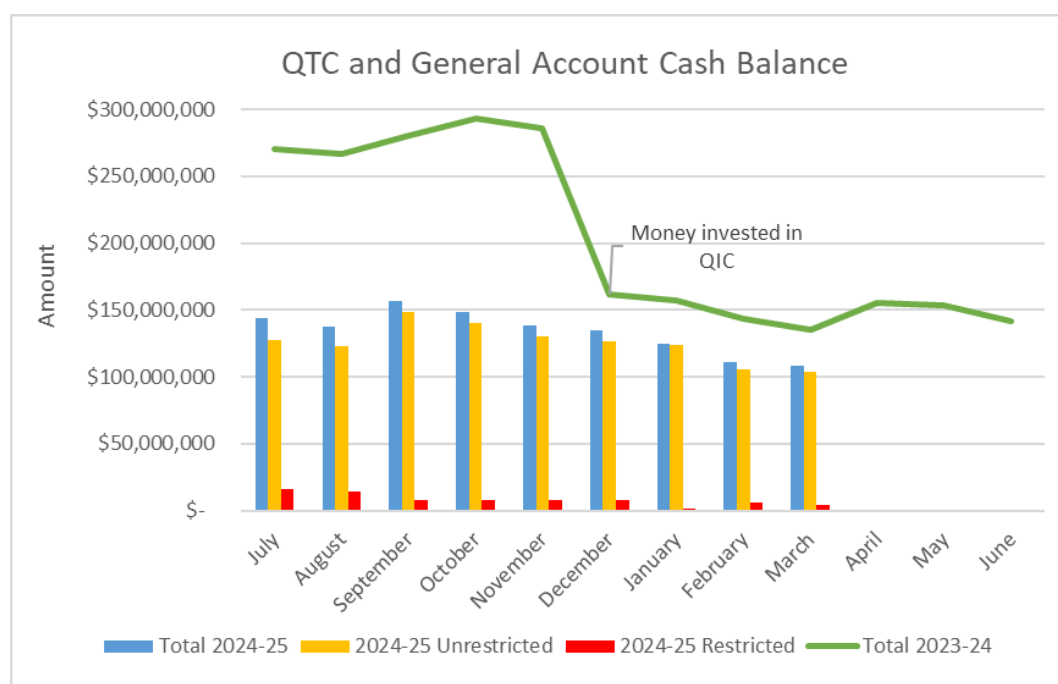
Cash and Investments

Council's Cash and Investments as of 31 March 2025 totalled \$228,206,294. Council's cash is made up of:

- (1) \$107,952,096 QTC Cash Fund and General Bank Account (as of 31 March 2025); and
- (2) \$120,254,198 QIC Investment Fund (as of 31 March 2025).

(a) Queensland Treasury Corporation Cash Fund and General bank account

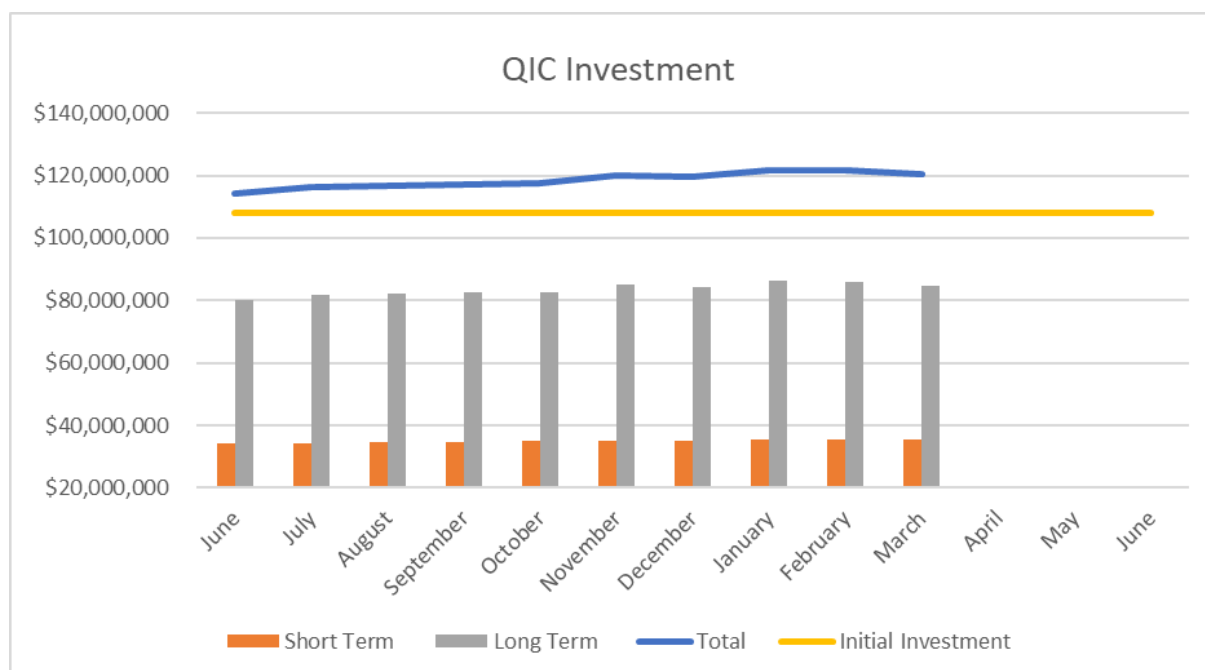
The balance in the Queensland Treasury Corporation (QTC) cash fund and general bank account at 31 March 2025 totalled \$107,952,096, of which \$4,620,996 is considered restricted in nature, leaving the unrestricted balance at \$103,331,100 which represents 9.85 months of operating expenses, excluding depreciation, in which Council could sustain itself without receiving any forms of income. This position exceeds the legislative and Council's target of four (4) months. The interest rate received for the Queensland Treasury Corporation Cash fund as of 31 March 2025 was 4.74 per cent.



(b) Queensland Investment Corporation Investments

The balance in the Queensland Investment Corporation's (QIC) investment accounts at 31 March 2025 totalled \$120,254,198. Distributions (interest received) received for these accounts are reinvested back into the investments as units. Changes in balances also occur from the change in the unit value. Changes in balance are recognised monthly, where the distributions are recognised quarterly, Council can at any point call upon these funds. Balances as at 31 March 2025 for each investment is listed below:

- (i) \$35,656,766 Queensland Investment Corporation's Short-Term Income Fund; and
- (ii) \$84,597,432 Queensland Investment Corporation's Long-Term Diversified Fund.



Consultation (Internal/External)

There has been consultation with managers and co-ordinators in the preparation of the monthly financial report.

Legal/Policy Implications (Justification if applicable)

There are no legal nor policy implications associated with the consideration of the monthly financial report.

Budget/Financial Implications

Council adopted the 2025 Financial Year Original Budget on 20 June 2024. The attached one-page report details the position for the period ending 31 March 2025. Council's position remains healthy with council's position expected to remain in line with the adopted budget. The major risk that could substantially change council's position however is the Queensland Investment Corporation investment not meeting budget. This investment is dependent upon the market and with the current uncertainty in the world, there is risk this investment will not meet target.

Human Rights Considerations

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

Conclusion

Council is currently ahead of budget with no budget concerns at this stage.

Attachments

1. One Page Report March 2025; and
2. 2024-25 Carry Forward Program Update

Authored by: C. Prain, FINANCIAL PLANNING & ANALYSIS SUPERVISOR



Western Downs Regional Council
One Page Result
Period Ending: 31 March 2025

	Council Consolidated				Council Net				Commercial Works			
	Original Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	YTD Budget	YTD Actuals	YTD Variance
Operating Revenue												
Rates and Utility Charges	(114,866,848)	(116,521,148)	(121,911,456)	(5,390,308)	(91,105,482)	(92,759,782)	(98,289,589)	(5,529,807)	-	-	-	-
Volumetric	(7,950,664)	(3,975,332)	(3,398,450)	576,882	-	-	-	-	-	-	-	-
Less: Discounts & Pensioner Remissions	6,142,028	4,504,839	4,094,383	(410,456)	4,659,181	3,759,182	3,354,852	(404,330)	-	-	-	-
Net Rates and Utility Charges	(116,675,483)	(115,991,641)	(121,215,523)	(5,223,882)	(86,446,301)	(89,000,600)	(94,934,737)	(5,934,137)	-	-	-	-
Fees and Charges	(8,629,980)	(6,433,779)	(6,436,722)	(2,943)	(4,347,949)	(3,222,256)	(3,291,187)	(68,931)	-	-	-	-
Rental and Levies	(663,866)	(497,900)	(547,976)	(50,076)	(568,866)	(426,650)	(485,073)	(58,423)	-	-	-	-
Sales of Major Services	(20,943,884)	(14,977,383)	(15,384,248)	(406,865)	-	-	-	-	(6,227,066)	(4,670,299)	(5,436,440)	(766,141)
Operating Grants & Subsidies	(17,541,832)	(17,245,954)	(17,930,252)	(684,298)	(17,541,832)	(17,245,954)	(17,930,252)	(684,298)	-	-	-	-
Interest and Investment Revenue	(14,426,500)	(10,349,122)	(7,783,120)	2,566,002	(14,319,062)	(10,268,543)	(7,708,493)	2,560,050	-	-	-	-
Other Income	(1,533,735)	(1,585,933)	(1,923,890)	(337,957)	(1,348,735)	(1,447,183)	(1,797,066)	(349,883)	-	-	-	-
Total Operating Revenue	(180,415,280)	(167,081,712)	(171,221,731)	(4,140,019)	(124,572,745)	(121,611,186)	(126,146,808)	(4,535,622)	(6,227,066)	(4,670,299)	(5,436,440)	(766,141)
Operating Expenses												
Employee Benefits	62,787,875	45,922,504	44,832,602	(1,089,902)	50,254,781	36,837,866	37,366,653	528,787	1,349,790	1,012,342	1,230,609	218,267
Less Capitalised Employee Benefits	(6,579,287)	(5,089,245)	(4,876,741)	212,504	(6,191,181)	(4,798,165)	(4,846,656)	(48,491)	-	-	-	-
Net Employee Benefits	56,208,588	40,833,259	39,955,861	(877,398)	44,063,600	32,039,701	32,519,997	480,296	1,349,790	1,012,342	1,230,609	218,267
Materials and Services	69,717,316	53,363,625	52,368,224	(995,401)	41,230,143	32,095,729	29,294,162	(2,801,567)	4,308,906	3,231,680	5,910,697	2,679,017
Depreciation and Amortisation	51,071,854	38,303,891	38,700,940	397,050	40,657,892	30,493,419	30,953,026	459,607	-	-	-	-
Finance Costs	781,910	586,433	663,592	77,159	781,910	586,433	663,592	77,159	-	-	-	-
Corporate Overhead	-	-	-	-	(3,843,340)	(2,882,505)	(2,882,505)	-	442,106	331,579	331,579	-
Total Operating Expenses	177,779,668	133,087,208	131,688,617	(1,398,590)	122,890,205	92,332,777	90,548,272	(1,784,505)	6,100,802	4,575,601	7,472,885	2,897,284
Operating (surplus)/deficit	(2,635,613)	(33,994,504)	(39,533,114)	(5,538,609)	(1,682,540)	(29,278,409)	(35,598,536)	(6,320,127)	(126,265)	(94,698)	2,036,445	2,131,143
Capital Revenue												
Capital Grants & Subsidies	(123,727,690)	(81,620,376)	(38,753,582)	42,866,794	(123,535,365)	(81,620,376)	(36,801,898)	44,818,478	-	-	-	-
Contributions	(3,573,659)	(3,573,659)	(4,007,074)	(433,415)	(3,573,659)	(3,573,659)	(4,007,074)	(433,415)	-	-	-	-
Contributions - Contributed Assets	(100,000)	(100,000)	-	100,000	(100,000)	(100,000)	-	100,000	-	-	-	-
Contributions from Developers - Cash	(300,000)	(300,000)	(822,382)	(522,382)	(300,000)	(300,000)	(805,960)	(505,960)	-	-	-	-
Disposal of Non-Current Assets	(100,000)	-	-	-	(100,000)	-	-	-	-	-	-	-
Total Capital Revenue	(127,801,349)	(85,594,035)	(43,583,038)	42,010,997	(127,609,024)	(85,594,035)	(41,614,932)	43,979,103	-	-	-	-
Capital Expenses												
Loss of Revaluation of Inventory	-	-	-	-	-	-	-	-	-	-	-	-
Restoration of Land Provision	-	-	-	-	-	-	-	-	-	-	-	-
Capital Expense Write-Off	10,000,000	-	-	-	10,000,000	-	-	-	-	-	-	-
Total Capital Expenses	10,000,000	-	-	-	10,000,000	-	-	-	-	-	-	-
Net Result (surplus)/deficit	(120,436,962)	(119,588,539)	(83,116,152)	36,472,387	(119,291,564)	(114,872,444)	(77,213,468)	37,658,976	(126,265)	(94,698)	2,036,445	2,131,143
Capital Funding Applications												
Capital Expenditure - New Assets	30,329,626	16,104,250	8,025,475	(8,078,775)	13,867,350	6,528,517	4,249,718	(2,278,799)	-	-	-	-
Capital Expenditure - Upgrade Assets	8,674,206	6,602,551	3,281,834	(3,320,717)	8,569,206	6,557,551	3,252,119	(3,305,432)	-	-	-	-
Capital Expenditure - Replacement Assets	184,308,549	147,869,074	81,034,828	(66,834,245)	171,612,218	139,266,364	71,806,194	(67,460,169)	-	-	-	-
Total Capital Funding Applications	223,312,381	170,575,875	92,342,138	(78,233,737)	194,048,774	152,352,432	79,308,032	(73,044,400)	-	-	-	-



