



General Council Meeting

Meeting of the Central Highlands Regional Council held in the **Council Chambers, 65 Egerton Street, Emerald** on

Wednesday, 11 November 2020
Commenced at 9.00am

COUNCIL MINUTES

CENTRAL HIGHLANDS REGIONAL COUNCIL

GENERAL MEETING OF COUNCIL

WEDNESDAY 11 NOVEMBER 2020

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MINUTES – GENERAL COUNCIL MEETING
HELD AT 9.00AM WEDNESDAY 11 NOVEMBER 2020 IN THE CENTRAL HIGHLANDS REGIONAL
COUNCIL CHAMBERS, EMERALD OFFICE

PRESENT

Councillors

Councillor (Cr) Kerry Hayes (Mayor), Christine Rolfe (Deputy Mayor)
Councillors (Cr) Charles Brimblecombe, Joseph Burns, Anne Carpenter, Natalie Curtis, Megan Daniels, Janice Moriarty and Gai Sypher

Officers

Chief Executive Officer Scott Mason, General Manager Communities John McDougall, General Manager Corporate Services Margaret Gatt, General Manager Customer and Commercial Services Michelle Webster, Acting General Manager Infrastructure and Utilities Jason Hoolihan and Minute Secretary Marnie Wills

CONDOLENCES

Mayor Hayes acknowledged the recent passing of Mr Trevor Donovan, a prior Shire Clerk Emerald Shire Council who served from 1957 to 1969 by referencing his contribution and the achievements of the Council during that strong growth period. A minute's silence was observed as a mark of respect.

APOLOGIES

Nil

LEAVE OF ABSENCE

Resolution:

Cr Daniels moved and seconded by Cr Carpenter "That a leave of absence be granted for Cr Moriarty for the General Council Meeting on 27 November 2020."

2020 / 11 / 11 / 001

Carried (9-0)

ACKNOWLEDGEMENT OF COUNTRY

Mayor Hayes acknowledged the traditional custodians of the land on which we meet today and he paid our respects to the elders, past, present and emerging, particularly this week being NAIDOC Week.

OPENING PRAYER

Pastor Tim Ah-Sam from the Seventh-day Adventist Church delivered the opening prayer.

Local Government Mutual Services Award

2020 Risk Excellence Award was presented to the Central Highlands Regional Council at the LGAQ Annual Conference held on the Gold Coast recently. This award was for the 2019 – 2020 Game Plan initiative in relation to risk management.

The Mayor and Deputy Mayor presented the award to General Manager Corporate Services Margaret Gatt and Manager Governance James Ngoroyemoto.

Institute of Public Works Engineering Australasia Awards

The Institute of Public Works Engineering Australasia Awards were held in Brisbane last night and Central Highlands Regional Council won the 2020 Innovation Excellence Award for the Emerald Airport Runway Project. This project boasts the first time that stone mastic asphalt has been used on an airport runway in Australia.

Acting General Manager Infrastructure and Utilities advised “that Council was also awarded a Highly Commended Award for projects under \$1m for the Nogoia River Recreational Trail. Stage 1 and 2 was delivered to link the top weir to the bottom weir. The project is in line with the strategic objective of liveability for the region and better utilisation of the natural river asset and utilisation of the trail is significant by local exercise groups, mountain bike rides and all people for general exercising. Council appreciates being recognised by the award, however the real award is that public are using it every day.”

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

General Council Meeting: 28 October 2020

Resolution:

Cr Brimblecombe moved and seconded by Cr Carpenter “That the minutes of the previous General Council Meeting held on 28 October 2020 be confirmed.”

2020 / 11 / 11 / 002

Carried (9-0)

BUSINESS ARISING OUT OF MINUTES

Nil

OUTSTANDING MEETING ACTIONS

Councillors reviewed the resolution register (meeting actions) update

REVIEW OF UPCOMING AGENDA ITEMS

Discussions were held regarding upcoming agenda items.

CONFLICT OF INTEREST

Nil

PETITIONS (IF ANY)

Nil

Attendance

Manager Planning and Environment K. Byrne and Consultant Place Design Group P. Tarlington attended the meeting at 9.23am

DECISION ACTION REPORTS

Communities

DA007-2019 – Change Representation: Undefined use (Cattle Holding Yards)

Executive summary:

At the General Council meeting on 14 October 2020, Council issued two (2) resolutions. Council resolved (2020/10/14/003):

“Cr Sypher moved and seconded by Cr Daniels “That the Central Highlands Regional Council repeal Council resolution 2020/09/23/003 to rectify an administrative error.”

Council then resolved:

“Cr Rolfe moved and seconded by Cr Curtis “That the Central Highlands Regional Council approve the application for a Development permit for DA007-2019 Material change of use for an undefined use (Cattle Holding Yards) and associated Operational works on land located at 26 Batts Street, Emerald QLD 4720 described as Lot 46 on RP898315, Lot 201 on DSN975, Lot 2 on RP607518, Lot 62 on RP843232, and Lot 12 on DSN978, subject to the following conditions: ...”

