

5. CONFIRMATION OF MINUTES

5.1 Adopt Ordinary Meeting of Council Minutes 5 December 2024

The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Thursday, 5 December 2024.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. K. A. Maguire

That this Report be received and that:

1. The Unconfirmed Minutes of the Ordinary Meeting of Council held on 5 December 2024, copies of which have been circulated to Members, be taken as read and confirmed.

CARRIED



Ordinary Meeting of Council Minutes

Date: 5 December 2024
Time: 9:30am
Location: Dalby Corporate Office

Councillors:

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

Officers:

- J. Taylor, Chief Executive Officer
- B. Bacon, General Manager (Corporate Services)
- D. Fletcher, General Manager (Community & Liveability)
- B. Barnett, Manager Works
- B. Donald, Senior Executive Officer
- A. Lyell, Executive Services Administration Officer

1. DECLARATION OF MEETING OPENING

The Chairperson declared the Meeting open at 9.30AM.

2. OPENING PRAYER AND MINUTE SILENCE

Ken Schneider from the Dalby Church of Christ, delivered the opening prayer. This was followed by the observance of a minute silence.

3. APOLOGIES

The Chair noted apologies from Cr. P. T. Saxelby and Cr. G. M. Olm.

4. CONGRATULATIONS

Cr. K. A. Bourne requested that congratulations be extended to the Dalby Australian Stockhorse Sale, Darling Downs Branch of the Australian Stock Horse Society and Ray White Network and Livestock Dalby for the recent successful 50th year celebration event.

With a 91% clearance, record prices and crowds the event showcases the passion, community pride and commitment to the stock horse industry. Council recognises and values the importance of Major Events in region, the economic and social benefits that arise from the success of these events cannot be underestimated. Congratulations to one and all involved for commitment and dedication to deliver and showcase the Dalby and equine community. It certainly is 'the people that make it' happen here on the Western Downs.

Cr. A. N. Smith requested that congratulations be extended to Trent Pointon for being awarded the National Rodeo Association 2024 Senior Bull ride Champion.

5. CONFIRMATION OF MINUTES

5.1 Adopt Ordinary Meeting of Council Minutes 21 November 2024

The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Thursday, 21 November 2024.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. M. J. James

That this Report be received and that:

1.The Unconfirmed Minutes of the Ordinary Meeting of Council held on 21 November 2024, 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 the previous meeting.

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 November 2024

The purpose of this Report is to provide Council with significant meetings, forums and delegations attended by the Mayor during the month of November 2024.

COUNCIL RESOLUTION

Moved By Cr. M. J. James

Seconded By Cr. K. A. Bourne

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) (g) of the *Local Government Regulation 2012* at 9:55am to discuss the following Confidential Reports:

1. Executive Services Confidential Report Potential Lease Agreement at the Tara Aerodrome
2. Executive Services Confidential Report Potential Lease Agreement Chinchilla Aerodrome for the Installation of Self-serve JetA1 Fuel Facility

CARRIED

COUNCIL RESOLUTION - REOPEN MEETING

Moved By Cr. K. A. Bourne

Seconded By Cr. K. A. Maguire

That Council resolve to reopen the Meeting at 9.59am.

CARRIED

10.1 EXECUTIVE SERVICES

10.1.1 Executive Services Confidential Report Potential Lease Agreement at the Tara Aerodrome

The purpose of this report is to consider the potential lease agreement at the Tara Aerodrome to Queensland Fire and Emergency Services for the installation of water tanks and water filling infrastructure utilized for combatting fires.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. S. Bougoure

That Council receives this report and resolves:

1. that the exception in section 236(1)(b)(i) of the *Local Government Regulation 2012* (Qld) applies in relation to the lease and the easement, such that the disposal is not required to be by way of tender or auction;
2. to offer Rural Fire Service a 30 year lease over the portion of the land surveyed as Lease A, within lot 2 RP96955, for a peppercorn rental amount of \$1.00 exclusive of GST and is not subject to CPI increases; and
3. to grant an easement which burdens that part of lot 2 RP96955 described as Easement B (servient tenement) for the benefit of Lease A (dominant tenement) pursuant to section 82 of the *Land Title Act 1994* (Qld);

CARRIED

10.1.2 Executive Services Confidential Report Potential Lease Agreement Chinchilla Aerodrome for the Installation of Self-serve JetA1 Fuel Facility

