



**MINUTES OF THE  
GENERAL MEETING OF COUNCIL  
17 DECEMBER 2014**



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**MINUTES OF THE GENERAL COUNCIL MEETING OF  
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 17 DECEMBER 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: David Tuxford (Acting Chief Executive Officer), Peter See (Director Engineering Services), Ken Harris (Director Planning & Environment), Cassie Martinez (Acting Director Business & Community Services), Marion Seymour (Minute Secretary)

**2. APOLOGIES**

Nil

**3. CONDOLENCES**

**Recommendation**

THAT Council recognise those recently departed from the region.

**4. READING AND CONFIRMATION OF MINUTES**

**4.1 General Council Meeting - 26 November 2014**

**Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr G Rees**

THAT the minutes of the General Council Meeting held on Wednesday 26 November 2014 be adopted.

**Carried**

**4.2 Special Council Meeting - 1 December 2014**

**Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr J McNally**

THAT the minutes of the Special Council Meeting held on Monday 1 December 2014 be adopted.

**Carried**

### 4.3 Special Council Meeting - 15 December 2014

#### Resolution

Moved Cr D Ingram

Seconded Cr G Rees

THAT the minutes of the Special Council Meeting held on Monday 15 December 2014 be adopted.

**Carried**

### 5. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precs	Nature of Conflict
8.2	Youth Development Officer Report – Southern Downs Young Leaders Program 2015	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 being a candidate and dealt with the perceived conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
10.2	Material Change of Use – Imperial Sapphire Pty Ltd & Brexline Pty Ltd 2081 Inverramsay Road, Goomburra	Cr Mackenzie 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 as he had provided advice to the applicants in the past. Cr Mackenzie dealt with the perceived conflict of interest by stating that it was his determination that her 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 Mackenzie participated in the discussion and voting on this matter.
10.2	Material Change of Use – Imperial Sapphire Pty Ltd & Brexline Pty Ltd 2081 Inverramsay Road, Goomburra	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 a previous complaint being lodged against her by the applicants, however the complaint was determined to be lacking in substance and was dismissed. Cr McNally dealt with the perceived 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.
10.2	Material Change of Use – Imperial Sapphire Pty Ltd & Brexline Pty Ltd 2081 Inverramsay Road, Goomburra	Cr Rees 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 a previous complaint being lodged against him by the applicants however the complaint was determined to be lacking in substance and was dismissed. Cr Rees dealt with the perceived conflict of interest by stating that it was his determination that their 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 Rees participated in the discussion and voting on this matter.
14.10	Environmental Nuisance from Abrasive Blasting Operations at 44 Old Stanthorpe Road, Warwick	Cr Bartley 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 conducting business with the persons conducting the activity and dealt with the perceived conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
14.11	Request to Consider the Ancillary Use of the Stanthorpe Showgrounds from the Stanthorpe Agricultural Society	Cr Gow 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 former role on the Executive of the applicant and dealt with the perceived 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 J Mackenzie**

**Seconded Cr R Bartley**

THAT the report of the Chief Executive Officer in relation to Correspondence be received.

**Carried**

## 7. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

Nil

## 8. BUSINESS & COMMUNITY SERVICES DEPARTMENT REPORTS

### 8.1 BCS - Financial Report as at 30 November 2014

#### Resolution

**Moved Cr J Mackenzie**

**Seconded Cr N Meiklejohn**

THAT Council receive and note the Financial Report as at 30 November 2014.

**Carried**

*Cr Meiklejohn declared that a perceived conflict of interest in this matter (as defined in section 173 of the Local Government Act 2009) may exist due to his son being a candidate and dealt with the perceived conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.*

09:08 AM Cr N Meiklejohn left the meeting.

## **8.2 BCS - Youth Development Officer Report - Southern Downs Young Leaders Program 2015**

### **Resolution**

**Moved Cr D Ingram**

**Seconded Cr C Gow**

THAT Council adopt and confirm the nominated appointees for the Southern Downs Young Leaders Program for 2015.

**Carried**

09:11 AM Cr N Meiklejohn rejoined the meeting.

## **8.3 BCS - Australia Day Awards Assessment Panel Membership**

### **Resolution**

**Moved Cr C Gow**

**Seconded Cr J Mackenzie**

THAT Council:

1. Adopt the establishment of one Australia Day Awards Assessment Panel to deal with all applications received across the region with membership to include 4 Councillors, 2 Community Service staff and 1 Executive Services staff member, ensuring that nominations from the former Stanthorpe Shire and former Warwick Shire are dealt with according to geographic location as per nomination form.
2. Appoint Crs McNally, Ingram, Pennisi and Bartley as members of the 2015 Australia Day Assessment Panel.

**Carried**

## **8.4 BCS - Executive Performance Report**

### **Resolution**

**Moved Cr J Mackenzie**

**Seconded Cr N Meiklejohn**

THAT Council receive and note the Executive Performance Report for November 2014.

**Carried**

## **8.5 BCS - Application for Conversion to Freehold of Term Lease over Lot 81 on ML1184 Palgrave**

### **Resolution**

**Moved Cr J Mackenzie**

**Seconded Cr R Bartley**

THAT Council advise the Department of Natural Resources and Mines there is no objection to the application for the conversion of the Term Lease over Lot 81 on ML1184 to Freehold on the condition that Lot 81 on ML1184 is amalgamated with an adjoining lot owned by the applicant and no new lot is created.

**Carried**

## **8.6.1 December 2014 Policy Review – Wellness Program Policy**

### **Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr J McNally**

THAT Council adopt the proposed amendments to the Wellness Program Policy as attached.

**Carried**

## **8.6.2 December 2014 Policy Review - Trust Account Policy**

### **Resolution**

**Moved Cr J McNally**

**Seconded Cr D Ingram**

THAT Council adopt the proposed amendments to the Trust Account Policy as attached.

**Carried**

## **8.6.3 December Policy Review - Fraud Policy**

### **Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr J McNally**

THAT Council adopt the proposed amendments to the Fraud Policy as attached.

**Carried**

## **8.6.4 December Policy Review – Immunisation Policy**

### **Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr G Rees**

THAT Council adopt the proposed amendments to the Immunisation Policy as attached.

**Carried**

## 8.6 BCS - December 2014 Policy Reviews

### Resolution

**Moved Cr J Mackenzie**

**Seconded Cr N Meiklejohn**

THAT recind policies PL-HR041 WIRAC Uniform Policy and No 14 Use of Financial Reserves Policy 2009-2010.

**Carried**

### Attachments

PL-HR051 Wellness Program Policy (p41)

PL-FS047 Trust Account Policy (p46)

PL-FS065 Fraud Policy (p49)

PL-HR050 Immunisation Policy (p62)

## 8.7 BCS - Delegations Register Amendments - Council to CEO

### Resolution

**Moved Cr N Meiklejohn**

**Seconded Cr J Mackenzie**

THAT :

1. Council, pursuant to section 257 of the *Local Government Act 2009*, amend its Register of Delegations by the Southern Downs Regional Council to the Chief Executive Officer as per the attached document which includes the suggested conditions that have been applied to those delegations reviewed during recent Council Briefing Sessions with the following changes:-
  - a. Condition 1 (Page 4) – Remove the word “unconditionally”.
2. The Delegations Register Review Committee continues to meet and review the Delegations until all legislation included in the Register has been reviewed.

**Carried**

### Attachment

Register of Delegations - attached as a separate document due to its size

## 8.7.1 BCS - Delegations Register Amendments - Council to CEO

### Resolution

**Moved Cr N Meiklejohn**

**Seconded Cr D Ingram**

THAT Council, pursuant to section 257 of the *Local Government Act 2009*, amend its Register of Delegations by the Southern Downs Regional Council to the Chief Executive Officer as per the attached document which includes the suggested conditions that have been applied to those delegations reviewed during recent Council Briefing Sessions with the following changes:-

- a. Condition 3 (Page 4) – Change the wording from “at least two (2) Councillors” to “at least three (3) Councillors.”

**Carried**

## **8.8 BCS - Addition to 2014-2015 Fees Amendment - Wallangarra Cemetery New Beam Resolution**

**Moved Cr G Rees**

**Seconded Cr N Meiklejohn**

THAT Council add to its 2014/2015 Schedule of Fees and Charges an interment fee for the Wallangarra Lawn Cemetery for the sum of \$1,849.60 including GST, (the same as the Stanthorpe Lawn Cemetery fee).

**Carried**

## **8.9 BCS - Saleyards Avdata Keys**

### **Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr J Mackenzie**

THAT Council amend the 2014-2015 Fees and Charges as follows:-

1. A Security Access Gate Key is included in the following Agents Permit Fees:-

Agents Selling Permit for Cattle	\$4,665.00
Agents Selling Permit for Sheep	\$2,750.00

2. A Security Access Gate Key Replacement Charge of \$35 is to be included.

**Carried**

## **8.10 BCS - Stanthorpe Cemetery - Outdoor Burial Wall - Stage 2**

### **Resolution**

**Moved Cr V Pennisi**

**Seconded Cr R Bartley**

THAT Council:-

1. Construct block A of stage 2, consisting of 24 vaults, of the Stanthorpe Outdoor Burial Wall, with the funding to be provided from the sale of Applethorpe Tafe, and these funds will be paid back as the vaults are sold.
2. Amend the 2014/2015 Schedule of Fees & Charges to reflect the cost of the vaults at \$5,200 per vault for cost recovery only.

**Carried**

## **8.11.1 Interim Calendar for 2015 General Council Meetings & Briefing Sessions**

### **Resolution**

**Moved Cr J Mackenzie**

**Seconded**

THAT Council adopt the following interim schedule for 2015 General Council Meetings and Briefing Sessions with the alterations discussed.

**Lapsed**

Lapsed for want of a seconder.

## **8.11 Calendar for 2015 General Council Meetings & Briefing Sessions**

### **Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr G Rees**

THAT Council adopt the following schedule for 2015 General Council Meetings and Briefing Sessions with the alterations discussed, noting that a review of Council's Meeting Practice will be held at Briefing Session on 2 February 2015 with a report to Council at the 2015 February General Meeting.