Western Downs Regional Council
One Page Result
Period Ending: 31 March 2025

	Gas				Water				Sewerage			
	Original Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	YTD Budget	YTD Actuals	YTD Variance
Operating Revenue												
Rates and Utility Charges	-	-	-	-	(6,839,917)	(6,839,917)	(6,803,085)	36,832	(10,369,888)	(10,369,888)	(10,238,870)	131,018
Volumetric	-	-	-	-	(7,950,664)	(3,975,332)	(3,398,450)	576,882	-	-	-	-
Less: Discounts & Pensioner Remissions	-	-	34,656	34,656	691,691	300,589	288,278	(12,311)	484,843	270,548	255,430	(15,118)
Net Rates and Utility Charges	-	-	34,656	34,656	(14,098,890)	(10,514,660)	(9,913,257)	601,403	(9,885,045)	(10,099,340)	(9,983,440)	115,900
Fees and Charges	(32,000)	(16,500)	(18,105)	(1,605)	(1,333,000)	(1,007,250)	(944,000)	63,250	-	-	(42,466)	(42,466)
Rental and Levies	-	-	-	-	(95,000)	(71,250)	(62,903)	8,347	-	-	-	-
Sales of Major Services	(3,761,708)	(2,090,752)	(1,986,023)	104,729	(35,000)	(26,250)	(1,936)	24,314	(11,000)	(8,250)	(1,476)	6,774
Operating Grants & Subsidies	-	-	-	-	-	-	-	-	-	-	-	-
Interest and Investment Revenue	-	-	-	-	(44,025)	(33,019)	(38,358)	(5,339)	(35,000)	(26,250)	(18,082)	8,168
Other Income	-	-	-	-	-	-	-	-	-	-	-	-
Total Operating Revenue	(3,793,708)	(2,107,252)	(1,969,472)	137,780	(15,605,915)	(11,652,429)	(10,960,454)	691,975	(9,931,045)	(10,133,840)	(10,045,464)	88,376
Operating Expenses												
Employee Benefits	274,645	205,984	140,274	(65,710)	5,677,166	4,157,874	3,358,991	(798,883)	2,296,558	1,622,418	1,052,772	(569,646)
Less Capitalised Employee Benefits	-	-	-	-	-	-	(505)	(505)	-	-	(793)	(793)
Net Employee Benefits	274,645	205,984	140,274	(65,710)	5,677,166	4,157,874	3,358,486	(799,388)	2,296,558	1,622,418	1,051,979	(570,439)
Materials and Services	1,606,740	1,205,130	819,361	(385,769)	4,455,620	3,300,083	4,487,382	1,187,299	1,825,350	1,357,922	1,790,353	432,431
Depreciation and Amortisation	327,571	245,678	233,700	(11,978)	5,898,555	4,423,916	4,409,400	(14,516)	2,983,585	2,237,689	2,188,697	(48,992)
Finance Costs	-	-	-	-	-	-	-	-	-	-	-	-
Corporate Overhead	250,534	187,901	187,901	-	1,475,413	1,106,560	1,106,560	-	828,497	621,373	621,373	-
Total Operating Expenses	2,459,490	1,844,693	1,381,236	(463,457)	17,506,754	12,988,433	13,361,828	373,395	7,933,990	5,839,402	5,652,402	(187,000)
Operating (surplus)/deficit	(1,334,218)	(262,559)	(588,237)	(325,677)	1,900,839	1,336,004	2,401,374	1,065,370	(1,997,055)	(4,294,439)	(4,393,062)	(98,624)
Capital Revenue												
Capital Grants & Subsidies	-	-	-	-	-	-	(2,083,427)	(2,083,427)	-	-	-	-
Contributions	-	-	-	-	-	-	-	-	-	-	-	-
Contributions - Contributed Assets	-	-	-	-	-	-	-	-	-	-	-	-
Contributions from Developers - Cash	-	-	-	-	-	-	-	-	-	-	(16,422)	(16,422)
Disposal of Non-Current Assets	-	-	-	-	-	-	-	-	-	-	-	-
Total Capital Revenue	-	-	-	-	-	-	(2,083,427)	(2,083,427)	-	-	(16,422)	(16,422)
Capital Expenses												
Loss of Revaluation of Inventory	-	-	-	-	-	-	-	-	-	-	-	-
Restoration of Land Provision	-	-	-	-	-	-	-	-	-	-	-	-
Capital Expense Write-Off	-	-	-	-	-	-	-	-	-	-	-	-
Total Capital Expenses	-	-	-	-	-	-	-	-	-	-	-	-
Net Result (surplus)/deficit	(1,334,218)	(262,559)	(588,237)	(325,677)	1,900,839	1,336,004	317,947	(1,018,057)	(1,997,055)	(4,294,439)	(4,409,484)	(115,046)
Capital Funding Applications												
Capital Expenditure - New Assets	-	-	-	-	14,724,825	8,767,832	2,993,001	(5,774,831)	-	-	-	-
Capital Expenditure - Upgrade Assets	-	-	-	-	90,000	30,000	29,715	(285)	-	-	-	-
Capital Expenditure - Replacement Assets	-	-	-	-	10,257,218	6,684,912	8,132,335	1,447,423	1,400,000	1,160,000	806,342	(353,658)
Total Capital Funding Applications	-	-	-	-	25,072,043	15,482,744	11,155,051	(4,327,693)	1,400,000	1,160,000	806,342	(353,658)



Western Downs Regional Council
One Page Result
Period Ending: 31 March 2025

	Quarry				Waste				Saleyards				Washdown Bays			
	Original Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	YTD Budget	YTD Actuals	YTD Variance
Operating Revenue																
Rates and Utility Charges	-	-	-	-	(6,551,561)	(6,551,561)	(6,579,912)	(28,351)	-	-	-	-	-	-	-	-
Volumetric	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Less: Discounts & Pensioner Remissions	-	-	-	-	306,313	174,520	161,167	(13,353)	-	-	-	-	-	-	-	-
Net Rates and Utility Charges	-	-	-	-	(6,245,248)	(6,377,041)	(6,418,745)	(41,704)	-	-	-	-	-	-	-	-
Fees and Charges	-	-	(98)	(98)	(2,007,031)	(1,505,273)	(1,502,476)	2,797	-	-	-	-	(910,000)	(682,500)	(638,390)	44,110
Rental and Levies	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sales of Major Services	(7,792,606)	(5,844,454)	(4,968,856)	875,598	-	-	-	-	(3,116,504)	(2,337,378)	(2,989,517)	(652,139)	-	-	-	-
Operating Grants & Subsidies	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Interest and Investment Revenue	-	-	-	-	(28,413)	(21,310)	(18,187)	3,123	-	-	-	-	-	-	-	-
Other Income	-	-	-	-	(185,000)	(138,750)	(126,824)	11,926	-	-	-	-	-	-	-	-
Total Operating Revenue	(7,792,606)	(5,844,454)	(4,968,954)	875,500	(8,465,692)	(8,042,374)	(8,066,232)	(23,858)	(3,116,504)	(2,337,378)	(2,989,517)	(652,139)	(910,000)	(682,500)	(638,390)	44,110
Operating Expenses																
Employee Benefits	1,246,309	884,732	771,166	(113,566)	759,223	519,236	384,645	(134,591)	782,399	571,799	435,337	(136,462)	147,004	110,253	92,155	(18,098)
Less Capitalised Employee Benefits	(345,446)	(259,085)	-	259,085	-	-	(438)	(438)	(42,660)	(31,995)	(28,349)	3,646	-	-	-	-
Net Employee Benefits	900,863	625,647	771,166	145,519	759,223	519,236	384,207	(135,029)	739,739	539,804	406,988	(132,816)	147,004	110,253	92,155	(18,098)
Materials and Services	4,978,492	3,734,899	3,229,586	(505,313)	9,399,660	7,043,016	5,691,574	(1,351,442)	1,358,926	1,022,869	899,141	(123,728)	553,479	372,297	245,968	(126,329)
Depreciation and Amortisation	23,036	17,277	15,848	(1,429)	617,275	462,956	446,919	(16,037)	512,181	384,136	399,404	15,268	51,759	38,819	53,946	15,127
Finance Costs	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Corporate Overhead	330,323	247,742	247,742	-	272,697	204,523	204,523	-	188,051	141,038	141,038	-	55,720	41,790	41,790	-
Total Operating Expenses	6,232,714	4,625,565	4,264,342	(361,223)	11,048,855	8,229,731	6,727,223	(1,502,508)	2,798,897	2,087,847	1,846,571	(241,276)	807,962	563,159	433,859	(129,300)
Operating (surplus)/deficit	(1,559,892)	(1,218,889)	(704,612)	514,277	2,583,162	187,357	(1,339,009)	(1,526,366)	(317,608)	(249,531)	(1,142,946)	(893,415)	(102,038)	(119,341)	(204,531)	(85,190)
Capital Revenue																
Capital Grants & Subsidies	-	-	-	-	(192,325)	-	131,743	131,743	-	-	-	-	-	-	-	-
Contributions	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Contributions - Contributed Assets	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Contributions from Developers - Cash	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Disposal of Non-Current Assets	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Capital Revenue	-	-	-	-	(192,325)	-	131,743	131,743	-	-	-	-	-	-	-	-
Capital Expenses																
Loss of Revaluation of Inventory	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Restoration of Land Provision	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital Expense Write-Off	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Capital Expenses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Net Result (surplus)/deficit	(1,559,892)	(1,218,889)	(704,612)	514,277	2,390,837	187,357	(1,207,266)	(1,394,623)	(317,608)	(249,531)	(1,142,946)	(893,415)	(102,038)	(119,341)	(204,531)	(85,190)
Capital Funding Applications																
Capital Expenditure - New Assets	-	-	-	-	1,426,786	636,901	704,422	67,521	220,665	81,000	3,035	(77,965)	90,000	90,000	75,299	(14,701)
Capital Expenditure - Upgrade Assets	-	-	-	-	-	-	-	-	-	-	-	-	15,000	15,000	-	(15,000)
Capital Expenditure - Replacement Assets	-	-	-	-	-	-	-	-	507,328	442,798	183,549	(259,249)	531,785	315,000	106,408	(208,592)
Total Capital Funding Applications	-	-	-	-	1,426,786	636,901	704,422	67,521	727,993	523,798	186,584	(337,214)	636,785	420,000	181,707	(238,293)