The purpose of this report is to discuss a proposed resolution by Council to enter into a new lease agreement with IOR Aviation Pty Ltd ("IOR") at the Chinchilla Aerodrome.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. S. Bougoure

That Council resolves:

1. that the exception contained within section 236(1)(c)(vii) of the *Local Government Regulation 2012 (Qld)* applies to the proposed lease;
2. to offer IOR Aviation Pty Ltd a 30 year lease over a portion of the land of approximately 300 square metres to be determined by a survey plan, within lot 185 LY920, for the purpose of installing and maintaining a self-serve fixed JetA1 fuel facility, to include the following conditions:
 - a. a market rental amount to be determined by a registered valuer;
 - b. conditions must include ensuring the facility is operated in accordance with all applicable standards and all approvals required by law;
 - c. the lessee to meet all applicable costs of establishing the lease, including survey, valuation and registrations costs;
 - d. such other commercially prudent conditions as may be considered in Council's interests.
3. to delegate authority to the Chief Executive Officer to negotiate commercially appropriate terms and to sign all necessary documents to enter into the lease.

CARRIED

10.2 CORPORATE SERVICES

10.3 COMMUNITY AND LIVEABILITY

10.4 INFRASTRUCTURE SERVICES

11. DEPUTATION

There were no deputations.

12. PLANNING

12.1 (030.2024.357.001) Community and Liveability Report Development Application for Material Change of Use for Expansion of Existing Extractive Industry at 5750 Bunya Highway Cooranga Kingaroy Quarry Supplies C/- Groundwork Plus

The purpose of this Report is for Council to decide the proposed development for a Material Change of Use to expand an existing Extractive Industry use to up to 1,000,000 tonnes per annum on land described as Lot 42 on SP319216 and situated at 5750 Bunya Highway, Cooranga.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. K. A. Maguire

That this Report be received and that:

1. The development application for Material Change of Use to expand an existing Extractive Industry use to up to 1,000,000 tonnes per annum on land described as Lot 42 on SP319216 and situated at 5750 Bunya Highway, Cooranga be approved, subject to the following conditions:

APPROVED PLANS AND DOCUMENTS

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

Plan/Document No.	Title and Details	Dated
ZA00771.PO5	Overall Site Plan, prepared by Downes Group	29/04/2021
ZA00771.PO5	Quarry Site Extent, prepared by Downes Group	
SO-01	Site Office, prepared by SVR	22/10/2021
SO-01	Storage Container, prepared by SVR	22/10/2021
2535.800.001	Stormwater Management Plan, prepared by Groundwork Plus	May 2021
2821.620.001	Environmental Assessment Report, prepared by Groundwork Plus	May 2024
2821.610.001	Environmental Management Plan, prepared by Groundwork Plus	May 2024
J001945 FINAL_V2	Noise Impact Assessment, prepared by Range Environmental Consultants	24/09/2024

2. Where there is any conflict between the conditions of this development approval and the details shown on the Approved Plans and Documents, 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
 - 3.2 Plumbing Works.

APPROVED DEVELOPMENT

4. The approved development is a Material Change of Use for an Extractive Industry (Expansion of Existing Use – Up to 1,000,000 tonnes per annum) 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. A record of each year's output must be kept on-site and be available for review at the request of Council's Planning and Environment Manager or authorised delegate, within 48 hours of such request.
 - 8.1 Material extracted from the site must not exceed an output of 1,000,000 tonnes per annum.
 - 8.2 A written report shall be provided to Council to notify Council where production from the quarry has achieved 100,001 tonnes per annum, or at the commencement of the use that is subject to this development approval. The report must also indicate whether compliance with all the conditions of this approval have been achieved. The use must not occur until the report has been provided to Council to confirm that all conditions of approval have been achieved.
9. The development (including landscaping, parking, driveways and other external spaces) shall be maintained in accordance with the Approved Plans and Documents subject to and modified by any conditions of this approval.

APPLICATION DOCUMENTATION

10. It is the developer's responsibility to ensure all entities associated with this Development Permit have a legible copy of the Approved Plans and Documents bearing "Council Approval" and the Decision Notice.