At the General Council meeting on 23 September 2020, Council resolved (2020/09/23/003):

“Cr Brimblecombe moved and seconded by Cr Carpenter “That the application for a Development permit for the Material change of use for an undefined use (Cattle Holding Yards) on land located at 26 Batts Street, Emerald QLD 4720 described as Lot 46 on RP898315, Lot 201 on DSN975, Lot 2 on RP607518, Lot 62 on RP843232, and Lot 12 on DSN978, is approved subject to the following conditions: ...”

On 20 October 2020, the Applicant made change representations pursuant to section 75 of the *Planning Act 2016* (“Planning Act”) about changing a matter in the development approval. More specifically, the Applicant seeks to remove Condition 4.10 which relates to the provision of a 1.8 metre tall solid screening fence surrounding the proposed development.

Within their change representations, the Applicant has argued that:

- The fencing is not a feature required by the specialist documentation that formed part of the common material (i.e. the Dust Management Plan, Odour Management Plan, and Acoustic Impact Assessment).
- The fencing could alter the flows of flood waters and block prevailing breezes from naturally cooling cattle, thereby resulting in poor animal welfare outcomes.
- The landscaped strip required by Condition 3.2 is sufficient to provide a visual buffer between the proposed development and adjoining residences.

As demonstrated throughout this report, the Applicant’s change representations have been considered and reviewed against the assessment benchmarks and other relevant matters, including the public submissions received regarding the proposed development.

Conditions Relevant to the Change Representations:

The applicant has requested that Condition 4.10 be removed from the approval package. Condition 4.10 states:

Visual Amenity

4.10 Screening

Construct and maintain solid screen fence with a minimum height of 1.8 metres along the northern and eastern extent of the landscape and drainage buffer

Timing: At all times.

The purpose of the 1.8m high screening fencing required by Condition 4.10 can be separated into two (2) components:

1. Protection of visual amenity for surrounding sensitive receptors; and
2. Provision of a physical barrier and separation to the adjoining residential properties.

It is noted that the requirement for 1.8 metre high solid screen fence is typically included as a standard condition, and was intended to provide a visual buffer between the Cattle Holding Yards and the adjoining residential properties to the north and east of the subject site. The condition also provides for the physical separation and protection of property for both the subject site and adjoining allotments. It was also noted that the applicant’s approved plans and documents clearly referenced and identified boundary fencing (as shown on drawing ACS-190121-VEG-02).

It is identified that Condition 3.1 and Condition 3.2 are directly associated to the screening fence. Conditions 3.1 and 3.2 state:

Condition 3.1 – Establishment of Landscaping Works

Establish, maintain and retain all landscaping, including the vegetative filter strip and, generally in accordance with the approved Landscaping Plan. The landscaped areas must be subject to ongoing maintenance and replanting programme (if necessary).

Timing: At all times.

Condition 3.2 – Landscape Strip

Provide an eight metre wide landscape strip adjoining the holding pens generally in accordance with the approved plans and documents. The vegetation is to be planted in rows to achieve a solid barrier with a porosity of 50 per cent as follows:

- i. Row 1: low level grasses up to 0.5 metres in height
- ii. Row 2: species with foliage up to 4 metres in height
- iii. Row 3: species with a final height of 10 to 15 metres

Timing: Prior to commencement of use.

Condition 3.2 was imposed to provide a visual buffer between the proposed development and surrounding sensitive receptors, and provides for a high-standard of screening to be delivered. Specifically, the three (3) tiers of planting ranging from 0.5m to 15m in height ensures that a dense landscaped buffer is provided. Condition 3.1 then includes the requirement for the landscaped strip to be maintained, with replacement planting provided where necessary. This condition therefore ensures that for the life of the development a visual buffer is provided to the surrounding sensitive receptors.

It is further noted that the application common material and specialist documentation advises that the landscaped strip may also reduce off-site impacts, such as odour, dust management, and acoustic mitigation. However, the landscaped strip is not identified as being a necessary mitigation measure. It is understood that the provision of a solid screen fence was not considered as a mitigation measure within the aforementioned specialist documentation.

Consideration of Change Representations:

Upon review of the applicant's change representations it is considered reasonable that the conditioned landscaped strip provides an appropriate visual buffer as its design and ongoing maintenance ensures the protection of visual amenity for surrounding sensitive receptors. To that end, it is considered reasonable that for the purpose of visual screening, that the landscape strip be relied upon in lieu of a 1.8 metre screened fence.

As previously noted, the originally conditioned screening fence would also ensure the protection of property for both the cattle holding yards and the adjoining properties, whilst also providing a physical separation between the proposed use and adjoining sensitive receptors. In this context, the applicant's request to remove Condition 4.10 in its entirety is not considered appropriate, as it could be interpreted that no fencing is required, which in turn would remove the required physical separation between incompatible land uses.

This also creates a secondary risk of conflict with the approved plans and documents, which include clear references to boundary fencing. It is therefore considered that a non-screening fence would serve the function of providing a physical barrier between the proposed development and adjoining residential properties, and could be more aligned with the rural residential landscape character of the surrounding locality. Accordingly, it is considered that an appropriate alternate to the 1.8 metre high screening fence would be to provide a standard rural type fence. This boundary fencing would ensure the protection of property, and would serve as a physical barrier between the cattle holding yards and the adjoining residential uses. This would be complemented by the visual screening provided by the landscape strip.