**Carried**

### Calendar for General Council Meetings and Briefing Sessions 2015

MONTH	BRIEFING SESSION 1	BRIEFING SESSION 2	GENERAL COUNCIL MEETING
January	No Session	No Session	28/1/2015 Stanthorpe
February	2/2/2015 Stanthorpe	9/2/2015 Warwick	25/2/2015 Warwick
March	2/3/2015 Warwick	9/3/2015 Warwick	25/3/2015 Stanthorpe
April	7/4/2015 Stanthorpe	13/4/2015 Warwick	22/4/2015 Warwick
May	4/5/2015 Warwick	11/5/2015 Warwick	27/5/2015 Stanthorpe
June	1/6/2015 Stanthorpe	9/6/2015 Warwick	24/6/2015 Warwick
July	6/7/2015 Warwick	13/7/2015 Warwick	29/7/2015 Stanthorpe
August	3/8/2015 Stanthorpe	10/8/2015 Warwick	26/8/2015 Warwick
September	7/9/2015 Warwick	14/9/2015 Warwick	23/9/2015 Stanthorpe
October	6/10/2015 Stanthorpe	12/10/2015 Warwick	28/10/2015 Warwick
November	2/11/2015 Warwick	9/11/2015 Warwick	25/11/2015 Stanthorpe
December	7/12/2015 Stanthorpe	No Session	16/12/2015 Warwick

April General Meeting - Tuesday due to Easter Monday Public Holiday  
 June Briefing Session - Tuesday due to Queens Birthday Public Holiday  
 July General Meeting - One week later due to ALGWA Conference  
 October Briefing Session - Tuesday due to Labour Day Public Holiday

*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.*

## **9. ENGINEERING SERVICES DEPARTMENT REPORTS**

### **9.1 Engineering Department Monthly Report**

#### **Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr R Bartley**

THAT Council receive the Engineering Department Monthly Report

**Carried**

### **9.2 Request to Name Allora Cricket Oval**

#### **Resolution**

**Moved Cr G Rees**

**Seconded Cr C Gow**

THAT Council advertises the suggestion of "Keith Masters Memorial Oval" in the Allora Advertiser to seek community views and report back to Council.

**Carried**

### **9.3 Budget Reallocation: Water & Waste Water**

#### **Resolution**

**Moved Cr G Rees**

**Seconded Cr N Meiklejohn**

THAT Council approve the reallocation of \$70,000 from account number 100578 to account number 101237.

**Carried**

### **9.4 RFT 15/029 Supply & Installation of Stanthorpe Water Tank**

#### **Resolution**

**Moved Cr V Pennisi**

**Seconded Cr G Rees**

THAT Council, subject to negotiations with the preferred proponent, resolves to accept and enter into a contract to construct 1.2ML concrete water storage tank at Stanthorpe WTP by Kay Associates Pty Ltd at the total price of \$728,880.00(excluding GST).

**Carried**



## **9.5 Community Service Standards - Water & Waste Water**

### **Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr J McNally**

THAT Council adopt the revised Customer Service Standards for Water and Wastewater with effect from 1 January 2015.

**Carried**

The meeting adjourned for morning tea at 10.34am and reconvened at 10.58am at which time there were present Crs Blundell, McNally, Gow, Rees, Mackenzie, Pennisi, Bartley, Ingram and Meiklejohn.

## **10. PLANNING & ENVIRONMENT DEPARTMENT REPORTS**

### **10.5 Request for Negotiated Decision - Reconfiguration of Lot, Gary Hayes & Partners Pty Ltd (McGill), 360 Bracker Road, Rosenthal Heights**

#### **Resolution**

**Moved Cr V Pennisi**

**Seconded Cr R Bartley**

THAT the request for a Negotiated Decision in relation to the Development Approval dated 10 October 2014 for the Subdivision of one into two lots on land at 360 Bracker Road, Rosenthal Heights, described as Lot 615 M341327, Parish of Warwick, County of Merivale, be approved and that Condition 6 be deleted.

**Carried**

11:12 AM Cr J Mackenzie left the meeting.

11:13 AM Cr J Mackenzie rejoined the meeting.

## 10.1 Pest Management Working Group minutes from meeting held 18 November 2014

### Resolution

Moved Cr C Gow

Seconded Cr G Rees

THAT :-

1. The Pest Management Working Group minutes of the meeting held on 18 November 2014 be received and Council action the following recommendations:
  - a. The Local Laws Officers find out the eligibility criteria for the funding for wild dog control from the Department of Agriculture, Forestry and Fisheries and research our funding needs to be able to identify current projects and then to make application to the Department for funding.
  - b. The Local Laws Section writes to Biosecurity Queensland regarding the inspection of the Condamine River for Honey Locust infestations and about the funding of the project.
  - c. Council supports the current coordinated Wild Dog Program (injectable baits programs) supplied by the Council.
  - d. Council request the State Government on behalf of the landholders to continue the current Wild Dog Baiting program in its present form, ie. Free-of-charge to the landholders.
  - e. Council investigate the use of permanent signs regarding baiting on properties and how the signage is funded.
2. Council support the drafting of a letter by the Pest Management Working Group to the State Government supporting the change to the 40 baits per square kilometre program as per the trial results.

### Carried

*Cr Mackenzie declared that a perceived conflict of interest in this matter (as defined in section 173 of the Local Government Act 2009), may exist as he had provided advice to the applicants in the past. Cr Mackenzie dealt with the perceived conflict of interest by stating that it was his determination that her 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 Mackenzie participated in the discussion and voting on this matter.*

*Cr McNally declared that a perceived conflict of interest in this matter (as defined in section 173 of the Local Government Act 2009), may exist due to a previous complaint being lodged against her by the applicants, however the complaint was determined to be lacking in substance and was dismissed. Cr McNally dealt with the perceived 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.*

*Cr Rees declared that a perceived conflict of interest in this matter (as defined in section 173 of the Local Government Act 2009), may exist due to a previous complaint being lodged against him by the applicants however the complaint was determined to be lacking in substance and was dismissed. Cr Rees dealt with the perceived conflict of interest by stating that it was his determination that their 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 Rees participated in the discussion and voting on this matter.*

## **10.2 Material Change of Use - Imperial Sapphire Pty Ltd & Brexline Pty Ltd, 2081 Inverramsay Road, Goomburra**

### **Resolution**

**Moved Cr V Pennisi**

**Seconded Cr N Meiklejohn**

THAT the application for a Material Change of Use for the purpose of a Wedding Function Facility on land at 2081 Inverramsay Road, Goomburra, described as Lot 215 M34107 and Lot 2 SP102830, Parish of Gladfield, 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	14GORDON	28 October 2014

2. The development may proceed in stages, provided that any road access and infrastructure services required to service the particular stage are constructed with that stage.

#### **Land Use and Planning Controls**

3. The Wedding function facility is to only operate on Lot 2 SP102830 and Lot 215 M34107 generally in accordance with the approval plan.
4. The Wedding function facility is to be solely used to provide a facility to conduct Weddings and associated uses. This approval does not allow for any music festivals or the like.
5. The Gift shop is to be only used in association with the Wedding function facility on Site A. The Gift shop is only permitted to be in use during the hours that a Wedding Function has been booked on Site A.
6. Only one of the four sites is to be used at a time for the use of a Wedding function facility.
7. Camping not associated with a Wedding function facility is prohibited on the same part of the site that is being used for the purposes of a Wedding function facility. This includes campers not attending the weddings, not being able to use the facilities on the site, such as toilets and showers.
8. The Wedding function facility is to be wholly conducted and contained on the site chosen for the Wedding, being generally in accordance with the approved plans.
9. The Wedding function facility shall provide for a maximum of 35 events in any calendar year.
10. The Wedding function facility shall provide for a maximum of 1 event per month on Site D.
11. There is to be a maximum of 150 guests at any one function.
12. There is to be a maximum of 132 guests at any function involving the proposed marquee submitted with this application.
13. Site B is the only approved site for the use of camping associated with the Wedding function facility regardless of what site the wedding and wedding reception is to be held on.
14. This approval does not allow for any use associated with the Wedding function facility to be situated within the road reserve through Lot 215 M34107.
15. Any use associated with the Wedding function facility is to be located at least 10.0 metres from Dalrymple Creek and any other associated waterways.

16. The Barn of Site A is not to be used for any other purposes other than the approved Wedding function facility.
17. The manager must keep and maintain a register which details:
  - (i) the names and addresses of each person who hires a site for the purpose of a Wedding;
  - (ii) the number of people attending;
  - (iii) if catering is provided, the details of the caterer;
  - (iv) which site was hired; and
  - (v) the dates when the hiring of the site begin and ends.
18. The applicant is to prepare a Disaster Management Plan to be submitted for approval by the Director Planning and Development. The Disaster Management Plan is to address prevention and evacuating procedures for bushfire and flood, and must meet the specific outcomes of the State Planning Policy Guideline, Mitigating the Adverse Impacts of Flood, Bushfire and Landslide.

### **Building and Site Design**

19. The buildings and structures associated with the Wedding function facility is to be generally in accordance with the approved plan.

### **Amenity and Environmental**

20. The provisions of toilets must include:
  - (i) Provision for disposal and removal of sanitary napkins from female toilets;
  - (ii) An adequate supply of toilet paper and soap in all toilets;
  - (iii) Separate toilet and hand washing facilities for food handlers; and
  - (iv) The cleaning of toilets to a suitable timetable.
21. Toilets are to be provided at a rate of one toilet per 50 persons.
22. Any portable toilets brought onto the site for the function 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 function and available for viewing by an authorised officer
23. Amplified music shall not be permitted between 10.00 p.m and 10:00 a.m. at sites B & D and between 12.00 a.m and 8:00 a.m. at sites A & C
24. All speakers are to be orientated away from the neighbouring properties.
25. The marquee at sites B & D shall be positioned with three sides enclosed; the enclosed sides are to face neighbouring properties and the open side to face away from neighbouring properties.
26. Noise levels emitted from the premises must not exceed 5dB(A) above the background noise levels in the locality when measured from the nearest boundary of an affected residential dwelling, between the hours of 10.00 a.m. and 10.00 p.m. at sites B & D and 8.00 a.m. and 12.00 a.m. at sites A & C.
27. There is to be no audible noise associated with the Wedding function facility detectable at the boundary of affected residential properties from 12.00 a.m. to 8.00 a.m. at sites A & C and from 10.00 p.m. to 10.00 a.m. at site B & D.
28. The operator must record the following details for all complaints received and provide this information to Council on request:
  - (i) time, date, name and contact details of the complainant;

- (ii) reasons for the complaint;
- (iii) any investigations undertaken;
- (iv) conclusions formed; and
- (v) any actions taken

29. When requested by Council, monitoring and/or sampling must be undertaken by a suitably qualified person(s) to investigate any complaint of environmental nuisance resulting from noise (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief), and the results notified within 14 days of receipt to Council. This must be undertaken in accordance with any direction given by Council at the time.

