

**5. CONFIRMATION OF MINUTES**

**5.1 Adopt Ordinary Meeting of Council Minutes 19 April 2023**

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

**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 19 April 2023, copies of which have been circulated to Members, be taken as read and confirmed.

**CARRIED**



## Ordinary Meeting of Council Minutes

**Date:** Wednesday, 19 April 2023

**Time:** 9:30am

**Location:** Western Downs Regional Council  
Jandowae Customer Service Centre

**Councillors:**

- Cr. P. M. McVeigh (Chairperson)
- Cr. A. N. Smith
- Cr. K. A. Bourne
- Cr. P. T. Saxelby
- Cr. K. A. Maguire
- Cr. I. J. Rasmussen
- Cr. M. J. James
- Cr. C. T. Tillman

**Officers:**

- J. K. Taylor, Chief Executive Officer
- G. K. Cook, General Manager (Infrastructure Services)
- T. Summerville Acting General Manager (Community & Liveability)
- B. Bacon General Manager (Corporate Services)
- C. Craig Senior Executive Office
- A. G. Lyell, Executive Services Administration Officer

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**1. DECLARATION OF MEETING OPENING**

The Chairperson declared the Meeting open at 9.30AM.

**2. OPENING PRAYER AND MINUTE SILENCE**

Grace Ireland from the Anglican Church Jandowae delivered the opening prayer.  
This was followed by the observance of a minute silence.

**3. APOLOGIES**

**COUNCIL RESOLUTION**

**Moved By** Cr. A. N. Smith

**Seconded By** Cr. P. T. Saxelby

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

**CARRIED**

UNCONFIRMED

#### 4. CONGRATULATIONS

Cr. M. J. James requested that congratulations be extended Millie Bach who won The Zoe McInnes Memorial Agronomist Award at the Australian Summer Grains Conference in March. Millie grew up on a family property at Jandowae, still works as a farmer, while also an agronomist at Elders in Dalby and was accepted into the Farmers to Founders Hatch 2022 - a program that has seen her develop an innovative idea to use oats to develop biodegradable straws.

Cr. M. J. James requested that congratulations be extended to Dalby based Nutrigen agronomist Angus Dalgiesh who was also one of the four finalists in the awards.

Cr. M. J. James requested that congratulations be extended to Maddy Gladman (employee of Western Downs Regional Council) who was crowned Miss Showgirl at the Dalby Show.

Cr. M. J. James requested that congratulations be extended to Michael Whitby (16 yr old multi-class swimmer from Dalby Dolphins Swimming Club) for his successful swimming campaign at the SwimAus 2023 Australia Age and Multi-Class Championships on the Gold Coast from Friday 7<sup>th</sup> April to Saturday 15<sup>th</sup> April (which were also livestreamed on 9Now)

Michael achieved

- 4<sup>th</sup> MC 100m backstroke
- 6<sup>th</sup> MC 50m butterfly
- 10<sup>th</sup> MC 100m freestyle
- 6<sup>th</sup> in 50m MC backstroke
- 8<sup>th</sup> in 200m MC freestyle
- 12<sup>th</sup> 50m MC freestyle

And a number of personal best times.

Michael also recently secured a bronze medal in the MC 50m butterfly at the Qld School Swimming Championships in March and was selected in the Qld School team to swim at the Australia School Championships.

Cr. M. J. James requested that congratulations be extended to Dalby Dolphin's Clayton Sternes (14yrs) who also competed at the Australian Age Championship in the 100m butterfly, 100m Freestyle and 200m Freestyle. (Clayton also secured a bronze medal as a swimmer in the 4x50m freestyle relay team at the Qld School Championships.)

Cr. C. T Tillman requested that congratulations be extended to Dalby and District Show Society for hosting a successful and well supported event.

Cr. C. T Tillman requested that congratulations be extended to Dalby and District Show Society - *National Record for most amount of Overalls in One Place at One Time.*

Cr. C. T Tillman requested that congratulations be extended to Dalby and District Show Society - *NEW WORLD RECORD 471 vintage stationary engines running continuously for ten minutes.* These engines are an important part of Australian history, used in primary production before electrification. Massive CONGRATULATIONS to the Dalby and District Show Society owners and operators of these machines.

**5. CONFIRMATION OF MINUTES**

**5.1 Adopt Ordinary Meeting of Council Minutes 15 March 2023**

The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Wednesday, 15 March 2023

**COUNCIL RESOLUTION**

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

That this Report be received and that:

The Unconfirmed Minutes of the Ordinary Meeting of Council held on 15 March 2023, copies of which have been circulated to Members, be taken as read and confirmed.

**CARRIED**

**6. BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETINGS**

There was no business arising from the minutes of previous meetings.

**7. DECLARATIONS OF CONFLICTS OF INTEREST**

There were no declarations of conflicts of interest.

**8. PRESENTATION OF PETITIONS BY COUNCILLORS**

There were no petitions presented by Councillors.

**9. MAYORAL UPDATE**

**9.1 Executive Services Mayoral Report March 2023**

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

**COUNCIL RESOLUTION**

**Moved By** Cr. K. A. Maguire  
**Seconded By** Cr. A. N. Smith

That this Report be received and noted.

**CARRIED**

**10. CONFIDENTIAL ITEMS**

There were no confidential items.

**11. DEPUTATION**

Jeff Sullivan Taralga Retirement Village - Development of Independent Living Units.  
Taralga Retirement Village aim to seek government funding for the building of 8 Duplexes (16 x 2 Bedroom Units) for "over 55 years" affordable accommodation, freeing up existing accommodation who wish to purchase housing Jandowae areas (40 houses have been sold in Jandowae in the last 30 months). Taralga Retirement Village Board of Directors seek a Letter Of Support from council to accompany the Expression of Interest for the Housing investment fund which has to be lodged by May 2023. The board also seeks Council to seriously consider any means by which council could assist or be involved in the development and construction of this program.