The Applicant has identified that a solid screening fence could adversely alter flood water flows, or access to natural breezes. However, reasonable justification of this statement was not provided within the change

representations or the original development application to substantiate or quantify this assumption. Accordingly, these matters have not been considered when assessing the change representations.

Summary of Recommendations for Change Representations:

As demonstrated above, and further throughout this report, it is considered appropriate for the visual buffer element of Condition 4.10 to be replaced by Condition 3.2. To clarify this, it is recommended that the title of Condition 3.2 be updated to reflect that the condition addresses the necessary visual buffer between the proposed development and surrounding residential properties. As such, it is recommended that Condition 3.2 be amended to State:

Condition 3.2 – Landscape Strip and Visual Amenity

Provide an eight metre wide landscape strip adjoining the holding pens generally in accordance with the approved plans and documents. The vegetation is to be planted in rows to achieve a solid barrier with a porosity of 50 per cent as follows:

- i. Row 1: low level grasses up to 0.5 metres in height
- ii. Row 2: species with foliage up to 4 metres in height
- iii. Row 3: species with a final height of 10 to 15 metres

Timing: Prior to commencement of use.

In order to ensure that a physical barrier is provided between the proposed development and adjoining properties, thereby allowing for an appropriate separation of incompatible land uses, it is recommended that a new condition is included to replace Condition 4.10. It is therefore recommended that Condition 4.10 be removed, and replaced with Condition 3.3 which states:

Condition 3.3 – Boundary Fencing

Provide and maintain boundary fencing in accordance with the Capricorn Municipal Development Guidelines Standard Drawing CMDG-G-010, along the Hogans Road frontage of Lot 46 on RP898315 and the extent of the northern boundary shared between Lot 46 on RP898315 and Lot 1 on RP613468. Boundary fencing is to be a minimum 4 strand barbed fence.

Timing: At all times.

The inclusion of Condition 3.3 would ensure that an appropriate fence is constructed to provide the physical barrier and separation between incompatible land uses, thereby ensuring that the proposed development does not adversely impact upon surrounding sensitive receptors.

It is further noted that the conditions imposed by the Department of State Development, Manufacturing, Infrastructure and Planning (“DSDMIP”) require the provision of similar additional boundary fencing along the southern boundaries and where adjoining the railway corridor.

An independent town planning consultancy, Place Design Group has been providing assistance to council for a number of planning matters over the past two years to backfill staff. To ensure a degree of separation occurred for the council lodged application, Place became the assessment manager for the DA007-2019 application. Further, technical experts were engaged to ensure that technical reports regarding amenity were reviewed and clarification was sought through an information request and then a further information request to the applicant.

Development Application DA007-2019 is seeking a Development permit for Material change of use to establish an undefined use (Cattle Holding Yards) and associated Operational works at 26 Batts Street, Emerald QLD 4720 on land more particularly described as Lot 46 on RP898315, Lot 201 on DSN975, Lot 2 on RP607518, Lot 62 on RP843232, and Lot 12 on DSN978 (“subject site”) was lodged to Central Highlands Regional Council (“Council”) for assessment on 2 December 2019 and was subsequently considered properly made on 19 December 2019 following the receipt of the Applicant’s response to Council’s Action Notice.

The subject site currently supports the existing Emerald Saleyards, with the proposed development seeking to extend the Saleyard operations into Lot 46 to allow for the holding of cattle to facilitate appropriate tick

treatment prior to their relocation throughout Queensland. Upon review of Schedule 1 – Definitions of the Central Highlands Regional Council Planning Scheme 2016 (Amendment No. 3) (“Planning Scheme”), the Applicant could not determine an appropriately defined land use that reflected the activities proposed on the subject site. Accordingly, the Applicant has applied for an undefined use, being a “Cattle Holding Yard”, for which they have proposed the following description:

“Premises used for the holding, processing, and distribution of cattle associated with a cattle saleyard on, adjacent or near the premises, where cattle are generally held for a maximum period of ten (10) days and provided a basic sustenance ration.”

The subject site is located within the bounds of the Community facilities zone and the Industry zone. Pursuant to Part 5 of the Planning Scheme, the proposed development, being for an undefined use, triggers Impact assessment. Accordingly, public notification was required for a period of at least 15 business days in accordance with section 53 of the Planning Act.

The Applicant undertook public notification between 11 May 2020 and 29 May 2020. During this period, a total of 52 properly made public submissions were received by Council, all in opposition to the proposed development. An additional two (2) submissions were received outside of the public notification period and are therefore considered not properly made submissions. The matters raised within the public submissions have been considered throughout the assessment of the proposed development. It is important to note that the proposed amendments to the conditions of approval ensure that the visual amenity of surrounding residents are protected, whilst simultaneously providing a physical barrier between the cattle holding yards and surrounding sensitive receptors is provided. Accordingly, the proposed amendments ensure that the concerns raised by submitters continue to be addressed by the proposed development.