HOURS OF OPERATION/LOADING AND UNLOADING

11. Quarrying operations and transport haulage must operate between the following hours only:

Monday to Friday:	7:00am to 6:00pm
Saturday:	8:00am to 2:00pm
Sunday and Public Holidays:	No operation

12. Drilling and blasting must occur between the following hours only:

Monday to Friday:	9:00am to 3:00pm
Saturday:	Not permitted
Sunday and Public Holidays:	Not permitted

ENVIRONMENTAL MANAGEMENT PLAN

13. The approved use must be carried out in accordance with the Approved Environmental Management Plan, prepared by Groundwork Plus, dated May 2024, except as altered by conditions of this development approval.
14. The Environmental Management Plan must be implemented, maintained and modified where necessary, to maintain compliance with the requirements of this Development Approval at all times.

NOISE EMISSIONS

15. Noise emissions from the development shall not cause environmental harm or nuisance to adjoining properties or "Sensitive Land Uses".
16. Construct and maintain a 6 metre high earthen or rock bund around the northern portion of the fixed crushing plant areas as shown in Figure 3 of the Noise Impact Assessment prepared by Range Environmental Consultants, Version 2, dated 24 September 2024.

AIR EMISSIONS

17. Air emissions (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*.

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*.

ON-SITE WASTEWATER DISPOSAL

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

ENGINEERING WORKS

22. Complete all works approved and works required by conditions of this development approval and/or any related approvals at no cost to Council, prior to commencement of the use unless stated otherwise.
23. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, standards, relevant design guides, and Australian Standards.
24. Be responsible for the full cost of any alterations necessary, to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and/or other public utility installations resulting from the development or from road and drainage works required in connection with the development.

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

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

ROADWORKS AND SAFETY

27. Install signage for all works on or near roadways in accordance with the "Manual for Uniform Traffic Control Devices – Part 3, Works on Roads".

STORMWATER MANAGEMENT

28. Provide stormwater management generally in accordance with the Approved Stormwater Management Plan prepared by Groundwork Plus, Issue 3, dated May 2021 subject to detailed design and except as altered by conditions of this Development Approval.
29. Design and construct stormwater drainage to ensure that the development will achieve "no worsening" as described in the Queensland Urban Drainage Manual (QUDM).
30. Provide overland flow paths that do not adversely alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.

PARKING AND ACCESS - GENERAL

31. Provide adequate space for car parking for all staff and visitors.
32. Ensure access to car parking spaces, vehicle loading and manoeuvring areas and driveways remain unobstructed and available for their intended purpose during the hours of operation.
33. Maintain dust suppression treatment to all internal roadways, and vehicle manoeuvring areas ensuring not to have an adverse impact on adjoining properties.
34. Ensure loading and unloading operations are conducted wholly within the site and vehicles enter and exit the site in a forward direction.

FUEL STORAGE

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

PARKING AND MANOEUVRING

36. The premises shall be provided with adequate on-site car parking spaces for employees, customers and manoeuvring for a minimum of a 26 metre B-double.

PONDING OF STORMWATER

37. Ensure that adjoining properties and roadways are protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.

EROSION AND SEDIMENT CONTROL

38. 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.
39. 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

40. Undertake operations and construction work associated with this development to the requirements of Council, including the following:
- 40.1 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;
 - 40.2 remove immediately, any material spilled or carried onto existing roads to avoid dust nuisance and to ensure traffic safety; and
 - 40.3 do not carry out works on Sundays or Public Holidays (unless approved otherwise by Council).

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

41. 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:
- 41.1 uncontaminated overland stormwater flow; and
 - 41.2 uncontaminated stormwater to the stormwater system.

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

REHABILITATION

42. Rehabilitate the site at the time of decommissioning the extraction operations generally in accordance with Section 3.7 Rehabilitation Management Plan included in the Approved Environmental Management Plan, prepared by Groundwork Plus, dated May 2024.

WATER SUPPLY

43. Provide a potable water supply for the development for staff and visitors.

ELECTRICITY AND TELECOMMUNICATIONS

44. Connect the development to electricity and telecommunication services.

REFERRAL AGENCY RESPONSE

The application is subject to the following Referral Agency requirements:

1. State Assessment and Referral Agency's Concurrence Agency response dated 13 November 2024.

ADVISORY NOTES

NOTE 1 - Currency Period

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

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

NOTE 2 - Aboriginal Cultural Heritage

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

NOTE 7 - Special Rates

In lieu of levying infrastructure charges payable in conjunction with this Development Permit in accordance with the *Planning Act 2016*, road maintenance and depreciation costs associated with the Extractive Industry operations will be recouped by levying an annual special rate on the land on which the Extractive Industry is located.