**COUNCIL RESOLUTION - ADJOURN MEETING**

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

**Seconded By** Cr. P. T. Saxelby

That Council resolve to adjourn the Meeting.

*The Meeting adjourned at 10.44am.*

*The Meeting resumed at 11.02am.*

## 12. PLANNING

### 12.1 (030.2022.582.001) Community and Liveability Report Development Application Material Change of Use for a Transport Depot on Lot 44 on LY575 Jahnkes Road Baking Board Specialised Field and Plant Services Pty Ltd C/- Danya Cook Town Planning

The purpose of this Report is for Council to decide the proposed development for Material Change of Use to establish a Transport Depot on land described as Lot 44 on LY575 and situated at Jahnkes Road, Baking Board.

#### **COUNCIL RESOLUTION**

**Moved By** Cr. A. N. Smith

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

That this Report be received and that:

The application for Material Change of Use to establish a Transport Depot on land described as Lot 44 on LY575 and situated at Jahnkes Road, Baking Board 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:

<b>Job No.</b>	<b>Title and Details</b>	<b>Dated</b>
2022-89	Site Plan, prepared by Danya Cook Town Planning	4/10/2022
-	Aerial Site Plan, as amended in red by Council on 31/03/2023	-
-	Shed Floor Plan, as amended in red by Council on 31/03/2023	-
-	Shed Elevation 1, prepared by Roys sheds, as amended in red by Council on 31/03/2023	-
-	Shed Elevation 2, prepared by Roys sheds, as amended in red by Council on 31/03/2023	-
-	Shed Elevation 3, prepared by Roys sheds, as amended in red by Council on 31/03/2023	-

2. Where there is any conflict between the conditions of this development approval and the details shown on the Approved Plans, the conditions of this development approval must prevail.
3. The Approved Plans are to be amended in accordance with the conditions of this approval and as outlined below:
  - 3.1 Provide a floor plan and elevations of the proposed 6m x 3m Office building to be located at the site.
4. The following further Development Permit must be obtained prior to commencement of any work associated with the process:
  - 4.1 Building Work.

#### **APPROVED DEVELOPMENT**

5. The approved development is a Material Change of Use for a Transport Depot as shown on the Approved Plan.

### **COMPLIANCE, TIMING AND COSTS**

6. 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.
7. All costs associated with compliance with these conditions shall be the responsibility of the developer unless otherwise noted.

### **FEES AND CHARGES**

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

### **INFRASTRUCTURE CHARGES**

9. All infrastructure charges including those associated with Council's 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 relevant to each stage of the development.

### **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.

### **LANDSCAPING – GENERAL**

11. The developer must submit to Council's Planning and Environment Manager or authorised delegate for endorsement, a detailed Landscape Plan for all landscaping associated with the development, prior to commencement of the development.
12. The Landscape Plan must detail:
  - 12.1 a minimum 2 metre wide landscaping strip to the site's frontages, exclusive of vehicular access points;
  - 12.2 the typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on-site;
  - 12.3 the number and size of plants; and
  - 12.4 the typical planting detail including preparation, backfill, staking and mulching.
13. 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.
14. All approved landscaping treatments for the development are to be maintained on the property at all times.

### **FENCING**



15. The applicant shall install a chain wire fence with a minimum height of 1.8 metres along the boundaries of the property.
16. Fencing material shall be compatible with that used within the locality.
17. 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.

#### **LIGHTING**

18. 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.

#### **REFUSE STORAGE AREAS**

19. 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**

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

#### **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.

#### **ENGINEERING WORKS**

24. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant Australian Standards.
25. 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**

26. 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.
27. 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**

28. 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.
29. Ensure that works undertaken as a part of the development would not cause any actionable nuisance to all adjoining properties.
30. Ensure that adjoining properties and roadways are protected from ponding as a result of any site works undertaken.

#### **WATER SUPPLY**

31. Provide a suitable water supply for the development independent of Council's water reticulation system. Monitor water quality continuously 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**

32. Connect the development to an on-site wastewater disposal system, in accordance with AS1547 and the Queensland Plumbing and Waste Water Code.
33. Obtain a Development Permit for Plumbing Work for the on-site sewerage treatment system.

#### **PARKING AND ACCESS - GENERAL**

34. Design and construct all driveway and parking areas with a dust suppressive gravel.
35. Provide a minimum of five (5) car parking spaces for staff and visitors.
36. Maintain dust suppression treatment to all internal roadways, and vehicle manoeuvring areas ensuring not to have an adverse impact on adjoining properties.

#### **PARKING AND ACCESS - SERVICING**

37. Ensure loading and unloading operations are conducted wholly within the site and vehicles enter and exit the site in a forward direction.

#### **VEHICLE ACCESS - TURNOUT**

38. Design and construct a vehicle turnout in accordance with Council's Standard Drawing No. R-007. Ensure the splays are designed to accommodate the largest expected vehicle.

## **ELECTRICITY**

39. Connect the development to electricity services.

## **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 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**

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 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 the 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 work on-site, during work on-site and maintained for the period of the use of the development site.
44. The portion of the allotment which contains the existing Sturgess Baking Board Road shall be dedicated as road reserve, as indicated in red on the approved plan.

## **REFERRAL AGENCY RESPONSE**

The application is subject to the following Referral Agency requirements:

1. State Assessment and Referral Agency's Concurrence Agency response dated 6 December 2022.

### **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](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 twelve (12) months after the approval takes effect. If the works are completed prior to this time, please contact Council for an earlier inspection. A property note to this effect will be placed on Council’s records.

