5. CONFIRMATION OF MINUTES

5.1 Adopt Ordinary Meeting of Council Minutes 8 December 2021

The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Wednesday, 8 December 2021

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith 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 8 December 2021, copies of which have been circulated to Members, be taken as read and confirmed.

CARRIED



Ordinary Meeting of Council Minutes

Date: Wednesday, 8 December 2021

Time: 9.30am

Location: Dalby Corporate Office

30 Marble Street, Dalby Qld 4405

Councillors: Cr. P. M. McVeigh (Chairperson)

Cr. A. N. Smith
Cr. K. A. Bourne
Cr. P. T. Saxelby
Cr. K. A. Maguire
Cr. I. J. Rasmussen
Cr. M. J. James
Cr. C. T. Tillman

Officers: J. K. Taylor, Acting Chief Executive Officer

S. M. Peut, General Manager (Corporate Services)

G. K. Cook, General Manager (infrastructure Services)

A. Yardley, Acting General Manager (Community and Liveability)

A. G. Lyell, Executive Services Administration officer

H. Wex, Executive Officer to the Mayor

E. Kendall, Communications and Marketing Manager

1. DECLARATION OF MEETING OPENING

The Chairperson declared the Meeting open at 9.30AM.

Cr. A. N. Smith was not in attendance at commencement of the meeting.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne Seconded By Cr. I. J. Rasmussen

That Council approves the attendance of Cr. A. N. Smith by teleconference.

CARRIED

Absent Did Not Vote: Cr. O. G. Moore, Cr. A. N. Smith

Cr. A. N. Smith joined the meeting by teleconference at 9:32am.

2. OPENING PRAYER AND MINUTE SILENCE

Joel Pukallus from the Lutheran Church, delivered the opening prayer. This was followed by the observance of a minute silence.

3. APOLOGIES

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen **Seconded By** Cr. M. J. James

That Council accept the apology for non-attendance from Cr. O. G. Moore.

CARRIED

Absent Did Not Vote: Cr. O. G. Moore

4. CONGRATULATIONS

- Cr. C. T. Tillman requested that congratulations be extended to St Josephs Dalby for their recently celebration of their 100-year Anniversary.
- Cr. A. N. Smith requested that congratulations be extended to Demi Hays from Glenmorgan for becoming Captain of the Women's 7's Rugby Union Team.
- Cr. M. J. James requested that congratulations be extended to beef enterprise '4 Daughters' from Meandarra who took out the inaugural Youth Award in the 2021 Shine Swards.

5. CONFIRMATION OF MINUTES

5.1 Adopt Minutes Ordinary Meeting of Council

5.1.1 Adopt Ordinary Meeting of Council Minutes 17 November 2021

The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Wednesday, 17 November 2021

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne 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 17 November 2021, copies of which have been circulated to Members, be taken as read and confirmed.

CARRIED

Absent Did Not Vote: Cr. O. G. Moore

6. BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETINGS

Nil

7. DECLARATION OF CONFLICT OF INTEREST

Corporate Services Confidential Report Appointment of Chief Executive Officer

Cr. K. A. Bourne

In accordance with Chapter 6, Part 2, Division 5B of the *Local Government Act 2009*, Cr. K. A. Bourne informed the meeting of a declarable conflict of interest in respect to this matter due to:

 She has a friendship with an applicant in the 2nd round of the Chief Executive Officer Employment Process.

Having given due consideration to her position she determined that she would leave the Meeting while the matter is considered and voted on.

A/CEO J. Taylor

In accordance with Chapter 6, Part 2, Division 5B of the *Local Government Act 2009*, A/CEO J. Taylor informed the meeting of a declarable conflict of interest in respect to this matter due to:

1. Her applying for the position of CEO.

Having given due consideration to her position she determined that she would leave the Meeting while the matter is considered and voted on.

Community and Liveability Confidential Report Health Services Governance Report & Community and Liveability Confidential Report Transfer of Health Services

Cr. C. T. Tillman

In accordance with Chapter 6, Part 2, Division 5B of the *Local Government Act* 2009, Cr. C. T. Tillman informed the meeting of a declarable conflict of interest in respect to this matter due to:

1. She is on the board of Ningana.

Having given due consideration to her position she determined that she would leave the Meeting while the matter is considered and voted on.

Cr. P. T. Saxelby

In accordance with Chapter 6, Part 2, Division 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:

1. He and his brother as Enduring Powers of Attorney have applied for a bed for their mother at the Illoura Aged Care Facility in Chinchilla.

Having given due consideration to his position he determined that he would leave the meeting while the matter is considered and voted on.

Community and Liveability Report 2022 Australia Day Awards Local Volunteer of the Year Award

Cr. K. A. Bourne

In accordance with Chapter 6, Part 2, Division 5B of the *Local Government Act 2009*, Cr. K. A. Bourne informed the meeting of a declarable conflict of interest in respect to this matter due to:

1. One of the nominees is a close associate.

Having given due consideration to her position she determined that she would leave the Meeting while the matter is considered and voted on.

