



**MINUTES OF THE
GENERAL MEETING OF COUNCIL
29 APRIL 2014**

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**MINUTES OF THE GENERAL COUNCIL MEETING OF SOUTHERN DOWNS
REGIONAL COUNCIL HELD ON 29 APRIL 2014 IN THE COUNCIL CHAMBERS,
SOUTHERN DOWNS REGIONAL COUNCIL, 64 FITZROY STREET, WARWICK AT
9.00AM**

1. ATTENDANCE

Present: Crs Blundell (Chair), Bartley, Gow, Ingram, Mackenzie, McNally, Meiklejohn, Pennisi and Rees.

Officers: Andrew Roach (Chief Executive Officer), Peter See (Director Engineering Services), Ken Harris (Director Planning & Environment), David Tuxford (Director Business & Community Services), Marion Seymour (Minute Secretary)

2. APOLOGIES

Nil

3. CONDOLENCES

Resolution

THAT Council recognise those recently departed from the region.

Carried

4. READING AND CONFIRMATION OF MINUTES

Resolution

Resolution

Moved Cr D Ingram

Seconded Cr G Rees

THAT the Minutes of the General Council Meeting held on 26 March 2014 be adopted noting the change to Item 13.1 raised by Cr Bartley.

Carried

5. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precise	Nature of Conflict
8.6	Quarterly Youth Development Officer Report (January - March) 2014	Cr Meiklejohn declared that a perceived conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>), may exist due to his son's participation in the one of the projects. Cr Meiklejohn dealt with the conflict of interest by stating that it was his determination that his personal interest is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest. Cr Meiklejohn participated in the discussion and voting on this matter.
8.9	Parks Rationalisation Project	Cr McNally declared that a perceived conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>), may exist due to her residence being located near the Murphy Street buffer. Cr McNally dealt with the conflict of interest by stating that it was her determination that her personal interest is not of sufficient significance that it would lead to her making a decision on this matter that is contrary to the public interest. Cr McNally participated in the discussion and voting on this matter.
8.9	Parks Rationalisation Project	Cr Gow declared a real conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>) due to his membership on the Stanthorpe Lions Club Executive and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
10.2	Response Clarification of Council's Role in Civic Events	Cr Blundell declared that a perceived conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>), may exist due to this matter resulting from Council consideration on tourism issues. Cr Blundell dealt with the conflict of interest by stating that it was his determination that his personal interest is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest. Cr Blundell participated in the discussion and voting on this matter.
10.3	Stanthorpe Industrial Estate Vegetation Offset	Cr Pennisi declared a real conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>) due to the fact that he was aware that someone who tendered for the Applethorpe Tafe was also interested in the industrial estate land and may still be and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
14.1	Draft Home Haemodialysis	Cr Pennisi declared a real conflict of interest in this matter (as defined in section 173 of the <i>Local</i>

	Water Allowance Policy	<i>Government Act 2009</i>) due to his relationship with someone who is on dialysis and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
14.3	Warwick Indoor Recreational and Aquatic Centre (WIRAC) Review	Cr Meiklejohn declared that a perceived conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>), may exist due to his role as Patron of the Warwick Swimming Club. Cr Meiklejohn dealt with the conflict of interest by stating that it was his determination that his personal interest is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest. Cr Meiklejohn participated in the discussion and voting on this matter.
14.6	Goomburra Valley Animal Management	Cr Mackenzie declared a perceived conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>) due to his former association in providing advice on planning matters to a resident of Goomburra and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
14.7	Proposed Development in Stanthorpe Industrial Estate	Cr Pennisi declared a real conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>) due to the fact that he was aware that someone who tendered for the Applethorpe Tafe was also interested in the industrial estate land and may still be and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
14.7	Proposed Development in Stanthorpe Industrial Estate	Cr Blundell declared a real conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>) due to possible connection to matters currently under investigation and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.

6. READING AND CONSIDERATION OF CORRESPONDENCE

6.1 Correspondence

Resolution

Moved Cr D Ingram

Seconded Cr G Rees

THAT the report of the Chief Executive Officer in relation to Correspondence be received and that Council endorse the appointment of Bev Ruskey as the replacement delegate for Warwick Tourism & Events to the Southern Downs Tourism Transition Reference Group.

Carried

6.1.1 Letter of Thanks to Ron Bellingham

Resolution

Moved Cr V Pennisi

Seconded Cr R Bartley

THAT Council write to Ron Bellingham extending their thanks to him for his contribution to the Southern Downs Tourism Transition Reference Group, and acknowledge his commitment as Chair of Warwick Tourism & Events.

Carried

7. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

Nil

8. BUSINESS & COMMUNITY SERVICES DEPARTMENT REPORTS

8.1 BCS - Financial Report as at 31 March 2014

Resolution

Moved Cr J McNally

Seconded Cr N Meiklejohn

THAT Council receive and note the Financial Report as at 31 March 2014.

Carried

8.2 BCS - Adoption of 2014/2015 Rural Fire Service Levy

Resolution

Moved Cr R Bartley

Seconded Cr C Gow

THAT Council imposes the special charge of \$35.00 on all rateable assessments outside the former urban fire levy boundaries defined in maps by the State Fire Services in relation to 2014/15 Rural Fire Service Levy.

Carried

8.2.1 Rural Fire Levy and Emergency Management Levy

Resolution

Moved Cr J Mackenzie

Seconded Cr G Rees

THAT Council write to the Minister for Emergency Services advising that Council intends to Charge \$35 for a Rural Fire Levy on all rateable assessments for 2014/2015 outside the former urban fire levy boundaries, and request the Minister to advise what proportion of the \$90 Emergency Management Levy would be spent in the Southern Downs region.

Carried

8.3 BCS - SDRC Operational Plan Quarterly Review (January - March 2014)

Resolution

Moved Cr N Meiklejohn

Seconded Cr G Rees

THAT Council receive and note Southern Downs Regional Council's Operational Plan Quarterly Review – January to March 2014.

Carried

8.4 BCS - Draft Corporate Plan 2014-2019

Resolution

Moved Cr N Meiklejohn

Seconded Cr D Ingram

THAT Council receive the report on the 2014/2019 Corporate Plan content for the Southern Downs Regional Council and defer further consideration at a Special Council Meeting to be scheduled for 12 May 2014, with comments to be provided to the Director Business & Community Services prior to that meeting.

Carried

8.5.1 BCS - Advertising Expenditure Policy

Resolution

Moved Cr J Mackenzie

Seconded Cr R Bartley

THAT the Advertising Expenditure Policy remain unchanged.

Lost

The Mayor accepted a call for a Division on the motion from the floor and the following votes were recorded:

For: Crs R Bartley, J Mackenzie and V Pennisi (3)

Against: Crs P Blundell, C Gow, D Ingram, J McNally, N Meiklejohn and G Rees (6)

Accordingly the Mayor declared the motion lost.

8.5 BCS - Advertising Expenditure Policy

Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

THAT Council adopt the reviewed Advertising Expenditure Policy as attached for the Southern Downs Regional Council.