Western Downs Regional Council Capital Status Update Mar-25																				
Project Details				Projects Status							Financial Information									
				Populate	Populate	Populate		Populate										Populate		
Financial Project Number	Project Description	Budget Type	District	Project Complete	Project Issues Budget/ Delivery	Project Start	Project End	2024-25 Approved Budget	2023-24 Carry Over	Multi Year Project	YTD Budget	YTD Actuals	YTD Variance (YTD Budget less YTD Actuals)	Estimated Final Spend	Remaining Spend (estimated spend less actuals)	Project Variance (Under Budget) /Over Budget	Project Variance %	Comments		
100812	Tara Landfill Weighbridge	Carry-Over	Tara	Yes	Budget	Sep-24	Jun-25	620,383	361,258		311,258	204,439	106,819	670,383	465,944	50,000	8.06%	Construction is progressing well with revised footings now installed. Wet weather is now impacting both sites with the contractor requesting an EOT. The final costs are unknown as not all electricval costs are finalised. It should not be much over the existing estimate though.		
100837	Wandoan Landfill Weighbridge	Carry-Over	Wandoan	Yes	Budget	Sep-24	Jun-25	770,303	318,418		289,543	466,926	(177,383)	800,303	333,377	30,000	3.89%	Construction is progressing well with revised footings now installed. Wet weather is now impacting both sites with the contractor requesting an EOT. The final costs are unknown as not all electricval costs are finalised. It should not be much over the existing estimate though.		
100709	New Office, Toilet Facility and Replacement of Cold Room at the Chinchilla Washdown Facility	Carry-Over	Chinchilla	Yes		Sep-24	Sep-24	90,000	90,000		90,000	75,299	14,701	75,299	-	(14,701)	-16.33%	Project completed		
100610	Dalby Washdown Facility Mitigation Works	Carry-Over	Dalby			Jan-25	Apr-25	516,785	516,785		300,000	106,408	193,592	516,785	410,377	-	0.00%	Thomas Mannhardt (superintendent) overseeing project. MFE have raised Tax Invoice for Progress Claim No 1 \$46,452.86. Expected closure of facility and works to commence is January 2025. Update: Previously MFE were targeting 5 February 2025 for Practical Completion (PC). The latest forecast for PC is 30 April 2025 due to the extended ~18 week lead time in the arrival of the RAS and WAS pumps. MFE have submitted an EOT		
100906	Wind Turbine Blade Installation at Bell	Carry-Over	Bell	Yes	Budget	Mar-23	Oct-24	57,367	57,367		57,367	57,398	(31)	57,398	-	31	0.05%	WORKS COMPLETE Project completed in October.		
100749	Regional Sculpture Trail/Public Art - "Tara Lagoon Mural" - (2023-24 Project)	Carry-Over	Regional	Yes		Oct-24	Nov-24	48,810	48,810		48,810	20,370	28,440	20,370	-	(28,440)	-58.27%	WORKS COMPLETE: The relocation of the project to Tara Lagoon, and the painting of the mural on a newly constructed wall will be done by end October, with 2 weeks paint curing time before we can put an "anti-graffiti" coating over the mural.		
100592	Dalby Cunningham St (Main St) Redevelopment Design	Carry-Over	Dalby		Delivery	Sep-24	Dec-24	224,933	224,933		62,893	-	62,893	224,933	224,933	-	0.00%	Project has been pushed out indefinite with costs journaled to operational		
100738	Regional Park Signage (100724) (inc 2023/24 Carry-Overs)	General	Regional			Dec-24	May-25	58,119	18,119	Yes	50,000	339	49,661	58,119	57,780	-	0.00%	WO issued to Signs On Time \$48,135 with delivery expected 14 April (installation thereafter)		
100821	Upgrade of Waterloo Plains Environmental Park Wandoan	Carry-Over	Wandoan			Jan-25	Jun-25	421,726	421,726		321,726	87,482	234,244	421,726	334,244	-	0.00%	PMO TO DELIVER. Cultural heritage finalised Shelter and platform construction is complete Playground construction scheduled to commence May 25		
100516	Boundary Fence Replacement Central Park Jandowae	Carry-Over	Jandowae		Budget	Sep-23	Apr-25	52,300	52,300		42,300	-	42,300	71,560	71,560	19,260	36.83%	Works Awarded -PO-00012565 - \$72,875 (Privacy Fencing) & \$5841.28 Unique Laser. Community consultation has been undertkane and minor amendments to design. Additional budget has been approved by Council (utilising remainder of P&R replacement budget). Fencing contractor start date 14 April (weather pending other jobs being undertaken by Privacy Fencing).		
100832	Wandoan War Memorial, Racing and Recreation Reserve JG Willacy Pavilion Re-Stumping 2023/24	Carry-Over	Wandoan	Yes		Sep-24	Sep-24	71,890	71,890		71,890	71,890	-	71,890	-	-	0.00%	WORKS COMPLETE		
100839	Wandoan Recreation Reserve Power Poles Replacement	Carry-Over	Wandoan			Feb-25	Jun-25	98,260	98,260		80,000	4,143	75,857	98,260	94,117	-	0.00%	Contract excuted. Works to commence in March. Due to there being 9 different locations, this work program will take us right up to June 25		
100693	Miles Aquatic Filter Replacement 2023/24	Carry-Over	Miles	Yes	Budget	2023	Sep-24	136,850	136,850		136,850	149,854	(13,004)	149,854	-	13,004	9.50%	WORKS COMPLETE Variance due to technical consultant inspection required during the works, approval to use underspends in the same asset class		
100793	Regional Power Pole Renewal (Sport & Recreation Grounds Renewal Program) 2023/24 (100273)	Carry-Over	Regional		Budget	Feb-25	Jun-25	83,487	83,487		80,000	13,962	66,038	86,561	72,599	3,074	3.68%	Contract excuted. Works to commence in March. Due to there being 9 different locations, this work program will take us right up to June 25		
100573	48 Moore St Wandoan Interior Painting & AC Replacement (Council Housing Renewal Program) 2023/24	Carry-Over	Wandoan	Yes			Oct/24	15,000	15,000		15,000	11,245	3,755	11,245	-	(3,755)	-25.03%	WORKS COMPLETE		
100633	Extend Leasing Space at Dalby Aerodrome 2023/24	Carry-Over	Dalby	Yes		Mar-24	Sep-24	374,998	374,998		374,998	353,129	21,869	374,998	21,869	-	0.00%	WORKS COMPLETE Awaiting final invoice and working through defects		
100780	SCADA Firewall Architecture Changes Phase 1 (100170)	Carry-Over	Regional	Yes		Jul-24	Nov/24	49,523	49,523		49,523	49,523	0	49,523	0	-	0.00%	All hardware has been purchased and received. Installation of hardware is funded by operational budget.		
100613	Dalby Water Supply Upgrade - Treatment Development (100650) (inc 2023/24 Carry-Overs)	General	Dalby		Budget		Jun/25	10,751,732	313,732	Yes	6,151,732	361,558	5,790,174	400,000	38,442	-	0.00%	Carry-over due to Evap Ponds Tender still under evaluation. Early indication tenders exceeding budget.		
100847	Water Regional Mains Replacement (inc 2023/24 Carry-Overs)	General	Regional				Jun/25	3,050,000	99,012	Yes	1,579,012	1,883,317	(304,305)	3,050,000	1,166,683	-	0.00%	70% complete. Tara contract signed. All work completed and inv pre June.		
100612	Dalby Water Supply Upgrade - Pipeline Corridor (100443) (inc 2023/24 Carry-Overs)	General	Dalby				Jun/25	9,260,311	7,273,311	Yes	6,587,000	8,409,419	(1,822,419)	9,260,311	850,892	-	0.00%	Stage 1 - complete Stage 2 - 95% complete, commissioning phase		
100790	Install Solar Panelling @ Dalby CSC Car Park (100468) 2021/22	Carry-Over	Dalby				Dec-24	146,324	146,324		120,000	9	119,991	133,625	133,616	(12,699)	-8.68%	Project still ongoing with contractor.		
100473	3267 Hino Crane Truck Replacement 2023/24	Carry-Over	Regional	Yes		Jul/24	Sep-24	200,000	200,000		200,000	174,336	25,664	174,336	-	(25,664)	-12.83%	Project completed		
100484	3491 Fuso Canter 815 Crew Truck Replacement 2023/24	Carry-Over	Regional	Yes	Budget	Jul/24	Sep-24	140,000	140,000		140,000	172,031	(32,031)	172,031	-	32,031	22.88%	Project completed		
100437	2023/24 White Fleet Replacement Program 2023/24	Carry-Over	Regional	Yes		Jul/24	Sep-24	231,314	231,314		231,314	-	231,314	-	-	(231,314)	-100.00%	Project completed. Actuals sitting on 2024/25 White Fleet Program		
100447	2532 Isuzu Water Truck Replacement 2023/24	Carry-Over	Regional	Yes		Jul/24	Oct-24	301,222	301,222		301,222	301,222	-	301,222	-	-	0.00%	Project completed		
100722	Emergency Management Trailers x2 - Disaster Resilience Project (Shell/QGC) 2023/24	Carry-Over	Regional	Yes	Budget	Jul/24	Oct-24	50,000	50,000		50,000	54,695	(4,695)	54,695	-	4,695	9.39%	Project completed		
100776	Sandalwood Avenue (New Footpath) - LRCI Phase 4 (100168) (inc 23/24 Carry-Overs)	General	Dalby			Jan/24	Jun/25	720,000	20,000	Yes	670,000	6,645	663,355	720,000	713,355	-	0.00%	Works to commence late March early April		
100789	Slessar Street - New Footpath (LRCI Part A) (100270) (inc 23/24 Carry-Overs)	General	Chinchilla	Yes		Dec-24	Jun/25	370,000	20,000	Yes	370,000	188,613	181,387	200,000	11,387	(170,000)	-45.95%	WORKS COMPLETE		
100901	Wheeler St (0 - 0.424) - Reconstruct (100350) (inc 23/24 Carry-Overs)	General	Chinchilla	Yes		Sep-24	Dec-24	472,422	374,727	Yes	397,695	451,680	(53,985)	460,000	8,320	(12,422)	-2.63%	Works Complete - Awaiting Final Invoices - this project had issues with stormwater, wet weather and power pole relocation.		
100622	Dorney St (0 - 0.473) Reconstruct (100653) (inc 23/24 Carry-Overs)	General	Chinchilla	Yes		Sep-24	Nov-24	528,507	419,522	Yes	528,507	420,699	107,808	470,000	49,301	(58,507)	-11.07%	Works Complete - Awaiting final invoices		
100685	Markham's Hill Rd (2592m to 5041m) - Upgrade (100687) (inc 2023/24 Carry-Overs)	General	Dalby		Delivery	Jun-25	Jul-25	744,891	142,994	Yes	162,994	-	162,994	144,891	144,891	-	0.00%	Land acquisition awaiting legal services		
100822	Upper Humbug Road (0.00 - 0.00) (Resource Funded - QGC) (inc 2023/24 Carry-Overs)	General	Tara	Yes		Jul/24	Oct-24	1,663,515	1,253,894	Yes	1,663,515	1,517,420	146,095	1,517,420	-	(146,095)	-8.78%	WORKS COMPLETE - Awaiting final invoices		
100689	McCaskers Road (0.00 - 0.00) (Resource Funded - QGC)	General	Tara	Yes		Jul/24	Sep-24	732,160	(267,840)	Yes	732,160	347,320	384,840	347,320	-	(384,840)	-52.56%	WORKS COMPLETE		
100563	Clifford Rd, Wandoan (3.0 - 13.75) - LRCI Phase 4 (100418) (inc 2023/24 Carry-Overs)	General	Wandoan		Budget	Mar-25	Jun/25	2,070,500	70,500	Yes	990,500	4,729	985,771	2,070,500	2,065,771	-	0.00%	Design estimate coming in over budget.		
100642	Glenern Rd, Glenmorgan (20.5 - 30.00) - LRCI Phase 4 (100664) (inc 2023/24 Carry-Overs)	General	Tara			Oct-24	Apr-25	2,373,900	73,900	Yes	1,603,900	1,428,110	175,790	2,373,900	945,790	-	0.00%	Stage 1 completed except seal delayed due to wet weather, Stage 2 in progress		
100524	Bundi Road, Wandoan (39 - 44) - LRCI Phase 4 (100597) (inc 2023/24 Carry-Overs)	General	Wandoan			Oct-24	Apr-25	1,185,100	285,100	Yes	1,185,100	1,037,976	147,124	1,185,100	147,124	-	0.00%	Works in Progress - hold up with cultural heritage delays, culverts installed only floodway to go. wet weather delays		
100640	Girrahween Design and Construction Project (Arrow Energy Funded) (100460)	General	Miles			May-24	Sep-24	871,129	(48,764)	Yes	871,129	825,877	45,252	830,000	4,123	(41,129)	-4.72%	Road Works Completed- Awaiting on final tree mulching expected completion late March		
100672	Lawson Street - Burke to Leichhardt (0-0.155) Reconstruct 2023/24 (100680)	Carry-Over	Dalby	Yes	Budget	Jul-24	Jul-24	80,374	80,374		80,374	84,450	(4,076)	84,450	-	4,076	5.07%	WORKS COMPLETE		
100534	Castle St (0-0.221) Reconstruct 2023/24 (100405)	Carry-Over	Chinchilla	Yes	Budget	Jul-24	Jul-24	8,286	8,286		8,286	43,741	(35,455)	43,741	-	35,455	427.88%	WORKS COMPLETE Installation of footpath, pram ramps and concrete spoon drain		
100746	Regional Road Resilience 2023/24 (100758)	Carry-Over	Regional			Nov-24	Jun-25	819,242	819,242		650,000	660,214	(10,214)	819,242	159,028	-	0.00%			
100687	Mary Street area Dalby (Stage 3) (100484) (inc 2023/24 Carry-Overs)	General	Dalby		Delivery	Apr-25	Jun-25	1,080,991	750,284	Yes	1,080,991	-	1,080,991	580,991	580,991	-	0.00%	Quotes received revaluation in progress. Carry-over flagged due to project scheduling.		
104841	Mary Street Stormwater Upgrade 2022/23 (101022)	Carry-Over	Dalby		Delivery	Apr-25	Jun-25	135,622	135,622		135,622	-	135,622	135,622	135,622	-	0.00%	Quotes Received revaluation in progress. Project on track.		
100797	Wandoan Washdown Bay 2022/23 (100178)	Carry-Over	Wandoan	Yes		Jul-24	Sep-24	9,264	9,264		9,264	6,800	2,464	6,800	-	(2,464)	-26.60%	Works Complete		
Total Capital Works								223,312,381	146,599,558		170,575,875	92,342,138	78,233,737	184,096,682	91,754,544	(1,355,186)				

Title	Infrastructure Services Report Tender Evaluation RFT000050 DWSUP Evaporation Ponds
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Date	4 April 2025
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Responsible Manager	Leigh Cook, Utilities Manager
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Summary

The purpose of this Report is to provide Council with an assessment of the tenders received for RFT000050 DWSUP Evaporation Ponds and to make a recommendation for the award of contract.