If monitoring and/or sampling results indicate or where it is determined by an authorised person that environmental nuisance resulting from noise is being caused, you must:

- (i) address the complaint, including the use of appropriate dispute resolution if required; and
  - (ii) immediately implement abatement or control measures so that emissions from site activities do not result in further environmental nuisance
30. Provision shall be made for the storage and removal of refuse and recyclables in accordance with the *Environmental Protection (Waste Management) Regulation 2000* to the satisfaction of the Director Planning and Environment. Sufficient numbers of suitable waste and recycling receptacles must be provided on site during the function. Waste and recycling receptacles must be regularly removed from the site to prevent unsightly accumulations of waste or environmental harm being caused. The waste must be disposed of at either Warwick Central Waste Management Facility or the Allora Waste Transfer Station and receipts for disposal of waste must be kept by the organiser of the function and be available for viewing by an authorised office
31. All service equipment and refrigeration units are to be positioned and housed so as not to cause nuisance or disturbance to persons or properties not connected with the function
32. Any lighting device is to be so positioned and shielded so as not to cause any glare nuisance to any neighbouring properties or passing motorist, or to shine upwards into the night sky

### **Fencing, Landscaping and Buffers**

33. Existing landscaping is to be maintained on all sites.
34. No clearing of existing vegetation is to occur.

### **Car Parking and Vehicle Access**

35. All vehicular access to the development site is to be from existing internal driveways off Inverramsay Road.
36. No access is allowed from Inverramsay Road to the Function facility sites through Lot 2 SP102833.
37. A 3.0 metre wide all-weather driveway is to be maintained from Inverramsay Road to the designated carparking areas associated with all sites.
38. A site plan showing the car parking layout is to be provided to Council prior to the use happening. The plan is to show where access to the carpark is taken from the internal driveways and that 40 car spaces can be situated within the area.
39. The car park area is to be in accordance with the plan approved provided under condition 38, and defined by a low physical barrier along the edge of the car parking area. At least 40 car parking spaces 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

40. If water is to be supplied to guests and/or caterers from a source outside of the site, the water supply must comply with the *Australian Drinking Water Guidelines 2011*.
41. If water is to be supplied for the development from a spring/bore/dam on the site, written advice must be supplied from the Department of Natural Resources and Mines that water may be lawfully supplied from that source. A water supply is to be provided in accordance with the approved report.
42. If water is to be supplied to guests and/or caterers from a source inside the site, the water supply must comply with the Australian Drinking Water Guidelines 2011. As the water supply to the property is non-reticulated a Water Supply Management Plan is to be developed and implemented. A copy of the Water Supply Management Plan is to be submitted to the Manager of Environmental Services for approval prior to the commencement of use. The plan should identify health risks, preventative measures, treatment methods and establish monitoring procedures. Water quality testing (microbiological and chemical) on water from the property (via an NATA certified laboratory) will need to be conducted to assist in the development of this plan, and may be required on an on-going basis

## 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 catering conducted for functions must be undertaken by a business licensed under the *Food Act 2006*.
- (iii) 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.
- (iv) 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.
- (v) The applicant is to permit Council officers unrestricted access to the site at any time subject to reasonable security and health restrictions on access, so as to ensure the use is being conducted in accordance with the conditions of the approval.
- (vi) 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.**
- (vii) **Plumbing and Drainage Approval is to be obtained** in accordance with the *Plumbing and Drainage Act 2002* for the proposed plumbing and drainage works. The application for Plumbing and Drainage approval must be submitted to Council with the appropriate **forms, plans and fees** associated with this application. **A Certificate of Compliance must be issued** for the works prior to the use commencing.
- (viii) **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.

### **Aboriginal Cultural Heritage**

- (ix) 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](http://www.datsima.qld.gov.au)

**Carried**

*Crs McNally, Rees and Mackenzie voted for the motion.*



### 10.3 Material Change of Use - BCG Property Investments Pty Ltd, Allen Lane, Applethorpe

#### Recommendation

THAT the application for Material Change of Use for Non-resident workforce accommodation on land at Allen Lane, Applethorpe, described as Lot 4 RP31786, Parish of Stanthorpe, County of Bentinck, 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 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
Locality Plan	625-14 S02.0	28 July 2014
Site Plan	625-14 S03.0	28 July 2014
Stage 1 Setout	625-14 S04.0	28 July 2014
Stages 2, 3 & 4 Setout	625-14 S05.0	28 July 2014
4 Double Rooms Plan	625-14 S06.0	28 July 2014
4 Double Rooms Elevations	625-14 S07.0	28 July 2014
(Disabled) 4 Double Rooms Plan	625-14 S08.0	28 July 2014
(Disabled) 4 Double Rooms Elevations	625-14 S09.0	28 July 2014
10 Beds Building (East) Plan	625-14 S10.0	28 July 2014
10 Beds Building (East) Elevations	625-14 S11.0	28 July 2014
10 Beds Building (West) Plan	625-14 S12.0	28 July 2014
10 Beds Building (West) Elevations	625-14 S13.0	28 July 2014
(Disabled) 10 Beds Building (West) Plan	625-14 S14.0	28 July 2014
(Disabled) 10 Beds Building (West) Elevations	625-14 S15.0	28 July 2014
Amenities Building - Plan	625-14 S16.0	28 July 2014
Amenities Building - Elevations	625-14 S17.0	28 July 2014
(Disabled) Amenities Building - Plan	625-14 S18.0	28 July 2014
(Disabled) Amenities Building - Elevations	625-14 S19.0	28 July 2014
Kitchen - Meals Building Plan	625-14 S20.0	28 July 2014
Kitchen - Meals Building Elevations	625-14 S21.0	28 July 2014
(Disabled) Kitchen - Meals Building Plan	625-14 S22.0	28 July 2014
(Disabled) Kitchen - Meals Building Elevations	625-14 S23.0	28 July 2014

2. The development may proceed in stages, subject to all infrastructure and services required for a stage is provided with that stage, including the payment of the Adopted Infrastructure Charges.

#### Land Use and Planning Controls

3. The material change of use the subject of this development permit must be completed within a period of 6 years starting the day this development permit takes effect. The development permit will lapse in respect of each aspect of the material change of use that has not commenced within this period, unless a change to this approval is granted by Council.
4. The buildings and associated facilities may only be used for itinerant/transient rural workers. The accommodation buildings and associated facilities are **not** to be used for tourist accommodation.
5. An on-site manager is to reside on site at all times.
6. The manager of the accommodation must keep and maintain a register which details:
  - (i) The names and addresses of each person who is residing in the accommodation; and
  - (ii) The date of arrival and departure.



7. The number of persons to be accommodated must not exceed the following:
  - 2 in each room of the 4 double room buildings
  - 10 in each of the 10 beds buildings
8. No materials or goods associated with the development are to be displayed or stored within the car park or landscaped areas, or outside the boundaries of the site.
9. A telecommunications system that can be accessed by residents at all times in the event of an emergency must be available on the site.

### **Building and Site Design**

10. All buildings are to be set back at least 30.0 metres from the northern boundary of the land, and 20.0 metres from the eastern boundary of the land.
11. Toilets, showers, handbasins and laundry facilities are to be provided and maintained for persons of both sexes (including disabled persons), in accordance with the plans "Amenities Building - Plan" (625-14 S16.0) and "(Disabled) Amenities Building - Plan" (625-14 S18.0).
12. A copy of each Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)
13. A copy of the Form 11 (Certificate of Classification) for each building must be submitted to Council prior to the use of that building commencing. (See advisory note below.)
14. At least two clothes hoists are to be provided with each stage.
15. For the safety of residents lighting is to be provided within the development including adjacent to the car parks, the kitchen/dining area, the amenities and laundry. **Details of the lighting are to be submitted to and approved by the Director Planning and Environment prior to the issue of any Development Permit for Building Work.** Lighting is to be provided in accordance with the approved plan.
16. Sealed pathways are to be provided between each accommodation building, to connect to the amenities, laundry, kitchen, dining and carpark areas.

### **Amenity and Environmental Controls**

17. The land is to be maintained in a clean and tidy state.
18. Litter bins, including recycling bins, are to be provided in convenient locations throughout the accommodation complex. The litter bins are to be located on concrete pads and covered with a lid to prevent animals entering the bins. Litter bins are to be emptied on a daily basis.
19. Waste is to be stored in suitable containers and removed from the site to the Stanthorpe Waste Management Facility on at least a weekly basis. Alternatively, the owner can enter into an agreement with an approved waste contractor for the at least weekly removal of waste to another facility.
20. Recyclable waste that is being stored on site must be stored in a screened area such that it is not visible from the roadway.
21. Advertising Devices relating to the Non-resident workforce accommodation may **only** be erected on the subject land, i.e. Lot 4 RP31786. 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. Any lighting device is to be so positioned and shielded so as not to cause any glare nuisance to any nearby residential property or motorist, or to shine upwards into the night sky. Lighting is to be located and orientated to not shine into bushland areas.
23. All cleared or lopped timber and vegetation must be processed on site by wood chipping,

mulching or similar method. Any processing of trees or vegetation must be carried out in a safe manner and without any adverse environmental impacts from noise or dust emissions, and in accordance with any requirements under the *Environmental Protection Act 1994*.

### **Bushfire Requirements**

24. All buildings are to be located within a cleared area, and setback at least 1.5 times the predominant mature canopy tree height or 20 metres (whichever is the greater) from hazardous vegetation.
25. Water tanks exclusively for fire fighting purposes are to be provided in accordance with the plans "Stage 1 Setout" and "Stages 2, 3 & 4 Setout". Standard rural fire brigade fittings are fitted to the outlets of the tanks for access by rural fire services vehicles.
26. A fire evacuation route is to be provided over Lot 11 SP288294 to Kelly Road, to allow evacuation from the site in the event of a bushfire preventing the use of Allen Lane.
27. An Emergency Management Plan is to be submitted to and approved by the Director Planning and Environment. The Emergency Management Plan is to address evacuation procedures for bushfire. A copy of the approved Emergency Management Plan is to be made available for all residents. At the time of arrival, residents are to be made aware of the evacuation procedures. A concise one page version of the evacuation procedures is to be displayed in all buildings. The Emergency Management Plan is to include at least the following detail:
  - Evacuation procedures and assembly points (both on-site and off-site);
  - The alternative evacuation route through Lot 11 SP288294; and
  - Contact details and other local information sources which can be used in the case of an emergency.