Carried

Attachment

Advertising Expenditure Policy

The Mayor accepted a call for a Division on the motion from the floor and the following votes were recorded:

For: Crs P Blundell, C Gow, D Ingram, J McNally, N Meiklejohn and G Rees (6)

Against: Crs R Bartley, J Mackenzie and V Pennisi (3)

Accordingly the Mayor declared the motion carried.

Cr Meiklejohn declared that a perceived conflict of interest in Agenda Item 8.6 (as defined in section 173 of the *Local Government Act 2009*), may exist due to his son's participation in the one of the projects. Cr Meiklejohn dealt with the conflict of interest by stating that it was his determination that his personal interest is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest. Cr Meiklejohn participated in the discussion and voting on this matter.

8.6 BCS - Quarterly Youth Development Officer Report (January - March 2014)

Resolution

Moved Cr D Ingram

Seconded Cr N Meiklejohn

THAT Council receive and endorse the Youth Development Officer report dated April 2014 in relation to Youth Services – January 2014 to March 2014.

Carried

Cr Meiklejohn voted for the motion.

09:45 AM Cr N Meiklejohn left the meeting.

8.7 BCS - 2014/15 Out of Round Community Event Grant Request - Endeavour Foundation

Resolution

Moved Cr D Ingram

Seconded Cr J McNally

THAT Council approve the request for a \$5,000 cash sponsorship for the Great Endeavour Rally Welcome Dinner.

Carried

09:46 AM Cr N Meiklejohn rejoined the meeting.

8.8 BCS - 2013/14 Out of Round Community Event Grant Application - Warwick Horse Trials

Resolution

Moved Cr N Meiklejohn

Seconded Cr C Gow

THAT Council approve a grant of \$10,000 to the Warwick Horse Trials Club.

Lost

Cr Gow declared a real conflict of interest in Agenda Item 8.9 (as defined in section 173 of the *Local Government Act 2009*) due to his membership on the Stanthorpe Lions Club Executive and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter. Cr Gow left the room at 10.11am

Cr McNally declared that a perceived conflict of interest in Agenda Item 8.9 (as defined in section 173 of the *Local Government Act 2009*), may exist due to her residence being located near the Murphy Street buffer. Cr McNally dealt with the conflict of interest by stating that it was her determination that her personal interest is not of sufficient significance that it would lead to her making a decision on this matter that is contrary to the public interest. Cr McNally participated in the discussion and voting on this matter.

8.9 BCS - Parks Rationalisation Project

Resolution

Moved Cr D Ingram

Seconded Cr N Meiklejohn

THAT Council defer for further consideration the Parks Rationalisation Project, with the Chief Executive Officer advising Council of options to be considered.

Carried

Cr McNally voted for the motion.

10:35 AM Cr C Gow rejoined the meeting.

10:35 AM Citizenship Ceremony

The meeting adjourned for Morning Tea at 10.40am and reconvened at 11.02am at which time were present Crs Blundell, Bartley, Gow, Ingram, McNally, Meiklejohn, Pennisi and Rees.

9. ENGINEERING SERVICES DEPARTMENT REPORTS

9.1 Engineering Department Monthly Report

Resolution

Moved Cr V Pennisi

Seconded Cr C Gow

THAT Council receive the Engineering Department Monthly Report

Carried

9.2.1 Fluoridation of Stanthorpe Water Supply

Resolution

Moved Cr V Pennisi

Seconded

THAT Council cease fluoridation of Stanthorpe Water Supply and provide fluoride tablets to the Stanthorpe community.

Lapsed

9.2 Response to Petition Received from Save Our Shires Action Group

Resolution

Moved Cr J Mackenzie

Seconded Cr C Gow

THAT a report be prepared for Council's consideration on options for a public consultation process to review fluoridation of the Southern Downs region's water supplies.

Carried

The Mayor accepted a call for a Division on the motion from the floor and the following votes were recorded:

For: Crs R Bartley, C Gow, J Mackenzie, J McNally and V Pennisi (5)

Against: Crs P Blundell, D Ingram, N Meiklejohn and G Rees (4)

Accordingly the Mayor declared the motion carried.

9.3 Warwick Walking & Cycling Strategy 2014

Resolution

Moved Cr V Pennisi

Seconded Cr J Mackenzie

THAT

1. Council receive the draft Warwick Walking & Cycling Strategy 2014 for the purpose of conducting community consultation; and
2. The draft Warwick Walking & Cycling Strategy 2014 be publicly advertised for a minimum period of 21 days, following which a further report be brought back to Council for consideration and adoption.

Carried

9.4 Budget Amendment for the Stormwater Data Collection

Resolution

Moved Cr N Meiklejohn

Seconded Cr D Ingram

THAT Council approves the re-allocation of additional budgets to the priority project as follows:

\$98,242.62 to Stormwater Data Collection CJ2782. Funding will be re-allocated from Condition Assess Inspection of Road CJ2803, AM program Cadastral Boundary Correction CJ3811 and Aerial Photography CJ3831.

Carried

10. PLANNING & ENVIRONMENT DEPARTMENT REPORTS

10.1 Reduction of Application Fees for Dwelling House Applications on Small Rural Zone Lots

Resolution

Moved Cr N Meiklejohn

Seconded Cr C Gow

THAT Council reduce the Material Change of Use application fee for a dwelling **IF**:

- (i) The parcel of land is within the Rural zone; and
- (ii) The minimum side setback requirements as per AO6 and AO7.1 of the Residential uses code cannot be met due to the lot size; and
- (iii) There is no other dwelling house existing on the property;
- (iv) The application fee for applications of this type is \$500.00; and
- (v) Apart from the written request from Mr Lloyd Weir, this reduction is not retrospective.

Carried

Cr Blundell declared that a perceived conflict of interest in Agenda Item 10.2 (as defined in section 173 of the *Local Government Act 2009*), may exist due to this matter resulting from Council consideration on tourism issues. Cr Blundell dealt with the conflict of interest by stating that it was his determination that his personal interest is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest. Cr Blundell participated in the discussion and voting on this matter.

10.2 Response Clarification of Council's role with Civic Events

Resolution

Moved Cr N Meiklejohn

Seconded Cr C Gow

THAT Council clarify the intent of the 26 February 2014 resolution and resolve that:

- (i) The Status Quo remain, where Civic Events remain as it has been for the previous years, whilst other issues are reviewed; and
- (ii) A Future Workshop be held to discuss the region's Civic Events.

Carried

Cr Blundell voted for the motion.

The Mayor accepted a call for a Division on the motion from the floor and the following votes were recorded:

For: Crs P Blundell, R Bartley, C Gow, D Ingram, J McNally, N Meiklejohn, V Pennisi and G Rees (8)

Against: Cr J Mackenzie (1)

Accordingly the Mayor declared the motion carried.

Cr Pennisi declared a real conflict of interest in Agenda Item 10.3 (as defined in section 173 of the *Local Government Act 2009*) due to the fact that he was aware that someone who tendered for the Applethorpe Tafe was also interested in the industrial estate land and may still be and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter. Cr Pennisi left the meeting at 12.08pm.