Link to Corporate Plan

Strategic Priority: Strong Diverse Economy

- We deliver water security to enable future economic growth.

Strategic Priority: Quality Lifestyle

- Our residents are provided with modern infrastructure and quality essential services across our region.

Strategic Priority: Sustainable Organisation

- We focus on proactive, sustainable planning for the future.
- Our effective asset management ensures that we responsibly maintain our community assets.

Material Personal Interest/Conflict of Interest

No conflicts of interest were declared by Evaluation Committee members Bernard Fitzsimmons or Dane Fewster. Two conflicts of interest were declared by Evaluation Committee member David McKellar.

The first regarded consulting services that was undertaken for Civil Mining & Construction which ceased in 2019. This conflict was deemed to not require management by the Chief Procurement Officer as the relationship was of a pure professional capacity and concluded 5 years prior to the RFT000050 procurement.

The second regarded a professional and personal relationship with the shareholders and directors of RSA Contracting between 2005 and 2017. This conflict was deemed unacceptable for an Evaluation Committee member by the Chief Procurement Officer as it posed serious potential for allegations of actual, perceived or potential bias. The Chief Procurement Officer recommend Mr McKellar be restricted to providing technical advice on RSA Contractors' tender, in his role as the Project Technical Lead, but be removed from any evaluation processes.

These steps by the Chief Procurement Officer ensured governance was maintained during tender evaluation process.

Officer's Recommendation

That this Report be received and that Council:

1. Accept the tender from Civil Mining & Construction Pty Ltd ABN 18 102 557 175 received under Request for Tender 000050 DWSUP Evaporation Ponds for a final contract sum of \$15,774,073.04; and
2. Provision is made during 2025/26 budget deliberations to permit completion of the project; and
3. Delegate to the Chief Executive Officer power to make, amend or discharge a contract to deliver the tender from Civil Mining & Construction Pty Ltd ABN 18 102 557 175

Background Information

The Evaporation Ponds project is a sub-project forming part of the greater Dalby Water Supply Upgrade Project (DWSUP) which is made up of the following key components:

- GAB Bores - Complete
- Pipelines - Construction 95% Complete
- Evaporation Ponds - Award subject to this authorisation
- Northern Water Treatment Plant - Planning and Concept Design

The proposed Dalby Northern Water Treatment Plant (WTP) is planned to produce 803ML of potable (drinking) water per annum for the Dalby community. The production of this potable water is expected to generate 260ML per annum of a wastewater byproduct that is predominantly made up of brine concentrate from the reverse osmosis treatment process.

The wastewater byproduct produced by the treatment process is a regulated waste that must be managed in accordance with state environmental regulations. The Utilities department plan is to manage this wastewater by storage and evaporation utilising a series of evaporation ponds.

The concept layout for the evaporation ponds is three parallel ponds that shared common embankment walls. The pond structures will be constructed from native soils sourced from the site and sealed using a polyethene liner to manage environmental contamination. The scope includes operational infrastructure and compliance monitoring equipment. An extract from the concept layout has been included below as a high-level indication of the project scope.

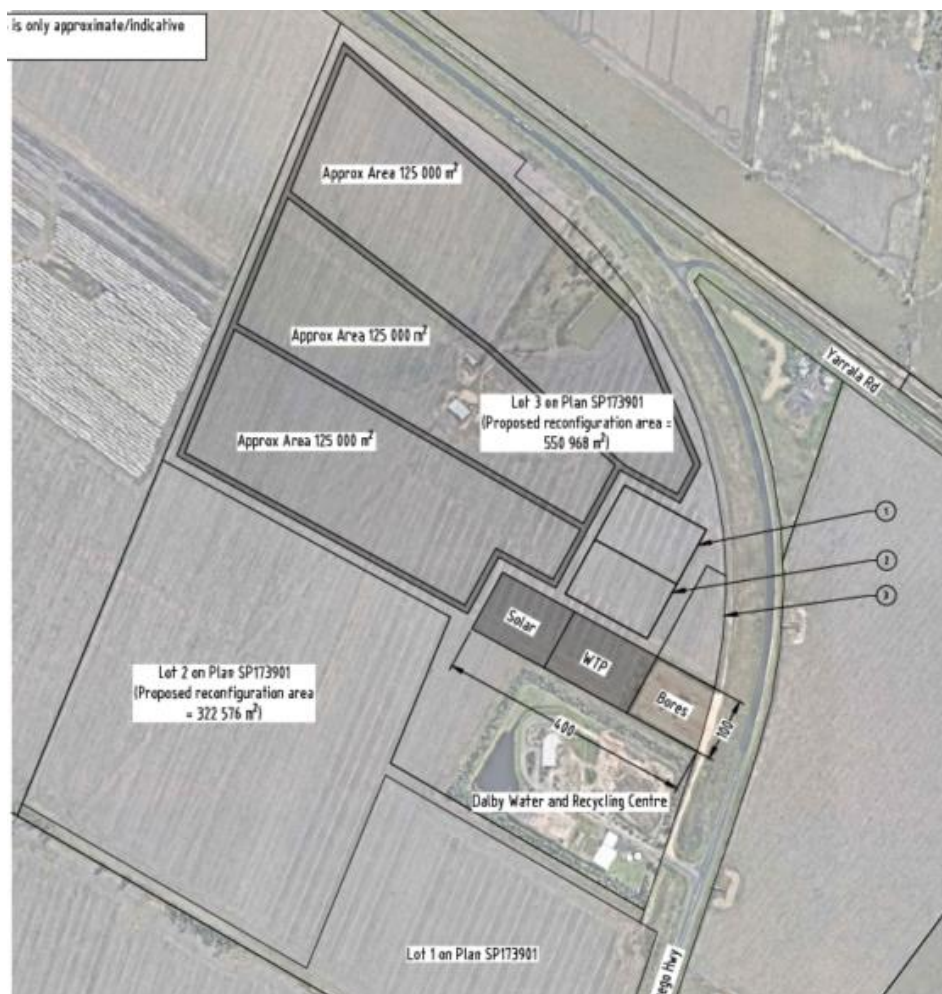


Image 1 - DWSUP Evaporation Pond Concept Layout

The Utilities department has advanced the design and construction of the Evaporation Ponds as a matter of priority as the ponds are intended to serve a dual purpose in the Dalby water supply network. Council's existing Loudoun WTP discharges its wastewater byproduct to the Wilds Road Evaporation Ponds. The existing ponds currently present an operational risk to Council as they are nearing the end of their serviceable life and are operating near capacity due to continued heavy rainfall events.

As part of the Stage 1 & 2 Dalby Trunk Water Main contracts, a small diameter pipeline that connects the Loudoun WTP and the proposed Northern WTP was installed for the purpose of transferring wastewater between the facilities. Utilities intend when required to divert wastewater flows from the Loudoun WTP to the new ponds once they have been commissioned by the design and construct contractor. In doing so, Council will immediately capitalise the new asset while the project team continues to develop the proposed Northern WTP design.

Report

Council released a request for tender (RFT) on 9 August 2024 for 90 days which closed on 7 November 2024. A detailed brief for design and construction was distributed to potential suppliers including clear scope and specification requirements. The tender was publicly advertised via the Tenders.net portal and seven suppliers responded. Submissions were evaluated on the following weighted selection criteria:

- Price 40%
- Design Solution 10%
- Contractor Experience 10%
- Designer Experience 10%
- Contractor Key Personnel 5%
- Designer Key Personnel 10%
- Timeframe 5%
- Methodology 5%
- Key Supplier - Liner 10%

The evaluation committee included Bernard Fitzsimmons Utilities Senior Technical Officer, David McKellar Technical Lead (Consultant) and Dane Fewster Project Manager/Chair of Evaluation Committee.

The evaluation committee met for a preliminary assessment meeting on the 28 November 2024. The purpose of the meeting was to determine if the seven tenders received were confirming or non-confirming. Four tenders were deemed non-confirming as they failed to submit unconditional lump sum offers. One of the non-confirming tenders also proposed a design solution that did not meet the intent of the principal's project requirements.

Ventia Utilities Service's tender was deemed non-confirming at the preliminary assessment meeting as it failed to submit an unconditional lump sum offer and its design solution did not meet the intent of the principal's project requirements.

Tenderers that met the design intent but failed to provide unconditional lump sum offers were given an opportunity to resubmit unconditional lump sum offers. Following this, the evaluation committee concluded that RSA Contracting's revised submission failed to provide an unconditional lump sum offer and the tender was deemed non-confirming.

Results of the preliminary assessment are summarised below:

Tenderer	Confirming or Non-confirming
Civil Mining & Construction	Confirming
Durack Civil	Confirming
Hazell Bros	Confirming
Newlands Civil Contracting	Confirming
RSA Contracting	Non-confirming

Shamrock Civil Engineering	Conforming
Ventia Utilities Services	Non-conforming

The evaluation committee met on the 19th December 2024 to independently score the conforming tenders against the predetermined weighted selection criteria. Council's standard evaluation spreadsheet was used to compile the scoring with the following table summarising the results:

Tenderer	Tender Sum	Non-price Ranking	Final Ranking
Civil Mining & Construction	\$15,603,242.79	56.51	83.17
Durack Civil	\$20,028,321.10	49.53	69.00
Hazell Bros	\$22,923,941.33	60.00	73.06
Newlands Civil Contracting	\$22,098,356.42	50.40	66.74
Shamrock Civil Engineering	\$19,968,607.00	56.51	74.42

At the conclusion of scoring meeting the evaluation committee agreed to shortlist the three tenders with the highest final rankings and conduct post tender clarifications to confirm key technical and commercial aspects of each bid.

A final meeting was held on the 19 February 2025 to discuss the merits of the post tender clarification responses and the evaluation committee agreed to nominate Civil Mining & Construction Pty Ltd ABN 18 102 557 175 as the preferred tenderer.

Final negotiations with the preferred tenderer included additions to the scope of works that resulted in an increase to the final lump sum offer to \$15,774,073.04.

Local business and industry

In accordance with Section 104(3) (c) of the Local Government Act 2009, Queensland, Council is committed to the development of local business and industry to support the growth and resilience of the region's economy.

No conforming offers were received from local businesses, so the evaluation committee did not apply a preference reduction in favour of any local suppliers of goods and services. In its tender submission the preferred tenderer estimated a total expenditure of \$5,306,692 with suppliers local to the region.

Consultation (Internal/External)

Consultation was sought from Council's Procurement & Probity Advisor, Genevieve Dwyer for the procurement process required to meet the legislative requirements under Policy, and steps to take to approach the market, evaluate, and award.

The Principals Project Requirements (PPR) document was prepared in consultation with an external consultant McKellar Engineering. McKellar Engineering's principal consultant David McKellar has nominated as the project's technical lead and is a member of the Evaluation Committee. Mr McKellar will play a pivotal role in the review and endorsement of the Contractor's design and specifications.

A factual geotechnical investigation report was prepared by Arcos Group to provide tenderers with an appreciation of the ground conditions. Survey field data was picked up and prepared for distribution by Minstaff Survey.

A third-party review of the tender documentation and evaluation process was undertaken by Sullivan Consulting Engineers. The review was instigated by the project owner Utilities Manager Leigh Cook to ensure that documentation accurately represented the principal's requirements and that the Evaluation Committee has not erred in its recommendation of the preferred tenderer.

Legal/Policy Implications (Justification if applicable)

The intended contract document is Council's template AS4300-1995 Formal Instrument of Agreement and General Conditions of Contract for major design and construct projects. The preferred tenderer proposed amendments to the contract documents in its tender submission which has been reviewed and addressed by Council's legal services department. Agreement on the final drafting of the AS4300-1995 Formal Instrument of Agreement and General Conditions of Contract has been resolved between the parties.

Budget/Financial Implications

The project is part of a larger multi-year project with budget included in the Dalby Water Supply Upgrade project. The original proposed budget allowance for the Evaporation Ponds was \$9,660,000 and this is insufficient to cover the cost of the project. It is recommended that the 2025-26 budget for this component of the project be increased by \$7,513,277 to cover the estimated cost of \$17,173,277. This aligns with the updated budget information (total project budget \$67.3 million) provided to Councillors at the Information Session on the project on 18 March 2025.

Council was successful in its bid to secure \$4,170,000 of State Government funding under the 2024-27 Works for Queensland Program (W4Q).