The following report provides an assessment of the proposed development’s compliance with the relevant assessment benchmarks of the Planning Scheme in accordance with the requirements of the *Planning Act 2016*. The assessment has identified that the proposed development, subject to complying with reasonable and relevant conditions as recommended herein, can comply with the applicable assessment benchmarks of the Planning Scheme. As such, it is recommended that the change representations be agreed with and a negotiated decision notice be issued in accordance with section 76 of the *Planning Act 2016*. The Changes agreed to are:

1. The removal of Condition 4.10 – Screening;
2. The amendment in the title of Condition 3.2 – Landscape Strip and Visual Amenity; and
3. The addition of Condition 3.3 – Boundary Fencing.

Resolution:

Cr Brimblecombe moved and seconded by Cr Rolfe “That the change representations regarding the Development permit for the Material change of use for an undefined use (Cattle Holding Yards) and associated Operational works on land located at 26 Batts Street, Emerald QLD 4720 described as Lot 46 on RP898315, Lot 201 on DSN975, Lot 2 on RP607518, Lot 62 on RP843232, and Lot 12 on DSN978, **be agreed to in part** and condition 4.10 be removed from the approval package and replaced by Condition 3.3, and that the title of Condition 3.2 be amended. It is further recommended that a negotiated decision notice be issued to the applicant subject to the following conditions:

1 GENERAL

PARAMETERS OF APPROVAL

1.1 COMPLIANCE WITH CONDITIONS

The applicant is responsible for ensuring compliance with this development approval and the conditions of the approval by an employee, agent, contractor or invitee of the applicant.

Timing: At all times.

1.2 WORKS – APPLICANT’S EXPENSE

The cost of all works associated with the development and construction of the development including services, facilities and/or public utility alterations required are met at no cost to the Council or relevant utility provider, unless otherwise stated in a development condition.

Timing: At all times.

1.3 INFRASTRUCTURE CONDITIONS

All development conditions contained in this development approval about *infrastructure* under Chapter 4 of the *Planning Act 2016* (the Act), should be read as being non-trunk infrastructure conditioned under section 145 of the Act, unless otherwise stated.

Timing: At all times

1.4 WORKS – DEVELOPER RESPONSIBILITY

The applicant must repair any damage to existing infrastructure (e.g. kerb and channel, footpath or roadway) that may have occurred during any works undertaken as part of the development. Any damage that is deemed to create a hazard to the community, it must be repaired immediately.

Timing: At all times.

1.5 WORKS – DESIGN & STANDARD

Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant council policies, guidelines and standards.

Timing: At all times.

1.6 LIMITATION OF APPROVAL – HOLDING PERIODS

Cattle are not to be held within the premises for more than twelve consecutive calendar days.

Timing: At all times.

1.7 LIMITATION OF APPROVAL – HOLDING YARD CAPACITY

The maximum capacity of the Cattle holding yards contained within Lot 46 on RP898315 is limited to 800 head of cattle.

Timing: At all times.

APPROVED PLANS AND DOCUMENTS

1.8 APPROVED PLANS & DOCUMENTS

Undertake the approved development generally in accordance with the approved plans and documents including any amendments where made in red on the approved plan(s) or document(s):

Document Name	Document Number	Prepared By	Date
Proposal Plans: Material change of use & Operational works			
Locality Plan	190097-2/01 – A	GBA Consulting Engineers	16/12/2019
Site Plan	190097-2/02 – B	GBA Consulting Engineers	28/02/2020
Site Plan (Lot 46)	190097-2/03 – B	GBA Consulting Engineers	28/02/2020
Longsection	190097-2/04 – A	GBA Consulting Engineers	28/02/2020
Cross Sections	190097-2/05 – C	GBA Consulting Engineers	04/03/2020
Cover Page	ACS-190121-GEN-01 - B	ACS Engineers	27/02/2020
Locality Plan	ACS-190121-GEN-02 – A	ACS Engineers	27/02/2020
General Notes	ACS-190121-GEN-03 – A	ACS Engineers	27/02/2020
Stormwater Management & Landscaping Plan	ACS-190121-VEG-01 – B	ACS Engineers	27/02/2020
Landscaping & VEB Details	ACS-190121-VEG-02 - B	ACS Engineers	27/02/2020
Supporting Documents:			
Dust Management Plan – Emerald Saleyard	19-164 – D1-1	Astute Environmental Consulting	16/04/2020
Odour Management Plan	19-164 – R1-1 (Amended in Red 01/09/2020)	Astute Environmental Consulting	17/08/2020
Emerald Stockyards – Acoustic Impact Assessment		Matrix Acoustics	30/03/2020

Document Name	Document Number	Prepared By	Date
Emerald Spelling Yards – Stormwater Management	190121 – Revision 2	ACS Engineers	02/03/2020

Timing: At all times.

1.9 CONDITIONS OF APPROVAL & APPROVED PLANS

Where there is a conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval take precedence.

Timing: At all times.

1.10 APPROVED PLANS AND DOCUMENTS

A legible copy of the Council approved plans and documents and the development approval package must be maintained on site and kept available for inspection by site workers and council officers.

Note: This condition is imposed to ensure compliance with the conditions of development approval.