10.3 Stanthorpe Industrial Estate Vegetation Offset

Resolution

Moved Cr J McNally

Seconded Cr C Gow

THAT Council approve the offset of 41.35 hectares of land over Lot 96 ML1252 (Ford Road, Rosenthal Heights) for the future development of Stage 4 of the Stanthorpe Industrial Estate.

Carried

12:12 PM Cr V Pennisi rejoined the meeting.

10.4 Warwick Aerodrome development, lay-out and leasing options

Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

THAT Council

1. Approve Planning and Development to investigate design and development options within the site and lay-out, to offer flexibility and a variety of lot sizes to suit the needs of specific users; and
2. Approve and allow flexibility for lot leasing options, to best suit individual lessees to the satisfaction of the CEO ; and
3. Take action to amend the existing Development Permit in accordance with this decision.

Carried

10.5 Material Change of Use - Swanfels Valley Retreat Pty Ltd, 737 Top Swanfels Road, Swanfels

Resolution

Moved Cr N Meiklejohn

Seconded Cr G Rees

THAT the application for a Material Change of Use for a Function facility on land at 737 Top Swanfels Road, Swanfels, described as Lot 1 RP88913, Parish of Gilbert, County of Merivale, be approved subject to the following conditions:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

1. The development of the site is to be generally in accordance with the following proposal plans submitted with the application, and subject to the final development being amended in accordance with the conditions of this approval.

Plan Name	Plan No.	Date
Site Plan	B	17 February 2014

Land Use and Planning Controls

2. The Function facility is to be wholly conducted and contained on the subject land and must not involve the use of the adjoining road reserve.
3. The Function facility shall provide for a maximum of 12 events in any calendar year.
4. The Function facility shall generally operate between the hours of 8.00am to 12.00am.
5. There is to a maximum of 120 guests at any one function.

Building and Site Design

6. The marquee is to be generally located in accordance with the approved plan.
7. If a marquee used for the Function facility has a floor area of more than 100 square metres, but less than 500 square metres, the erection of the marquee will be self-assessable development. The erection of the marquee must meet the applicable requirements of the Building Code of Australia and Queensland Development Code MP3.2 – Tents.
8. If a marquee used for the Function facility exceeds 500 square metres in floor area, a copy of the Form 11 (Certificate of Classification) issued for the building works is to be provided to Council prior to the use commencing. (See advisory note below.)

Amenity and Environmental Controls

9. The provisions of toilets must include:
 - Provision for disposal and removal of sanitary napkins from female toilets;
 - An adequate supply of toilet paper and soap in all toilets;
 - Separate toilet and hand washing facilities for food handlers; and
 - The cleaning of toilets to a suitable timetable.
10. For functions which offer a venue for photographs and/or ceremony, including canapés and refreshments, at least one toilet is to be provided, and if required, clearly signed.
11. For functions which offer a venue to hold a ceremony, have photographs taken, including canapés and refreshments and a reception, including a three course meal, toilets are to be provided at a rate of one toilet per 30 persons.
12. A separate toilet is to be provided for food handlers, this may include a toilet located within the existing dwelling.
13. The portable toilets brought onto the site for the event must be water-flush, have hand basins

provided, and be serviced by a regulated waste transporter with a current registration certificate with the Department of Environment and Heritage Protection. Waste tracking receipts are to be kept by the organiser of the events and available for viewing by an authorised officer.

14. Amplified music shall cease at 10.00pm.
15. All speakers are to be orientated away from the neighbouring properties, i.e. are not facing north or west.
16. The marquee shall be positioned with two sides enclosed; the enclosed sides are to face neighbouring properties, i.e. the northern and western sides.
17. Noise levels emitted from the premises must not exceed 5dB(A) above the background noise levels in the locality when measured from the nearest part of an affected residential dwelling, between the hours of 8.00am and 10.00pm.
18. Noise levels emitted from the premises must not exceed 3dB(A) above the background noise levels in the locality when measured from the nearest part of an affected residential dwelling, between the hours of 10.00pm and 12.00am.
19. There is to be no audible noise associated with the Function facility from 12.00am to 8.00am.
20. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
21. Advertising Devices relating to the function facility may **only** be erected on the subject land, i.e. Lot 1 RP88913. The location, size, type and content of any advertising sign or device located on the land is to be compatible with the rural character of the surrounding area. No advertising signs or devices are to be located on any other land, unless all applicable approvals are obtained under the Planning Scheme and the relevant local laws. No advertising signs or devices are to be located within the road reserve.
22. All service equipment and refrigeration units are to be positioned and housed so as not to cause nuisance or disturbance to persons or property not connected with the development.
23. Any lighting device is to be so positioned and shielded so as not to cause any glare nuisance to any nearby residential property or passing motorist, or to shine upwards into the night sky.

Fencing, Landscaping and Buffers

24. Landscaping is to be provided within proximity of the reception and ceremony areas. Maintenance of the existing landscaping will achieve compliance with this condition.

Car Parking and Vehicle Access

25. All vehicular access to the development site is to be from Top Swanfels Road. No vehicles are to access the site from the road reserve along the western boundary of the land.
26. A 3.0 metre wide all-weather driveway is to be maintained from Top Swanfels Road to the designated carparking areas.
27. The car park area is to be in accordance with the approved plan, and defined by a low physical barrier along the edge of the car parking area. At least 36 car parking spaces and area for a bus are to be provided on site. The carparking area may remain grassed provided it is appropriately maintained with a suitable cover of grass, otherwise the carpark shall be constructed in gravel to Council's standards.

Water Supply and Sewerage

28. If water is to be supplied to guests and/or caterers, the water supply must comply with the *Australian Drinking Water Guidelines 2011*.

Advisory Notes

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning and Environment, prior to the use commencing, and then compliance maintained at all times while the use continues.
- (ii) Any proposal to increase the scale or intensity of the use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Sustainable Planning Act 2009* and would have to comply with the requirements of the Planning Scheme.
- (iii) If a marquee used for the Function facility has a floor area of more than 100 square metres, but less than 500 square metres, the erection of the marquee will be self-assessable development. The erection of the marquee must meet the applicable requirements of the Building Code of Australia and Queensland Development Code MP3.2 – Tents.
- (iv) If a marquee used for the Function facility exceeds 500 square metres in floor area, **Building Approval is to be obtained** in accordance with the *Sustainable Planning Act 2009*. The building application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. The building plans are to accord with the plans approved in this approval. **A Form 11 (Certificate of Classification) must be issued for the marquee prior to the use commencing.**
- (v) Any catering conducted for functions must be undertaken by a business licenced under the *Food Act 2006*.