Proposed budget allocation;

Budget Breakdown	Costs
Contractor Contract Sum	\$15,774,073.04
Contractor Contingency 5%	\$788,703.65
Project Manager (Consultant)	\$ 231,000.00
Superintendent	\$ 115,500.00
Construction Surveillance	\$ 264,000.00
Estimated Delivery Budget	\$17,173,276.69

Human Rights Considerations

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

There are no human rights implications associated with this report. All activities will be undertaken in accordance with Council's human rights obligations.

Conclusion

The DWSUP Evaporation Ponds project aligns with Council's Corporate Plan with the asset forming a critical component in the Dalby Water Supply Network by increasing current reliability and future capacity.

Unprecedented inflation in the infrastructure market has increased the cost of engineering services, construction materials, labour and heavy plant. This inflation has subsequently increased the cost to design and construct the Evaporation Ponds beyond the approved budget of \$9,660,000. In consideration of market conditions and the long-term water security benefits that the project offers the Dalby community, it is recommended that Council proceed to contract with the preferred supplier and increase the multi-year budget accordingly.

The tender received from Civil Mining & Construction provides value for money to Council and meets all the Principals Project Requirements.

It is recommended that Council awards RFT000050 DWSUP - Evaporation Ponds to Civil Mining & Construction Pty Ltd ABN 18 102 557 175 for a tender price of \$15,774,073.04 (ex GST).

Attachments

Nil

Authored by: Dane Fewster **UTILITIES PROJECT MANAGER (CONSULTANT)**

Title	Infrastructure Services Works April 24/25 Capital Works Progress Update
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Date	4 April 2025
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Responsible Manager	D. Dibley, WORKS MANAGER CONSTRUCTION
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Summary

The purpose of this Report is for the Works Department to provide an update to Council regarding the 2024/25 Capital Works Program for the month of March 2025

Link to Corporate Plan

Strategic Priority: Strong Diverse Economy

- Our business and industry actively live and buy local.

Strategic Priority: Quality Lifestyle

- Our residents are provided with modern infrastructure and quality essential services across our region.
- Our recreational spaces and community facilities are attractive, safe, and accessible.
- We invest in safe, well maintained road networks to connect our region and support economic activities.

Strategic Priority: Sustainable Organisation

- We are recognised as a financially intelligent and responsible Council.
- Our people are skilled and values driven to make a real difference.
- Our agile and responsive business model enables us to align our capacity with service delivery.
- Our effective asset management ensures that we responsibly maintain our community assets.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this report be received and noted.

Background Information

On 20th June 2024, in a Special Meeting Council adopted the 2024/25 Budget including Council's Capital Works Program.

Report

To ensure Council are well informed with key infrastructure projects, monthly reports will be presented outlining recently completed projects, projects in progress and upcoming projects.

RECENTLY COMPLETED PROJECTS

1. Commodity Court, Dalby - Reconstruction Works;
2. Edward Street, Chinchilla - Upgrade Works;
3. Price St, Chinchilla Construct New Footpath;

PROJECTS IN PROGRESS

1. Glenern Road (20551-29988) Upgrade to Bitumen;
2. Bundi Road, Bundi (39.37-44.04) Upgrade to Bitumen Seal;
3. Dulacca South Road, Dulacca - (16.1-22.6) Road Widening;
4. Windmill Road, Chinchilla (0.00-0.623) Recon and Upgrade to kerb & Channel;
5. Little Street, Chinchilla (0.0-162) Upgrade to Kerb & Channel;
6. Old Moonie Road, Moonie Resheeting/Flood damage package;
7. Butlers Road, Miles - Resheeting/Flood damage works;
8. Kupuun Duleen Road, Kupuun (0.07-2.30) Reconstruction Works;
9. Woolletts Rd (1.50-2.00) Reconstruction Works;
10. Woollett's Rd (3.486 - 7.799) Bitumen Upgrade to Urban Access;
11. 11 Sandlewood Ave, Dalby Construct new footpath;
12. Works Depot Fence Replacements; and
13. 2024/25 Reseal Program.

UPCOMING PROJECTS

1. Southwood Rd, Southwood (17.0 - 22.20) - Reconstruct;
2. Cuddihy St, Brigalow (0.00-0.287) Upgrade;
3. Zeller St, Brigalow (0.0-0.156) Upgrade;
4. Clifford Road, Bundi Upgrade works for 10kms;
5. Springvale Road, Springvale (13-13.8) Reconstruction Works;
6. Reseal Prior Works - 2025/26 Sites; and
7. Regional Sealed Road Drainage Maintenance Program.

COMMERCIAL WORKS

RECENTLY COMPLETED PROJECTS

1. 24/25 DTMR Reseal Prior Works Program (Bunya Highway, Bunya Mtns Rd)

PROJECTS IN PROGRESS

1. 2024/25 RMPC
2. 24/25 DTMR Reseal Prior Works Program (Roma Taroom Rd)
3. Regional Drainage Maintenance Program
4. Asphalt Pavement Repair Package (Warrego Hwy and minor works on nearby roads)
5. Emergent Works Repairs – DTMR Network Dec/Jan Storm Event
6. Regional Herbicide Spraying Program (signs, guideposts, headwalls)

UPCOMING PROJECTS

1. Element 16 Resheeting - Warra Canaga Creek Road

FLOOD DAMAGE RESTORATION

RECENTLY COMPLETED PROJECTS

1. QRA REPA Flood Damage Restoration 2021/22 Package 40 (Crossroads / Wieambilla / Tara);
2. QRA REPA Flood Damage Restoration 2021/22 Package 42 (Jandowae / Cooranga / Jimbour East / Bell / Kaimkillenbun / Pirrinuan / Dalby);
3. QRA REPA Flood Damage Restoration 2021/22 Package Seal 05 (Numerous sites over a widespread area from Gurulmundi in the north through Drillham / Dulacca / Miles / Condamine / Meandarra / Tara and through to Flinton / Westmar / Moonie area in the south); and
4. QRA REPA Flood Damage Restoration 2021/22 Package Seal 07 (Numerous locations between north of Jandowae, through Warra / Macalister, and Ducklo).

PROJECTS IN PROGRESS

1. QRA REPA Flood Damage Restoration 2021/22 Package 39 (Yulabilla / Drillham South / Condamine / The Gums / Tara);

2. QRA REPA Flood Damage Restoration 2021/22 Package 41 (Jandowae / Tuckerang / Warra / Jimbour West / Macalister / Pirrinuan / Dalby);
3. QRA REPA Flood Damage Restoration 2021/22 Package Drainage 02 (Various locations around Chinchilla / Brigalow / Montrose / Condamine and in the south-west of the Region, between Weranga / Glenmorgan / Coomrith / Westmar / Moonie);
4. QRA REPA Flood Damage Restoration 2021/22 Package Drainage 03 (Various locations in the north-east of the Region, between Dalby / Warra / Jinghi / Diamondy / Bunya Mountains / Kaimkillenbun);
5. QRA REPA Flood Damage Restoration 2021/22 Package Seal 06 (Numerous locations surrounding Chinchilla, to Kogan / Condamine / Miles / Hookswamp / Blackswamp / Burncluith / Langlands / Tuckerang / Brigalow); and
6. QRA REPA Flood Damage Restoration 2021/22 Package Seal 08 (Dalby / Blaxland / St Ruth / Springvale).

UPCOMING PROJECTS

1. Betterment Program.

24/25 PROJECTS DESIGN STATUS UPDATE

Design Program is 97% completed (56/58):

- a. 95% - Roadworks Design Program (36/38) projects Issued for Construction (IFC);
- b. 100% - Footpath Design Program (10/10) projects Issued for Construction.
- c. 100% - DustSuppressions (10/10)

Remaining Projects Status -

Hayden Street (40%) - design progressed

Wambo St – awaiting direction

Supplementary (Extra) jobs – 21 complete of 38 projects

24/25 PROJECTS DESIGN STATUS UPDATE

Design Program is 33% completed (15/45)

- a. 11% - Roadworks Design Program (3/29) projects Issued for Construction (IFC);
- b. 80% - Footpath Design Program (8/10) projects Issued for Construction.
- c. 100% - DustSuppressions (6/6)

Consultation (Internal/External)

Following Council's resolution to receive the report, updates will be posted on Council's social media platforms to inform Western Downs Regional Council's community

Legal/Policy Implications (Justification if applicable)

Nil

Budget/Financial Implications

Nil

Human Rights Considerations

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

All activities will be undertaken in accordance with Council's human rights obligations

Conclusion

The program is currently behind schedule due to continuous interruptions from adverse weather conditions and delays in obtaining Cultural Heritage approvals along with Telstra relocations

Attachments

Nil

Authored by: Debbie Dibley, WORKS MANAGER CONSTRUCTION

Title	SES Local Controller Honorary Payment
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Date	27 March 2025
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Responsible Manager	Daniel Fletcher GENERAL MANAGER COMMUNITY & LIVEABILITY
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Summary

To seek Council's consideration and approval for an increase to the annual honorary payment provided to the SES Regional Local Controller, recognising the leadership, time commitment, and operational responsibility attached to this voluntary role.

Link to Corporate Plan

Strategic Priority: Active Vibrant Community

- We are a happy, inclusive community, proud of where we live.
- Our people of diverse backgrounds and ages are united by social, cultural, and sporting activities.
- We are a strong sustainable community supported by volunteers.
- We empower communities to develop local initiatives and events.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That Council resolve to:

1. Increase the annual honorary payment for the State Emergency Service Regional Local Controller from \$5,000 to \$20,000.
2. Retain existing honorary payments for the State Emergency Service Deputy Local Controller (\$2,000) and Local Group Leaders (\$1,000).
3. Endorse the development of a performance and reporting agreement between Western Downs Regional Council and the State Emergency Service Regional Local Controller to support accountability, transparency, and performance evaluation.

Background Information

The SES Local Controller plays a critical leadership role within the State Emergency Service (SES), holding statutory responsibilities under the *State Emergency Service Act 2024* (s.25). These include ensuring volunteer readiness, equipment management, operational compliance, and alignment with State and local government disaster management policies.

Appointed by the SES Commissioner in consultation with local government, the position is unpaid but carries significant expectations, particularly during periods of natural disaster and emergency response.

In 2014, Council endorsed a performance-based honorary payment structure as follows:

- SES Regional Local Controller – \$5,000
- Deputy Local Controller – \$2,000
- Local Group Leader – \$1,000

There has been no adjustment to these payments in over a decade.

Section 25 – Functions of Local Controller

(1) The local controller for an SES unit is responsible for maintaining the operational effectiveness of the unit by ensuring:

- (a) SES members in the unit have the necessary skills to perform their roles competently;*
- (b) The unit's equipment is maintained in an appropriate condition;*
- (c) The unit performs its functions and other activities in accordance with departmental policies relating to SES operations;*
- (d) The unit performs its functions in compliance with:*
 - (i) This Act and any other applicable Act or law; and*
 - (ii) Any operational permits and approvals applying to an SES unit;*
- (e) SES members in the unit comply with any direction given by:*
 - The Commissioner*
 - The SES Chief Officer*
 - An SES Commander*

(2) In performing the above functions, the local controller must give effect to any direction issued by the Commissioner or the SES Chief Officer.

(3) A local controller may delegate their functions under this section to another SES member.

Report

Given the evolving nature of the SES and increasing challenges in volunteer recruitment and retention, it is timely to review the level of support provided to SES leadership roles.

The position of Regional Local Controller requires ongoing leadership in a voluntary capacity, often performed alongside full-time employment and family responsibilities. The role includes:

- Coordinating multi-agency responses
- Supporting volunteer training and capability development
- Driving cultural change and recruitment initiatives
- Maintaining operational readiness across geographically dispersed units

Recognising this complexity and responsibility, the proposed increase to \$20,000 per annum seeks to:

- Support sustainability and succession planning in SES leadership
- Reinforce Council's commitment to regional disaster preparedness
- Enable the implementation of a formal performance agreement to support accountability

The performance agreement will include key performance indicators (KPIs), reporting obligations, and an annual review mechanism to be undertaken in the first quarter of each financial year.

Consultation (Internal/External)

The proposal has been discussed in detail with the State Emergency Service (Queensland), who have expressed strong support and regard this initiative as a positive step towards strengthening local disaster resilience frameworks.

Legal/Policy Implications (Justification if applicable)

There are no identified legal or policy constraints arising from this recommendation.

Budget/Financial Implications

WDRC receives an annual SES Local Government Subsidy of \$38,633 to assist with SES administration and operational costs.

Human Rights Considerations

There are no human rights implications associated with this report.

Conclusion

The SES Regional Local Controller plays a vital role in ensuring the safety and resilience of communities across the Western Downs. The current level of honorary payment no longer reflects the responsibility and commitment required of the role.

This proposal seeks to modernise Council's support to SES leadership, enhance regional disaster management capability, and ensure appropriate mechanisms are in place to monitor and evaluate performance.

The recommendation is consistent with good governance, sector practice, and Council's ongoing commitment to community safety and volunteer empowerment.