Timing: While site/operational/building work is occurring

1.11 REFERENCED PLANS AND DOCUMENTS

a) Submit and have approved by council the following plans/documents referenced in the approved Stormwater Management Plan:

- i. Flood management plan
- ii. Water quality management plan / Operational plan

b) Once approved, these referenced plans/documents will become approved plans and documents

Timing: Prior to commencement of use.

2 ENGINEERING

ENGINEERING WORK – STORMWATER DRAINAGE WORKS

2.1 STORMWATER DRAINAGE WORKS

Design, construct and maintain all stormwater drainage works for the development generally in accordance with the approved document titled Emerald Spelling Yards Stormwater Management, prepared by ACS Engineers and dated 2 March 2020, Capricorn Municipal Development Guidelines and the Queensland Urban Drainage Manual (QUDM). The completed works must be certified by a Registered Professional Engineer of Queensland (RPEQ) as having been constructed in accordance with this condition and good engineering practice, unless otherwise approved in writing by council. A copy of the certification must be provided to council prior to commencement of the use.

Timing: As per the wording of the condition

2.2 STORMWATER QUALITY TREATMENT

a) Undertake the approved development in accordance with the approved document titled Emerald Spelling Yards Stormwater Management, prepared by ACS Engineers and dated 2 March 2020.

b) The approved development must provide for achievable stormwater quality treatment measures meeting the design objectives listed in Part G, Appendix 2 (Stormwater management design objectives) of the State Planning Policy 2017.

Timing: At all times.

EROSION AND SEDIMENT CONTROL

2.3 SUBMIT EROSION & SEDIMENT CONTROL PLAN

Submit an Erosion and Sediment Control Plan (ESCP) as part of the Operational works. The ESCP must:

- i. Demonstrate the release of sediment-laden stormwater is avoided for the nominated design storm and minimised where the design storm is exceeded such that target contaminants are treated to the design objectives specified in Table 8.4.5.3.2 (Construction phase – stormwater management design objectives) of the Central Highlands Regional Council Planning Scheme 2016 and the Capricorn Municipal Development Guidelines.
- ii. Include erosion and sediment control measures that are to be designed and constructed in accordance with the document 'Best Practice Soil and Erosion Control' (IECA 2008).

Timing: As specified within the wording of this condition.

2.4 IMPLEMENT EROSION & SEDIMENT CONTROL PLAN

Implement and maintain the ESCP for the duration of the construction works, and until such time all exposed soil areas are permanently stabilised (e.g. turfed, hydro mulched, concreted on landscaped etc.).

Timing: As specified within the wording of this condition.

ENGINEERING WORK – WATER SUPPLY

2.5 WATER SUPPLY

Provide a reliable water supply to the cattle holding yards contained within Lot 45 on RP898315. This may include a combination of piped raw water, treated water from the reticulated water supply network and on-site tanks.

Timing: At all times.

ENGINEERING WORK – CAR PARKING AND ACCESS

2.6 VEHICULAR ACCESS

Road access to Lot 46 on RP898315 is not permitted from Hogans Road.

Timing: At all times.

2.7 VEHICULAR ACCESS

Vehicular access is only permitted at the approved crossover locations as shown on the approved plans. Vehicles are not permitted to enter or exit the site in any other location.

Timing: At all times.

2.8 REINSTATEMENT OF KERB AND CHANNEL

- a) Any redundant driveway crossovers must be removed, and new kerb and channel reinstated to be consistent with the adjacent kerb and channel provide, where relevant.

Timing: At all times.

EXCAVATING AND FILLING

2.9 EXCAVATING & FILLING

Carry out excavating and filling activities in accordance with the Capricorn Municipal Development Guidelines, AS3798-2007 Guidelines on earthworks for residential and commercial developments and the approved plans.

Timing: At all times.

2.10 EXCAVATING & FILLING

Ensure the excavating or filling does not concentrate or divert stormwater onto adjoining land to a degree which is worse than that which existed prior to the works.

Timing: At all times.

2.11 EXCAVATING & FILLING

Ensure the excavating or filling does not result in the ponding or permanent retention of surface water either on the site or on adjoining land.

Timing: At all times.

2.12 EXCAVATING & FILLING

Ensure areas of fill and excavation are graded, compacted and planted and/or mulched, unless otherwise approved, immediately after the dumping operation is complete and at all times thereafter.

Timing: As specified within the wording of the condition.

3 LANDSCAPING

LANDSCAPING

3.1 ESTABLISHMENT OF LANDSCAPING WORKS

Establish, maintain and retain all landscaping, including the vegetative filter strip and, generally in accordance with the approved Landscaping Plan. The landscaped areas must be subject to ongoing maintenance and replanting programme (if necessary).

Timing: At all times.

3.2 LANDSCAPED STRIP AND VISUAL AMENITY

Provide an eight metre wide landscape strip adjoining the holding pens generally in accordance with the approved plans and documents. The vegetation is to be planted in rows to achieve a solid barrier with a porosity of 50 per cent as follows:

- iv. Row 1: low level grasses up to 0.5 metres in height
- v. Row 2: species with foliage up to 4 metres in height
- vi. Row 3: species with a final height of 10 to 15 metres

Timing: Prior to commencement of use.