Aboriginal Cultural Heritage

- (vi) All reasonable and practicable measures must be taken to ensure that no harm is caused to Aboriginal cultural heritage (the “cultural heritage duty of care”). The cultural heritage duty of care is met if the development is conducted in accordance with gazetted cultural heritage duty of care guidelines. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsima.qld.gov.au

Carried

10.6 Material Change of Use - Jonathon Gaske, 93 High Street, Stanthorpe

Resolution

Moved Cr N Meiklejohn

Seconded Cr G Rees

THAT the application for Material Change of Use for the purpose of Short-term accommodation (Existing dwelling to Tourist accommodation, up to 6 guests) on land at 93 High Street, Stanthorpe, described as Lot 3 RP48860, Parish of Stanthorpe, County of Bentinck, be approved subject to the following conditions:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

1. The material change of use of the subject site is to be generally in accordance with the approved proposal plans as attached, and subject to the conditions of this approval.
 - Plan No. 13/93.1, dated 11 December 2013, prepared by I & K Heran Building Design.
 - Plan No. 13/93.2, dated 11 December 2013, prepared by I & K Heran Building Design.
 - Plan No. 13/93.3, dated 11 December 2013, prepared by I & K Heran Building Design.

Land Use and Planning Controls

2. The approved accommodation must be used for short term guests only. The approved units must not be occupied by persons for the purpose of permanent accommodation, excluding those persons in a manager's resident for the premises. The maximum number of guests accommodated at any one time must not exceed six (6) persons.
3. No person is to reside in any building identified for tourist accommodation for more than 45 days consecutively, or more than 90 days in any 12 month period.
4. The accommodation is to be let as a whole, not as individual rooms.

Building and Site Design

5. A copy of the Form 11 (Certificate of Classification) issued for the building works is to be provided to Council prior to the use commencing. (See advisory note below.)

Amenity and Environmental Controls

6. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
7. Advertising Devices relating to the Short term accommodation may **only** be erected on the subject land, i.e. Lot 3 RP48860. The location, size, type and content of any advertising sign or device located on the land is to be compatible with the character of the surrounding area. No advertising signs or devices are to be located on any other land, unless all applicable approvals are obtained under the Planning Scheme and the relevant local laws. No advertising signs or devices are to be located within the road reserve.
8. Any lighting device is to be so positioned and shielded so as not to cause any glare nuisance to any nearby residential property or passing motorist, or to shine upwards into the night sky.

Fencing, Landscaping and Buffers

9. The site is to be landscaped. Maintenance of the existing landscaping will achieve compliance with this condition.
10. A screen fence 1.8 metres high shall be erected along the south-western (side) and south-eastern (rear) boundaries of the site, to provide visual screening. This screen fencing is to be provided at the developer's cost. This fencing shall reduce in height to be no more than 1.2 metres high forward of the building line.

Car Parking and Vehicle Access

11. Vehicle access is to be constructed to the site in accordance with Council's standard. (Council's Engineering Services Department can provide details regarding Council's standard.)
12. At least two car parking spaces are to be provided on site. The car parking and driveway areas are to be concrete sealed, drained, laid out and maintained.

Advisory Notes

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning and Environment, prior to the use commencing, and then compliance maintained at all times while the use continues.
- (ii) Any proposal to increase the scale or intensity of the use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Sustainable Planning Act 2009* and would have to comply with the requirements of the Planning Scheme.
- (iii) A permit must be obtained from Council under *Local Law No. 1 (Administration) 2011* and *Subordinate Local Law No. 1.11 (Operation of Shared Facility Accommodation) 2011*.
- (iv) **Building Approval is to be obtained** in accordance with the *Sustainable Planning Act 2009* for a Change of Classification of Building from Class 1a to Class 1b, to allow the use of the existing building for Guest house purposes. The application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. **Building works and modification of the existing building may be required to be undertaken** as part of the approval so as to accord with the requirements of the *Building Act 1975*.
- (v) An application must be submitted and approved by Council for a permit under Southern Downs Regional Council's Local Law No. 1.15 (Carrying out Works on a Road or Interfering with a Road or its operation).

Aboriginal Cultural Heritage

- (vi) All reasonable and practicable measures must be taken to ensure that no harm is caused to Aboriginal cultural heritage (the "cultural heritage duty of care"). The cultural heritage duty of care is met if the development is conducted in accordance with gazetted cultural heritage duty of care guidelines. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsima.qld.gov.au

Carried

10.7 Material Change of Use - Nioa Rural Pty Ltd, 681 Dalrymple Creek Road, Talgai

Resolution

Moved Cr G Rees

Seconded Cr N Meiklejohn

THAT the application for a Material Change of Use for the purpose of Outdoor sport and recreation (Shooting range) on land at 681 Dalrymple Creek Road, Talgai, described as Lot 20 ML1536, Parish of Allora & Lot 6 RP50944, Parish of Dalrymple, County of Merivale, be approved subject to the following conditions:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

- The development of the site is to be generally in accordance with the following proposal plans submitted with the application, and subject to the final development being amended in accordance with the conditions of this approval.

Plan Name	Plan No.	Date
Site Plan	133048 - A0002/P2, Sheet 3 of 26	8 November 2013
Site Plan - Shooting Station Locations	133048 - A0002/P2, Sheet 4 of 26	8 November 2013
Floor Plan - Multi Station (2)	133048 - A1207/P1, Sheet 9 of 23	30 October 2013
Elevations - Multi Station 1 (2)	133048 - A1203/P2, Sheet 14 of 23	30 October 2013
Elevations - Multi Station 2 (2)	133048 - A1204/P1, Sheet 15 of 23	30 October 2013
3D views 2 - Multi Station (2)	133048 - A6003/P1, Sheet 22 of 23	30 October 2013
Floor Plan - Single Station (3, 4 & 5)	133048 - A1200/P2, Sheet 2 of 16	29 October 2013
Floor Plan - Multi Station (1)	133048 - A1203/P1, Sheet 5 of 16	29 October 2013
Floor Plan - Multi Station (1) - Clay Target Launcher Enclosure	133048 - A1204/P1, Sheet 6 of 16	29 October 2013
Elevations - Multi Station 1 (1)	133048 - A2101/P2, Sheet 9 of 16	29 October 2013
Elevations - Multi Station 2 (1)	133048 - A2102/P2, Sheet 10 of 16	29 October 2013
3D Views 1 - Single Station (3, 4 & 5)	133048 - A6001/P2, Sheet 14 of 16	29 October 2013
3D Views 2 - Multi Station (1)	133048 - A6002/P1, Sheet 15 of 16	29 October 2013

Land Use and Planning Controls

- The sporting clay range must not be used more than five (5) days a month, including practice days.
- The sporting clay range shall operate only between the hours of 9.00am to 6.00pm.
- The type of firearms to be used at the sporting clay range is restricted to Category A, B, C shotguns, with a shooting size of 7, 7½, 8 and 9. Any future proposal to use other types of firearms will be subject to a further development application and subsequent approval.
- The maximum number of clay shooters using the range on any one day must not exceed 20 shooters.
- Approval must be obtained for a range for weapons target shooting in accordance with the *Weapons Act 1990*.
- Signs/flags are to be erected around the perimeter of the sporting clay range warning of potential danger.
- A sign is to be erected at the main entrance to the property from Dalrymple Creek Road which

indicates if the sporting clay range is in operation on that particular day, in the same location as the red flag. The sign is to be clearly visible from Dalrymple Creek Road.