Community and Liveability Report 2022 Australia Day Awards Local Community Organisation Achievement Award

Cr. K. A. Maguire

In accordance with Chapter 6, Part 2, Division 5B of the *Local Government Act* 2009, Cr. K. A. Maguire informed the meeting of a declarable conflict of interest in respect to this matter due to:

1. One of the nominees is a close associate.

Having given due consideration to her position she determined that she would leave the Meeting while the matter is considered and voted on.

Community and Liveability Report Museums and Galleries Funding Agreements 2022-2024

Cr. K. A. Bourne

In accordance with Chapter 6, Part 2, Division 5B of the *Local Government Act 2009*, Cr. K. A. Bourne informed the meeting of a declarable conflict of interest in respect to this matter due to:

1. She provides support and advice to the Miles Historical Village.

Having given due consideration to her position she determined that she would leave the Meeting while the matter is considered and voted on.

Cr. P. T. Saxelby

In accordance with Chapter 6, Part 2, Division 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:

1. He is the Junior Vice President of Lapunyah Art Gallery

Having given due consideration to his position he determined that he would leave the Meeting while the matter is considered and voted on.

Cr. C. T. Tillman

In accordance with Chapter 6, Part 2, Division 5B of the *Local Government Act* 2009, Cr. C. T. Tillman informed the meeting of a declarable conflict of interest in respect to this matter due to:

1. She is the president of Gallery107@Dalby.

Having given due consideration to her position she determined that she would leave the Meeting while the matter is considered and voted on.

8. PRESENTATION OF PETITIONS BY COUNCILLORS

8.1 Corporate Services Report Petition Tara Memorial Swimming Pool

The purpose of this report is to provide a report to Council on the petition in relation to the Tara Memorial Pool project tabled at the Ordinary Meeting of Council held on 17 November 2021.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen Seconded By Cr. K. A. Bourne

That this report be received and noted.

CARRIED

Absent Did Not Vote: Cr. O. G. Moore

9. MAYORAL UPDATE

9.1 Executive Services Mayoral Report November 2021

The purpose of this Report is to provide Council with significant meetings, forums and delegations attended by the Mayor during the month of November 2021.

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby Seconded By Cr. C. T. Tillman

That this Report be received and noted

CARRIED

10. CONFIDENTIAL ITEMS

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

- (1) A local government may resolve that all or part of a meeting of the local government be closed to the public.
- (2) A committee of a local government may resolve that all or part of a meeting of the committee be closed to the public.
- (3) However, a local government or a committee of a local government may make a resolution about a local government meeting under subsection (1) or (2) only if its councillors or members consider it necessary to close the meeting to discuss one or more of the following matters—
 - (a) the appointment, discipline or dismissal of the chief executive officer;
 - (b) industrial matters affecting employees;
 - (c) the local government's budget;
 - (d) rating concessions;
 - (e) legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government;
 - (f) matters that may directly affect the health and safety of an individual or a group of individuals:
 - (g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government;
 - (h) negotiations relating to the taking of land by the local government under the Acquisition of Land Act 1967;
 - (i) a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.
- (4) However, a local government or a committee of a local government must not resolve that a part of a local government meeting at which a decision mentioned in section 150ER(2), 150ES(3) or 150EU(2) of the Act will be considered, discussed, voted on or made be closed.
- (5) A resolution that a local government meeting be closed must—
 - (a) state the matter mentioned in subsection (3) that is to be discussed; and
 - (b) include an overview of what is to be discussed while the meeting is closed.
- (6) A local government or a committee of a local government must not make a resolution (other than a procedural resolution) in a local government meeting, or a part of a local government meeting, that is closed.

COUNCIL RESOLUTION - CLOSE MEETING

Moved By Cr. K. A. Bourne Seconded By Cr. K. A. Maguire

That Council resolve to close the Meeting in accordance with Sections 254J (3) (A-H) of the *Local Government Regulation 2012* at 10:01am to discuss the following Confidential Reports:

- 1. Corporate Services Confidential Report Tara Memorial Pool Project Tender (g);
- 2. Community and Liveability Confidential Report Health Services Governance Report (b,g);
- 3. Community and Liveability Confidential Report Transfer of Health Services (b,g); and
- 4. Infrastructure Services Confidential Report Tender MM12-21-22 Bundi Road Bridge Replacement Award Construction Contractor (g).

COUNCIL RESOLUTION - REOPEN MEETING

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

That Council resolve to reopen the Meeting at 10:29am.

CARRIED

10.1 EXECUTIVE SERVICES

10.2 CORPORATE SERVICES

10.2.1 Corporate Services Confidential Report Appointment of Chief Executive Officer

Cr. K. A. Bourne

In accordance with Chapter 6, Part 2, Division 5B of the Local Government Act 2009, Cr. K. A. Bourne informed the meeting of a declarable conflict of interest in respect to this matter due to:

1. She has a friendship with an applicant in the 2nd round of the Chief Executive Officer Employment Process.

Having given due consideration to her position she determined that she would leave the Meeting while the matter is considered and voted on.

