

5.1 Adopt Ordinary Meeting of Council Minutes 20 March 2025

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

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby

Seconded By Cr. S. Bougoure

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.

CARRIED



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.

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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

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

10.2 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 Cottee 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 6Dispute Resolution

Part 1Appeal Rights

229Appeals 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.

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

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.

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 (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.