CARRIED (6 to 1)

12.2 (035.2024.487.001) Community and Liveability Report Development Application Reconfiguring a Lot (Boundary Realignment - 2 Lots into 2 Lots) of Lot 2 on SP327973 and Lot 45 on SP251981 171 Sandalwood Avenue East and 70 Dalby-Cecil Plains Road Dalby Kucks

The purpose of this Report is for Council to decide the proposed development for Reconfiguring a Lot (Boundary Realignment - 2 lots into 2 lots) on land described as Lot 2 on SP327973 and Lot 45 on SP251981 and situated at 171 Sandalwood Avenue East and 70 Dalby-Cecil Plains Road, Dalby.

COUNCIL RESOLUTION

Moved By Cr. K. A. Maguire

Seconded By Cr. K. A. Bourne

That this Report be received and that:

1. The application for Reconfiguring a Lot (Boundary Realignment - 2 lots into 2 lots) of land described as Lot 2 on SP327973 and Lot 45 on SP251981 and situated at 171 Sandalwood Avenue East and 70 Dalby-Cecil Plains Road, Dalby be approved, subject to the following conditions:

APPROVED PLAN

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

Plan No., Revision	Title and Details	Dated
24/166PP01, Revision A	Proposal Plan - Site Dimensions, prepared by Byrne Surveyors, as amended in red by Council on 18/11/2024	29-08-24

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

APPROVED DEVELOPMENT

3. The approved development is Reconfiguring a Lot (Boundary Realignment - 2 lots into 2 lots) as shown on the Approved Plan.

COMPLIANCE, TIMING AND COSTS

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

FEES AND CHARGES

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

LOT NUMBERING

9. The numbering of all approved lots shall remain as indicated on the Approved Plan (unless otherwise amended/approved by Council).

LANDSCAPING

10. All declared weeds and pests shall be removed from the subject land and the subject land kept clear of such nuisance varieties at all times during the course of the development works and any ensuing defects liability period.
11. Apart from declared weeds and pests, trees, shrubs and landscaped areas currently existing on the subject land shall be retained where possible, and action taken to minimise disturbance during construction work.

ENGINEERING WORKS

12. Complete all works approved and works required by conditions of this development approval and/or any related approvals at no cost to Council, prior to Council's endorsement of the Survey Plan (Form 18B) unless stated otherwise.
13. Be responsible for any alteration necessary, to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and/or other public utility installations resulting from the development or from road and drainage works required in connection with the development.

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

14. 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.
15. Repair all damage incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards

exist for public health and safety or vehicular safety. Otherwise, repair all damage immediately upon completion of works associated with the development.

STORMWATER MANAGEMENT

16. Provide overland flow paths that do not adversely alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.
17. Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.

VEHICLE ACCESS

18. Ensure that the existing vehicular access points from Sandalwood Avenue East (Lot 2) and Dalby-Cecil Plains Road (Lot 45) are maintained.

RESTRICTED ACCESS

19. No vehicular access is permitted to Armstrong Street East as a result of the boundary realignment to existing Lot 45 on SP251981.

SERVICES

20. Ensure that all services provided to each lot are wholly located within the lot it serves.

ELECTRICITY

21. Provide electricity supply to all lots within the development to comply with Ergon Energy's requirements.

EROSION AND SEDIMENT CONTROL - GENERAL

22. 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.

ENVIRONMENTAL HEALTH

23. Undertake operations and construction work associated with this development to the requirements of Council, including the following:
 - 23.1 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;
 - 23.2 remove immediately, any material spilled or carried onto existing roads to avoid dust nuisance and to ensure traffic safety; and
 - 23.3 do not carry out work on Sundays or Public Holidays (unless approved otherwise by Council).

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

- 23.4 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:

- 23.5 uncontaminated overland stormwater flow; and
- 23.6 uncontaminated stormwater to the stormwater system.

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

ADVISORY NOTES

NOTE 1 - Currency Period

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

- (a) *for any part of the development approval relating to reconfiguring a lot —if a plan for the reconfiguration, that under the Land Title Act, is required to be given to a local government for approval is not given to the local government within —*
 - (i) *the period stated for that part of the approval; or*
 - (ii) *if no period is stated— **4 years** after the approval starts to have effect."*

NOTE 2 - Aboriginal Cultural Heritage

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

NOTE 3 - General Environmental Duty

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

NOTE 4 - General Safety of Public During Construction

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

NOTE 5 - 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.