A/CEO J. Taylor

In accordance with Chapter 6, Part 2, Division 5B of the Local Government Act 2009, ACEO J. Taylor informed the meeting of a declarable conflict of interest in respect to this matter due to:

1. Her applying for the position of CEO.

Having given due consideration to her position she determined that she would leave the Meeting while the matter is considered and voted on.

COUNCIL RESOLUTION

Moved By Cr. C. T. Tillman Seconded By Cr. M. J. James

That this Report be received and that:

- Council adopt the recommendation of the Chief Executive Officer
 Assessment Panel to appoint Mrs Jodie Taylor to the position of Chief Executive Officer;
- 2. She be offered the position under a performance-based contract with a maximum term of five (5) years; and
- 3. The Mayor be delegated the authority to negotiate the remuneration and the terms and conditions of employment as per recommendations in this report.

CARRIED

Absent Did Not Vote: Cr. O. G. Moore and Cr. K. A. Bourne

10.2.2 Corporate Services Confidential Report Tara Memorial Pool Project Tender

The purpose of this Report is to seek approval from Council to award the tender for the Tara Memorial Pool Redevelopment project.

COUNCIL RESOLUTION

Moved By Cr. M. J. James Seconded By Cr. C. T. Tillman

That this Report be received and that:

- Council resolves to award the tender to Taylor Builders for the amount of \$7,455,589.09 (excluding GST) and increase the capital budget allocation by \$1,926,791.09 (excluding GST) to redevelop the former Memorial Pool into a new aquatic facility at Tara.
- 2. Council resolves to delegate authority to the Chief Executive Officer to negotiate, make, vary and discharge the contract associated with the tender.

CARRIED

10.3 COMMUNITY AND LIVEABILITY

10.3.1 Community and Liveability Confidential Report Health Services Governance Report

The purpose of this Report is to provide Council with an update in relation to key governance areas within the Health Services Department

Cr. P. T. Saxelby

In accordance with Chapter 6, Part 2, Division 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:

a. He and his brother as EPA's have applied for a bed for their mother at the Illoura Aged Care Facility in Chinchilla.

Having given due consideration to his position he determined that he would leave the meeting while the matter is considered and voted on.

Cr. C. T. Tillman

In accordance with Chapter 6, Part 2, Division 5B of the Local Government Act 2009, Cr. C. T. Tillman informed the meeting of a declarable conflict of interest in respect to this matter due to:

1. She is on the board of Ningana.

Having given due consideration to her position she determined that she would leave the Meeting while the matter is considered and voted on.

Cr. C. T. Tillman and Cr. P. T. Saxelby left the meeting during the discussion at 10:13am.

Cr. C. T. Tillman and Cr. P. T. Saxelby left the meeting during the vote at 11:26am.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen Seconded By Cr. K. A. Bourne

That this report be received and noted.

CARRIED

10.3.2 Community and Liveability Confidential Report Transfer of Health Services

The purpose of this Report is to seek Council approval for the Chief Executive Officer to execute the contracts associated with the transfer of Council's Aged and Community Care Services to Southern Cross Care (Qld) Ltd on 1 April 2022.

Cr. P. T. Saxelby

In accordance with Chapter 6, Part 2, Division 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:

a. He and his brother as EPA's have applied for a bed for their mother at the Illoura Aged Care Facility in Chinchilla.

Having given due consideration to his position he determined that he would leave the meeting while the matter is considered and voted on.

Cr. C. T. Tillman

In accordance with Chapter 6, Part 2, Division 5B of the Local Government Act 2009, Cr. C. T. Tillman informed the meeting of a declarable conflict of interest in respect to this matter due to:

1. She is on the board of Ningana.

Having given due consideration to her position she determined that she would leave the Meeting while the matter is considered and voted on.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne **Seconded By** Cr. I. J. Rasmussen

That this report be received and that:

- Council approves the transfer of its Aged and Community Care Services to Southern Cross Care (Qld) Ltd from 1 April 2022. This transfer, together with cash compensation of \$11,880,000, is an investment by Council to ensure the future of aged and community care for the Region and includes:
 - Tarcoola Residential Aged Care services, facility, and associated plant & equipment
 - Carinya Residential Aged Care services, facility, and associated plant & equipment: and
 - Community Care services and associated facilities, plant & equipment.
- 2. Council approves the payment of redundancies to eligible Health Services staff at 31 March 2022 and the agreed staff retention payment of \$5,000 to eligible employees of Tarcoola who continue to work at Tarcoola up to 31 March 2022.
- 3. Council approves the terms and conditions of the Business Transfer Agreement and ancillary property contracts, leases and trustee leases attached to this Report.

4. Council authorises the Chief Executive Officer to execute the Business Transfer Agreement and all ancillary agreements referred to in this Report and all documents necessary to effect completion.

CARRIED

Absent Did Not Vote: Cr. O. G. Moore, Cr. P. T. Saxelby and Cr. C. T. Tillman

Cr. C. T. Tillman and Cr. P. T. Saxelby re-joined the meeting at 10:28am.

Cr. C. T. Tillman and Cr. P. T. Saxelby re-joined the meeting at 11:32am.