### **Fencing, Landscaping and Buffers**

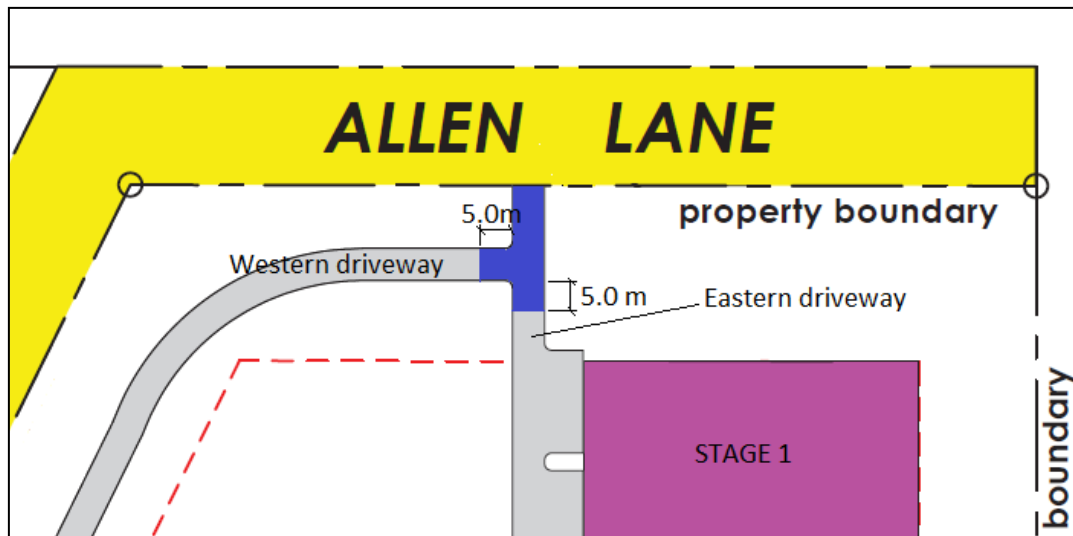
28. Landscaped areas are to be provided in accordance with the plans "Stage 1 Setout" and "Stages 2, 3 & 4 Setout", subject to additional landscaping being provided along the full frontage of the car parking areas, and within the area between the northern boundary of the land and Stage One.
29. **A Landscaping Plan is to be submitted to and approved by the Director Planning and Environment prior to the issue of any Development Permit for Building Work.** The Landscaping Plan must include details of the location and species of plants, the irrigation system and the height and material of fencing. Plants are to be generally frost resistant and drought hardy, and must not include weed species. The site is to be landscaped and maintained in accordance with the approved Landscaping Plan.

### **Car Parking and Vehicle Access**

30. **Prior to the commencement of Stage One**, vehicle access is to be constructed to the site from Allen Lane in accordance with Council's standard. Such entrance roadworks are to be at least 6.0 metres in width, constructed in gravel, and are to include appropriate drainage works.
31. **Prior to the commencement of Two One**, the vehicle access to the site from Allen Lane is to be sealed in accordance with Council's standard.
32. Car parking is to be provided on site for each stage in accordance with the plans "Stage 1 Setout" and "Stages 2, 3 & 4 Setout". The car park areas are to be set back at least 30 metres from the boundary.
33. Unless required by other conditions of this approval, all car parking, driveway and loading areas shall be constructed in gravel or similar materials, drained, laid out and regularly maintained. Where the carparking and driveways are not maintained to an appropriate standard, the car parking and driveway areas are to be sealed in accordance with Council's

standards.

34. **Prior to the commencement of Stage Two**, the first section of the driveway must be sealed from the Allen Lane entrance to 5.0 metre past the future intersection with the western driveway, as shown on the plan below. This sealed section of driveway must be regularly maintained.



35. **Prior to the commencement of Stage Three**, the first section of the western driveway is to be sealed for 5.0 metre past the intersection with the eastern driveway, as shown on the plan above. This sealed section of driveway must be regularly maintained.
36. All loading and unloading of goods related to the development must be carried out within the confines of the allotment's boundary. Under no circumstances will the loading or unloading of goods on the public roadway system be permitted.

#### Roadworks and Stormwater Drainage

37. Any roadworks and drainage works damaged during construction of the development are to be reinstated to the pre-existing condition, unless otherwise required by the Director Engineering Services.
38. **Prior to Stage One commencing**, Allen Lane is to be extended as a gravel constructed road, to provide constructed road access to the site. The boundaries of the road reserve are to be surveyed to ensure all roadworks are carried out within the road reserve.
39. **Prior to Stage Two commencing**, Allen Lane is to be constructed to a sealed road standard, including stormwater drainage, from the intersection with Kelly Road to the entrance to the site.

#### Water Supply and Sewerage

40. A sufficient supply of potable water, that complies with the *National Health and Medical Research Council: Australian Drinking Water Guidelines*, must be provided within the dining/kitchen and amenities buildings, also must be supplied to all drinking water supplies, showers, baths, hand basins, kitchen sinks and laundry facilities.
- (a) Prior to the issue of building approval for any buildings, a Water Management Plan demonstrating that adequate provision has been made for the supply of water, including a potable water supply, is to be submitted to and approved by the Manager Environmental Services. A water supply is to be provided in accordance with the approved report.
- (b) All water supplied from off-site must be by a registered water carrier, holding a current

licence under the *Food Act*. All appropriate paperwork relating to the supply of drinking water to the site by a water carrier is to be retained for inspection by Council.

41. If water from a water outlet may be unsuitable for drinking, a sign stating "Unsuitable for Drinking" is to be prominently displayed at the outlet.
42. Wastewater is to be disposed of by means of a suitable septic system in accordance with the *Queensland Plumbing and Wastewater Code*. An approval for plumbing and drainage works must be obtained in accordance with the *Plumbing and Drainage Act 2002* prior to the septic system being installed.

### **Electricity, Street Lighting and Telecommunications**

43. Reticulated electricity is to be provided to the accommodation facility.
44. In accordance with the Federal Government's National Broadband Network (NBN) initiatives, the Developer (at the Developer's expense) is to install a fibre ready pit and pipe network (including trenching and ducting, design and third party certification) to NBN Co's specifications, to allow for the installation of Fibre-to-the-Premises (FTTP) broadband services. Any fibre provider may be used, provided they meet NBN specifications and open access requirements. Ownership of the infrastructure is to be transferred to NBN Co in exchange for the provision of fibre within that pit and pipe network. Prior to commencement of the use, written advice is to be provided from NBN Co that the pit and pipe network has been installed in accordance with NBN Co's specifications.

### **Operational Works**

45. All operational works are to be accepted on-maintenance prior to the use of the land commencing. (See advisory note below.)

### **Adopted Infrastructure Charges**

46. Payment is to be made to Council in accordance with the Adopted Infrastructure Charges Notice attached to this decision notice. The charge payable at each stage will be calculated based on the number of people accommodated at that stage.

### **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) An application must be submitted and approved by Council for a permit under Local Law No. 1.11 (Operation of Shared Facility Accommodation) 2011.
- (iv) **Plumbing and Drainage Approval is to be obtained** in accordance with the *Plumbing and Drainage Act 2002* for the proposed plumbing and drainage works. The application for Plumbing and Drainage approval must be submitted to Council with the appropriate **forms, plans and fees** associated with this application. A **Certificate of Compliance must be issued** for the works prior to the use commencing.
- (v) **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 11 (Certificate of Classification) must be issued for the building works prior to the use commencing**.

- (vi) A Registration Certificate for Environmentally Relevant Activity No. 63 Sewage treatment is to be obtained in accordance with the *Environmental Protection Act 1994* prior to the commencement of any Environmentally Relevant Activity.
- (vii) A Development Permit for Operational Works associated with the development must be obtained in accordance with the *Sustainable Planning Act 2009*. This application must be submitted with the following:
- Relevant IDAS Forms;
  - The relevant fee in accordance with Council's Schedule of General Fees and Charges;
  - Design, schedules and specifications for all Operational Works, certified by a Registered Professional Engineer in Queensland (RPEQ);
  - A car parking plan showing the location and dimension of all parking areas, details of the proposed pavement treatment, and full engineering specifications of layout, construction, sealing, drainage and line marking;
  - A plan showing ingress and egress wheel and swept turning paths;
  - A Stormwater Management Plan;
  - An Erosion and Sediment Control Plan.
- Operational Works shall be subject to a 12 months Defect Liability Period commencing from the day the works are accepted on-maintenance. A bond will be held by Council as security, and refunded following a defect-free inspection at the end of the Defect Liability Period.
- (viii) 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](http://www.datsima.qld.gov.au)

## **Schedule 2 - Department of State Development, Infrastructure and Planning's Conditions of Approval**

Nil

11:34 AM Cr V Pennisi left the meeting.

11:38 AM Cr V Pennisi rejoined the meeting.

#### 10.4 Material Change of Use - Hutchison Quarries Pty Ltd, 608 Mountain Maid Road, Greymare

##### Resolution

Moved Cr N Meiklejohn

Seconded Cr R Bartley

THAT the application for Material Change of Use for the purpose of an Extractive industry on land at 608 Mountain Maid Road, Greymare, described as Lot 22 ML659, Parish of Palgrave, 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, as determined by the Director Planning and Environment, and subject to the final development being amended in accordance with the conditions of this approval.
  - Plan Titled: Site Location Map, showing proposed extraction area, dated 26 October 2014, prepared by Yarramine Environmental.

##### Land Use and Planning Controls

2. This approval is limited to a period of fifteen (15) years and will expire on 31 December 2030. Any application to extend the approval will be subject to a review of compliance with the conditions of this Development Permit in accordance with Council's standard requirements at that time.
3. **The maximum amount of material to be extracted from the site must not exceed 5,000 tonnes per annum.**
4. The excavation and stockpiling of overburden, is to be conducted wholly within the 3.0 hectare designated area, shown on Plan Titled: Site Location Map, showing proposed extraction area, dated 26 October 2014, prepared by Yarramine Environmental, i.e. approximately 290 metres from the northern boundary, and approximately 870 metres from Lagoon Creek. No materials or equipment are to be stored outside this area.
5. **No more than 5,000 square metres** of the proposed excavation site, as shown on Plan Titled: Site Location Map, showing proposed extraction area, dated 26 October 2014, prepared by Yarramine Environmental, **is to be open and excavated at any one time. The excavation is to be in a sequential order.**
6. Blasting is prohibited on the site.
7. No more than two (2) people shall operate on the subject site at any one time, excluding truck drivers who are only driving trucks.
8. The extractive industry shall generally operate only between the hours of 7.00 am and 6.00 pm, Monday to Saturday, this includes preparation and maintenance of vehicles. The activity is not permitted to be conducted on Sundays or public holidays.
9. The applicant is to have an annual audit prepared by a suitably qualified auditor, to the satisfaction of the Director Planning and Environment, demonstrating compliance with the conditions of this development permit in relation to the location and area of the site being excavated, the amount of material removed from the site on a weekly and annual basis. **The results of each audit are to be submitted to Council no later than 1 November each year.**
10. The applicant is to **submit a plan prepared by a surveyor** which shows that the current total area of excavation and associated activities. **The plan must be submitted and approved prior to the use of the land for extraction purposes.** The surveyor must **install**



**permanent markers** showing the boundary to the area to be used, and the applicant must ensure that these markers remain onsite for the life of the extractive industry.