**NOTE 6 - Duty to Notify of Environmental Harm**

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

### **FORESHADOWED MOTION**

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

That this Report be received and that:

The application for Material Change of Use to establish a Transport Depot on land described as Lot 44 on LY575 and situated at Jahnkes Road, Baking Board be approved, subject to the following conditions:

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#### **EROSION AND SEDIMENT CONTROL - GENERAL**

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41. 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

42. Undertake operations and construction work associated with this development to the requirements of Council, including the following:
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  - 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 the 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 work on-site, during work on-site and maintained for the period of the use of the development site.

#### REFERRAL AGENCY RESPONSE

The application is subject to the following Referral Agency requirements:

1. State Assessment and Referral Agency's Concurrence Agency response dated 6 December 2022.

**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](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 twelve (12) months after the approval takes effect. If the works are completed prior to this time, please contact Council for an earlier inspection. A property note to this effect will be placed on Council's records.

**NOTE 6 - Duty to Notify of Environmental Harm**

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

The **ORIGINAL MOTION** was **PUT** and **LOST (1 to 7)**

### **FORESHADOWED MOTION MOVED**

**Moved By** Cr. I. J. Rasmussen

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

That this Report be received and that:

The application for Material Change of Use to establish a Transport Depot on land described as Lot 44 on LY575 and situated at Jahnkes Road, Baking Board 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:

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-	Shed Elevation 2, prepared by Roys sheds, as amended in red by Council on 31/03/2023	-
-	Shed Elevation 3, prepared by Roys sheds, as amended in red by Council on 31/03/2023	-

2. Where there is any conflict between the conditions of this development approval and the details shown on the Approved Plans, the conditions of this development approval must prevail.
3. The Approved Plans are to be amended in accordance with the conditions of this approval and as outlined below:
  - 3.1 Provide a floor plan and elevations of the proposed 6m x 3m Office building to be located at the site.
4. The following further Development Permit must be obtained prior to commencement of any work associated with the process:
  - 4.1 Building Work.

### **APPROVED DEVELOPMENT**

5. The approved development is a Material Change of Use for a Transport Depot as shown on the Approved Plan.

### **COMPLIANCE, TIMING AND COSTS**

6. 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.
7. All costs associated with compliance with these conditions shall be the responsibility of the developer unless otherwise noted.

## **FEES AND CHARGES**

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

## **INFRASTRUCTURE CHARGES**

9. All infrastructure charges including those associated with Council's 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 relevant to each stage of the development.

## **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.

## **LANDSCAPING – GENERAL**

11. The developer must submit to Council's Planning and Environment Manager or authorised delegate for endorsement, a detailed Landscape Plan for all landscaping associated with the development, prior to commencement of the development.
12. The Landscape Plan must detail:
  - 12.1 a minimum 2 metre wide landscaping strip to the site's frontages, exclusive of vehicular access points;
  - 12.2 the typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on-site;
  - 12.3 the number and size of plants; and
  - 12.4 the typical planting detail including preparation, backfill, staking and mulching.
13. 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.
14. All approved landscaping treatments for the development are to be maintained on the property at all times.

## **FENCING**

15. The applicant shall install a chain wire fence with a minimum height of 1.8 metres along the boundaries of the property.
16. Fencing material shall be compatible with that used within the locality.
17. 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.

## **LIGHTING**

18. 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.

#### **REFUSE STORAGE AREAS**

19. 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**

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

#### **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.

#### **ENGINEERING WORKS**

24. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant Australian Standards.
25. 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**

26. 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.
27. 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**

28. 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.
29. Ensure that works undertaken as a part of the development would not cause any actionable nuisance to all adjoining properties.
30. Ensure that adjoining properties and roadways are protected from ponding as a result of any site works undertaken.

#### **WATER SUPPLY**

31. Provide a suitable water supply for the development independent of Council's water reticulation system. Monitor water quality continuously 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**

32. Connect the development to an on-site wastewater disposal system, in accordance with AS1547 and the Queensland Plumbing and Waste Water Code.
33. Obtain a Development Permit for Plumbing Work for the on-site sewerage treatment system.

#### **PARKING AND ACCESS - GENERAL**

34. Design and construct all driveway and parking areas with a dust suppressive gravel.
35. Provide a minimum of five (5) car parking spaces for staff and visitors.
36. Maintain dust suppression treatment to all internal roadways, and vehicle manoeuvring areas ensuring not to have an adverse impact on adjoining properties.

#### **PARKING AND ACCESS - SERVICING**

37. Ensure loading and unloading operations are conducted wholly within the site and vehicles enter and exit the site in a forward direction.

#### **VEHICLE ACCESS - TURNOUT**

38. Design and construct a vehicle turnout in accordance with Council's Standard Drawing No. R-007. Ensure the splays are designed to accommodate the largest expected vehicle.

#### **ELECTRICITY**

39. Connect the development to electricity services.

#### **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 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

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 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 the 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 work on-site, during work on-site and maintained for the period of the use of the development site.

#### REFERRAL AGENCY RESPONSE

The application is subject to the following Referral Agency requirements:

1. State Assessment and Referral Agency's Concurrence Agency response dated 6 December 2022.

**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](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 twelve (12) months after the approval takes effect. If the works are completed prior to this time, please contact Council for an earlier inspection. A property note to this effect will be placed on Council's records.

**NOTE 6 - Duty to Notify of Environmental Harm**

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

**CARRIED (7 to1)**



**12.2 (030.2022.637.001) Community and Liveability Report Development  
Application for Material Change of Use for a Transport Depot at Lot 608 on  
BWR817 22 Marian Street Miles CRC Electrical C/- Swep Consulting**

The purpose of this Report is for Council to decide the application for a Material Change of Use to establish a Transport Depot on land described as Lot 608 on BWR817, situated at 22 Marian Street, Miles.