10.4 INFRASTRUCTURE SERVICES

10.4.1 Infrastructure Services Confidential Report Tender MM12-21-22 Bundi Road Bridge Replacement Award Construction Contractor

The purpose of this report is to seek Council's approval to award Tender MM12-21-22 for the construction and delivery of the Bundi Road Bridge Ch 1.3, Wandoan Upgrade Project.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen **Seconded By** Cr. K. A. Bourne

That this report be received and that:

- Council resolves to enter into a large-size contractual arrangement for the construction and delivery of the Bundi Road Bridge Replacement under tender MM12-21-22 to Bellwether Contractors Pty Ltd ABN 57 151 250 047 for the tendered price of \$3,213,162.58 (ex GST).
- 2. Council resolves to delegate authority to the Chief Executive Officer to negotiate, make, vary and discharge the contractual arrangement with Bellwether Contractors Pty Ltd ABN 57 151 250 047.

CARRIED

11. DEPUTATION

11.1 Tamara Clark

Tamara Clark addressed Council in regards to the COVID-19 Mandate. Tamara outlined a number of concerns she has regarding the mandate and requested further communication and clarity from Council on this issue.

11.2 Andrew Chambers

Andrew Chambers addressed council in regards to the COVID-19 Mandate. Andrew specifically raised his concern that the mandate will have a significate impact on local businesses in our region and requested Council advocate to the State Government.

11.3 Miriam Fessler

Miriam Fessler addressed Council in regards to the COVID-19 Mandate. Miriam requested council consult with the community and businesses throughout the region to see how they feel about the mandate.

Moved By Cr. C. T. Tillman Seconded By Cr. M. J. James

That Council resolve to adjourn the Meeting.

The Meeting adjourned at 10:59am

The Meeting resumed at 11:18am

12. PLANNING

12.1 (030.2021.315.001) Community and Liveability Report Development
Application Material Change of Use High Impact Industry (50MW Green
Hydrogen Production Facility) and ERA 7(6) Chemical Manufacturing
Warrego Highway Columboola Hygen Energy

The purpose of this Report is for Council to decide the proposed development for a Material Change of Use to establish a High Impact Industry (50MW Green Hydrogen Production Facility) and Environmentally Relevant Activity 7(6) Chemical Manufacturing on land described as Lot 68 on BWR179 and Easement D on AP7606, situated at Warrego Highway, Columboola.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen Seconded By Cr. P. T. Saxelby

That this report be received and that:

The application for a Material Change of Use for a High Impact Industry (50MW Green Hydrogen Production Facility) and Environmentally Relevant Activity 7(6) Chemical Manufacturing on land described as Lot 68 on BWR179 and Easement D on AP7606 and situated at Warrego Highway, Columboola is approved as a Preliminary Approval only, subject to the following conditions

PRELIMINARY APPROVAL - MATERIAL CHANGE OF USE

1. The approved development is a Material Change of Use for a High Impact Industry (50MW Green Hydrogen Production Facility) and Environmentally Relevant Activity 7(6) Chemical Manufacturing.

This Development Approval is a Preliminary Approval only. In accordance with Section 49(2) of the *Planning Act 2016*, the Preliminary Approval approves the development but does not authorise the carrying out of assessable development.

FURTHER APPROVALS

2. Submit an application for a Development Permit for a Material Change of Use subject to the conditions of this approval.

WATER SUPPLY

- 3. An adequate water supply must be confirmed for the proposed Hydrogen Production Facility operations. The applicant is to submit details of the water supply proposed for the development, including details of the source, the adequacy of the supply and any specific details for any on-site treatment required.
- 4. Water supply for the Hydrogen Production Facility shall not be sourced from any potable water supply.

ENVIRONMENTAL MANAGEMENT PLAN

- 5. The applicant is to submit an Environmental Management Plan prepared by a suitably qualified person. The Plan must be specific to the site and include strategies for management of a Hydrogen Production Facility. The Plan shall address, but not be limited to the following matters:
- 5.1 Noise;

- 5.2 Location and details of any proposed acoustic wall (if applicable);
- 5.3 Odours and airborne contaminants;
- 5.4 Hydrogen safety, including details of any safety zones to be created based on the results of a technical study conducted to assess risks of fire and explosion;
- 5.5 Generally hydrogen fires do not emit visible light, therefore appropriate fire detection and fire fighting measures shall be implemented; provide a Site Based Management Plan addressing fire detection, fire fighting and mitigation of the potential impacts in the event of an explosion; and
- 5.6 Bushfire management, including management measures to address potential fire risks during construction, operation and decommissioning.

CARRIED

12.2 (030.2021.469.001) Community and Liveability Report Development Application for Material Change of Use for a Tourist Park at Lot 167 on BWR476 1164 Moores-Bice Road Drillham Sinnamon

The purpose of this Report is for Council to decide the proposed development for a Material Change of Use to establish a Tourist Park on land described as Lot 167 on BWR476, located at 1164 Moores-Bice Road, Drillham.