11. Machinery to be used in the Extractive Industry is generally limited to one (1) bull-dozer, one (1) loader and one (1) truck at any one time and one (1) mobile screening plant which shall comply with noise emission standards.

#### **Amenity and Environmental Controls**

12. All material stockpiles and trafficable areas within the approved place must be maintained using all reasonable and practicable measures necessary to minimise the release of wind blown emissions to the atmosphere. Reasonable and practicable measures may include but are not limited to:
  - a. Using water sprays and/or a water truck;
  - b. Adopting and adhering to speed limits;
  - c. Using dust suppressants and wind breaks; and
  - d. Sealing the areas.
13. When requested by Council, dust and particulate monitoring must be undertaken to investigate any complaint or environmental nuisance caused by dust and/or particulate matter (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief), and the results notified within 14 days to Council following completion of monitoring. Monitoring must be carried out at a place(s) relevant to the potentially sensitive place and upwind sites and the report must include:
  - a. Dust deposition for a complaint alleging dust nuisance; and
  - b. For a complaint alleging adverse health effects caused by dust, the concentration per cubic metre of particulate matter with an aerodynamic diameter of less than 10 micrometres (PM10) suspended in the atmosphere over a 24 hour averaging period.
14. Noise levels emitted from the premises must not exceed 5dB(A) above the background noise levels in the locality when measured at the boundary of the property. There is to be no audible noise emitted beyond the boundary on Sundays and Public Holidays
15. When requested by Council, noise monitoring must be undertaken to investigate any complaint of noise nuisance (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief), and the results notified within 14 days to Council. For the purpose of this condition, noise monitoring must be conducted by a person(s) with appropriate experience and/or qualifications in accordance with the latest edition of the Environmental Protection Agency's Noise Measurement Manual, and include:
  - a) LA eq, adj, 1hr;
  - b) LA bg, T or LA 90, T;
  - c) LA 10, adj, 1 hour;
  - d) LA 1, adj, 1 hour;
  - e) the level and frequency of occurrence of impulsive or tonal noise;
  - f) atmospheric conditions including wind speed and direction;
  - g) effects due to extraneous factors such as traffic noise; and
  - h) location, date and time of recording.
16. If dust and particulate or noise monitoring (required under conditions 13 or 15) indicates or where it is determined that environmental nuisance is being caused, you must:
  - a) Address the complaint, including the use of appropriate dispute resolution if required; and
  - b) Immediately implement abatement measures so that emissions from site activities do not result in further environmental nuisance.
17. Waste and recycling must be regularly collected and disposed of to prevent unsightly

accumulations of waste or environmental harm being caused.

18. Any lighting devices, including security lighting, must be installed so that light shines down and away from adjacent premises and roads and does not exceed 8 lux at the property boundary.
19. Erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.
20. Contaminants, including stormwater that has been in contact with any contaminants and the washdown water from the maintenance and cleaning of vehicles, other equipment or plant, must not be released from the site to any waters, stormwater drains, or the bed and banks of any waters.
21. Suitable banks and/or diversion drains must be installed and maintained to exclude stormwater runoff from entering any extractive areas, stockpile sites, and ponds or other structures used for the storage or treatment of contaminants or wastes.
22. Any hazardous materials (e.g. oil and fuel) must be stored in a covered and bunded area.
23. Any liquid spills must be cleaned up as soon as practical and disposed of in an appropriate manner that ensures environmental harm does not occur. An appropriate spill kit for the management of wastes and hazardous liquids associated with the activity must be readily available at the site. Anyone operating under this approval must be trained in the use of the spill kit.
24. From commencement of the activity to which this approval relates, a site based management plan (SBMP) must be implemented. The SBMP must identify all sources of environmental harm, including but not limited to the actual and potential release of all contaminants, the potential impact of these sources and what actions will be taken to prevent the likelihood of environmental harm being caused. The SBMP must also provide for the review and 'continual improvement' in the overall environmental performance of all activities that are carried out.
25. The operator of the activity must record the following details for all complaints received and provide this information to Council on request:
  - a. time, date, name and contact details of the complainant;
  - b. reasons for the complaint;
  - c. any investigations undertaken;
  - d. conclusions formed; and
  - e. any actions taken.
26. The operator of an activity to which this approval relates must:
  - a. install all measures, plant and equipment necessary to ensure compliance with the conditions of this approval;
  - b. maintain such measures, plant and equipment in a proper and efficient condition; and
  - c. operate such measures, plant and equipment in a proper and efficient manner.
27. The operator of an activity to which this approval relates must contact the Council as soon as practicable after becoming aware of any release of contaminants not in accordance with the conditions of this approval, or any event where environmental harm has been caused or may be threatened.
28. The site (including all disturbed areas such as slopes, borrow pits, stockpile and screening areas) must be rehabilitated in a manner such that:
  - a. suitable native species of vegetation are planted and established;
  - b. replacement of top soil;
  - c. potential for erosion of the site is minimised;
  - d. the quality of stormwater, other water and seepage released from the site is such that releases of contaminants such as suspended solids, turbidity, total dissolved salts, pH,



total iron, total aluminium, and total manganese are not likely to cause environmental harm;

- e. the likelihood of environmental nuisance being caused by release of dust is minimised;
- f. the water quality of any residual water body meets relevant criteria for subsequent uses and does not have potential to cause environmental harm;
- g. the final landform is stable and not subject to slumping; and
- h. any actual and potential acid sulfate soils in or on the site are either not disturbed, or are submerged or treated, so as to not be likely to cause environmental harm.

A rehabilitation plan is to be submitted to and approved by the Director Planning and Environment prior to the commencement of the use. The rehabilitation plan is to include details of the points listed above and is to be commenced once each 5,000 square metres excavation area has been exhausted.

29. Advertising Devices relating to the extractive industry may **only** be erected on the subject land, i.e. Lot 22 ML659. 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.

### **Fencing, Landscaping and Buffers**

30. The applicant is to retain the existing vegetation on the land to provide a treed buffer on the southern and western boundaries of the site. This vegetation is to provide a visual screen of the extraction site.
31. There is to be no clearing of vegetation outside of the excavation area for any purpose associated with the Extractive Industry.

### **Car Parking and Vehicle Access**

32. 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.) The access works are to include appropriate drainage works. The access must be constructed along Leonard Road at a location which provides adequate sight distance in either direction. If necessary, the property access gateway must be located within a setback such that all vehicles proposed to enter and/or exit the land are able to stand clear of the carriageway whilst the property gateway is being opened and/or closed.
33. A 4.0 metre wide all-weather driveway is to be constructed from the vehicle access from Leonard Road, to the extraction area.
34. The applicant is to erect "Not Unauthorised Entry" sign on all gates to the site.
35. The applicant is to designate an area for car parking on the land.
36. All loading and unloading of goods related to the development must be carried out within the confines of the allotment's boundary. Under no circumstances will the loading or unloading of goods on the public roadway system be permitted.

### **Roadworks and Stormwater Drainage**

37. Any footpaths, kerbing and channelling, roadworks and drainage works damaged during construction of the development are to be reinstated to the pre-existing condition, unless otherwise required by the Director Engineering Services.
38. Leonard Road is to be upgraded to a constructed gravel road standard, including widening; drainage works; and straightening of the road alignment, from the Mountain Maid Road intersection, until at least 10 metres beyond the entrance to the subject site. The widening of the pavement is to achieve a total width of 6.0 metres.
39. The Mountain Maid Road and Leonard Road intersection are to be upgraded to ensure there

is appropriate visibility. Such works will include the widening of the road surface to accommodate the turning movements for truck and dog combinations and semi trailers.

### **Water Supply and Sewerage**

40. Portable toilet facilities must be provided on site when the Extractive Industry is in operation for an entire day or more consecutively.

### **Operational Works**

41. All operational works are to be accepted on-maintenance prior to the use of the land commencing. (See advisory note below.)

### **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) The applicant is to permit Council officers access to the site in accordance with the powers of entry provisions of the *Local Government Act 2009*, subject to 48 hours notice and reasonable security and health restrictions on access, so as to ensure the use is being conducted in accordance with the conditions of the approval.
- (iv) Provision shall be made for the storage and removal of refuse in accordance with the *Environmental Protection (Waste Management) Regulation 2000* to the satisfaction of the Director Planning and Environment.
- (v) A Development Permit for Operational Works associated with the development must be obtained in accordance with the *Sustainable Planning Act 2009*. This application must be submitted with the following:
  - Relevant IDAS Forms;
  - The relevant fee in accordance with Council's Schedule of General Fees and Charges;
  - Design, schedules and specifications for all Operational Works, certified by a Registered Professional Engineer in Queensland (RPEQ);
  - A plan of works required to the Mountain Maid Road and Leonard Road intersection;
  - A plan of works required to Leonards Road to ensure it is a constructed gravel road;
  - A Stormwater Management Plan; and
  - An Erosion and Sediment Control Plan.

Operational Works shall be subject to a 12 months Defect Liability Period commencing from the day the works are accepted on-maintenance. A bond will be held by Council as security, and refunded following a defect-free inspection at the end of the Defect Liability Period.

### **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](http://www.datsima.qld.gov.au)

**Carried**

## 10.6 Request for Negotiated Decision - Material Change of Use, JFPS Investments Pty Ltd, 29 Grafton Street, Warwick

### Resolution

Moved Cr J Mackenzie

Seconded Cr N Meiklejohn

THAT the application for a Negotiated Decision, in relation to the Development Permit dated 22 October 2014 for a Material Change of Use for the purpose of Short-term accommodation (12 people) on land at 29 Grafton Street, Warwick, described as Lot 1 RP36238, Parish of Warwick, County of Merivale, be approved in part only, for the following reasons:

#### Conditions 14 and 15

The requirement for fencing is intended to ensure nearby residential uses are not impacted on by the proposed short term accommodation use, by means of noise, safety, privacy, lighting, etc.

The similar development which the applicant referred to, required a 1.8 metre high screen fence along the side and rear boundaries.

Conditions 14 and 15 should remain unchanged.