APPEAL RIGHTS

"Chapter 6 Dispute Resolution

Part 1 Appeal Rights

229 Appeals to Tribunal or P&E Court

- (1) Schedule 1 states -
 - (a) matters that may be appealed to -
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person -
 - (i) who may appeal a matter (the **appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is -
 - (a) for an appeal by a building advisory agency - 10 business days after a Decision Notice for the decision is given to the Agency; or
 - (b) for an appeal against a deemed refusal - at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under Chapter 7, Part 4, to register premises or to renew the registration of premises - 20 business days after a Notice is published under Section 269(3)(a) or (4); or
 - (d) for an appeal against an Infrastructure Charges Notice - 20 business days after the Infrastructure Charges Notice is given to the person; or

- (e) *for an appeal about a deemed approval of a development application for which a Decision Notice has not been given - 30 business days after the applicant gives the Deemed Approval Notice to the Assessment Manager; or...*
- ...(g) *for any other appeal - 20 business days after a Notice of the decision for the matter, including an Enforcement Notice, is given to the person.*

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

CARRIED

13. EXECUTIVE SERVICES

13.1 Executive Services Chief Executive Officer Report November 2024

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 November 2024.

COUNCIL RESOLUTION

Moved By Cr. S. J. Condon
Seconded By Cr. S. Bougoure

That this Report be received.

CARRIED

13.2 Executive Services Report Outstanding Actions November 2024

The purpose of this Report is to provide Council with an updated on the status of outstanding Council Meeting Action Items to 21 November 2024.

Cr. M. J. James left the meeting at 10.26am (having declared a conflict of interest in response to a intended question regarding the Dalby Aerodrome proposed lease to Helismart. Cr James had determined that the conflict of interest arose as she is a close personal friend of two of the Directors of HeliSmart and has previously done consulting work for Helismart in her former role at BMO Accountants).

Cr. M. J. James re-joined the meeting at 10.30am.

COUNCIL RESOLUTION

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

That this Report be received.

CARRIED

The Chairperson adjourned the meeting at 10.32am.

The meeting resumed at 10.53am.

B. Barnett (Works Manager) left the meeting at 10.54am.

14. CORPORATE SERVICES

14.1 Corporate Services Report Renewal of Lease Dalby PCYC Lot 3 on CP850442

The purpose of this Report is to seek Council's endorsement for the proposed lease over the building known as Dalby PCYC.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. K. A. Bourne

That Council resolves:

1. that the exception contained in section 236(1)(b)(ii) of the *Local Government Regulation 2012* applies to the proposed lease of Lot 3 on CP850442, being 56 Cooper Street, Dalby, to the Dalby Police Citizens Youth Club (Dalby PCYC);
2. to offer the Dalby Police Citizens Youth Club (Dalby PCYC) a five (5) year lease from 30 June 2024, at \$2.00 (inclusive of goods and services tax) per annum, over land described as Lot 3 on CP850442, being 56 Cooper Street, Dalby; and
3. to delegate to the Chief Executive Officer the power to finalise and execute the proposed lease and ancillary documents.

CARRIED

B. Barnett (Works Manager) re-joined the meeting at 10:56am.

14.2 Corporate Services Report Write Off Outstanding Community Housing Rent Payments

The purpose of this report is to seek Council's approval to write off amounts which remain outstanding following the transfer of Council's community housing portfolio to Community Housing (Qld) Limited.

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. K. A. Maguire

That Council resolved to write off \$1,001.90 of unrecoverable rental payments (exclusive of goods and services tax).

CARRIED

14.3 Corporate Services Report Enterprise Risk Management - Council Policy

The purpose of this report is to present the *Enterprise Risk Management - Council Policy* for rescission.

COUNCIL RESOLUTION

Moved By Cr. S. J. Condon

Seconded By Cr. O. G. Moore

That Council resolves to rescind the *Enterprise Risk Management – Council Policy*.

CARRIED

14.4 Corporate Services Report Public Interest Disclosure Policy

The purpose of this report is to present the proposed *Public Interest Disclosure Policy* for adoption.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. S. Bougoure

That Council resolves to adopt the *Public Interest Disclosure Policy* as contained in Attachment Two.