Building and Site Design

9. The colours and materials of the stations are to be in accordance with the heritage character of the area.
10. A copy of the Form 21 (Final Inspection Certificate) issued for the building works is to be provided to Council prior to the use commencing. (See advisory note below.)

Amenity and Environmental Controls

11. Prior to the use of the site commencing, a **report on noise emissions and sound attenuation measures** required to achieve a noise level no greater than 95 dB Z Peak Hold at the Ellinthorp-Hendon Road and Dalrymple Creek Road boundaries of the property, is to be prepared by a suitable qualified person and submitted to and approved by the Manager Environmental Services.
 - (a) The report is to clearly detail the background noise levels, the noise levels during operation of the activity, and any recommended mitigation measures.
 - (b) Any design or other measures recommended in the approved report to overcome potential noise impacts associated with the development are to be implemented in accordance with the approved report prior to the use commencing.
12. No trees are to be removed as a consequence of the development.
13. The use of the land for a sporting clay range must not adversely impact on native wildlife.
14. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
15. Advertising Devices relating to the sporting clay range may **only** be erected on the subject land, i.e. Lot 20 ML1536 and Lot 19 RP50944. The location, size, type and content of any advertising sign or device located on the land is to be compatible with the rural and heritage character of the surrounding area. No advertising signs or devices are to be located on any other land, unless all applicable approvals are obtained under the Planning Scheme and the relevant local laws. No advertising signs or devices are to be located within the road reserve.
16. No lighting devices are to be erected in association with the use of the sporting clay range.

Car Parking and Vehicle Access

17. The existing driveway and carparking areas are to be continually maintained to provide all weather access.

Adopted Infrastructure Charges Notice

18. Payment is to be made to Council in accordance with the Adopted Infrastructure Charges Notice attached to the decision notice.

Advisory Notes

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning and Environment, prior to the use commencing, and then compliance maintained at all times while the use continues.
- (ii) Any proposal to increase the scale or intensity of the use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Sustainable Planning Act 2009* and would have to comply with the requirements of the Planning Scheme.
- (iii) If noise complaints are received by Council relating to the proposed activity, Council may require monitoring to be undertaken and reported by a suitably qualified person, to demonstrate compliance by the operator. The report is to clearly detail the background noise levels, the noise levels during operation of the activity, and any recommended mitigation measures. The resulting monitoring report shall be provided to Council for approval. If required by Council, proposed mitigation measures are to be implemented.
- (iv) **Building Approval is to be obtained** in accordance with the *Sustainable Planning Act 2009* for the proposed building work. The building application must be submitted to a Building Certifier with the

appropriate **forms, plans and fees** associated with this application. The building plans are to accord with the plans approved in this approval. The building is to be constructed in accordance with the Building Approval prior to the commencement of the use. A **Form 21 (Final Inspection Certificate) must be issued for the building works prior to the use commencing.**

- (v) No clearing of remnant vegetation or regulated regrowth vegetation is to occur under this approval. A Development Permit for Operational Works must be obtained from the Department of Environment and Resource Management for the clearing of any remnant vegetation, unless exempt under Schedule 24 of the *Sustainable Planning Act 2009*.

Aboriginal Cultural Heritage

- (vi) All reasonable and practicable measures must be taken to ensure that no harm is caused to Aboriginal cultural heritage (the “cultural heritage duty of care”). The cultural heritage duty of care is met if the development is conducted in accordance with gazetted cultural heritage duty of care guidelines. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsima.qld.gov.au

Schedule 2 – Department of State Development, Infrastructure and Planning conditions as a Concurrence agency

Our reference: SDA-1213-007060
Your reference: AMD:AMD/MCU\01489

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Strategic Cropping Land (SCL)		
1.	The location of the new road, shooting stations (x5) and arcs of fire (x5) associated with the development application must remain consistent with that identified on the plan of development titled 'Talgai Sporting Clay Range' prepared by ARTAS Architects, drawing number A0003/P2, dated 15 January 2014.	At all times.
2.	Impacts on land including ammunition, lead pellets, plastic wads, shell casings, rubbish, arcs of fire and targets associated with the shooting range operation, must be administered in accordance with the: <ul style="list-style-type: none"> o Site Based Management Plan titled 'Nioa Gun Club – Talgai Homestead', reference EMP-001, dated 26 February 2014; and the o Range Standing Orders, reference RSO-001 dated 15 November 2013. 	At all times.
3.	In the event the shooting range ceases operation: <ul style="list-style-type: none"> (a) Undertake remediation (if required) to show the land is not contaminated; and (b) Ensure the remediation that is undertaken to the site must minimise the impact on the land and ensure cropping could occur on the site. (c) Ensure any crops will not have unsafe (as per food safety standards) levels of contamination eg: lead, post the remediation actions. 	At all times.
Heritage		
4.	If archaeological artefact is exposed during the construction of the loop road please inform Regional Cultural Heritage Coordinator (Manager), Southern Region, EHP in writing as <i>per section 89 of the Queensland Heritage Act 1992</i> .	During the construction phase of the loop access road.
5.	Inform the Regional Cultural Heritage Coordinator (Manager), Southern Region, EHP in writing, within 10 working days of the completion, that the development authorised under this permit is complete. Please state: <ul style="list-style-type: none"> • the location; • name of the registered place; • permit number and; • the condition number this report is being made under. 	Post construction.

Our reference: SDA-1213-007060
Your reference: AMD:AMD/MCU\01489

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- A result of the development complying with the State Development Assessment Provisions (SDAP) Module 6.1.1 & 6.1.2.
- The permanent impacts will be limited to only what is necessary to establish the shooting range and temporary impacts will be fully restored within 50 years of the development commencing.
- To ensure that the cultural heritage values of the place are appropriately recognised and managed.

Findings on material questions of fact

- A technical assessment of this application has found that the SDAP Module 6 performance objectives can be satisfied by the addition of the recommended conditions.

Evidence or other material on which the findings were based

- Common material provided with the application
- Strategic Cropping Land Trigger mapping
- SDAP published by DSDIP
- *Sustainable Planning Act 2009*
- Sustainable Planning Regulation 2009

Carried

12:18 PM Cr J Mackenzie left the meeting.

12:19 PM Cr J Mackenzie rejoined the meeting.

10.8 Reconfiguration of Lot - R Munroe, 184 Warner Street, Rosenthal Heights

Resolution

Moved Cr N Meiklejohn

Seconded Cr R Bartley

- A. THAT the application for Negotiated Decision in relation to the Development Approval dated on 27 February 2014 for the Rural Residential Subdivision on land at 184 Warner Street, Rosenthal Heights, described as Lot 3 RP886419, Parish of Warwick, County of Merivale, be approved in part, for the following reason:

Conditions 13 and 24

The works are not included in Council's capital works, and the entering into an Infrastructure Agreement can be timely and costly for all parties to establish, and then to administer into the future. It is considered that the most appropriate option is to remove the road network charge from the Adopted Infrastructure Charges notice, and the developer construct the road to the required 6.0 metre width bitumen seal standard. It is estimated that the charge would reduce the actual construction works required.