Attachments

- ECM_2434811 - 2014 Council Resolution Summary
- BMH 10.4 Appendix D - Role Description for SES Members Part C Local Controller
- State Emergency Service Act 2024

Authored by: Daniel Fletcher, General Manager (Community & Liveability)

Title	Corporate and Community Support Report State Emergency Services Executive and Group Structure Review
To	P.A. Berting, CHIEF EXECUTIVE OFFICER
File No	10/12/1
Date	14 July 2014
Authored by	L. Drumm, DISASTER MANAGEMENT SENIOR OFFICER
Responsible Manager	K. Anderson, CORPORATE PLANNING AND COMMUNICATION MANAGER
Responsible General Manager	L. R. Vohland, CORPORATE AND COMMUNITY SUPPORT GENERAL MANAGER

Summary/Purpose

The purpose of this Report is to provide Council with a strategy to improve State Emergency Service (SES) Membership (recruitment and retainment) and capacity in the Western Downs area and to seek Council's approval to implement a new SES Executive Structure.

Employee Material Personal Interest/Conflict of Interest

Nil

Councillor Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and that:

1. Council endorse an SES Executive Structure that is led by one (1) regional Local Controller who is supported by a regional Deputy Local Controller and local Group Leaders; and
2. Council pays performance based Stipends to recognise contributions to the State Emergency Service as follows:-
 - a. Regional Local Controller - \$5,000 per financial year; and
 - b. Regional Deputy Local Controller - \$2,000 per financial year; and
 - c. Local Group Leader - \$1,000 per financial year.

Justification

Nil

Link to Corporate Plan

Strategic Theme 3: Healthy Living

The people of the Western Downs enjoy the benefits of a healthy and active lifestyle within safe and inclusive communities.

COUNCIL RESOLUTION

MOVED by Cr. A.N. Smith and seconded by Cr. A.G. Brame

That this Report be received and that:

1. Council endorse an SES Executive Structure that is led by one (1) regional Local Controller who is supported by a regional Deputy Local Controller and local Group Leaders; and
2. Council pays performance based Stipends to recognise contributions to the State Emergency Service as follows:-
 - a. Regional Local Controller - \$5,000 per financial year; and
 - b. Regional Deputy Local Controller - \$2,000 per financial year; and
 - c. Local Group Leader - \$1,000 per financial year.

CARRIED

ABSENT. DID NOT VOTE - Cr. C.T. Tillman

BMH 14.0

Appendix D – Role Descriptions for SES Executive Members – Part C Local Controller (Volunteer)

Responsible Owner: Director, Operations, State Headquarters

Effective Date: 04/10/2024 Version: 1.1



1. Overview

- The following positions are identified as State Emergency Service (SES) volunteer executive members:
 - Local Controllers
 - Deputy Local Controllers
 - Group Leaders.
- This role description sets out the responsibilities and skills required of a Local Controller (volunteer).
- SES Local Controllers are nominated by Local Government, recommended by the respective Regional Director and appointed by the Chief Officer SES.
- An appointee to a volunteer executive position must be an active member of the SES, able to perform the role as detailed in the role descriptions below.

2. Role description

2.1 Local controller (volunteer)

Status	Honorary role	Salary	Dependent on local government arrangements
Tenure	3 years with regular performance reviews	Closing date	
Group / Unit		Reference date	
Location		Region	

3. About SES

- The SES is a service within the Queensland Police Service (QPS). Its purpose is to help the community prevent, prepare for, respond to and recover from the impact of disaster and emergency events.
- SES has approximately 5,200 active, unpaid members who perform a diverse range of functions to respond to local, state and national disasters and emergencies.
- Members are trained and equipped to help their communities across a range of functions with a primary purpose to assist the most vulnerable members of the community by empowering people to help themselves and others in their community in times of emergency and disaster.
- All members receive world class training, providing them with real-life skills that they use to assist their community during emergencies. Many of these skills are also transferrable to other aspects of our volunteer's lives.
- As a member you will have the opportunity to work closely with other like-minded people with whom you will train and respond to emergencies together as a team and share experiences that lay the foundations for life-long friendships.
- SES has roles for people with a broad range of backgrounds, talents and expertise. Please be aware that members require a level of physical fitness especially when involved in rescues, responding to natural disasters and performing other critical roles.
- Roles of administration, communications, stores and welfare do not necessarily require levels of fitness; however, their availability is dependent on the existing membership of an SES group.

OFFICIAL

4. Purpose of the role

- The role of the SES Local Controller is focused on the leadership and management of an SES unit within the framework of the *State Emergency Service Act 2024 (Qld)* and the related policies and procedure of both SES and Local Government.

4.1 Key Requirements

4.1.1 Mandatory requirements

- The mandatory requirements of the role are:
 - eligibility to apply for or hold a current Blue Card
 - active member or ability to become an active member of SES
 - be an Australian citizen or resident or working legally in Australia.

4.1.2 Highly desirable skills and experience

- Experience as a volunteer or within a volunteer environment.
- Knowledge of the concepts, strategies and issues associated with providing support to volunteer SES members both in day-to-day activities and during SES operations.
- Ability to support a diverse volunteer workforce, advance the diversity agenda in the service and service delivery, to improve morale and enhance effectiveness of operational teams.
- Competent in the use of Microsoft Office 365 software including, Word, Excel, Outlook.
- Current qualifications or the ability to rapidly acquire qualifications in:
 - Volunteering in the SES
 - SEM0005 Volunteering in the SES or
 - PUATEA004 Work effectively in a public safety organisation
 - Safety
 - SEM0010 Safety or
 - PUAWHS001 Follow defined work, health and safety policies and procedures
 - AIIMS Awareness
 - IMSC001 AIIMS Awareness
 - AIIMs Intermediate
 - AIIMS Principles 2023
 - 22612VIC Course in the Australian Inter-service Incident Management System or
 - VU23311 Prepare to work within the Australian Inter-service Incident Management System
 - Task and Management System (TAMS)
 - SEM3301 TAMS use
 - Provide First Aid and CPR
 - HLTAID009 Provide cardiopulmonary resuscitation
 - HLTAID011 Provide First Aid
 - Participate in Rescue Operations
 - SEM0310 Participate in a Rescue Operation or
 - PUASAR022 Participate in a Rescue Operation
 - Storm Damage Operations
 - SEM0610 Storm and Water Damage Operations or
 - PUASES008 Undertake storm and water damage operations

4.2 Reporting

- Reporting lines for this position are:
 - the Local Controller reports to the Area Controller
 - Deputy Local Controller and Group Leaders may report to the Local Controller.

4.3 Special Requirements

- The role requires availability on an on-call duty officer roster and to accept emergency activation calls on behalf of the unit.
- This position is honorary and is subject to periodic performance reviews. On appointment to this position a probationary period of 6 months will apply.
- Applicants must be prepared to undertake SES training modules as required for this position.

4.4 Key accountabilities

- To ensure the successful support of key frontline services, responsibilities of the role include, but are not limited to:
 - lead the operational management of an SES unit to maintain capability to respond to emergency and disaster operations
 - ensure members have the necessary skills to competently perform their roles and responsibilities within the unit
 - ensure equipment is maintained to an appropriate standard required for operational response.
- Manage the recruitment, selection, training and career development of SES volunteers within an SES unit.
- Ensure the effective management and maintenance of allocated facilities, fleet, information and communication technology, major and minor plant, equipment and communications systems to meet the operational requirements of an SES Unit.
- Lead the development and implementation of public relations and education programs at the local level that promote community resilience and self-sufficiency in Queensland communities in conjunction with the SES and local government.
- Manage and administer an SES unit in compliance with approved instructions, directions and policies issued by the Chief Officer SES and/or local government.
- Manage the financial and governance responsibilities of an SES Unit.
- Maintain positive working relationship with Local Government and provide appropriate reports/updates as requested.

5. Capabilities

- To determine suitability for the role, assessment will be based on the following Leadership Competencies for Queensland behavioural profiles that link to the 'key accountabilities' for this role:
- Leadership Competency Stream – Team Leader (leading others and / or projects).

Vision

- Leads strategically.
- Stimulates ideas and innovation.
- Leads change in complex environments.
- Makes insightful decisions.

Results

- Develops and mobilises talent.
- Builds enduring relationships.
- Inspires others.
- Drives accountability and outcomes.

Accountability

- Fosters healthy and inclusive workplaces.



- Pursues continuous growth.
- Demonstrates sound governance.

6. Screening

- At the discretion of the selection panel appointment to this role may be contingent on the satisfactory outcome of a check of an applicant's recorded criminal history. Applicants seeking appointment may be required to disclose any criminal history and/or charges (including convictions which are not recorded), usually at time of interview, as per the provisions of the *Criminal law (Rehabilitation of Offenders) Act 1986 (Qld)*, section 9A (1).
- A criminal conviction or charge will not automatically exclude an applicant from consideration for appointment. SES may obtain information from the QPS on whether an applicant is under investigation for a serious offence and, if necessary, information can be obtained concerning the person.
- All personal information obtained in the application process will be treated confidentially and held securely by SES. Applicants who have lived or worked overseas may be required to provide a current police clearance.
- Failure to consent to the criminal history check may render the applicant unsuitable for the role.

7. For more information and how to apply

- For more information about the role and how to apply please contact:
 - Name <_____>
 - Phone <_____>
 - Email <_____>
- For more information about SES go to the website www.ses.qld.gov.au





Queensland

State Emergency Service Act 2024

Act No. 19 of 2024

An Act to establish the State Emergency Service and for related purposes

[Assented to 3 May 2024]



Queensland

State Emergency Service Act 2024

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The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *State Emergency Service Act 2024*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

3 Main purpose of Act

The main purpose of this Act is to establish the State Emergency Service to provide—

- (a) emergency services in the State; and
- (b) other related services to government entities and the community.

4 Act binds all persons

- (1) This Act binds all persons, including the State and, to the extent the legislative power of the Parliament permits, the Commonwealth and the other States.
- (2) However, the Commonwealth or a State can not be prosecuted for an offence against this Act.

5 Definitions

The dictionary in schedule 1 defines particular words used in this Act.

Part 2 State Emergency Service

Division 1 Establishment, functions, powers and membership

6 Establishment of SES

The State Emergency Service (the *SES*) is established.

7 Functions and powers

(1) The functions of the SES are—

- (a) to perform rescue or similar operations in an emergency situation, including—
 - (i) helping injured persons; and
 - (ii) protecting persons, property or the environment from danger or potential danger associated with the situation; and

Examples of rescue or similar operations in an emergency situation—

- operations for rescuing persons from road crashes
- operations for vertical rescues
- operations requested by another entity providing emergency services in an emergency situation

- (b) to perform search operations in an emergency or similar situation; and

Examples of search operations in situations similar to an emergency situation—

- a search, whether carried out by land, air or water for a missing person
- a search to find a weapon used in the commission of an alleged offence

- (c) to perform activities in response to a severe weather event; and

- (d) to perform other activities to help communities or other entities prepare for, respond to, recover from and enhance resilience to, an event or a disaster; and
 - (e) to perform activities to raise the profile of the SES or raise funds to support the SES in the performance of its other functions; and
 - (f) to provide services, and give help reasonably requested, in an emergency or another situation, as required of a member of the SES under any Act or law or the reasonable expectations of the community; and
- Example of providing a service for paragraph (g)—*
- helping to manage pedestrian or vehicular traffic at a community event
- (g) to perform any other functions given to the SES under this Act or another Act.
- (2) The SES has power to do anything necessary or convenient to be done for the performance of its functions.

8 Membership

- (1) The SES consists of the following persons—
 - (a) the SES chief officer;
 - (b) SES employees;
 - (c) SES volunteers.
- (2) A person mentioned in subsection (1)(a), (b) or (c) is an **SES member**.

Division 2 Functions of commissioner and related matters

9 Functions

The commissioner's functions relating to the SES are—

[s 10]

- (a) the establishment of SES units and the designation of areas for SES units; and
- (b) the appointment of persons as SES chief officer, local controllers, SES commanders and other SES members; and
- (c) the establishment of management and support services for the SES; and
- (d) the development of policies to help the SES perform its functions effectively and efficiently including, for example, policies about training SES members; and
- (e) the giving of directions and guidance to the SES chief officer, local controllers, SES commanders and SES members; and
- (f) the performance of any other function relating to the SES that is given to the commissioner under this Act or another Act.

10 Commissioner may make code of practice

- (1) The commissioner may make a code of practice about any of the following—
 - (a) the conduct or practice of SES members;
 - (b) the operation of SES units, to provide guidance to SES members;
 - (c) another matter the commissioner considers appropriate for the effective performance of the functions of—
 - (i) SES members; or
 - (ii) SES units.
- (2) The commissioner must, as soon as practicable after making a code of practice—
 - (a) give a copy of the code to each SES unit; and
 - (b) publish the code on the department's website.

- (3) To remove any doubt, it is declared that a code of practice issued by the commissioner under this section is a statutory instrument.