#### Conditions 19 and 20

The industrial standard crossover is currently an accepted standard by Council when providing access from the road to the boundary of a subject property. The purpose of the crossover is to mitigate against any negative impacts such as tracking of soil onto the road, washing of soil onto the road and uneven footpaths through general wear of the crossover. The use of the site is in excess of a single dwelling, and the number of vehicles movements will be greater. The site is located within a residential area, it is considered appropriate that the requirement for a concrete crossover remain.

THAT Conditions 3, 13, 17, 19, 20 and 25, be amended and Condition 16 be deleted, as follows:

3. ~~A responsible person, who is residing at the property on a full time basis, This person~~ is to be responsible for the management of the accommodation, including, but not limited to, ~~tenants behaviour~~, waste disposal, noise levels, etc.
13. A screen fence ~~1.28 metres~~ high shall be erected along the Hamilton Street frontage, excluding the building and the entrance to the carport, to provide visual screening. ~~The fence is to be setback at least one metre from the property boundary to allow for landscaping.~~ This screen fencing is to be provided at the developer's cost.  
  
~~Note: The existing fence is considered satisfactory.~~
16. ~~Deleted. A densely planted landscaped strip, at least one metre in width is to be provided on the western side of the 1.8 metre high screen fence required by Condition 13.~~
17. The street trees within the road reserve of Hamilton Street are to be retained, ~~except one tree may need to be relocated in accordance with this condition if it impedes safe access into the carport.~~ These trees are to be protected during construction. If it is not possible to design the development to preserve all the trees in their current locations, the tree/s must be relocated at the developer's cost. The relocation of the tree/s is to be carried out by a suitably qualified and experienced person. If the tree/s die within 12 months of the relocation, the dead tree must be replaced with an advanced tree of the same species and height
19. A concrete ~~industrial~~ crossing is to be constructed at the Hamilton Street entrance to the carport in accordance with Council's standard. (Council's Engineering Services Department can provide details regarding Council's standard.)
20. The ~~concrete is to extend to cover the~~ entire floor of the carport, linking it to the crossing

required by Condition 198, is to be sealed.

25. The redundant vehicle crossing in Hamilton Street, in front of the converted garage, is to be reinstated back to kerbing, ~~and the footpath reinstated.~~

**Carried**

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

Nil

**12. NOTICES OF MOTION**

Nil

**13. GENERAL BUSINESS**

11:57 AM Cr J Mackenzie 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 Quotation For Landscape Design For Stanthorpe Streetscape**

#### **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.

### **14.2 BCS - Stanthorpe Regional Art Gallery Request**

#### **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 - Youth Development Officer Report - Southern Downs Youth Service Funding and Future**

#### **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.

### **14.4 BCS - Water Consumption Relief**

#### **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.

### **14.5 BCS - Proposed Sale of Land at Stanthorpe Industrial Estate**

#### **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 BCS - Senior's Housing - Exit Management Strategy**

#### **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.

### **14.7 BSC - Audit & Risk Management Committee (ARMC) Meeting - 4 December 2014 - CONFIDENTIAL**

#### **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 BCS - YMCA Stanthorpe - Assignment of Freehold and Trustee Leases**

**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.

**14.9 Rhys and Kerry Featherstone, 15 Amiens Road, Stanthorpe**

**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.

**14.10 Environmental Nuisance from Abrasive Blasting Operations at 44 Old Stanthorpe Road, Warwick**

**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.

**14.11 Request to consider the ancillary use of the Stanthorpe Showgrounds, from the Stanthorpe Agricultural Society**

**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**

**Resolution**

**Moved Cr Meiklejohn**

**Seconded Cr Rees**

THAT the meeting move into closed session at 11.59am.

**Carried**

11:59 AM Cr J Mackenzie rejoined the meeting.

12:12 PM Cr G Rees left the meeting.

12:15 PM Cr G Rees rejoined the meeting.

The meeting adjourned for lunch at 1.01pm and reconvened at 1.44pm at which time there were present Crs Blundell, McNally, Gow, Rees, Mackenzie, Pennisi, Bartley, Ingram and Meiklejohn.

02:41 PM Cr D Ingram left the meeting.

02:41 PM Cr R Bartley left the meeting during discussion on Agenda Item 14.10.

02:43 PM Cr D Ingram rejoined the meeting.

03:01 PM Cr R Bartley rejoined the meeting.

03:02 PM Cr C Gow left the meeting during discussion on Agenda Item 14.11.

03:12 PM Cr G Rees left the meeting.

03:14 PM Cr G Rees rejoined the meeting.

03:30 PM Cr C Gow rejoined the meeting.

## **Meeting Out Of Camera**

### **Recommendation**

THAT the meeting resume in open session at 3.52pm.

#### **14.1 Quotation For Landscape Design For Stanthorpe Streetscape**

##### **Resolution**

**Moved Cr V Pennisi**

**Seconded Cr J Mackenzie**

THAT Council provide approval to engage John Mongard Landscape Architects to carry out community engagement and landscape design for the Stanthorpe Streetscape Project for a total cost of \$82,500.00

**Carried**

#### **14.2 BCS - Stanthorpe Regional Art Gallery Request**

##### **Resolution**

**Moved Cr C Gow**

**Seconded Cr D Ingram**

THAT Council :

1. Approve the painting of the Stanthorpe Regional Gallery walls to be arranged, and paid for, by the Gallery Committee and retrospectively pay this amount back to them through their adjusted Annual Operational bid for 2015/2016 financial year.
2. Resolve to treat the Warwick Gallery in the same way.

**Carried**

#### **14.3 BCS - Youth Development Officer Report - Southern Downs Youth Service Funding and Future**

##### **Resolution**

**Moved Cr J Mackenzie**

**Seconded Cr N Meiklejohn**

THAT Council :

1. Relinquish the proposed State Government funding for Youth Services.
2. Fund Council's Youth Development Officer's salary and activities from existing Youth and Community Development budgets and seek further grant funding for programs and activities associated with the service.
3. Deliver SDRC key focus for Youth Services in line with the Youth Policy and Youth Action Plan.
4. Recommend to the Department that SDIEA is the most appropriate organisation to receive the new funding and that the funding should remain in the Southern Downs region.

**Carried**



#### **14.4 BCS - Water Consumption Relief**

##### **Resolution**

**Moved Cr R Bartley**

**Seconded Cr V Pennisi**

THAT Council provide a refund of \$350.00 in line with Council's Partial Relief from the Payment of Water Consumption Charges Policy for property number 58985 for water consumption.

**Carried**

#### **14.5 BCS - Proposed Sale of Land at Stanthorpe Industrial Estate**

##### **Resolution**

**Moved Cr R Bartley**

**Seconded Cr V Pennisi**

THAT Council accept the offer from Australian Vinegar Pty Ltd of \$135,000 (GST exclusive) for the proposed 1ha Industrial Lot, situated on the north-western frontage to Rowley Court, Stanthorpe, subject to the terms of the contract being agreed by both parties with the Contract being executed as soon as practicable.

**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, P Blundell, C Gow, J Mackenzie, J McNally, V Pennisi and G Rees (7)*

*Against: Crs D Ingram and N Meiklejohn (2)*

*Accordingly the Mayor declared the motion carried.*

#### **14.6 BCS - Senior's Housing - Exit Management Strategy**

##### **Resolution**

**Moved Cr J McNally**

**Seconded Cr G Rees**

THAT Council endorse the "Senior's Housing - Exit Management Strategy".

**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, P Blundell, 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.*



#### **14.7 BSC - Audit & Risk Management Committee (ARMC) Meeting - 4 December 2014**

##### **Resolution**

**Moved Cr J Mackenzie**

**Seconded Cr G Rees**

THAT Council:

1. Adopt the minutes of the ARMC meeting held on 4 December 2014; and
2. Adopt the business arising from the ARMC meeting held on 4 December 2014.

**Carried**

#### **14.8 BCS - YMCA Stanthorpe - Assignment of Freehold and Trustee Leases**

##### **Resolution**

**Moved Cr J McNally**

**Seconded Cr G Rees**

THAT Council

1. Approve the assignment of the Freehold Lease over part of Lot 1 and 2 on RP4862 and Lot 2 on RP82554, from YMCA Stanthorpe to YMCA Brisbane in accordance with clause 17 of the lease document, subject to the YMCA Brisbane advising Council in writing that it is prepared to be responsible for the performance and observance of all the Lessee's covenants and agreements under this lease;
2. Approve the assignment of the Trustee Lease over Lot 250 on Crown Plan BNT1599, from YMCA Stanthorpe to YMCA Brisbane in accordance with clause 17 of the lease document, subject to the Minister's approval and also to the YMCA Brisbane advising Council in writing that it is prepared to be responsible for the performance and observance of all the Lessee's covenants and agreements under this lease;
3. Advise YMCA Brisbane that Council is committed to the payment of the balance of the 2014/15 Operational Grant to YMCA, with the sum of \$60,335 (gst inclusive) to be paid in January 2015 following the receipt of a tax invoice from YMCA Brisbane.

**Carried**

## **14.9 Rhys and Kerry Featherstone, 15 Amiens Road, Stanthorpe**

### **Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr C Gow**

THAT Council:-

- A. Advise its Solicitors in relation to a Transport depot (Contractors depot), on land at 15 Amiens Road, Stanthorpe, described as Lot 5 RP196401, Parish of Stanthorpe, County of Merivale, as follows:
  - i. The exceptional circumstances outlined in Council's October 2014 resolution refer to temporary delays from weather conditions and travelling distances particularly relating to the hours of operation, number of staff and vehicles parked on the site only.
- B. Agree to imposing the following conditions in a Court order, to finalise this appeal:

### **Approved Plans**

1. The development of the site is to be generally in accordance with the following proposal plan submitted with the application, as determined by the Director Planning and Environment, and subject to the final development being amended in accordance with the conditions of this approval.
  - Plan No. 13269.1, dated 25 June 2014, prepared by KHA Development Managers.

### **Land Use and Planning Controls**

2. Compliance with all conditions is to be achieved within three (3) months of the date of the Court order.
3. This approval allows for the use of the site for a Contractors depot only. Only ancillary servicing, repair and cleaning of vehicles stored on the site, and associated with the business is to occur. Any major mechanical repairs are to be completed off-site.
4. This approval allows for the storage and use of the following machinery only:
  - Three, 12 tonne trucks, including two tip trucks and one bitumen truck;
  - Three, 2.5 tonne bobcats;
  - Two, 8 tonne excavators;
  - Two plant trailers; and
  - One roller.
5. The development shall operate with a maximum of two vehicle operators and two administration officers.
6. The development shall generally operate only between the hours of 6.00am to 6.00pm, Mondays to Friday, and 9.00am to 4.00pm on Saturdays, and not at all on Sundays and public holidays.
7. No materials or goods associated with the development are to be displayed or stored within the car park or landscaped areas, or outside the boundaries of the site.