COUNCIL RESOLUTION

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

That this Report be received and that:

1. The application for a Material Change of Use to establish a Tourist Park on land described as Lot 167 on BWR476 and situated at 1164 Moores-Bice Road, Drillham, 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:

Plan No:LH01

Description: Site Plan, prepared by Lake Haven dated 08.08.2021

Plan No:LH01

Description: Site Plan - Aerial, prepared by Lake Haven dated 08.08.2021

Plan No:-

Description: Camp Kitchen, prepared by Southern Cross Sheds, dated 12/08/2021

Plan No:-

Description: Amenities Block, prepared by Panelfab

Plan No:-

Description:Office Building, prepared by Panelfab

- 2. Where there is any conflict between the conditions of this development approval and the details shown on the Approved Plans, the conditions of this development approval must prevail.
- 3. The following further Development Permits must be obtained prior to commencement of any work associated with the process:
- 3.1 Building Work; and
- 3.2Plumbing Works.

APPROVED DEVELOPMENT

- 4. The approved development is a Material Change Use for a Tourist Park (50 Caravan/Camping Sites) as shown on the Approved Plans.
- 5. The development is to occur sequentially in the following stages as shown on the Approved Plans:

Stage 1:50 Caravan/Camp Sites and internal access road

Stage 2: Camp Kitchen, Amenities Building, Office Building and Water Tanks

6. Conditions within this approval are applicable to each Stage of the development, unless otherwise specified.

COMPLIANCE, TIMING AND COSTS

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

FEES AND CHARGES

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

MAINTENANCE

- 10. The development (including landscaping, parking, driveways and other external spaces) shall be maintained in accordance with the Approved Plans, subject to and modified by any conditions of this approval.
- 11. The site shall be maintained in a clean and orderly state at all times, to Council's satisfaction.

INFRASTRUCTURE CHARGES

12.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 relevant to each Stage of the development.

OUTDOOR LIGHTING - IMPACT MITIGATION

- 13. Outdoor lighting of the development shall mitigate adverse lighting and illumination impacts by:
- 13.1providing outdoor lighting that is designed, installed and regulated in accordance with the parameters outlined in Australian Standard 1158.1.1 Control of Obtrusive Effects of Outdoor Lighting; and
- 13.2 installation of outdoor lighting that:
- 13.2.1 provides graduated intensity lighting with lower level brightness at the perimeter of the subject land and higher intensities at the centre of the subject land;
- 13.2.2 is directed onto the subject land and away from neighbouring properties; and
- 13.2.3uses shrouding devices to preclude light overspill onto surrounding properties where necessary.

LANDSCAPING

14.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 work and any ensuing defects liability period.

15. 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.

FENCING

- 16. Any fencing that is installed is to be in keeping with the character of the surrounding area.
- 17. 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.

VISUAL AND GENERAL AMENITY - STAGE 2

- 18. Any graffiti on the buildings must be removed.
- 19. The buildings and the site must be maintained in a clean and tidy manner at all times.
- 20.All plant, air-conditioning equipment and the like shall be visually screened from the street.

REFUSE STORAGE AREA AND COLLECTION - STAGE 1

21. The development site shall be kept in a clean and tidy state at all times. All waste is to be removed from site by guests upon departure. In the event that waste is left by a guest, the operator must collect and appropriately dispose of this waste immediately.

REFUSE STORAGE AREA AND COLLECTION - STAGE 2

- 22.Refuse bin storage areas must be provided on the premises within an enclosed structure so that they are screened from public view with a minimum 1.5 metre high solid fence or wall.
- 23. 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.
- 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.
- 25. Waste collection must be undertaken in a manner that complies with the following requirements:
- 25.1the bins must be located in a manner that allows the refuse vehicle to pick them up automatically without the driver or any other person having to relocate them;
- 25.2the collection of putrescible waste arising from any activities undertaken on this development must be collected and removed at periods not exceeding seven days;
- 25.3the collection of waste must be undertaken so as to minimise, so far as reasonable and practical, excessive noise to neighbouring occupants;
- 25.4the collection method must ensure that waste is adequately managed to prevent escape of contamination; and
- 25.5waste removal is to be conducted between the hours of 7am and 6pm from Monday to Friday and between 8am and 6pm Saturdays and Sundays.
- 26.Refuse bin collection areas must be maintained in a manner that complies with the following requirements:

- 26.1 waste containers must be kept in a clean state and in good repair;
- 26.2waste containers are to be provided with tight-fitting lid assemblies designed to prevent ingress of pests and water;
- 26.3all waste containers supplied must be kept within the boundaries of the premises; and
- 26.4unobstructed access must be provided to all waste containers for the removal of waste.

WASTE MANAGEMENT

- 27. 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*.
- 28. 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*.

NOISE EMISSIONS

- 29. Noise emissions from the development shall not cause environmental harm or nuisance to adjoining properties or "Sensitive Receptors" in accordance with the *Environmental Protection (Noise) Policy 2008*.
- 30.In the event that Council receives a bonafide noise complaint regarding noise emissions produced from the site, Council reserves the right to review the approved operating and loading/unloading hours and to require the applicant to re-assess site management procedures already in place. In this instance, the applicant may be required to undertake an assessment of noise impacts through a third party and implement any recommendations in relation to noise attenuation by a date agreed to by Council.