- B. THAT the Adopted Infrastructure Charges be amended as follows:

Development Type	Network	Rate	Proposed	Credit	Charge
Subdivision - rural residential	Park, water, stormwater	45% of \$10,000/lot	43 lots (@ \$4,500)	1 lot (@ \$6,500)	\$187,000
TOTAL:					\$187,000

Carried

11. REPORTS OF DEPUTATION OR CONFERENCE & REPORTS FROM DELEGATES APPOINTED BY COUNCIL TO OTHER BODIES

11.1 Reports from Delegates Appointed by Council to Other Bodies

Resolution

Moved Cr D Ingram

Seconded Cr G Rees

THAT Council receive the verbal report from Cr Meiklejohn in relation to the Summerland Way Promotional Committee.

Carried

12. NOTICES OF MOTION

12.1 Notice of Motion - Removal of Allora Memorial Park from Parks Consolidation & Rationalisation List

Resolution

Moved Cr G Rees

Seconded Cr J McNally

THAT Council remove Allora Memorial Park from the Parks Consolidation & Rationalisation List currently under review by Council.

Carried

13. GENERAL BUSINESS

Cr Mackenzie wanted to discuss matters concerning the Sale and Lease of Applethorpe Tafe, however the Mayor stated that he would not accept a motion from the floor regarding the issue raised and advised that such matters should be dealt with confidentially or by notice of motion and that if he wished further information he should consult with the Chief Executive Officer.

12:36 PM Cr V Pennisi left the meeting during the above discussion.

12:36 PM Cr R Bartley left the meeting during the above discussion.

12:37 PM Cr V Pennisi rejoined the meeting.

12:37 PM Cr R Bartley rejoined the meeting.

13.1 Review of Election Signage Local Law

Resolution

Moved Cr V Pennisi

Seconded Cr J Mackenzie

THAT a review of Council's Election Signage Local Law be undertaken and submitted to Council for review.

Carried

12:40 PM Cr G Rees left the meeting.

14. CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS

In accordance with the provisions of Section 275(1) of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public and move 'into Committee' to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

Recommendation

THAT the meeting be closed to the public and move into committee to discuss the following items, which are considered confidential in accordance with Section 275(1) of the *Local Government Regulation 2012*, which permits the meeting to be closed to the public for business relating to the following, as indicated:

14.1 BCS - DRAFT Home Haemodialysis Water Allowance Policy

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(d) of the *Local Government Regulation 2012*, as it contains information relating to rating concessions.

14.2 BCS - Rating Consultation Group Meetings

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(c) of the *Local Government Regulation 2012*, as it contains information relating to the local government budget.

14.3 BCS - Warwick Indoor Recreational and Aquatic Centre (WIRAC) Review

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(e) of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Southern Downs Regional Council.

14.4 BCS - Council Swimming Pool Leasing

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(c) of the *Local Government Regulation 2012*, as it contains information relating to the local government budget.

14.5 Supply of Portion of Council's Water Entitlement to an Irrigator

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(e) of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Southern Downs Regional Council.

14.6 Goomburra Valley Animal Management

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(f) of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving Southern Downs Regional Council.

14.7 Proposed Development in Stanthorpe Industrial Estate

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(h) of the *Local Government Regulation 2012*, as it contains information relating to business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

14.8 Prosecution for Unlawful Use of Land, 18663 Cunningham Highway, Karara

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(f) of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving Southern Downs Regional Council.

Meeting In Camera

The Meeting moved into closed session at 12.40pm.

Moved Cr D Ingram

Seconded Cr J McNally

12:41 PM Cr V Pennisi left the meeting during discussion on Agenda Item 14.1.

12:42 PM Cr G Rees rejoined the meeting.

12:51 PM Cr V Pennisi rejoined the meeting.

The meeting adjourned for Lunch at 1.00pm and reconvened in camera at 1.40pm at which time were present Crs Blundell, Bartley, Gow, Ingram, McNally, Meiklejohn, Pennisi and Rees.

Cr Mackenzie rejoined the meeting at 1.47pm.

Meeting Out Of Camera

Recommendation

THAT the meeting resume in open session at 2.29pm.

The meeting moved out of camera to allow Cr Mackenzie to declare a perceived conflict of interest in relation to discussions on Agenda Item 14.1 (as defined in section 173 of the *Local Government Act 2009*) due to his former association in providing advice on planning matters to a resident of Goomburra and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter. Cr Mackenzie left the meeting at 2.31pm.

Meeting In Camera

The Meeting moved into closed session at 2.31pm.

Moved Cr V Pennisi

Seconded Cr J McNally

02:49 PM Cr J Mackenzie rejoined the meeting.

02:49 PM Cr V Pennisi left the meeting during discussion on Agenda Item 14.7.

02:49 PM Cr R Bartley left the meeting. The Mayor enquired of Cr Bartley whether he was declaring a conflict of interest. Cr Bartley advised that he was not declaring a conflict of interest however he indicated that he would not be remaining in the room for the discussion.

02:49 PM Cr P Blundell left the meeting during discussion on Agenda Item 14.7 and Cr McNally took the Chair.

03:04 PM Cr P Blundell rejoined the meeting.

03:04 PM Cr V Pennisi rejoined the meeting.

03:04 PM Cr R Bartley rejoined the meeting.

03:06 PM Cr J Mackenzie left the meeting.

Meeting Out Of Camera

Recommendation

THAT the meeting resume in open session at 3.07pm.

03:07 PM Cr J Mackenzie rejoined the meeting.

14.2 BCS - Rating Consultation Group Meetings

Resolution

Moved Cr V Pennisi

Seconded Cr N Meiklejohn

THAT Council :

1. Receive and note the Minutes of the RCG Meeting held on 20 March 2014.
2. Consider increasing the minimum general rate (MGR) from \$925 to \$1,000.
3. Commence a community awareness campaign as soon as possible concerning the rate increase.
4. Adopt the existing Rating Consultation Group (RCG) members to have their term extended for another twelve months to September 2015 as per clause 3.2 from the Rating Consultation Group Terms of Reference and during the extended period, the Rating Consultation Group members intend to engage in further consultation with LGAQ concerning the SDRC's differential rating and customer service obligations with a view to the ongoing overall improvement of the SDRC rating model.
5. Approve engaging LGAQ to provide further consultation to the RCG and Councillors to continue to improve the existing SDRC rating system and ascertain what Council could adopt to provide a more equitable rating system overall but more specifically for the agricultural, horticultural and commercial sectors.
6. Commence an awareness campaign throughout the region using Community Engagement if changes to the existing SDRC rating system are adopted by Council.
7. Accept Mr Chris Farr's resignation as a community representative of the Rating Consultation Group effective immediately.

Carried

Cr Meiklejohn declared that a perceived conflict of interest in relation to Agenda Item 14.3 (as defined in section 173 of the *Local Government Act 2009*), may exist due to his role as Patron of the Warwick Swimming Club. Cr Meiklejohn dealt with the conflict of interest by stating that it was his determination that his personal interest is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest. Cr Meiklejohn participated in the discussion and voting on this matter.