**COUNCIL RESOLUTION**

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

**Seconded By** Cr. A. N. Smith

That this Report be received and that:

1. The application for a Material Change of Use to establish a Transport Depot on land described as Lot 608 on BWR817, situated at 22 Marian Street, Miles 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., Revision	Description	Dated
2022-007-002, Revision A	Site Plan, prepared by Swep Consulting, as amended in red by Council on 15 March 2023	9/11/2022
2022-007-003, Revision A	Proposed Floor Plan, prepared by Swep Consulting	9/11/2022

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 Permit must be obtained prior to commencement of any work associated with the process:

3.1 Building Work.

**APPROVED DEVELOPMENT**

4. The approved development is a Material Change of Use for a Transport Depot 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 shall 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.

#### **FENCING**

9. The existing fencing arrangements including the colorbond fence along the eastern boundary of the property are to be maintained at all times.

#### **VISUAL AND GENERAL AMENITY**

10. Any graffiti on buildings or structures associated with the development must be immediately removed.
11. The buildings and the site must be maintained in a clean and tidy manner at all times.

#### **OPERATING HOURS**

12. Unless otherwise approved in writing by Council's Planning and Environment Manager or an authorised delegate, the approved use must only operate (including heavy vehicle transport movements) between the following hours:  
Monday to Sundays: 6am until 6pm

#### **ACOUSTIC AMENITY - NOISE LIMITS**

13. Noise from the 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.
14. In the event that Council receives a bona fide noise complaint in relation to noise emissions produced from the site, Council reserves the right to review the approved operating hours. In this instance, the applicant may be required to undertake a Noise Impact Assessment and implement any recommendations in relation to noise attenuation.

#### **OUTDOOR LIGHTING IMPACT MITIGATION**

15. Direct Lighting must not exceed 8.0 lux at 1.5 metres beyond the boundary of the property.
16. Outdoor lighting of the development shall mitigate adverse lighting and illumination impacts by:
  - 16.1 providing outdoor lighting that is designed, installed and regulated in accordance with the parameters outlined in Australian Standard 1158.1.1 - Control of Obstructive Effects of Outdoor Lighting; and
  - 16.2 installation of outdoor lighting:

- 16.2.1 provide graduated intensity of lighting with lower level brightness at the perimeter of the subject land and higher intensities at the centre of the subject land;
- 16.2.2 is to be directed onto the subject land away from neighbouring properties; and
- 16.2.3 shrouding devices are to be used to preclude the light overspill onto surrounding properties where necessary.

#### **REFUSE STORAGE AREAS**

- 17. 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**

- 18. 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*.
- 19. All waste generated on-site must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.

#### **ENGINEERING WORKS**

- 20. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant Australian Standards.
- 21. 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**

- 22. 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.
- 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 work associated with the development.

#### **STORMWATER MANAGEMENT**

- 24. 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.
- 25. Ensure that adjoining properties and roadways are protected from ponding as a result of any site works undertaken.

26. Provide measures to prevent any solid matter or floatable oils being carried into the existing stormwater system.

#### **PARKING AND ACCESS**

27. Construct a commercial crossover between the property boundary and the edge of the Marian Street road pavement, having a minimum width of 5.5 metres, generally in accordance with Council's Standard Drawing No. R-006, Revision C. Ensure that crossover splay is designed to accommodate turning movements of a Small Rigid Vehicle.
28. Design and construct parking and manoeuvring areas to provide a bitumen or concrete seal unless otherwise approved by Council.
29. Provide a minimum of 9 car parking spaces including a minimum of 1 person with disability (PWD) car parking space as shown on the Approved Plan.
30. Provide a PWD car parking space designed and line marked in accordance with AS2890.6 Off-street Parking for People with Disabilities.
31. Provide vehicle bollards or tyre stops to control vehicular access and to protect landscaping or pedestrian areas where appropriate.
32. The largest design vehicle approved for the development is a Small Rigid Vehicle.
33. Ensure loading and unloading operations are conducted wholly within the site and vehicles enter and exit the site in a forward direction.

#### **WATER SUPPLY**

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

#### **SEWERAGE**

35. Connect the development to Council's reticulated sewerage system via a single connection.

#### **ELECTRICITY AND TELECOMMUNICATIONS**

36. Connect the development to electricity and telecommunication services.

#### **EROSION AND SEDIMENT CONTROL - GENERAL**

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

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

**Timing:** During construction and the establishment period of the landscaping or areas disturbed during construction.

## 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; and
- (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](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 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 - 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 - Commencement of Use**

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.

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.

**CARRIED**

**12.3 (030.2022.646.001) Community and Liveability Report Development Application for Material Change of Use for Low Impact Industry (Mechanical Workshop) at Lot 2 on RP194185 126 Windmill Road Chinchilla Tatum C/- Swep Consulting**

The purpose of this Report is for Council to decide the development application for a Material Change of Use for Low Impact Industry (Mechanical Workshop) on land described as Lot 2 on RP194185, located at 126 Windmill Road, Chinchilla.

**COUNCIL RESOLUTION**

**Moved By** Cr. A. N. Smith

**Seconded By** Cr. P. T. Saxelby

That this Report be received and that:

1. The development application for a Material Change of Use for Low Impact Industry (Mechanical Workshop) on land described as Lot 2 on RP194185, located at 126 Windmill Road, 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., Revision	Plan Title and Details	Dated
2022-049-002, Revision A	Site Plan, prepared by Swep Consulting	10/11/2022
2022-049-003, Revision A	Proposed Floor Plan, prepared by Swep Consulting	10/11/2022

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.

**APPROVED DEVELOPMENT**

3. The approved development is a Material Change of Use for a Low Impact Industry (Mechanical Workshop) as shown on the Approved Plans.