CARRIED

14.5 Corporate Services Report Queensland Audit Office 2024 Final Management Report

The purpose of this report is to provide an update on the finalisation of external audit activities for the 2024 financial year.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. K. A. Bourne

That Council resolves to receive the Queensland Audit Office's *2024 Final Management Report*.

CARRIED

14.6 Corporate Services Financial Report November 2024

The purpose of this Report is to provide Council with the Financial Report for the period ending 18 November 2024. The shortness of the reporting reflects the timing of Council's ordinary meeting for December.

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. K. A. Maguire

That Council resolves to receive the November 2024 Financial Report.

CARRIED

15. INFRASTRUCTURE SERVICES

15.1 Infrastructure Services Report New / Additional Yellow Plant Replacement - Bitumen Seal Repair Truck

The purpose of this Report is to seek Council's approval to include a new capital project to replace a bitumen seal repair truck

COUNCIL RESOLUTION

Moved By Cr. S. Bougoure

Seconded By Cr. K. A. Maguire

That this Report be received and that Council:

1. include the replacement of Isuzu Paveline Autopatch Truck plant number 3421 as a new item in the 2024-2025 Fleet Replacement Programme; and
2. approve the additional Capital Budget expenditure for the replacement of the Isuzu Paveline Autopatch Truck plant number 3421, being \$190,815 in 2024-2025 and \$445,235 in 2025-2026.

CARRIED

15.2 Infrastructure Services Report 2021-22 Flood Damage Restoration Program Progress Update

This report provides a progress update in regard to Council's Restoration of Essential Public Assets program through the Queensland Reconstruction Authority's (QRA) Disaster Recovery Funding Arrangements Program following the 2021/22 Riverine Flooding Events.

This report provides a progress update in regard to Council's Restoration of Essential Public Assets program through the Queensland Reconstruction Authority's (QRA) Disaster Recovery Funding Arrangements Program

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. O. G. Moore

That this Report be received.

CARRIED

15.3 Infrastructure Services Works November 2024/25 Capital Works Progress Update

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

COUNCIL RESOLUTION

Moved By Cr. O. G. Moore

Seconded By Cr. S. J. Condon

That this Report be received and noted.

CARRIED

16. COMMUNITY AND LIVEABILITY

16.1 Community and Liveability Report on Proposed Partnership between Western Downs Regional Council and Toowoomba Surat Basin Enterprise 2024 - 2027

The purpose of this report is to seek Council endorsement of the proposed 3-year agreement between Western Downs Regional Council and Toowoomba Surat Basin Enterprise

COUNCIL RESOLUTION

Moved By Cr. M. J. James

Seconded By Cr. K. A. Maguire

That this Report be received, and Council endorses the proposed new 3-year agreement between Toowoomba Surat Basin Enterprise and Western Downs Regional Council, recognising its strategic importance in driving economic development and regional prosperity, subject to an adjustment in the agreement under the initiative Coexistence event, to incorporate the strength and value of the Western Down's agricultural sector along with the brand "Energy Capital of Queensland".

CARRIED

17. NOTICES OF MOTION

17.1 CONSIDERATION OF NOTICES OF MOTION/BUSINESS

17.1.1 Notice of Motion – Cr Bougoure – Creation of Health Precinct and Healthcare Worker Accommodation within Tara

The purpose of this report is to seek Council's formal support to the Tara community in preserving the old hospital for use as a medical precinct adjacent to the new hospital.

COUNCIL RESOLUTION

Moved By Cr. S. Bougoure

Seconded By Cr. O. G. Moore

That Council resolves to formally write to the Honourable Timothy (Tim) Nicholls MP, Minister for Health and Ambulance Services, to:

1. Recognise and commend the State Government's commitment to upgrading the Tara Hospital, reaffirming the critical importance of equitable healthcare access for regional communities.
2. Advocate decisively for the inclusion of expanded allied health services within the upgraded hospital, ensuring the facility is equipped to address the evolving and diverse healthcare needs of the Tara community and its surrounding areas.
3. Call for prioritisation of additional long-term housing solutions for Queensland Health staff within the Tara community, consistent with the endorsed Local Housing Action Plan, a collaborative initiative supported by Western Downs Regional Council and the Queensland Government to strengthen the region's health service capacity.

CARRIED

18. URGENT GENERAL BUSINESS

There was no urgent general business.

19. MEETING CLOSURE

The Meeting concluded at 11.46am.