14.3 BCS - Warwick Indoor Recreational and Aquatic Centre (WIRAC) Review

Resolution

Moved Cr C Gow

Seconded Cr D Ingram

THAT Council

1. Receive the Southern Downs Regional Council Warwick Indoor Recreational and Aquatic Centre (WIRAC) Review and Business Strategy prepared by SGL Consulting Group;
2. Access the cost benefits of contract management of WIRAC by calling tenders for this arrangement to occur (see item 24 of the recommendations of a new business strategy for WIRAC) for a tender period of 4 years with 2 x 2 year options at the discretion of Council;
3. Include in the tender document the recommendations put forward by consultants in their recommended Business Strategy for the successful tenderer to implement (both capital and operational);
4. Include in the tender document that permanent staff would remain employed by the successful tenderer for a period of at least 12 months unless unsatisfactory performance and/or conduct by a staff member has occurred and the successful tenderer would deal with this matter through an appropriate disciplinary process; and
5. Consult with staff to discuss the recommendations put forward by the consultant and to discuss and explain Council's decision.

Carried

Cr Meiklejohn voted for the motion.

14.4 BCS - Council Swimming Pool Leasing

Resolution

Moved Cr J Mackenzie

Seconded Cr D Ingram

THAT Council

1. Call tenders for the leasing and/or management of the Allora and Stanthorpe Swimming Centres; and
2. Assess the tenders on a singular basis or grouped together to also include WIRAC.

Carried

14.5 Supply of Portion of Council's Water Entitlement to an Irrigator

Resolution

Moved Cr D Ingram

Seconded Cr V Pennisi

THAT Council approve the scheme of arrangement between SDRC and the lessee to supply up to 150 ML per annum of water to the lessee subject to the conditions as defined above.

Carried

Cr Mackenzie declared a perceived conflict of interest in Agenda Item 14.6 (as defined in section 173 of the *Local Government Act 2009*) due to his former association in providing advice on planning matters to a resident of Goomburra and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter. Cr Mackenzie left the meeting at 3.08 PM.

14.6 Goomburra Valley Animal Management

Resolution

Moved Cr D Ingram

Seconded Cr G Rees

THAT Council

1. Direct staff to implement the Local Law provisions in the Goomburra Valley around the Commercial Camping Grounds.
2. Commence legal action if landholders do not comply with the direction to control straying animals under the provisions of the Local Laws.

Carried

Cr Mackenzie rejoined the meeting.

14.8 Prosecution for Unlawful Use of Land, 18663 Cunningham Highway, Karara

Resolution

Moved Cr R Bartley

Seconded Cr N Meiklejohn

THAT the report in relation to Prosecution for Unlawful Use of Land, on property described as Lot 2 RP202872, at 18663 Cunningham Highway, Karara be received and:

- A. Council commence legal action against the owner of land located at 18663 Cunningham Highway, Karara, described as Lot 2 RP202872, Parish of Canal Creek, in respect of offences under the *Sustainable Planning Act*; and
- B. Council appoint the Chief Executive Officer its delegate in the matters stated in Recommendation A. The delegate is to have authority to commence, prosecute, negotiate, mediate, settle or cease these actions upon such terms as Council's legal advisors may recommend or approve and to appoint expert witnesses as necessary.
- C. Delegated authority be granted to the Chief Executive Officer to commence, prosecute, negotiate, mediate, settle or cease any actions for unlawful use of Land in relation to Entertainment Events within the Southern Downs Regional Council area.

Carried

Cr Pennisi declared a real conflict of interest in relation to Agenda Items 14.1 (as defined in section 173 of the *Local Government Act 2009*) due to his relationship with someone who is on dialysis and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter. Cr Pennisi left the meeting at 3.09 PM.

14.1 BCS - DRAFT Home Haemodialysis Water Allowance Policy

Resolution

Moved Cr D Ingram

Seconded Cr J McNally

THAT Council adopt the attached Home Haemodialysis Water Allowance Policy.

Carried

Attachment

Home Haemodialysis Water Allowance Policy

Cr Blundell declared a real conflict of interest in Agenda Item 14.7 (as defined in section 173 of the *Local Government Act 2009*) due to a possible connection to matters currently under investigation and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter. Cr Blundell left the meeting at 3.09 PM. Cr McNally took the chair.

Cr Pennisi declared a real conflict of interest in Agenda Item 14.7 (as defined in section 173 of the *Local Government Act 2009*) due to the fact that he was aware that someone who tendered for the Applethorpe Tafe was also interested in the industrial estate land and may still be and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter. Cr Pennisi left the meeting at 3.09 PM.

3.09 PM Cr Bartley left the meeting.

14.7 Proposed Development in Stanthorpe Industrial Estate

Resolution

Moved Cr N Meiklejohn

Seconded Cr C Gow

THAT the Confidential report be received and that Council:

1. Make application to modify the existing approval for the land as outlined in attachment 1, designated as Lot 372 on SP214599 in the area known as Stage 4;
2. Approve road, water and sewer works to service two x 10,000 square metre blocks. Funding for works is from the financial reserves created by the sale of the Stanthorpe TAFE site;
3. Council apply to the Minister to waive the requirement to go to tender for the proposed two lots; and
4. Appoint the Director Business and Community Services, Director Planning and Environment and Manager Planning and Development to negotiate on the sale of the land and development matters respectively.

Carried

3.10 PM Cr Blundell rejoined the meeting and resumed the Chair.

Cr Mackenzie again wanted to discuss matters concerning the Sale and Lease of Applethorpe Tafe. The Mayor reiterated his comments from earlier in the meeting that if he wished to know anything about this matter he should make an appointment to see the Chief Executive Officer to discuss or submit a notice of motion.

MEETING CLOSURE

There being no further business, the meeting closed at 3.11pm.

ATTACHMENTS TO MINUTE ITEMS
for the
GENERAL COUNCIL MEETING

29 APRIL 2014

Advertising Expenditure Policy

Policy Number:	PL-GV012
Department:	Business Services
Section:	Governance
Responsible Manager:	Manager Business Services
Date Adopted:	25 June 2008
Date to be Reviewed:	April 2015
Date Reviewed:	29 April 2014
Date Rescinded:	N/A

REVISION RECORD

Date	Version	Revision description
19/09/12	2	Revision
29/04/12	3	Revision

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1 Purpose

This policy provides for the control of expenditure on advertisements placed by Council in various media. The *Local Government Regulation 2012* outlines requirements that must be adhered to in relation to advertising expenditure, which ensures that Council advertising is in accordance with the public interest and Council policies.

The objectives of this policy, in line with accountability, transparency and good governance, are:

- to meet the requirements of the legislation;
- to ensure appropriate authorisation of advertising expenditure; and
- to ensure that Council obtains value for money in placing advertising.

2 Scope

This policy applies to any paid advertisement or notice in any media, to promote goods or services (including facilities) provided by Council.