4. The approved development is to be completed in two stages in sequential order as illustrated within the Approved Plans as follows:

**Stage 1** - 1 hoist within the existing shed and a maximum of 1 staff member.

**Stage 2** - 3 hoists within the existing shed and a maximum of 4 staff members.

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

6. The approved use does not include:

6.1 panel beating or panel repair;

- 6.2 powder coating or spray painting of vehicles or machinery;
- 6.3 washdown bay facilities;
- 6.4 dismantling of vehicles or machinery for parts or materials; or
- 6.5 the storage or sale of machinery or vehicles, scrap metal and/or parts including used engines, gear boxes, or differentials associated with machinery or vehicles.

7. The development is for servicing and repairing of light vehicles only.

#### **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.
- 9. All costs associated with compliance with these conditions shall be the responsibility of the developer unless otherwise noted.

#### **FEES AND CHARGES**

- 10. 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**

- 11. 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.

#### **OPERATING HOURS**

- 12. Unless otherwise approved in writing by Council, the approved use must only operate between the following hours:
  - Monday to Friday: 7:00am to 5:00pm
  - Saturdays and Sundays: 8:30am to 12noon

#### **VISUAL AND GENERAL AMENITY**

- 13. Any graffiti on buildings or structures associated with the development must be immediately removed.
- 14. The buildings and the property must be maintained in a clean and tidy manner at all times.
- 15. All plant and air-conditioning equipment and the like must be visually screened from Windmill Road.

#### **FENCING**

- 16. The existing fencing arrangements on the property are to be maintained.

#### **LANDSCAPING – GENERAL**



17. The existing landscaping adjacent to the frontage of the property to Windmill Road is to be maintained at all times.

#### **LIGHTING**

18. Direct lighting or lighting must not exceed 8.0 lux at 1.5 metres beyond the boundary of the site.
19. Outdoor lighting associated with the use must be designed, sited, installed and tested to comply with Tables 2.1 and 2.2 of Australian Standard 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting using a Control Level of 1.

#### **ACOUSTIC AMENITY - NOISE LIMITS**

20. 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.
21. If Council receives a valid noise complaint regarding noise emissions from the property, Council reserves the right to review the approved operating 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 QUALITY AND AMENITY - AIR RELEASE LIMITS**

22. 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.
23. If Council receives a bona fide complaint in relation to dust emissions from the unsealed areas of the property, Council reserves the right to require the applicant to provide either concrete, asphalt, or bitumen seal to areas that are causing any dust emissions.

#### **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 all hazardous chemicals are stored and handled in accordance with the *Work Health and Safety Act 2011*.
28. Diesel and petrol are to be stored and handled in accordance with Australian Standard 1940-2017 The Storage and Handling of Flammable and Combustible Liquids.
29. Waste oil and chemicals collected within the bunded area of the development are to be serviced on a regular basis by an appropriately licensed transport operator and disposed of at an appropriate licensed waste facility.

#### **ENGINEERING WORKS**

30. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant Australian Standards.
31. 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**

32. 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.
33. 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**

34. 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.
35. Ensure that adjoining properties and roadways are protected from ponding as a result of any site works undertaken.
36. Design and construct stormwater drainage incorporating measures to prevent any solid matter or floatable oils being carried into the existing stormwater system.
37. Ensure that works undertaken as a part of the development will not cause any actionable nuisance to any adjoining properties.

#### **VEHICLE ACCESS**

38. Prior to commencement of the use for Stage 1 of the development, construct a commercial crossover between the property boundary and the edge of the Windmill Road bitumen seal, having a minimum width of 5.5 metres or as determined in conjunction with a development application for Operational Work, generally in accordance with Council's Standard

Drawing No. R-006, Revision C. Ensure that crossover splay is designed to accommodate turning movements of a Light Rigid Vehicle.

39. Construct any new crossovers such that the edge of the crossover is no closer than 1 metre to any existing or proposed infrastructure, including any stormwater gully pit, manhole, service infrastructure (eg power pole, telecommunications pit), road infrastructure (eg street sign, street tree, etc).
40. No access is permitted to Thorpe Street.

#### **PARKING AND ACCESS - GENERAL**

41. Maintain dust suppression treatment to all internal vehicle manoeuvring areas within the proposed hard stand ensuring no adverse impact on adjoining properties.
42. Prior to commencement of the use for Stage 1 of the development, provide a minimum of five (5) parking spaces.
43. Prior to commencement of the use for Stage 2 of the development, provide a minimum of eight (8) parking spaces including one (1) person with disability (PWD) parking space.
44. Provide a PWD car parking space designed and line marked in accordance with AS2890.6 Off-Street Parking for People with Disabilities.
45. Ensure loading and unloading operations are conducted wholly within the site and vehicles enter and exit the site in a forward direction.

#### **EARTHWORKS - GENERAL**

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

#### **EROSION AND SEDIMENT CONTROL - GENERAL**

47. 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.
48. 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**

49. Undertake operations and construction work associated with this development to the requirements of Council, including the following:
  - 49.1 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;
  - 49.2 remove immediately, any material spilled or carried onto existing roads to avoid dust nuisance and ensure traffic safety; and
  - 49.3 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.

50. 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:

50.1 uncontaminated overland stormwater flow; and

50.2 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 relevant 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](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 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: 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: Commencement of Use**

7.1 Prior to commencement of this use, the applicant is to request a Compliance Inspection to be undertaken by Council to confirm that all conditions of this Development Permit are considered compliant.

7.2 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.