### **Amenity and Environmental Controls**

8. 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 and must not exceed 10dB(A) above the background noise levels in the locality when measured from the nearest part of a commercial premises. The applicant is to note that this may include the need to use noise attenuating materials in the building.

9. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
10. Advertising Devices relating to the contractor may **only** be erected on the subject land, i.e. Lot 5 RP196401. The location, size, type and content of any advertising sign or device located on the land is to be compatible with the residential 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.
11. 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.
12. All equipment, goods and materials must be located in a building or screened from view from all roads, other public places and adjoining land by fencing and/or dense landscaping.
13. All trucks and machinery must be stored inside the shed when not in use.
14. All excess soil, gravel and sand must be stored within the material storage area indicated on Plan No. 13269.1, dated 25 June 2014, prepared by KHA Development Managers.
15. Any scrap material must be stored within the material storage rack where indicated on Plan No. 13269.1, dated 25 June 2014, prepared by KHA Development Managers.
16. 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**

17. Fencing and the landscaped areas are to be provided on the site in accordance with Plan No. 13269.1, dated 25 June 2014, prepared by KHA Development Managers.
18. A minimum 2.0 metre high solid fence must be established as indicated on Plan No. 13269.1, dated 25 June 2014, prepared by KHA Development Managers, so as to block views into the manoeuvring area from the northern adjoining neighbour.
19. Provide 40 trees around the property as indicated on Plan No. 13269.1, dated 25 June 2014, prepared by KHA Development Managers, to improve amenity and screen the use from surrounding areas.

#### **Car Parking and Vehicle Access**

20. A concrete industrial crossing is to be constructed at the Manns Lane entrance to the site in accordance with Council's standard. (Council's Engineering Services Department can provide details regarding Council's standard.)
21. All car parking, driveway and loading areas shall be constructed, sealed, line marked, drained, laid out and regularly maintained.
22. A maximum of three vehicle bays are permitted within the existing shed.

#### **Roadworks and Stormwater Drainage**

23. Any footpaths, kerbing and channelling, roadworks and drainage works damaged during construction of the development are to be reinstated to the pre-existing condition, unless otherwise required by the Director Engineering Services.
24. Site stormwater runoff must be collected, detained and discharged where appropriate in a manner that does not increase the quantity or concentration of stormwater flow in comparison to the pre-development condition. Where necessary, suitable easements to legal points of discharge, which may include adjoining properties, shall be provided to Council, at the developer's cost.
25. The sealed driveway must be used as the only point of access for the contractors depot.

### **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.

### **Aboriginal Cultural Heritage**

- (iii) 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](http://www.datsima.qld.gov.au)

**Carried**

*Cr Bartley declared that a perceived conflict of interest in this matter (as defined in section 173 of the Local Government Act 2009) may exist due to his conducting business with the persons conducting the activity and dealt with the perceived conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter. Cr Bartley left the meeting at 3.58pm.*

### **14.10 Environmental Nuisance from Abrasive Blasting Operations at 44 Old Stanthorpe Road, Warwick**

#### **Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr J McNally**

THAT Council:-

1. Issue a Direction Notice under Part 5A of the *Environmental Protection Act 1994* to the business located at 44 Old Stanthorpe Road, Warwick to cease creating an environmental nuisance.
2. Commence legal action in accordance with the *Sustainable Planning Act 2009* against the owner of the land located at 44 Old Stanthorpe Road, Warwick, Lot 90 RP31029, Parish of Rosenthal, County of Merivale for non-compliance with the conditions of the Development Approval.

**Carried**

Cr Bartley rejoined the meeting at 3.59pm.

*Cr Gow declared that a perceived conflict of interest in this matter (as defined in section 173 of the Local Government Act 2009) , may exist due to his former role on the Executive of the applicant and dealt with the perceived conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter. Cr Gow left the meeting at 3.59pm.*

#### **14.11 Request to consider the ancillary use of the Stanthorpe Showgrounds, from the Stanthorpe Agricultural Society**

##### **Resolution**

**Moved Cr V Pennisi**

**Seconded Cr J Mackenzie**

THAT Council defer consideration of this report, and invite its legal representatives to the January 2015 General Meeting to provide further clarification in relation to this matter.

**Carried**

#### **14.12 Notice of Appeal to Planning & Environment Court, CH Property Holdings Pty Ltd**

##### **Resolution**

**Moved Cr J Mackenzie**

**Seconded:**

THAT, in relation to the Appeal (No. 3973/14) to Planning and Environment Court against the refusal of the application for a Material Change of Use for the purpose of a Residential Use (Multiple dwellings (39 units over 14 stages)) and Subdivision by Building Format Plan (39 Lots and Common property), relating to land situated at 11 Rowland Street, Warwick, described as Lots 10/11 on Plan Number SP174856, in the Parish of Warwick, County of Merivale, Council instruct its solicitors to immediately advise the appellants' solicitors that:-

1. Council highlights that 'some form of medium density residential development can be expected on the site' in accordance with its resolution at its General Meeting on 24 September 2014.
2. Council seeks to save substantial costs for both parties and to achieve an amenable resolution to the Appeal to Planning and Environment Court.
3. Therefore, Council is prepared to approve an alternative proposal for housing development on the subject land in January 2015 before the meeting of experts as outlined in the directions hearing dated November 2014.
4. Before it can consider approval of any development proposal on the site, Council seeks satisfactory engineering solutions for stormwater drainage, water supply and sewerage provision for the proposed development.
5. The appellants are cordially invited to a Special Council Meeting in January 2015 to present on a 'Without Prejudice' basis an alternative development proposal for the subject land addressing all the concerns raised outlined in the Planning Report and Council resolutions on this matter at its General Meeting in September 2014.

**Lapsed**

Motion lapsed for want of a seconder.

4.02pm Cr Mackenzie left and took no further part in the meeting.

#### **MEETING CLOSURE**

There being no further business, the meeting closed at 4.05pm.

## **ATTACHMENTS TO MINUTE ITEMS**

**for the**

## **GENERAL COUNCIL MEETING**

**17 DECEMBER 2014**

### **8.6 BCS - December 2014 Policy Reviews**

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## Wellness Program

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<b>Policy Number:</b>	PL-HR051
<b>Department:</b>	Executive
<b>Section:</b>	Human Resources
<b>Responsible Manager:</b>	Human Resources Manager
<b>Date Adopted:</b>	23 February 2011
<b>Date to be Reviewed:</b>	Within 6 months of the quadrennial election
<b>Date Reviewed:</b>	8 December 2014
<b>Date Rescinded:</b>	n/a

### REVISION RECORD

Date	Version	Revision description
Sept 2012	1	Annual Review
Dec 2014	2	Review and minor amendments.

**Wellness Program**

**Policy no: PL-HR051**

**Updated: 17 December 2014**

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**Wellness Program**

**Policy no: PL-HR051**

**Updated: 17 December 2014**

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## **1 Policy Background**

A healthy lifestyle is viewed as a positive benefit within an organisation, and is linked to a fitter, healthier workforce, with higher morale, and fits with the work/life balance that is actively promoted throughout Australian workforce culture. Promotion of a healthy lifestyle is seen as desirable amongst employees, particularly when looking for an Employer of Choice.

There is a direct benefit of promoting proactive health programs amongst Council employees, particularly with almost half of our workforce over the age of 45. A Wellness Program assists in minimising the impact of an aging workforce on Council.

## **2 Purpose**

To increase knowledge, awareness and acceptance of a healthy lifestyle as desirable amongst Council employees and to have a fit and healthy workforce, thereby reducing injury or illness both at home and at work.

## **3 Scope**

Permanent employees of the Southern Downs Regional Council and employees who have employment contracts of more than twelve months.

## **4 Legislative Context**

– n/a

## **5 Policy Details**

### **5.1 Medical Assessments**

Staff are encouraged to participate in an employer sponsored and paid for, non-compulsory medical assessment on a two yearly basis. Medical Assessments will include; Blood Glucose and Cholesterol Levels, White Cell Count, Iron Levels, Blood Pressure, Resting Pulse, Body Height and Weight, and Body Mass Index.

All medical information will remain confidential. Council will only be advised with the approval of the employee where a health issue may have an impact on the employee being able to undertake their duties in a safe manner.

Under these circumstances the employee and Council will jointly decide on a course of action to address the situation.

Wellness Program

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## 5.2 Skin Cancer Checks

Staff are encouraged to participate in an employer sponsored and paid for non-compulsory skin cancer check on an annual basis between November and February.

All medical information will remain confidential. Council will only be advised with the approval of the employee where a health issue may have an impact on the employee being able to undertake their duties in a safe manner.

Any treatment recommended by the practitioner following the check will be the responsibility of the employee, unless accepted as a Worker's Compensation claim.

## 5.3 Staff Flu Vaccinations

Staff are encouraged to participate in an employer sponsored and paid for non-compulsory flu vaccination at the beginning of each influenza season annually.

## 5.4 Employee Assistance Program

Council offers free access to professional and confidential counselling to employees to help resolve personal or workplace issues that are impacting on their work performance.

A list of practitioners who have agreed to participate in the program is maintained and reviewed annually by Human Resources ~~staff~~.

Employees can choose to contact the providers directly and arrange an appointment by quoting their payroll number or an appointment can be arranged through the Human Resources Manager

Employees are offered three appointments initially with an additional two appointments available at the request of the service provider.

## 5.5 Financial Support for ~~Affiliated Health and Fitness~~ Centres

~~15% discount on all memberships and casual aquatic and aerobics entry at Warwick Indoor Recreation Centre.~~

~~Council will explore opportunities for staff discounts at health and fitness centres throughout the Southern Downs Council region.~~

## 5.6 Promotion of Health related Programs

Council will engage in promotion of health related programs and events through the Intranet, newsletter and noticeboard to increase staff education and opportunities to engage in healthy lifestyle practices. These may include programs/events such as:

- Men's and Women's health awareness
- Presentations from external bodies such as Old Cancer Council; Heart Foundation, Beyond Blue or similar

- National or International Days/Weeks/Months for specific health awareness such as National Diabetes Week, Heart Week, Ovarian/Breast/Bowel Cancer Weeks.

## **5.7 Program Monitoring and Reporting**

Program Monitoring and Reporting Staff attendance and participation in the various programs offered will be reported on an annual basis. Costs associated with providing the programs will also be reported on.