AIR EMISSIONS

31. Air emissions (odour and dust) from the development shall not cause environmental harm or nuisance to adjoining properties or "Sensitive Land Uses" in accordance with the *Environmental Protection (Air) Policy 2019*.

ENGINEERING WORKS

- 32.Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant Australian Standards.
- 33.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

- 34.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.
- 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 work associated with the development.

STORMWATER MANAGEMENT

- 36.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.
- 37. 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.
- 38.Ensure that adjoining properties and roadways are protected from ponding as a result of any site works undertaken.

WATER SUPPLY

39.Provide a suitable water supply for the development. Drinking water shall be potable and water quality monitored to ensure compliance with Australian Drinking Water Guidelines - current edition 2011 and enHealth Guidance of Use of Standards for Potable Water.

ON-SITE WASTEWATER DISPOSAL - STAGE 2

- 40.Any future amenities block (including camp kitchen) shall be connected to an on-site wastewater disposal system, in accordance with AS1547 and the Queensland Plumbing and Waste Water Code. Obtain a Development Permit for Plumbing Work for the on-site sewerage treatment system.
- 41.If the development generates wastewater discharge volumes 21EP or greater, an Environmentally Relevant Activity approval shall be obtained from the Queensland Department of Environment and Science.

PARKING AND ACCESS - GENERAL

- 42.Design and construct all internal driveway and parking areas to provide a gravelled surface finish.
- 43. Provide a minimum of one (1) car parking space per site.
- 44. Provide appropriate signage to identify the designated parking area.
- 45. Ensure access to car parking spaces and manoeuvring areas and driveways remain unobstructed and available for their intended purpose during the hours of operation.

VEHICLE ACCESS - TURNOUT

46.Design and construct a vehicle turnout in accordance with Council's Standard Drawing No. R-004.

ELECTRICITY - STAGE 2

47.Provide the development with adequate electricity supply to satisfy the expected needs of the use. Electricity supply can be provided via reticulated electricity, a generator, solar system, wind power or any other alternative agreed upon by Council's authorised delegate.

EROSION AND SEDIMENT CONTROL - GENERAL

48. 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.

49.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

- 50.Undertake operations and construction work associated with this development to the requirements of Council, including the following:
- 50.1do 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;
- 50.2remove immediately, any material spilled or carried onto existing roads to avoid dust nuisance and ensure traffic safety; and
- 50.3do not carry out work on Sundays or Public Holidays (unless approved otherwise by Council).
- 51.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:
- 51.1uncontaminated overland stormwater flow; and
- 51.2uncontaminated stormwater to the stormwater system.

ADVISORYNOTES

NOTE 1 -Relevant Periods

Material Change of Use

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

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.gld.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.

NOTE 7 - Referral Agency Response

The Referral Agency response is attached to the approval.

NOTE 8 - Infrastructure Charges

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

CARRIED

13. EXECUTIVE SERVICES

13.1 Executive Services Acting Chief Executive Officer Report November 2021 and Communications and Marketing Quarterly Report July to September

The purpose of this Report is to provide Council with the significant meetings, forums and delegations attended by the Acting Chief Executive Officer during the month of November 2021.

COUNCIL RESOLUTION

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

That this Report be received and noted.

CARRIED

Absent Did Not Vote: Cr. O. G. Moore

13.2 Executive Services Report Outstanding Actions November 2021

The purpose of this Report is to provide Council with an updated on the status of outstanding Council Meeting Action Items to 17 November 2021.

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby Seconded By Cr. M. J. James

That this Report be received and noted.

CARRIED

14. CORPORATE SERVICES

14.1 Corporate Services Report Chinchilla Weir Monument Proposal

The purpose of this Report is to seek Council approval to proceed with the development of a small monument and interpretive signage at the Chinchilla Weir to recognise the historical significance of the Weir.

COUNCIL RESOLUTION

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

That this Report be received and that:

1. Council approve the development of a small monument and interpretive signage at the Chinchilla Weir as outlined in the following report.

CARRIED

Absent Did Not Vote: Cr. O. G. Moore

14.2 Corporate Services Report Policy Framework Council Policy

The purpose of this Report is to present the proposed amendments to the Policy Framework - Council Policy for Council's consideration and approval.

COUNCIL RESOLUTION

Moved By Cr. C. T. Tillman Seconded By Cr. I. J. Rasmussen

That this Report be received and that:

1. Council adopt the Policy Framework - Council Policy as amended.

CARRIED

14.3 Corporate Services Financial Report November 2021

The purpose of this Report is to provide Council with the Financial Report for the period ending 24 November 2021.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen Seconded By Cr. K. A. Bourne

That this Report be received and that:

- 1. Council receives and notes the Financial Report as at 24 November 2021; and
- 2. Council resolves to allocate \$6.930 million received in Local Roads and Community Infrastructure Program Phase 3 funding program to fund the Chinchilla Cultural Precinct project over the next two years.