This policy does *not* apply to:

- advertising for recruitment;
- advertising for the acquisition or disposal of property plant and equipment used, or to be used by Council in its business;
- matters required by legislation to be advertised;
- advertisements for tenders or expressions of interest under Council's Procurement Policy or under the *Local Government Act 2009*; or
- reports published in the media where no payment is made for the report.

3 Legislative Context

– *Local Government Regulation 2012*, s 197 states:

197 Advertising spending

(1) A local government must prepare and adopt a policy about the local government's spending on advertising (an **advertising spending policy**).

(2) The local government may spend money on advertising only—

a) if—

i. the advertising is to provide information or education to the public; and

- ii. the information or education is provided in the public interest; and
- (b) in a way that is consistent with the local government's advertising spending policy.

(3) **Advertising** is promoting, for the payment of a fee, an idea, goods or services to the public.

4 Policy Details

Advertising should be used where the purposes of the Council or the benefit of the community is advanced. It should not be used to promote the particular achievements or plans of individual Councillors or groups of Councillors. In particular, advertising should not be used to influence the voters in an election.

4.1 Advertising Expenditure

Council may incur expenditure for advertising only if:

- a) the advertising is for provision of information or education to the public; and
- b) the information or education is provided in the public interest; and
- c) the Authorising Officer has approved the expenditure.

The Authorising Officer must ensure that:

- i. the expenditure is in accordance with this policy; and
 - ii. the cost of the advertisement is appropriate for the audience and provides a benefit to the Council or to the public; and
 - iii. the cost is budgeted for and subsequently accounted appropriately.
- d) the advertising falls into one of the categories set out in section 4.2.

4.2 Acceptable Advertising Expenditure

Acceptable uses of Council money for advertising are:

- a) to advise the public of a new or continuing service or facility provided by the Council; or
- b) to increase the use, or inform the public of a service or facility provided by the Council on a commercial basis with a view to profit; or
- c) to inform the public about endorsed events or activities; or
- d) to advise the public of the decisions made by Council at its meetings; and/or

- e) to request comments or feedback on proposed policies, services, facilities or activities of Council; or
- f) where the advertisement facilitates the administration of the Council; or
- g) the Council News as presented by the Mayor.

4.3 Unacceptable Advertising Expenditure

Council must not:

- a) during the period of three months preceding an election of the local government other than a by-election; or during the period after the date of a by-election is advertised until the day of the election:
 - i. place advertisements relating to future plans unless, and only to the extent that those plans have been formally adopted by Council;
 - ii. advertise the activities of Council other than in the manner and form it is customary for the Council to advertise its activities;
 - iii. place advertisements which seek to influence support for particular candidates, groups of candidates or potential candidates in the election;
- b) bear the cost of advertisements featuring one or more Councillors or containing quotations attributed to individual councillors (Note: This does not preclude Councillors appearing in unpaid publicity or other publicity where the cost is not borne by the Council) except those deemed acceptable by Council approval.

5 Definitions

Term	Meaning
Advertising	Promoting to the public an idea, goods or services for which a fee is paid.
Medium	Commonly used media for advertising consist of magazines, newspapers, radio, television and products such as magnets and brochures.
Authorising Officer	Council officer with adequate financial delegation.

6 Related Documents

- Procurement Policy
- Media Policy

ATTACHMENT - ITEM 14.1



Home Haemodialysis Water Allowance

Policy Number:	Policy Number to be inserted by Governance
Department:	Finance
Section:	Revenue
Responsible Manager:	Manager Finance
Date Adopted:	Insert Date adopted
Date to be Reviewed:	Insert Date to be reviewed (once a year)
Date Reviewed:	Insert Date reviewed (if applicable)
Date Rescinded:	Insert Date rescinded (if applicable)

REVISION RECORD

Date	Version	Revision description

Home Haemodialysis Water Allowance Policy no: *Policy Number*

Updated: 1 May 2014

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1 Policy Background

Previously, Council did not have a policy that granted a water allowance to property owners who incur higher water consumption charges as a result of one of the occupants of the property receiving home haemodialysis treatment.

2 Purpose

This policy has been developed to describe the eligibility criteria and the administrative procedures associated with processing applications relating to requests for water allowance due to higher water consumption as a result of home haemodialysis treatment of one of the occupants of the property.

3 Scope

The scope of the Home Haemodialysis Water Allowance Policy is limited to those occupants of the property receiving home haemodialysis treatment who have proof of paying Water Rates to the Southern Downs Regional Council.

4 Legislative Context

- Local Government Regulation 2012, Chapter 4 Rates and charges, Part 7 Utility charges and Part 10 Concessions

5 Policy Details

5.1 Criteria for Water Allowance

This policy will apply where:

1. The haemodialysis patient resides permanently at the nominated address within the Southern Downs Regional Council area.
2. The haemodialysis patient receives their regular treatment on a haemodialysis machine at home (the nominated address) and not through a hospital or other haemodialysis centre.

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3. The doctor, renal specialist or a Queensland Health haemodialysis centre manager provides a supporting letter confirming the patient as receiving haemodialysis treatment at home.
4. The property owner must complete and submit the Application for Home Haemodialysis Water Allowance form to Council with the relevant documentation from the doctor, renal specialist or Queensland Health haemodialysis centre manager. This documentation must advise the timeframe (eg. hours required) and regularity of the treatment to assist with calculating the water allowance to be applied. Home Haemodialysis Water Allowances expire annually and the property owner must make a new application each year. Reminders will not be sent by Council and the property owner is responsible for completing a new application annually.
5. The patient authorises Council to provide the relevant Council Officers with their contact details (address and phone number/s) to facilitate contact during emergency or fault situations. Council will use its best endeavours to ensure that confidentiality is maintained.

If there is to be a planned interruption to the water supply, Council will endeavour to inform the haemodialysis patient, as a matter of priority, of the interruption to supply.

In emergency or fault situations, Council Officers will endeavour to provide assistance to haemodialysis patients to minimize disruptions to their treatment.

Council will ensure that the necessary repairs are carried out as a high priority.

Haemodialysis patients need to ensure that they have been suitably trained by their dialysis care provider on how to manage interruptions to their water supply.

5.2 Calculation of Water Allowance

Council will provide an allowance of equal to 60 kilolitres per reading period, calculated at the relevant water consumption rate of the property.

This amount will be applied as a credit to the property before the water rates notice is issued to the ratepayer.

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6 Definitions

Term	Meaning
“nominated address”	The address that the home haemodialysis patient resides and receives the home haemodialysis treatment.
“Haemodialysis”	The use of a machine by people with chronic kidney disease which performs the function of pumping the patient’s blood through a dialyser. The machine uses considerable volumes of water in this process.
“Home Haemodialysis”	The use of a machine at home by people with chronic kidney disease which performs the function of pumping the patient’s blood through a dialyser. The machine uses considerable volumes of water in this process.
“Reading Period”	Water meters are read every 6 months, equating to a period of approximately 26 weeks

7 Related Documents

- Nil.

8 References

- Council Officers reviewed policies from Toowoomba Regional Council and Western Downs Regional Council.

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