11 Agreements between commissioner and local government about SES and SES employees

The commissioner may enter into an agreement with a local government about—

- (a) the responsibilities of each party in relation to the SES in the local government's area; or
- (b) the performance of SES functions by persons employed by the local government.

Division 3 SES members

Subdivision 1 SES chief officer

12 Appointment of SES chief officer

- (1) There is to be an SES chief officer for the SES.
- (2) The commissioner may appoint a person to be the SES chief officer only if the commissioner is satisfied the person is appropriately qualified to perform the functions and exercise the powers of the SES chief officer effectively and efficiently.
- (3) The SES chief officer is to be employed under the *Public Sector Act 2022*.

13 Functions and powers

- (1) The SES chief officer has the following functions—
 - (a) to manage the SES in a way that ensures the SES operates effectively and efficiently;

[s 14]

- (b) to comply with any direction given by the commissioner that is relevant to—
 - (i) the functions of the SES chief officer or the SES; or
 - (ii) SES members;
 - (c) to perform any other function relating to the SES given to the SES chief officer under this Act or another Act.
- (2) The SES chief officer has power to do anything necessary or convenient to be done for the performance of the SES chief officer's functions.

14 Acting SES chief officer

- (1) The commissioner may appoint a person to act as the SES chief officer—
- (a) during a vacancy in the office; or
 - (b) during any period, or during all periods, when the SES chief officer is absent from duty or is, for another reason, unable to perform the duties of the office.
- (2) A person can not be appointed to act as the SES chief officer unless the commissioner could have appointed the person as the SES chief officer under section 12(2).

15 Delegations

The SES chief officer may delegate the SES chief officer's functions and powers under this Act to another SES member who is appropriately qualified.

Subdivision 2 Other SES members

16 Appointment of other SES members

The commissioner may appoint a person as a member of the SES, other than the SES chief officer.

17 Functions and powers of other SES members

- (1) An SES member appointed under section 16 has the following functions—
 - (a) to perform an SES function in a way that helps ensure the SES operates effectively and efficiently;
 - (b) to comply with any direction given by the commissioner or the SES chief officer that is relevant to—
 - (i) SES functions; or
 - (ii) SES members;
 - (c) to perform any other function relating to the SES given to the SES member under this Act or another Act.
- (2) Subject to part 3, division 2, an SES member has power to do anything necessary or convenient to be done for the performance of the SES member's functions.

18 SES employees

- (1) An SES member appointed under section 16 may perform an SES function as an employee of—
 - (a) the State under the *Public Sector Act 2022*; or
 - (b) the Brisbane City Council under the *City of Brisbane Act 2010*; or
 - (c) another local government under the *Local Government Act 2009*.
- (2) An SES member who performs an SES function as an employee under subsection (1) is an **SES employee**.

19 SES volunteers

- (1) An SES member appointed under section 16 may perform an SES function as a volunteer.
- (2) An SES member who performs an SES function as a volunteer under subsection (1) is an **SES volunteer**.

20 Commissioner to insure SES volunteers

- (1) The commissioner must enter into a contract of insurance with WorkCover or another entity to insure SES volunteers.
- (2) The contract of insurance must cover an SES volunteer while the person is—
 - (a) performing a function relating to the SES in their capacity as an SES member; or
 - (b) involved in another activity, including training, related to the carrying out of a function of the SES or disaster operations under the *Disaster Management Act 2003*.
- (3) In this section—

WorkCover means WorkCover Queensland established under the *Workers' Compensation and Rehabilitation Act 2003*.

21 Suspension of SES local government employee or SES volunteer

- (1) This section applies in relation to a person who is—
 - (a) an SES employee performing an SES function as an employee of a local government; or
 - (b) an SES volunteer.
- (2) The commissioner may, by notice to the person, suspend the person from duty as an SES member if the commissioner reasonably believes—
 - (a) the person would, if the person were an employee under the *Public Sector Act 2022*, be liable to be disciplined under a disciplinary law within the meaning of that Act; or
 - (b) the proper and efficient management of the SES might be prejudiced if the person is not suspended.
- (3) However, before suspending the person, the commissioner must consider all reasonable alternative actions available to the commissioner in relation to the person.

Examples of reasonable alternative actions—

- assigning alternative duties
 - changing the location where the person performs duties
 - making another alternative arrangement about how the person may continue to participate in the SES
- (4) The notice must state when the suspension starts and ends.
- (5) The commissioner may, by notice to the person, extend or further extend the period of suspension before the period ends if the commissioner reasonably believes the circumstances mentioned in subsection (2)(a) or (b) still exist.
- (6) The commissioner must ensure the matter is investigated promptly to ensure the timely resolution of the suspension.
- (7) The commissioner may cancel the suspension at any time.

Division 4 Arrangements for police officers

22 Secondment of police officers

- (1) The SES chief officer may arrange with the commissioner for the services of police officers to be made available to the SES.
- (2) The arrangement is not effective unless it has been approved by the Minister.
- (3) A police officer whose services are seconded to the SES under this section—
- (a) is subject to the direction and control of the SES chief officer in relation to the performance of SES functions; but
 - (b) continues to be a police officer for all purposes and to have the functions and powers of a police officer without being limited to the performance of SES functions.

Division 5 SES units, local controllers and SES commanders

23 Establishment of SES units

- (1) The commissioner may, by notice published on the department's website or the SES's website, establish an SES unit for a local government area if—
 - (a) the commissioner is satisfied it is necessary or desirable to establish an SES unit to perform an SES function in the local government area; and
 - (b) the local government for the local government area agrees to the establishment of an SES unit for the local government area.
- (2) In considering whether it is necessary or desirable to establish an SES unit for a local government area, the commissioner must have regard to—
 - (a) the needs of the community in the local government area; and
 - (b) whether establishing the unit would—
 - (i) represent an appropriate distribution of the capability of SES members and assets available to the SES for the State; and
 - (ii) provide the SES with the capability to perform SES functions commensurate with the costs and risks associated with the establishment of the unit for the local government area; and
 - (c) whether sufficient volunteers are likely to be available to ensure the unit is sustainable; and
 - (d) whether the unit can appropriately maintain the equipment necessary for the unit to perform SES functions.
- (3) Also, before establishing an SES unit for a local government area, the commissioner must consult with any entity the

commissioner considers represents the local community for the local government area.

24 Local controller of SES unit

- (1) For each SES unit, the commissioner must appoint an SES member to be the local controller of the unit.
- (2) The appointment must be made by notice given to the SES member.
- (3) The commissioner may appoint an SES member as the local controller for an SES unit for a local government area only if—
 - (a) the local government for the local government area has nominated the member for appointment as the local controller; and
 - (b) the commissioner is satisfied the member has the necessary expertise or experience to perform the functions of a local controller.
- (4) A local controller holds office on any conditions the commissioner considers appropriate and stated in the notice given to the controller.

25 Functions of local controller

- (1) The local controller for an SES unit is responsible for maintaining the operational effectiveness of the unit by ensuring—
 - (a) the SES members in the unit have the necessary skills to perform their roles in the unit competently; and
 - (b) the unit's equipment is maintained in an appropriate condition; and
 - (c) the unit performs its functions and other activities in a way that is consistent with departmental policies about the performance of an SES unit's functions and other activities; and

- (d) the unit performs its functions in compliance with—
 - (i) this Act and any other applicable Act or law; and
 - (ii) any operational permits and approvals applying to an SES unit; and
 - (e) the SES members in the unit comply with any direction given by the commissioner, the SES chief officer or an SES commander.
- (2) In performing the functions under subsection (1), the local controller must give effect to any direction given by the commissioner or the SES chief officer.
- (3) A local controller of an SES unit may delegate the local controller's functions under this section to another SES member.

26 SES commanders

- (1) The commissioner may, by notice to a person, appoint the person as an SES commander for a group of SES units to coordinate the performance of SES functions by the group.
- (2) The commissioner may appoint a person as an SES commander only if—
- (a) the person is an SES member; and
 - (b) the commissioner is satisfied the member is appropriately qualified to perform the functions of an SES commander.
- (3) An SES commander holds office on any conditions the commissioner considers appropriate and stated in the notice given to the commander.
- (4) The commissioner must advise the chairperson of each relevant local group and the relevant district disaster coordinator that an SES commander has been appointed.
- (5) The commissioner may terminate the appointment of an SES commander for a group of SES units if the commissioner

considers it is no longer necessary for an SES commander to be appointed for the group.

- (6) The commissioner must advise the chairperson of each relevant local group and the relevant district disaster coordinator of the termination.

- (7) In this section—

chairperson, of a local group, has the meaning given by the *Disaster Management Act 2003*.

disaster district has the meaning given by the *Disaster Management Act 2003*.

district disaster coordinator has the meaning given by the *Disaster Management Act 2003*.

local group has the meaning given by the *Disaster Management Act 2003*.

relevant district disaster coordinator means the district disaster coordinator for a disaster district whose area includes the local government area for an SES unit in the group of SES units.

relevant local group means the local group for the local government area for an SES unit in the group of SES units.

27 Functions of SES commanders

- (1) An SES commander for a group of SES units for local government areas has the following functions—
- (a) to coordinate the performance of SES functions in the local government areas when resources of the SES from outside the local government areas are made available to the group;
 - (b) to provide advice to local controllers of the SES units about—
 - (i) SES functions; and
 - (ii) managing the safety and fatigue of the members of the SES units; and

- (iii) logistical and financial matters;
 - (c) to perform other functions agreed between the SES commander and the local disaster coordinator for the relevant local group;
 - (d) to give effect to any direction given by the commissioner or SES chief officer.
- (2) In performing the SES commander's functions, the commander must have regard to—
 - (a) the advice of the local disaster coordinator for a relevant local group; and
 - (b) any applicable disaster management plans.
- (3) In this section—

disaster management plan has the meaning given by the *Disaster Management Act 2003*.

local disaster coordinator has the meaning given by the *Disaster Management Act 2003*.

local group has the meaning given by the *Disaster Management Act 2003*.

relevant local group means the local group for the local government area for an SES unit in the group of SES units.

Part 3 Authorised rescue officers

Division 1 Appointment

28 Appointment

- (1) The commissioner may appoint any of the following persons as an authorised rescue officer—
 - (a) an SES member;

- (b) a person who performs a function similar to an emergency-related SES function under a law of another State or country;
 - (c) a member of a class of persons prescribed by a regulation.
- (2) However, the commissioner may appoint a person as an authorised rescue officer only if satisfied the person has the necessary expertise or experience to be an authorised rescue officer.

29 Appointment conditions and limit on powers

- (1) An authorised rescue officer holds office on any conditions stated in—
 - (a) the officer's instrument of appointment; or
 - (b) a signed notice given to the officer; or
 - (c) a regulation.
- (2) The instrument of appointment, a signed notice given to the officer or a regulation may limit the officer's powers under this Act.
- (3) In this section—
signed notice means a notice signed by the commissioner.

30 Resignation

An authorised rescue officer may resign by signed notice given to the commissioner.

31 Issue of identity card

- (1) The commissioner must issue an identity card to each authorised rescue officer.
- (2) The identity card must—
 - (a) contain a recent photo of the officer; and

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- (b) identify the person as an authorised rescue officer under this Act; and
 - (c) state an expiry date for the card.
- (3) This section does not prevent the issue of a single identity card to a person for this Act and other purposes.

32 Production or display of identity card

- (1) In exercising a power under this Act in relation to a person in the person's presence, an authorised rescue officer must—
 - (a) produce the officer's identity card for the person's inspection before exercising the power; or
 - (b) have the identity card displayed so it is clearly visible to the person when the officer is exercising the power.
- (2) However, if it is not practicable to comply with subsection (1), the authorised rescue officer must produce the identity card for the person's inspection at the first reasonable opportunity.

33 Return of identity card

A person who stops being an authorised rescue officer must return the person's identity card to the commissioner within 21 days after the person stops being an authorised rescue officer, unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

Division 2 Powers of authorised rescue officers

34 Exercise of powers subject to direction of SES member

- (1) This section applies to an authorised rescue officer who is not an SES member.

- (2) In exercising a power under this division, the officer is subject to the directions of an authorised rescue officer who is an SES member.

35 Powers for performing emergency-related SES function

- (1) This section applies to an authorised rescue officer for performing an emergency-related SES function.
- (2) The authorised rescue officer may take reasonable steps to protect—
 - (a) a person who is trapped, or endangered in another way, in a place; or
 - (b) the officer or another person from danger, potential danger or assault.
- (3) Without limiting subsection (2), each of the following is a reasonable step—
 - (a) entering a place under section 36;
 - (b) searching any part of a place;
 - (c) opening a container or other thing;
 - (d) removing any thing from a place;
 - (e) destroying or damaging premises, a vehicle, container or other thing;
 - (f) taking into or onto a place the equipment, persons or materials the authorised rescue officer reasonably requires to exercise a power under this section;
 - (g) giving a person a direction to leave, or not to enter, an area in or near a place if the authorised rescue officer reasonably considers the direction is necessary to protect a person's life or health;
 - (h) making a requirement of a person at or near a place to give the authorised rescue officer reasonable help to exercise the officer's powers under paragraphs (a) to (f).
- (4) When giving a direction or making a requirement mentioned in subsection (3)(g) or (h), the authorised rescue officer must

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warn the person it is an offence to fail to comply with the direction or requirement unless the person has a reasonable excuse.