**CARRIED**

**12.4 (050.2022.623.001) Community and Liveability Report Development Application Other Change to Existing Material Change of Use Approval for Industry at 6 Auburn Road and Forrest Street Chinchilla CNH Transportable Homes C/- Swep Consulting**

The purpose of this Report is for Council to decide an Other Change Application for the Development Approval for a Material Change of Use for Industry on land described as Lot 1 on LY347 and Lots 21, 22 and 23 on RP14934, located at 6 Auburn Road, Auburn Road and Forrest Street, Chinchilla.

**COUNCIL RESOLUTION**

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

**Seconded By** Cr. P. T. Saxelby

That this Report be received and that:

1. The Other Change Application seeking to change existing Material Change of Use approval for Industry on land described as **Lot 1 on LY347 and Lots 21, 22 and 23 on RP14934 and situated at 6 Auburn Road, Auburn Road and Forrest Street, Chinchilla**, be approved, subject to the following amendments to the conditions of approval:

- (a) Condition 1 of the approval is amended as follows:

**1.0 APPROVED PLANS AND DOCUMENTS**

- 1.1 The development must be carried out generally in accordance with the Approved Plans and Documents listed below, subject to and modified by the requirements listed below, and by other conditions of this approval:

**Plan No:** Job No. ~~100101~~; Drawing No. ~~100101/01~~; Version ~~3.0~~

**Description:** ~~Proposed Plan of Development prepared by Adams Sparkes (and amended in red by Council on 13 July 2011) and dated April 2011~~

**Plan No:** 2022-007-002

**Description:** Stage 1 Site Plan, prepared by Swep Consulting, dated 2/11/2022

**Plan No:** 2022-007-003

**Description:** Stage 2 Site Plan, prepared by Swep Consulting, dated 2/11/2022

**Plan No:** 2022-007-004

**Description:** Site Office Floor Plan, prepared by Swep Consulting, dated 2/11/2022

**Plan No:** Job No. 100101; Drawing No. 100101/02; Version 1.0

**Description:** Existing Office Layout & Elevation prepared by Adams Sparkes and dated 28 June 2010

**Plan No:** Job No. 100101; Drawing No. 100101/03; Version 1.0

**Description:** Existing House and Office Layout prepared by Adams Sparkes and dated April 2011

**Plan No:** Drawing No. 11604-DA01; Amendment 0

**Description:** Stormwater Management Plan prepared by Leroy Palmer Consulting Engineers Pty Ltd (and amended by Council on 13 July 2012) and dated 29/03/11

**Plan No:** Drawing No. 11604-DA01; Amendment 0

**Description:** Stormwater Management Plan prepared by Leroy Palmer Consulting Engineers Pty Ltd (and amended by Council on 13 July 2012) and dated 29/03/11

**Document No:** Job No. 221191, Issue A

**Description:** Stormwater Management Plan, prepared by Brandon & Associates, dated 25/10/2022

**Document No:** Document No. AB1023NOISE

**Description:** Noise Management Report prepared by Duke Environmental on and dated 14/04/11

**Timing:** During and following development unless otherwise indicated.

(b) Condition 11 of the approval is amended as follows

**11.0 LANDSCAPING – MISCELLANEOUS**

11.1 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 works and any ensuing defects liability period.

11.2 Apart from declared weeds and pests, trees, shrubs and landscaped areas currently existing on the subject land must be retained where possible and action taken to minimise disturbance during construction work.

11.3 Landscaping provided within the front boundary setback of the subject land and around car parking areas within the subject land must allow visibility into the site by:

11.3.1 using trees which have a clean trunk height of at least 1.8 metres (at maturity); and

11.3.2 using shrubs with a maximum height of 0.75 metre, in order to retain sight lines.

11.4 A landscape strip must be provided **generally in accordance with the approved Site Plan** along the full perimeter of the subject land (exclusive of vehicle and pedestrian access to the site). The landscape strip is to have a minimum width of 2 metres.

~~on the northern, southern and western boundaries and a minimum width of 2m on the eastern boundary adjoining the motel site.~~

11.5 A minimum of 70% of landscaped area must be retained as a permeable surface.

11.6 Landscaped areas must be maintained and the site must remain in a clean and tidy state at all times.

**Timing:** During development, prior to commencement of the use and following commencement of the use.

(c) An additional condition is included as follows:

## 12.0 INFRASTRUCTURE CHARGES

12.1 **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 Notices* are attached relevant to each stage of the development.**

(d) Condition 22 of the approval is amended and renumbered as follows:

## 23.0 STORMWATER

23.1 Stormwater Management is to be undertaken generally consistent with the **Approved** Stormwater Management Plan.; ~~Drawing No. 11604-DA01; Amendment 0 (and amended in red by Council on 13 July 2011) prepared by Leroy Palmer Consulting Engineers Pty Ltd and dated 29/03/11 and modified as follows:~~

~~23.1.1 provide an open drain within the site parallel to proposed 2m wide landscaping along the eastern boundary of the site to convey the overland flows from the upstream catchment and overflow from the existing dam located on Lot 22 on RP14934; the drain is to be adequately sized to convey a minimum of a 20 ARI storm event;~~

~~23.1.2 provide certification by a Registered Professional Engineer Queensland (RPEQ) Civil that the Stormwater Management Plan; Drawing No. 11604-DA01; Amendment 0 (and amended in red by Council on 13 July 2011) prepared by Leroy Palmer Consulting Engineers Pty Ltd and dated 29/03/11, demonstrates that the development site is adequately drained, and stormwater is intercepted and lawfully discharged in accordance with the requirements of the *Queensland Urban Drainage Manual (QUDM)* and the *Chinchilla Shire Planning Scheme*, without causing an annoyance or nuisance to any person or property.~~

**Timing:** ~~Prior to commencement of the works or as otherwise indicated.~~



- (e) Condition 26 of the approval is amended and renumbered as follows:

**27.0 TRAFFIC WITHIN SITE - CAR PARKING AND SERVICE VEHICLE REQUIREMENTS**

- 27.1 The premises must be provided with a total of a minimum of seven (7) on-site car parking spaces including 1 People with Disability (PWD) car parking space, together with standing and manoeuvring for a minimum of an Articulated Vehicle (AV) service vehicle.
- 27.2 The car parking and associated manoeuvring areas:
- 27.2.1 the 7 car parking spaces, driveways and manoeuvring must be provided with a **sealed dust suppressive gravel** surface and be ~~line marked or otherwise~~ delineated to the minimum dimensions detailed in the relevant Planning Scheme and *AS2890 - Parking Facilities*;
- 27.2.2 driveways, standing and manoeuvring for an AV service vehicle must be provided with a **sealed dust suppressive gravel** surface;
- 27.2.3 unsealed areas of the site are to be of a basalt quarry gravel surface (or as otherwise approved by Council) that provides for minimal dust disturbance and sediment tracked onto the road reserve when trafficked, and sediment laden stormwater being released from the site;
- 27.2.4 achieve, where used for parking, a longitudinal gradient and crossfall of all driveways that comply with the requirements of AS2890.1;
- 27.2.5 be provided with signage that indicates the location of parking areas and the proposed flow of traffic through the site;
- 27.2.6 be designed to enable all vehicles to enter and leave the site in a forward gear (unless approved otherwise by Council);
- 27.2.7 be kept and used exclusively for vehicle parking and manoeuvring; **and**
- 27.2.8 be accessible and available to the general public and staff during approved hours of operation.; ~~and~~
- ~~27.2.9 sealed surfaces must be a minimum of a two-coat bitumen seal.~~
- 27.3 Details demonstrating compliance with Conditions ~~276.1~~ and ~~276.2~~ shall be submitted to and endorsed by Council's Planning **and Environment** Manager prior to the issue of a Development Permit for Building Works for the proposed development.
- 27.4 The design and construction of the works must be certified by a Registered Professional Engineer Queensland – Civil.
- 27.4.1 a Design Certificate shall be submitted upon submission of the details requiring approval in accordance with Condition ~~276.3~~; and

27.4.2 a Construction Supervision Certificate shall be submitted at completion of the approved works.

27.5 The *Environmental Protection Act 1994* states that a person must not conduct any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimize the harm. Environmental harm includes environmental nuisance. In this regard, person and entities involved in the operation of the approved development are to adhere to their "general environmental duty" to minimize risk of causing environmental harm on adjoining premises.

In the event that dust levels are recorded within adjoining premises on an ongoing basis at levels which exceed those considered reasonable by the *Environmental Protection Act 1994*, Council reserves the right for the areas to be sealed with a minimum of a two coat bitumen seal. In this regard, Council will give the land owner written notice that they have 60 days to satisfactorily undertake the sealing works.

**Timing:** Prior to commencement of the use (unless otherwise stated) and to be maintained for the period of the use of the development site.

2. Infrastructure Charges Notices be attached to the approval for each Stage of the Other Change development application reflecting the increase in impervious area of the development.
3. The remaining conditions remain unchanged other than being renumbered.

**CARRIED**

### 13. EXECUTIVE SERVICES

#### 13.1 Executive Services Chief Executive Officer Report March 2023

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

##### **COUNCIL RESOLUTION**

**Moved By** Cr. M. J. James

**Seconded By** Cr. C. T. Tillman

That this Report be received.

**CARRIED**

#### 13.2 Executive Services Report Formation of Regional Organisation of Council (ROC)

The purpose of this Report is to seek Council's support for the formation of a Regional Organisation of Council with membership from Goondiwindi; Southern Downs; Toowoomba and Western Downs Regional Councils.

##### **COUNCIL RESOLUTION**

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

**Seconded By** Cr. M. J. James

That this Report be received and that Council:

1. supports the formation of a Regional Organisation of Council (ROC) with membership from Goondiwindi Regional Council; Southern Downs Regional Council; Toowoomba Regional Council; and Western Downs Regional Council.

2. endorse the Mayor as its delegate and the CEO as Ex Officio / Advisor.

**CARRIED**

#### 13.3 Executive Services Report Outstanding Actions March 2023

The purpose of this Report is to provide Council with an updated on the status of outstanding Council Meeting Action Items to 15 March 2023.

##### **COUNCIL RESOLUTION**

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

**Seconded By** Cr. C. T. Tillman

That this Report be received.

**CARRIED**

## 14. CORPORATE SERVICES

### 14.1 Corporate Services Report Audit Committee Meeting 16 March 2023

The purpose of this Report is to provide Council with the report of the Western Downs Regional Council Audit Committee Meeting held on 16 March 2023.

#### **COUNCIL RESOLUTION**

**Moved By** Cr. M. J. James

**Seconded By** Cr. I. J. Rasmussen

That Council receive the *Unconfirmed Minutes of the Western Downs Regional Council Audit Committee Meeting* held on 16 March 2023.

**CARRIED**

### 14.2 Corporate Services Financial Report March

The purpose of this Report is to provide Council with the Financial Report for the period ending 31 March 2023 and seek approval for the inclusion of five new fees to be included in the 2022-23 fees and charges register. These fees relate to the Lake Broadwater Hall hire fees and refundable security deposits for the Tara Showgrounds and Wandoan War Memorial to be effective from 19 April 2023.

#### **COUNCIL RESOLUTION**

**Moved By** Cr. A. N. Smith

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

That Council resolves to receive the March 2023 Financial Report and approve:

1. the inclusion of three new fees to the 2022-23 fees and charges register for the hall hire at Lake Broadwater, to be effective from 19 April 2023 and.
2. the inclusion of two new fees to the 2022-23 fees and charges register for the refundable security deposits for the Tara Showgrounds and Wandoan War Memorial, Racing and Recreational Reserve, to be effective from 19 April 2023.