3.3 BOUNDARY FENCING

Provide and maintain boundary fencing in accordance with the Capricorn Municipal Development Guidelines Standard Drawing CMDG-G-010, along the Hogans Road frontage of Lot 46 on RP898315 and the extent of the northern boundary shared between Lot 46 on RP898315 and Lot 1 on RP613468. Boundary fencing is to be a minimum 4 strand barbed fence.

Timing: At all times.

4 ENVIRONMENT, HEALTH AND OPERATION

AMENITY – NOISE

4.1 AMENITY – NOISE

Undertake the approved development in accordance with the recommendations included within section 9 of the approved Acoustic Impact Assessment prepared by Matrix Solutions and dated 30 March 2020.

Timing: At all times

AMENITY – AIR QUALITY

4.2 AMENITY – DUST MANAGEMENT

Undertake the approved development in accordance with the approved Dust Management Plan prepared by Astute Environmental Consulting and dated 16 April 2020 in order to minimise the dust emissions from the site.

Timing: At all times

4.3 AMENITY – ODOUR MANAGEMENT

Undertake the approved development in accordance with the approved Odour Management Plan prepared by Astute Environmental Consulting dated 17 August 2020 and as amended in red by Council on 1 September 2020.

Timing: At all times

4.4 AMENITY – ODOUR MANAGEMENT PLAN

A legible hardcopy of the approved Odour Management Plan must be kept on-site for the life of the approved development's operations.

Timing: At all times.

4.5 AMENITY – STOCKPILING/STORAGE OF MANURE

Any storage and/or stockpiling of manure must not be carried out on site for a duration that allows for the manure to become anaerobic.

Timing: At all times

4.6 AMENITY – COMPLAINTS

All complaints received regarding odour must be monitored, recorded, and responded to in accordance with Part 5 – Complaints of the approved Odour Management Plan.

Timing: At all times.

4.7 AMENITY – INDEPENDENT AUDIT

- a) To ensure the approved development is operating in accordance with the requirements of the approved Odour Management Plan, undertake an annual independent external audit, carried out by a suitably qualified person.
- b) The outcome and results of the independent external audit must be recorded, maintained on site, and provided to Council upon request.

Timing: At all times.

AMENITY – LIGHT

4.8 AMENITY – LIGHTING

Maintain outdoor lighting to comply with AS4282:1997 - Control of the obtrusive effects of outdoor lighting.

Timing: At all times

AMENITY – BUILDING WORKS

4.9 AMENITY – BUILDING WORKS

Ensure all buildings and structures associated with the development are constructed from materials and/or painted or similarly treated with paint or pigment of a low reflective level that does not cause excessive glare.

Timing: At all times.

CONSTRUCTION ACTIVITY & NOISE

4.10 CONSTRUCTION ACTIVITY & NOISE

Construction activity and noise must be limited during earthworks and construction of the approved development to the hours of 06:30 to 18:30 Monday to Saturday, with no work to occur on Sundays or public holidays.

Timing: At all times.

4.11 CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN

The applicant must submit a Construction and Environmental Management Plan (CEMP) to Council for review and approval. The CEMP must be prepared by a suitably qualified professional and adequately demonstrate how the development will:

- i. How traffic and parking generated during construction activities and works will be managed to minimise impacts on the surrounding amenity;
- ii. Implement best practice waste management strategies during the construction phase; and
- iii. Mitigate potential adverse impacts associated with dust, noise and lighting emissions, sediment and stormwater run-off on ALC Class A and B land, flora and fauna management, pest and weed management and cultural heritage.

Timing: Prior to commencement of construction.

HOURS OF OPERATION – CONSTRUCTION

4.12 HOURS OF OPERATION – CONSTRUCTION

Carry out construction work only between the hours of 6.30 and 18.30 Monday to Saturday, with no work to be undertaken on Sundays or public holidays. Noise levels from construction work must at all times comply with the requirements of the *Environmental Protection Act 1994*.

Timing: As specified within the wording of this condition.

5 OVERLAYS

5.1 AIRPORT ENVIRONS – WILDLIFE

Ensure potential food and waste sources are covered or otherwise secured so they do not present a food source for domestic or other wildlife.

Timing: At all times.

5.2 FLOOD HAZARD – CONSTRUCTION

- a) Undertake the development such that the manufacture or storage in bulk of hazardous materials or hazardous chemicals occurs above the defined flood event. Alternatively, structures used for the manufacturing or storage of hazardous materials or hazardous chemicals are:
 - i. Anchored to prevent off-site transport of the structure during a flood event; and
 - ii. Any tank openings not provided with a liquid tight seal (e.g. an atmospheric vent) are extended so the opening is above the defined floor event.
- b) Construct all parts of the development below the defined flood level using flood resilient materials.
- c) Electrical boxes and metres are required to be mounted above the defined flood level (DFE).

Timing: At all times.

– END OF CONDITIONS –

2020 / 11 / 11 / 003

Carried (5-4)

Cr Sypher suggested that sufficient information be provided to Councillors in order to make decisions.

Attendance

Manager Planning and Environment K. Byrne and Consultant Place Design Group P. Tarlington left the meeting at 10.13am

Acting Manager Finance H. Kirby attended the meeting at 10.13am

Corporate Services

Budget Review 1

Purpose:

In accordance with Council's Budget Policy, the original budget is reviewed at least three times during the year and is adopted by resolution.