Notes—

- 1 For the offence of failing to comply with a direction given under subsection (3)(g), see section 39.
- 2 For the offence of failing to comply with a requirement made under subsection (3)(h), see section 40.

36 Power of entry

- (1) An authorised rescue officer may enter a place without a warrant or the consent of the owner or occupier of the place to perform an emergency-related SES function.
- (2) However, if the occupier is present at the place, the authorised rescue officer must do, or make a reasonable attempt to do, the following things before entering the place—
 - (a) tell the occupier the purpose of the entry;
 - (b) seek the consent of the occupier to the entry;
 - (c) tell the occupier the officer is permitted under this Act to enter the place without the occupier's consent.
- (3) Subsection (2) does not require the authorised rescue officer to take a step the officer reasonably believes may frustrate or otherwise hinder the officer's ability to give the protection mentioned in section 35(2).
- (4) In this section—

occupier, of a place, includes the following—

 - (a) if there is more than 1 person who apparently occupies the place—any 1 of the persons;
 - (b) any person at the place who is apparently acting with the authority of a person who apparently occupies the place;
 - (c) if no-one apparently occupies the place—any person who is an owner of the place.

37 Power to use force

- (1) It is lawful for an authorised rescue officer to use reasonably necessary force when performing or attempting to perform an SES function.
- (2) This section does not apply to the use of force against an individual.

Part 4 Offences

38 Offence to assault or obstruct official

- (1) A person must not, unless the person has a reasonable excuse—
 - (a) assault an official performing an SES function; or
 - (b) obstruct an official performing an SES function.

Maximum penalty—100 penalty units or 6 months imprisonment.

- (2) If a person has obstructed an official and the official decides to proceed with the performance of the function, the official must warn the person that—
 - (a) it is an offence to cause an obstruction unless the person has a reasonable excuse; and
 - (b) the official considers the person's conduct an obstruction.

- (3) In this section—

assault has the meaning given by the Criminal Code, section 245.

obstruct includes hinder, resist, attempt to obstruct and threaten to obstruct.

official means—

- (a) an SES member; or
- (b) an authorised rescue officer.

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39 Failure to comply with direction of authorised rescue officer

A person must not fail to comply with a direction given by an authorised rescue officer under section 35(3)(g), unless the person has a reasonable excuse.

Maximum penalty—50 penalty units or 6 months imprisonment.

40 Failure to comply with requirement to give authorised rescue officer reasonable help

A person of whom a requirement is made by an authorised rescue officer under section 35(3)(h) must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

41 Impersonating SES member or authorised rescue officer

A person must not impersonate an SES member or an authorised rescue officer.

Maximum penalty—100 penalty units.

42 Unauthorised use of confidential information

(1) This section applies to a person who—

(a) is or has been—

- (i) an SES member or authorised rescue officer performing functions under or relating to the administration of this Act; or
- (ii) another individual engaged to perform functions under or relating to the administration of this Act; or
- (iii) an individual engaged by an entity that is engaged to perform functions under or relating to the administration of this Act; and

- (b) in that capacity, acquired confidential information or has access to, or custody of, confidential information.
- (2) This section also applies to a person who has acquired or has access to confidential information—
 - (a) whether directly or indirectly, from a person mentioned in subsection (1); or
 - (b) as authorised under an Act, another law or an arrangement with the police service.
- (3) The person must not use the confidential information other than under this section.

Maximum penalty—100 penalty units or 2 years imprisonment.

- (4) The person may use the confidential information—
 - (a) to the extent the use is required or permitted under this Act or another Act or to perform the person's functions under this Act or another Act; or
 - (b) with the consent of the person to whom the information relates if the information would normally be made available to any member of the public on request; or
 - (c) in compliance with lawful process requiring production of documents or giving of evidence before a court or tribunal; or
 - (d) if the use is otherwise required or permitted under another law.

- (5) In this section—

confidential information—

- (a) means personal information about an individual or other information of a confidential nature; but
- (b) does not include—
 - (i) information that is publicly available; or

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- (ii) statistical or other information that could not reasonably be expected to result in the identification of the individual to whom it relates.

personal information see the *Information Privacy Act 2009*, section 12.

use, in relation to information, includes the following—

- (a) disclose;
- (b) give;
- (c) give access to;
- (d) make available;
- (e) publish;
- (f) record.

43 Using restricted expressions etc.

- (1) A person must not, unless the person has a reasonable excuse—
 - (a) use a restricted expression without the commissioner’s written approval or authority—
 - (i) in, or as, the name of a business carried on by the person; or
 - (ii) to advertise or otherwise promote goods or services provided by the person; or
 - (iii) to raise funds, whether for the SES or another entity; or
 - (b) use the expression ‘State Emergency Service’ or ‘SES’, or a similar expression, in a way that suggests the person is an SES member if the person is not an SES member.

Maximum penalty—40 penalty units.

- (2) In this section—

restricted expression means any of the following expressions—

- (a) ‘State Emergency Service’;
- (b) ‘SES’;
- (c) another expression that includes an expression mentioned in paragraph (a) or (b).

44 Warning device or light on SES vehicle

- (1) A person, other than an SES member, must not activate a warning device or warning light fitted to an SES vehicle unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

- (2) An SES member may activate a warning device or warning light fitted to an SES vehicle only if—
 - (a) the member activates the warning device or warning light to perform an SES function; and
 - (b) the member considers it necessary to activate the warning device or warning light to ensure a person’s safety.

Maximum penalty—40 penalty units.

Part 5 Miscellaneous

45 Protection from liability

Civil liability does not attach to any of the following entities because of an act done, or omission made, honestly and without negligence by the entity under this Act—

- (a) the State;
- (b) a local government;
- (c) the Minister;
- (d) an SES member;
- (e) an authorised rescue officer;

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- (f) a person helping an authorised rescue officer under section 35(3)(h).

46 Appointments and authority

In a proceeding under or in relation to this Act, the following must be presumed unless a party to the proceeding, by reasonable notice, requires proof of it—

- (a) the appointment of each of the following—
 - (i) the SES chief officer;
 - (ii) a local controller of an SES unit;
 - (iii) an SES commander;
 - (iv) another SES member;
 - (v) an authorised rescue officer;
- (b) the power of a person mentioned in paragraph (a) to do anything under this Act.

47 Other evidentiary aids

A certificate purporting to be signed by the commissioner stating any of the following matters is evidence of the matter—

- (a) a stated document is an appointment, approval, authorisation, decision, direction, notice or requirement given or made under this Act;
- (b) a stated document is a copy of, or an extract from or part of, a document mentioned in paragraph (a);
- (c) that, on a stated day—
 - (i) a stated person was given a stated decision, direction or notice under this Act; or
 - (ii) a stated requirement under this Act was made of a stated person.

48 Exemption from toll

- (1) This section applies if—
 - (a) an SES member is travelling in an SES vehicle in the person's capacity as an SES member; and
 - (b) the SES vehicle is fitted with a warning device or warning light that is activated.
- (2) The SES member is exempt from payment of a toll for the use by the member and the SES vehicle of a road, bridge or ferry.

49 Regulation-making power

The Governor in Council may make regulations under this Act.

Part 6 Transitional provisions for Emergency Services Reform Amendment Act 2024

50 Definitions for part

In this part—

former, in relation to a provision, means the provision as in force from time to time before the commencement.

former SES means the State Emergency Service established under the *Fire and Emergency Services Act 1990*, former section 129.

51 Appointment of former SES member as new SES member

- (1) This section applies to a person who, immediately before the commencement, was a member of the former SES.
- (2) On the commencement, the person is taken to be appointed as a member of the SES under section 16.

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52 Continuation of former SES unit as new SES unit and appointment of local controller as new local controller

- (1) This section applies if a former SES unit—
 - (a) was established before the commencement; and
 - (b) was in existence immediately before the commencement.
- (2) On the commencement, the former SES unit is taken to be established as an SES unit under section 23.
- (3) Subsection (4) applies if—
 - (a) a former local controller was appointed for the former SES unit before the commencement; and
 - (b) the appointment was in effect immediately before the commencement.
- (4) On the commencement, the former local controller is taken to be appointed as the local controller for the SES unit under section 24.
- (5) In this section—

former local controller means a local controller appointed under the *Fire and Emergency Services Act 1990*, former section 134.

former SES unit means an SES unit established under the *Fire and Emergency Services Act 1990*, former section 133.

53 Appointment of former SES coordinator as new SES commander

- (1) This section applies if—
 - (a) a former SES coordinator was appointed for 2 or more local government areas before the commencement; and
 - (b) the appointment was in effect immediately before the commencement.
- (2) On the commencement, the former SES coordinator is taken to be appointed under section 26 as the SES commander for

the group of the SES units for each of the local government areas.

(3) In this section—

former SES coordinator means an SES coordinator appointed under the *Fire and Emergency Services Act 1990*, former section 136.

54 Appointment of former authorised rescue officer as new authorised rescue officer

(1) This section applies if—

- (a) a former authorised rescue officer was appointed before the commencement; and
- (b) the appointment was in effect immediately before the commencement.

(2) On the commencement, the former authorised rescue officer is taken to be appointed as an authorised rescue officer under section 28.

(3) In this section—

former authorised rescue officer means an authorised rescue officer appointed under the *Fire and Emergency Services Act 1990*, former section 148.

55 Preserved employment conditions

(1) This section applies to a person who—

- (a) immediately before the commencement, was employed by the State or a local government to perform a function of the former SES; and
- (b) on the commencement, is taken to be appointed to a position under section 51(2), 52(4), 53(2), or 54(2).

(2) The appointment does not affect the person's benefits, entitlements or remuneration as an employee under subsection (1)(a).

56 Continuation of WorkCover insurance for SES volunteer

- (1) This section applies if—
 - (a) immediately before the commencement, an SES volunteer was insured under a contract of insurance with WorkCover that was entered into under the *Fire and Emergency Services Act 1990*, former section 154C; and
 - (b) on the commencement, the SES volunteer is a staff member of the police service under the *Police Service Administration Act 1990*.
- (2) Subject to subsections (3) and (4), the contract of insurance, as it relates to the SES volunteer, continues to have effect as if the amending Act had not been enacted.
- (3) On the commencement, the contract of insurance—
 - (a) is taken to have been entered into by the commissioner and WorkCover; and
 - (b) is taken to cover the SES volunteer while the person is performing a function relating to the SES in their capacity as an SES member; and
 - (c) continues to have effect with any necessary changes because of paragraphs (a) and (b).
- (4) The contract of insurance continues to have effect under subsection (2) until—
 - (a) the commissioner enters into a contract of insurance to insure the SES volunteer under section 20; or
 - (b) the contract is terminated by the commissioner or WorkCover.
- (5) In this section—

amending Act means the *Emergency Services Reform Amendment Act 2024*.

57 References to former SES

A reference in an Act or document to the former SES, whether it is referred to as the SES or the State Emergency Service,

may, if the context permits, be taken to be a reference to the
SES established under section 6 of this Act.

Schedule 1 Dictionary

section 5

commissioner means the commissioner of the police service.

emergency-related SES function means a function of the SES under section 7(1)(a), (b) or (c).

local controller means a person appointed by the commissioner under section 24(1).

notice means written notice.

of, a place, includes at or on the place.

place includes—

- (a) premises; and
- (b) vacant land; and
- (c) a vehicle; and
- (d) a place in Queensland waters; and
- (e) a place held under 2 or more titles or by 2 or more owners.

police service means the Queensland Police Service under the *Police Service Administration Act 1990*.

premises includes—

- (a) a building or structure, or part of a building or structure, of any type; and
- (b) a group of buildings or structures, or part of a group of buildings or structures, of any type; and
- (c) the land or water where a building or structure, or a group of buildings or structures, is situated; and
- (d) a vehicle and a caravan; and
- (e) premises held under 2 or more titles or by 2 or more owners.

reasonably believes means believes on grounds that are reasonable in the circumstances.

SES see section 6.

SES chief officer means a person appointed by the commissioner under section 12.

SES commander means a person appointed by the commissioner under section 26(1).

SES employee see section 18(2).

SES function means a function of the SES mentioned in section 7(1).

SES member see section 8(2).

SES unit means an SES unit established by the commissioner under section 23(1).

SES vehicle means—

- (a) a vehicle of the SES; or
- (b) a vehicle used by an SES member to perform a function of the SES.

SES volunteer see section 19(2).

vehicle means—

- (a) an aircraft, including a helicopter; or
- (b) a vehicle or vessel under the *Transport Operations (Road Use Management) Act 1995*.