Cr. I. J. Rasmussen Withdrew the Motion

Cr. P. T. Saxelby

In accordance with Chapter 6, Part 2, Division 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:

a. He is the Junior Vice President of Lapunyah Art Gallery

Having given due consideration to his position he determined that he would leave the Meeting while the matter is considered and voted on.

Cr. P. T. Saxelby left the meeting at 12:05pm.

Moved By Cr. I. J. Rasmussen Seconded By Cr. K. A. Bourne

That this Report be received and that:

- 1. Council receives and notes the Financial Report as at 24 November 2021; and
- 2. Council resolves to allocate \$6.930 million received in Local Roads and Community Infrastructure Program Phase 3 funding program to fund the Chinchilla Cultural Precinct project over the next two years.

CARRIED

Absent Did Not Vote: Cr. O. G. Moore and Cr. P. T. Saxelby

Cr. P. T. Saxelby re-joined the meeting at 12:09pm.

14.4 Corporate Services Create and Connect Project Update

The purpose of this Report is to provide Council with an update in relation to the 'Create and Connect Project', a community partnership between the Facilities Department at WDRC and a local manufacturing and fabrication business MFE Pty Ltd in Chinchilla.

COUNCIL RESOLUTION

Moved By Cr. M. J. James Seconded By Cr. K. A. Maguire

That this Report be received and noted.

CARRIED

15. INFRASTRUCTURE SERVICES

15.1 Infrastructure Services Report Capital Works November 2021/2022 Progress Update

The purpose of this Report is for the Works Department to provide an update to Council regarding the 2021/22 Capital Works Program for the month of November 2021.

COUNCIL RESOLUTION

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

That this Report be received and noted.

CARRIED

Absent Did Not Vote: Cr. O. G. Moore

Moved By Cr. M. J. James Seconded By Cr. I. J. Rasmussen

That Council resolve to adjourn the Meeting.

The Meeting adjourned at 12:15pm.

The Meeting resumed at 12:49pm.

16. COMMUNITY AND LIVEABILITY

16.1 Community and Liveability Report 2022 Australia Day Awards Regional Citizen of the Year Award

The purpose of this report is to seek Council's decision on the successful nomination for the 2022 Australia Day awards category of Regional Citizen of the Year Award.

COUNCIL RESOLUTION

Moved By Cr. P. T. Saxelby Seconded By Cr. M. J. James

That this report be received, and that nominee (a) be awarded the 2022 Australia Day Award in the category of Regional Citizen of the Year.

CARRIED

Absent Did Not Vote: Cr. O. G. Moore

16.2 Community and Liveability Report 2022 Australia Day Awards Regional Young Citizen of the Year Award

The purpose of this report is to seek Council's decision on the successful nomination for the 2022 Australia Day Awards category of Regional Young Citizen of the Year Award.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire Seconded By Cr. I. J. Rasmussen

That this report be received and that nominee (e) be awarded the 2022 Australia Day Award in the category of Regional Young Citizen of the Year.

CARRIED

16.3 Community and Liveability Report 2022 Australia Day Awards Local Volunteer of the Year Award

The purpose of this report is to seek Council's decision on the successful nominations for the 2022 Australia Day Awards category of Local Volunteer of the Year Award.

Cr. K. A. Bourne

In accordance with Chapter 6, Part 2, Division 5B of the Local Government Act 2009, Cr. K. A. Bourne informed the meeting of a declarable conflict of interest in respect to this matter due to:

a. One of the nominees is a close associate.

Having given due consideration to her position she determined that she would leave the Meeting while the matter is considered and voted on.

Cr. K. A. Bourne left the meeting at 12:50pm.

COUNCIL RESOLUTION

Moved By Cr. I. J. Rasmussen **Seconded By** Cr. P. T. Saxelby

That this report be received, and that the following nominees be awarded a 2022 Australia Day award in the category of Local Volunteer of the Year: Chinchilla and District - nominee (b), Dalby and District - nominee (a), Jandowae and District - nominee (c), Miles and District - nominee (c), Tara and District - nominee (c) and Wandoan and District - nominee(b).

CARRIED

Absent Did Not Vote: Cr. O. G. Moore and Cr. K. A. Bourne

Cr. K. A. Bourne re-joined the meeting at 12:51pm.

16.4 Community and Liveability Report 2022 Australia Day Awards Local Creative Arts Award

The purpose of this report is to seek Council's decision on the successful nominations for the 2022 Australia Day Awards category of Local Creative Arts Award.

COUNCIL RESOLUTION

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

That this report be received and that the following nominees be awarded a 2022 Australia Day Award in the category of Local Creative Arts Award: Chinchilla and District - nominee (c), Dalby and District - nominee (a) Miles and District - nominee (a), Tara and District - nominee (a) and Wandoan and District - nominee (a).

CARRIED

16.5 Community and Liveability Report 2022 Australia Day Awards Local Community Organisation Achievement Award

The purpose of this report is to seek Council's decision on the successful nominations for the 2022 Australia Day Awards category of Local Community Organisation Achievement Award.

Cr. K. A. Maguire

In accordance with Chapter 6, Part 2, Division 5B of the Local Government Act 2009, Cr. K. A. Maguire informed the meeting of a declarable conflict of interest in respect to this matter due to:

a. One of the nominees is a close associate.