**CARRIED**

## 15. INFRASTRUCTURE SERVICES

### 15.1 Infrastructure Services Report Capital Works March 2023

The purpose of this Report is for the Works Department to provide an update to Council regarding the 2022/23 Capital Works Program for the month of March 2023.

#### **COUNCIL RESOLUTION**

**Moved By** Cr. P. T. Saxelby

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

That this Report be received and noted.

**CARRIED**

## 16. COMMUNITY AND LIVEABILITY

### 16.1 Community and Liveability Report Temporary Closure Chinchilla Weir Boat Ramp

The purpose of this Report is to seek Council's approval to temporarily close the Chinchilla Weir Boat Ramp to facilitate scheduled upgrades to be conducted by Marine Safety Queensland.

#### **COUNCIL RESOLUTION**

**Moved By** Cr. I. J. Rasmussen

**Seconded By** Cr. C. T. Tillman

That this Report be received and that:

1. Council resolves to temporarily close the Chinchilla Weir Boat Ramp for a period of eight (8) weeks commencing on 16 May 2023 and concluding on 11 June 2023.
2. Authority be delegated to the Chief Executive Officer to allow re-opening of the Chinchilla Weir Boat Ramp prior to 11 June 2023, should upgrade works conclude at an earlier date.

**CARRIED**

## 16.2 Community and Liveability Report Destination Events Program 2023

The purpose of this Report is to provide Council with the Unconfirmed Minutes of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 3 April 2023 in relation to the Assessment of the 2022/2023 Destination Events Program and to seek adoption of the recommendations contained in those Unconfirmed Minutes.

### **COUNCIL RESOLUTION**

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

**Seconded By** Cr. C. T. Tillman

That this Report be received and that:

1. Council note the Unconfirmed Minutes of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 3 April 2023.
2. The Recommendations of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 3 April 2023 be adopted as follows:

- a. Confirmation of Minutes of Previous Meeting

That the Unconfirmed Minutes of the Western Downs Regional Council Community Grants Assessment Reference Group Meeting held on 21 September 2022, copies of which have been circulated to Members, be taken as read and confirmed.

- b. That the applicants for the 2022/2023 Destination Events Program be advised as follows:

	Applicant	Project Description	Total Project Cost	Applicant Contribution	Amount Requested	Amount Approved (Excl. G.S.T.)	Justification/ Conditions	Suggestions
1	International Legends of League	International Legends of League Chinchilla Event	\$103,700.00	\$10,000.00	\$18,000.00	\$5,500.00		
							<b>FOR:</b> Cr. K.A. Bourne, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman  <b>AGAINST:</b> Cr. K.A. Maguire <b>DID NOT VOTE:</b>  <b>MOVED</b> CR. C. T. Tillman <b>SECONDED</b> CR. O.G. Moore	
2	Queensland Rugby Football League Limited	Police Memorial \ Frank Fisher Cup	\$45,300.00	\$10,000.00	\$10,000.00	\$5,500.00		
							<b>FOR:</b> Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman  <b>AGAINST:</b> <b>DID NOT VOTE:</b>  <b>MOVED</b> CR. P. T. Saxelby <b>SECONDED</b> CR. K. A. Maguire	
3	Campervan And Motorhome Club of Australia Limited	CMCA 36th National Rally Dalby QLD	\$277,600.00	\$0.00	\$20,000.00	\$10,000.0		
							<b>FOR:</b> Cr. K.A. Bourne, Cr. K.A. Maguire, Cr. O.G. Moore, Cr. P.T. Saxelby and Cr. C.T. Tillman  <b>AGAINST:</b> <b>DID NOT VOTE:</b>  <b>MOVED</b> CR. C. T. Tillman <b>SECONDED</b> CR. K. A. Maguire	
<b>TOTAL FUNDED</b>						\$21,000.00		

**CARRIED**

**16.3 Community and Liveability Report Recycle Market Enviro Grants Program 2023**

The purpose of this report is to inform Council of the outcome of the funding round for the Recycle Market Enviro Grants Program funded by Iolar Operational Services which closed on 7 February 2023.

**COUNCIL RESOLUTION**

**Moved By** Cr. A. N. Smith

**Seconded By** Cr. I. J. Rasmussen

That this report be received and noted.

**CARRIED**

**16.4 Community and Liveability Report Waiving of Building and Plumbing Application Fees for Bushfire Rebuilds**

The purpose of this Report is to seek approval to waive application fees for Building and Plumbing Applications for replacement Dwelling Houses or Domestic Outbuildings or Structures that were damaged during the February 2023 bushfires.

**COUNCIL RESOLUTION**

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

**Seconded By** Cr. C. T. Tillman

That this report be received, and that Building and Plumbing Application Fees be waived where the Building or Plumbing Application is to replace a Dwelling House, Domestic Outbuilding or Structure damaged in the bushfire events of February 2023.

**CARRIED**



**17. NOTICES OF MOTION**

**17.1 CONSIDERATION OF NOTICES OF MOTION/BUSINESS**

**17.1.1 Notice of Motion - Cr. M. J. James Closed Circuit Television Information Session**

**Moved By** Cr. M. J. James

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

That Council request an information session on Western Downs Regional Council's role in public safety, including the cost of and funding opportunities for the installation and operation of CCTV networks, to inform Council on how it can best work in collaboration with community, businesses, State and Federal Governments, and local police to continue to deliver safe and liveable communities.

**CARRIED**

**18. URGENT GENERAL BUSINESS**

There was no Urgent General Business raised.

**19. MEETING CLOSURE**

The Meeting concluded at 11.42am.