The budget review 1 (BR1) process was undertaken to identify and account for changes since the adoption of the original budget on 30 June 2020.

The original 2020-2021 budget reported an operating surplus of \$925k and after finalisation of BR1 this original forecast has been revised downwards to a surplus of \$457k. The original capital program budget of \$78.535m has been revised upwards to \$84.762m.

As part of the budget review process, Council's Long-Term Financial Plan (LTFP) has been updated to reflect both the BR1 operating and capital revisions, and the draft 2019-2020 actual results. The 2019-2020 financial statements are currently under audit and are scheduled to be signed off by the Queensland Audit Office at the end of November 2020.

The key components of the LTFP and the flow on impact for the three-year period to 2022-2023 are reported through the four main financial statements and the key financial sustainability ratios, which are provided as attachments to this report.

The continuing risks and uncertainties associated with COVID-19 have had an impact on the formulation of BR1, particularly in relation to revenue generated from operations at the Emerald Airport. While known adjustments have been accounted for, there may be additional impacts still to be determined that will modify the operating and capital forecast results to the end of the financial year.

Resolution:

Cr Rolfe moved and seconded by Cr Daniels "That Central Highlands Regional Council, in accordance with sections 169 and 170 of the Local Government Regulation 2012 adopt the amendments to the budget including the: -

1. Statement of Comprehensive Income
2. Amended Statement of Financial Position
3. Statement of Cash Flows
4. Statement of Changes in Equity
5. Measures of Financial Sustainability
6. Capital program 2020-2021 and 2021-2022"

2020 / 11 / 11 / 004

Carried (9-0)

Attendance

Acting Manager Finance H. Kirby left the meeting at 10.41am

Adjournment

Meeting was adjourned at 10.41am so that Councillors could attend Remembrance Day Commemorations
Meeting resumed at 11.31am

Attendance

Coordinator Property Services A. Hewitt attended the meeting at 11.31am

Customer and Commercial Services

Central Highlands (QLD) Housing Company - Company Nominee

Purpose:

Council as the permanent member of the Central Highlands (Qld) Housing Company Limited is entitled to attend and vote by its delegate (Company Member's Nominee) at a general meeting. The purpose of this report is for council to nominate the General Manager Customer and Commercial Services as the delegate.

Resolution:

Cr Brimblecombe moved and seconded by Cr Burns "That Central Highlands Regional Council:

1. Revoke the delegation to the Chief Executive Officer as the delegate (Company Member's Nominee) for the Central Highlands (Qld) Housing Company Limited.
2. Appoint the General Manager Customer and Commercial Services as the delegate (Company Member's Nominee) for the Central Highlands (Qld) Housing Company Limited."

2020 / 11 / 11 / 005

Carried (9-0)

Attendance

Coordinator Property Services A. Hewitt left the meeting at 11.36am

DISCUSSION REPORTS

Chief Executive Officer

Local Government Association of Queensland (LGAQ) Bush Councils Compact

Purpose:

This report is requesting feedback from Councillors with regards to the Local Government Association of Queensland (LGAQ) Bush Council Compact.

Resolution:

Cr Moriarty moved and seconded by Cr Curtis "That Central Highlands Regional Council (CHRC) provide the following feedback to the Local Government Association of Queensland on the Bush Council Compact initiative:

1. The inclusion of 45 of the 77 councils in Queensland will dilute the potential benefits of the initiative;
2. More appropriate criteria to be utilised in order that the maximum benefit is yielded to Councils with the greatest need – rural-regional and remote councils;
3. Suggest name change to Rural-Regional and Remote Councils Compact;
4. Consider the change of the population criteria down to say 30,000 and the population density to say 5 persons per square kilometre."

2020 / 11 / 11 / 006

Carried (9-0)

INFORMATION REPORTS

Chief Executive Officer

Local Government Association Queensland Annual Conference 2020

Purpose:

To inform council of key issues from the recent Local Government Association Queensland 124th Annual Conference 2020.

Resolution:

Cr Moriarty moved and seconded by Cr Carpenter “That Central Highlands Regional Council note the report from the Local Government Association Queensland 124th Annual Conference 2020.”

2020 / 11 / 11 / 007

Carried (9-0)

INFORMATION REPORTS – CLOSED SESSION

Into Closed Session

Resolution:

Cr Curtis moved and seconded by Cr Daniels “That Council close its meeting to the public in accordance with Section 254J (3) (g) of the Local Government Regulation 2012 and that Council staff involved in the closed discussions remain in the room.”

(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 council;*

2020 / 11 / 11 / 008

Carried (9-0)

The meeting was closed at 12.32pm

LGAQ Annual Conference 2020

Attendance

General Manager Corporate Services M. Gatt left the meeting at 12.52pm

Out of Closed Session

Resolution:

Cr Brimblecombe moved and seconded by Cr Moriarty “That the meeting now be re-opened to the public.”