Having given due consideration to her position she determined that she would leave the Meeting while the matter is considered and voted on.

Cr. K.A Maguire left the meeting at 12:52.

COUNCIL RESOLUTION

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

That this report be received, and that the following nominees be awarded a 2022 Australia Day Award in the category of Local Community Organisation Award: Chinchilla and District - nominee (a), Miles and District - nominee (b).

CARRIED

Absent Did Not Vote: Cr. O. G. Moore and Cr. K. A. Maguire

Cr. K. A. Maguire re-joined the meeting at 12:53pm.

16.6 Community and Liveability Report 2022 Australia Day Awards Local Sports Award

The purpose of this report is to seek Council's decision on the successful nominations for the 2022 Australia Day Awards category of Local Sports Award.

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith Seconded By Cr. M. J. James

That this report be received, and that the following nominees be awarded a 2022 Australia Day Award in the category of Local Sports Award: Chinchilla and District - nominee (b), Dalby and District - nominee (a), Miles and District - nominee (e), Tara and District - nominee (a) and Wandoan and District - nominee (a).

CARRIED

16.7 Community and Liveability Quarterly Report July to September 2021

The purpose of this Report is to provide Council with an update in relation to the Community and Liveability Division for the first quarter of the 2020 / 2021 Financial Year.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne Seconded By Cr. K. A. Maguire

That this Report be received and noted.

CARRIED

Absent Did Not Vote: Cr. O. G. Moore

16.8 Community and Liveability Report 'Not Just For Laughs 6' Regional Comedy Tour

The purpose of this report is to update Council on the recent 'Not Just For Laughs' Comedy Shows that were held in Kaimkillenbun, Brigalow and Condamine from 11-13 November 2021.

COUNCIL RESOLUTION

Moved By Cr. M. J. James Seconded By Cr. C. T. Tillman

That this report be received and noted.

CARRIED

16.9 Community and Liveability Report Museums and Galleries Funding Agreements 2022-2024

The purpose of this Report is to seek Council's approval for Museums and Galleries Funding Agreements for the period 2022-2024.

Cr. K. A. Bourne

In accordance with Chapter 6, Part 2, Division 5B of the Local Government Act 2009, Cr. K. A. Bourne informed the meeting of a declarable conflict of interest in respect to this matter due to:

1. She provides support and advice to the Miles Historical Village.

Having given due consideration to her position she determined that she would leave the Meeting while the matter is considered and voted on.)

Cr. P. T. Saxelby

In accordance with Chapter 6, Part 2, Division 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:

1. He is the Junior Vice President of Lapunyah Art Gallery

Having given due consideration to his position he determined that he would leave the Meeting while the matter is considered and voted on.)

Cr. C. T. Tillman

In accordance with Chapter 6, Part 2, Division 5B of the Local Government Act 2009, Cr. C. T. Tillman informed the meeting of a declarable conflict of interest in respect to this matter due to:

1. She is the president of Gallery107@Dalby.

Having given due consideration to her position she determined that she would leave the Meeting while the matter is considered and voted on.)

Cr. K. A. Bourne, Cr. P. T. Saxelby and Cr. C. T. Tillman left the meeting at 12:58pm.

Cr. K. A. Bourne, Cr. P. T. Saxelby and Cr. C. T. Tillman re-joined the meeting at 1:04pm.

GM Yardley left the meeting at 1:04pm.

That this Report be received, and Council endorse the 2022-2024 Museums and Galleries Funding Agreements and payment schedule as outlined below.

COUNCIL RESOLUTION

Moved By Cr. M. J. James Seconded By Cr. K. A. Maguire

That the report be received and that :

- 1. Council approve 12 months funding based on the 21/22 allocation, plus CPI; and
- 2. A full review of the funding model for Museums and Galleries be undertaken within the next 12 months.

CARRIED

Absent Did Not Vote: Cr. O. G. Moore, Cr. K. A. Bourne, Cr. P. T. Saxelby and Cr. C. T. Tillman

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

COVID-19 VACCINATION MANDATE

COUNCIL RESOLUTION

Moved By Cr. M. J. James Seconded By Cr. C. T. Tillman

That Council communicate with the community regarding the impacts of the COVID vaccination mandate on Council facilities and advocate for support for business and the community.

FORESHADOWED MOTION

Cr. I. J. Rasmussen foreshadowed that if the motion on the floor failed he would move;

That Council communicate with the community regarding the impacts of the COVID vaccination mandate on Council facilities and hold an information session to develop a plan for advocacy and support for businesses and the community as a whole.

The Original Motion was Put and CARRIED (5 to 3)

For: Cr. P. M. McVeigh, Cr. K. A. Bourne, Cr. P. T. Saxelby, Cr. M. J. James, and Cr. C. T. Tillman

Against: Cr. A. N. Smith, Cr. K. A. Maguire, and Cr. I. J. Rasmussen

Absent Did Not Vote: Cr. O. G. Moore

19. MEETING CLOSURE

The Meeting concluded at 1:40pm.