2020 / 11 / 11 / 009

Carried (9-0)

The meeting was opened at 12.53pm

Attendance

General Manager Corporate Services M. Gatt returned to the meeting at 12.54pm

Local Government Association of Queensland Annual Conference 2020

Purpose:

To inform council of key issues from the recent Local Government Association Queensland 124th Annual Conference 2020.

Resolution:

Cr Moriarty moved and seconded by Cr Curtis “That Central Highlands Regional Council note the report from the LGAQ 124th Annual Conference 2020.”

2020 / 11 / 11 / 010

Carried (9-0)

Adjournment

Meeting was adjourned at 12.54pm for lunch

Meeting was resumed at 1.46pm

DECISION ACTION – CLOSED SESSION

Into Closed Session

Resolution:

Cr Moriarty moved and seconded by Cr Carpenter “That Council close its meeting to the public in accordance with Section 254J (3) (c) (d) (g) of the Local Government Regulation 2012 and that Council staff involved in the closed discussions remain in the room.”

- (c) *the local government’s budget;*
- (d) *rating concessions;*
- (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 council;*

2020 / 11 / 11 / 011

Carried (9-0)

The meeting was closed at 1.47pm

Attendance

Acting Manager Finance H. Kirby, Coordinator Planning and Development S. Pentland, Manager Project Development and Contract Delivery K. Downey and Principal Planner Development Assessment S. Ronnfeldt attended the meeting at 1.47pm

Decision on Rural Residential Standards for the Emerald East Codenwarra Locality

Attendance

Acting Manager Finance H. Kirby, Coordinator Planning and Development S. Pentland, Manager Project Development and Contract Delivery K. Downey and Principal Planner Development Assessment S.

Ronnfeldt left the meeting at 2.52pm

Manager Planning and Environment K. Byrne and Coordinator Strategic Land Use H. McLaren-Greiss attended the meeting at 2.54pm

REDI Application - Followmont Transport

REDI Application - Scott Black Superfund

Attendance

Manager Planning and Environment K. Byrne and Coordinator Strategic Land Use H. McLaren-Greiss left the meeting at

Out of Closed Session

Resolution:

Cr Brimblecombe moved and seconded by Cr Burns “That the meeting now be re-opened to the public.”

2020 / 11 / 11 / 012

Carried (9-0)

The meeting was opened at 3.09pm

Attendance

Manager Planning and Environment K. Byrne and Coordinator Strategic Land Use H. McLaren-Greiss left the meeting at 3.09pm

REDI Application - Followmont Transport

Purpose:

This report:

1. Evaluates an application for the Regional Economic Development Incentive lodged by Mark Tobin Transport Pty Ltd, on behalf of Followmont Transport.
2. Presents a recommendation for council’s consideration.

Resolution:

Cr Burns moved and seconded by Cr Carpenter “That Central Highlands Regional Council:

1. Approve the Regional Economic Development Incentive application associated with DA027-2020 Material Change of Use – Medium impact industry (freight depot) for a total refund amount of \$59,783.40 which includes a 100% refund of application fees, 40% refund of infrastructure fees, and a full planning and development certificate valued at \$1,560.00.
2. Make payment of the incentive amount provisional upon all conditions of the approval being satisfactorily met.
3. Require that the applicant must claim the payment by 30 June 2022.”

2020 / 11 / 11 / 013

Carried (8-1)

REDI Application - Scott Black Superfund

Purpose:

This report:

1. evaluates an application for the Regional Economic Development Incentive lodged by Scott Black, on behalf of Scott Black Superfund.
2. presents a recommendation for council's consideration.

Resolution:

Cr Curtis moved and seconded by Cr Carpenter “That Central Highlands Regional Council:

1. Approve the Regional Economic Development Incentive application associated with MCU037.2-2018 Material Change of Use – Food and drink outlet (drive-through facility) over 41 Hospital Road, Emerald, for a total refund amount of \$6,127.40 which includes a 100% refund of application fees, 30% refund of infrastructure fees, and a full planning and development certificate valued at \$1,560.00.
2. Make payment of the incentive amount provisional upon all conditions of the approval being satisfactorily met.

3. Require that the applicant must claim the payment by 30 June 2022.”

2020 / 11 / 11 / 014

Carried (8-1)

Decision on Rural Residential Standards for the Emerald East Codenwarra Locality

Purpose:

The purpose of this report is to present to Council the calculation of costs in relation to the provision of transport and water supply infrastructure to the Emerald East Codenwarra Locality and to the broader locality on the western side of Codenwarra Road.

Resolution:

Cr Burns moved and seconded by Cr Brimblecombe “That Central Highlands Regional Council, in seeking to improve the standard of infrastructure in the Codenwarra area of Emerald, explore the potential establishment of a benefited area. Further, that Council engage with residents of the area to consider options.”

2020 / 11 / 11 / 015

Carried (9-0)

LATE AGENDA ITEMS

Nil

GENERAL BUSINESS

(Verbal matters raised by Councillors either as a question, acknowledgement and or additional follow-up by officers)

Cr Moriarty

- Congratulate the parks and gardens and infrastructure and utilities teams for the structure and replanting of the garden areas outside the Emerald Town Hall.

CLOSURE OF MEETING

There being no further business, the Mayor closed the meeting at 3.14pm

CONFIRMED

MAYOR

DATE