## **6 Definitions**

Term	Meaning
n/a	

## **7 Related Documents**

- n/a

## **8 References**

- n/a



## Trust Account Interest Policy

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<b>Policy Number:</b>	PL-FS047
<b>Department:</b>	Business and Community Services
<b>Section:</b>	Finance
<b>Responsible Manager:</b>	Manager Finance
<b>Date Adopted:</b>	28 May 2010
<b>Date to be Reviewed:</b>	Within 6 months of the quadrennial election
<b>Date Reviewed:</b>	17 December 2014
<b>Date Rescinded:</b>	

### REVISION RECORD

Date	Version	Revision description

**Trust Account Interest Policy**

**Policy no: PL-FS047**

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**Trust Account Interest Policy**

**Policy no: PL-FS047**

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## **1 Purpose**

The purpose of this policy is to clarify the treatment of interest earned on money held in the Southern Downs Regional Council Trust Account.

## **2 Scope**

This policy covers all monies deposited into Southern Downs Regional Councils Trust Fund.

## **3 Legislative Context**

~~Section 116(3) of the draft Local Government (Finance, Plans and Reporting) Regulation 2009 describes trust money as follows.~~

Section 200 (3) of the Local Government Regulation 2012 describes trust money as follows;

Trust money is money that is –

- a. Paid to the local government in trust for a person; or
- b. Paid to the local government as a deposit; or
- c. Required by an Act to be credited to a trust fund; or
- d. Interest accrued on money that was paid to the local government under paragraph (a) or (c) –
  - i) Whether or not the money was required to be paid to the local government; and
  - ii) Provided the local government and the depositor have not agreed that the interest accrued should be paid to an entity other than the local government.

## **4 Policy Details**

All interest earned on money held in the Southern Downs Regional Council Trust Account will be revenue to the Southern Downs Regional Council.

Council will:

- a) ~~not be required to invest trust funds or pay interest to beneficiaries on trust account balances unless otherwise specifically agreed.~~
- b) ~~not be obliged to invest that cash deposit in the name of, or for the benefit of, that person;~~
- c) ~~may invest that cash deposit (with others) in its own name and for its own benefit;~~
- d) ~~not be obliged to pay any interest earned on that cash deposit to the beneficiary.~~

Trust Account Interest Policy

Policy no: PL-FS047

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## Fraud Policy

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<b>Policy Number:</b>	PL-FS065
<b>Department:</b>	Corporate Services
<b>Section:</b>	Finance
<b>Responsible Manager:</b>	Manager Finance
<b>Date Adopted:</b>	24 April 2012
<b>Date to be Reviewed:</b>	Within 6 months of the quadrennial election
<b>Date Reviewed:</b>	17 December 2014
<b>Date Rescinded:</b>	N/A

### REVISION RECORD

Date	Version	Revision description
Dec 2014	1	New Format & Review

**Fraud Policy**

**Policy no: Policy Number PL-FS065**

**Updated: 17 December 2014**

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## **1 Policy Background**

Southern Downs Regional Council (SDRC) recognises that a policy relating to the management and control of fraud and corruption is an integral part of good governance and management practice. This Fraud Policy *establishes Council's intention to establish and maintain controls which will aid in the prevention and detection of fraud and corruption. By working closely with the Audit and Risk Management Committee, This policy is strongly linked with the Fraud Investigation and Prevention Action Plan. (Appendix 1)*

## **2 Purpose**

Council has a zero tolerance attitude towards fraud and corruption. **The SDRC Fraud Prevention and Investigation Policy** formalises this attitude and establishes a pathway to ensuring that systems, procedures, and management practices:

- Assist Council to minimise the risk and consequences of fraud and corruption in relation to Council or its programs;
- Encourage Councillors and employees and others to take appropriate action to prevent and detect fraud and corruption in Council;
- Encourage and support Councillors and employees and others to report in a responsible manner, any belief based on reasonable grounds about official misconduct, fraud, corruption, or misconduct;
- Support and promote the provisions of the Council's Code of Conduct for employees;
- Ensure that Council achieves compliance with the provisions of the *Whistleblowers Protection Act 1994* and the procedures within Council's Code of Conduct for employees to assist and protect any person who may make a report to Council or a complaint to the Crime and Misconduct Commission (CMC);
- Ensure compliance with legal and statutory obligations; and
- Protect Council's reputation.

## **3 Scope**

The policy applies to any fraud, or suspected fraud, involving Council employees, elected members, contractors, consultants, vendors or any other party with a business relationship with the Southern Downs Regional Council.

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## **4 Legislative Context**

1. Local Government Act 2009
2. ~~Local Government (Finance, Plans and Reporting) Standard 2010~~
3. Crime and Misconduct Act 2001
4. Whistleblowers Protection Act 1994

## **5 Policy Details**

### **Fraud Assessment**

~~Council, through the Chief Executive Officer in conjunction with the Audit and Risk Management Committee will periodically conduct a comprehensive assessment of the risks of fraud and corruption within its business operations. Typically this will mean the conduct of an organisation-wide independent assessment of fraud and corruption risk within Council programs at least annually. After each review, Council will update its Risk Register, detailing the counter measures and control treatments to ameliorate the identified risks. The results of the risk assessment will be provided to Council's Audit and Risk Management Committee for comment and advice as to whether the areas of identified risk have been adequately dealt with.~~

### **Head of Power**

~~The Financial Administration and Audit Act – Section 36 states that Accountable Officers must ensure that procedures within the department, including internal control procedures, afford at all times, adequate safeguards about each of the following:~~

- ~~(i) The correctness, regularity and propriety of payments made;~~
- ~~(ii) The assessment, levy and collection of revenue and other amounts receivable, the receiving, safekeeping, depositing in a financial institution of, and accounting for, public monies and other monies and the purchase, receipt, issue, sale, custody, control, management and disposal of and accounting for public property and other property;~~
- ~~(iii) The prevention of fraud or mistake.~~

Council through the Audit and Risk Management Committee and Senior Leadership team will create an environment and culture where fraudulent and corrupt behaviour will not be tolerated, where suspected acts of fraud or corruption are investigated and/or reported. To achieve this, Council through its Fraud Investigation and Prevention Action Plan will ensure that the following strategies are implemented: -

- Adequate and enforced responsibility structures.
- Periodic fraud risk assessments are carried out.
- Employee awareness training and review.
- Creation of customer and community awareness on Council's stance on fraud and corruption.
- Effective fraud and corruption reporting systems.
- Effective protected disclosure procedures.
- Effective external notification procedures.

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- Effective investigation procedures/standards.
- Conduct and disciplinary procedures documented and communicated to staff.

## RESPONSIBILITIES

All Councillors and Managers of Southern Downs Region Council are responsible for the fostering of an environment that makes active fraud and corruption control the responsibility of all staff in carrying out and issuing clear standards, strategies and procedures that encourage the prevention and minimisation of fraudulent and corrupt behavior. Fraudulent and corrupt behavior flourishes within an environment where systems, procedures and policies are not clearly communicated, reviewed, supported or understood by staff and councillors. It is the responsibility of managers and the executive team in ensuring that all relevant policies and procedures are updated on a regular basis, reviewed and communicated to all staff.

## 6 Definitions

Term	Meaning
Official Misconduct	<p>Official Misconduct is defined as any misconduct connected with the performance of an officer's duties that:</p> <ul style="list-style-type: none"> <li>• Is dishonest or lacks impartiality,</li> <li>• Involves a breach of trust, or</li> <li>• Is a misuse of officially obtained information.</li> </ul> <p>To be considered official misconduct, the conduct must constitute a criminal offence or be serious enough to justify dismissal.</p>
Fraud	<p>Fraud is characterised by intentional deception to facilitate or conceal the misappropriation of assets or a false representation or concealment of material fact for the purpose of inducing another party to act upon it to their financial detriment. Fraud also includes corruption or a breach of trust or confidentiality in the performance of official duties in order to achieve some personal gain or advantage for themselves or another person or entity.</p> <p>A basic test for fraud could include the following questions:</p> <ul style="list-style-type: none"> <li>• Was deceit used?</li> <li>• Was the action unlawful?</li> <li>• Did it result in money or other benefits being received to which the person was not entitled?</li> <li>• Was a deliberate attempt made to do this?</li> </ul>
Corruption	<p>Corruption is defined by the Crime and Misconduct Commission as behaviour that may involve fraud, theft, misuse of position or authority or other acts that are unacceptable to an organisation and which may cause loss to the organisation, its clients or the general community. It may also include such elements as breaches of trust and confidentiality. The behaviour need not necessarily be criminal in order to qualify as being "corrupt".</p>

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## **7 Related Documents**

1. Southern Downs Regional Council Internal Audit Policy
2. Southern Downs Regional Council Audit Committee Charter
3. Southern Downs Regional Council Risk Management Framework
4. LGAQ Fraud Discussion Paper 2004
5. Southern Downs Regional Council **General Complaints Process** Policy

## **8 References**

Nil.

## **9 Appendix**

Appendix 1 - Fraud Investigation and Prevention Action Plan

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## Appendix 1.



### Fraud Prevention and Investigation Action Plan

#### PURPOSE:

The purpose of this procedure is to formalise Council processes in relation to the receipt and actioning of reports of suspected fraudulent behaviour or wrongdoing.

#### SCOPE:

The Fraud Prevention and Investigation Procedure is intended to provide a consistent and professional response to any reports of suspected fraudulent behaviour or wrongdoing by Council staff or elected members.

The effective control of fraud risk is important in order to protect the reputation of Council, promote ethical conduct within Council, reduce financial and nonfinancial loss and to ensure compliance with legal and statutory obligations.

#### PROCEDURE:

##### Sources of Reports

Council may receive reports of alleged wrongdoing from the general public, external agencies or internal staff members. These will normally relate to administrative action by Council or alleged conduct breaches by Council employees or Councillors. In some cases, complaints may also relate to allegations of official misconduct by Council employees.

Reports of alleged wrongdoing could be received in the following ways:

- In writing from members of the public via mail or email;
- The online Complaints Process;
- The Ombudsman Office, Crime & Misconduct Commission or other external agency referring a matter to Council;
- External or internal Public Interest Disclosures;
- Internal complaints lodged by Council staff.

##### Suspected Fraudulent Behaviour

As noted in LGAQ Risk Management Discussion Paper (May 2004), the following are some behavioural warning signs to be aware of relating to potential fraudulent behaviour:

- Personnel refusing to take leave, resigning suddenly or failing to attend work for no apparent reason.
- Personnel taking an unusual interest in certain elements of the organisation's business outside their normal scope of duties.
- Internal controls being overridden and ongoing anomalies in work practices.
- Excessive variations to budgets or contracts, missing expenditure vouchers and official



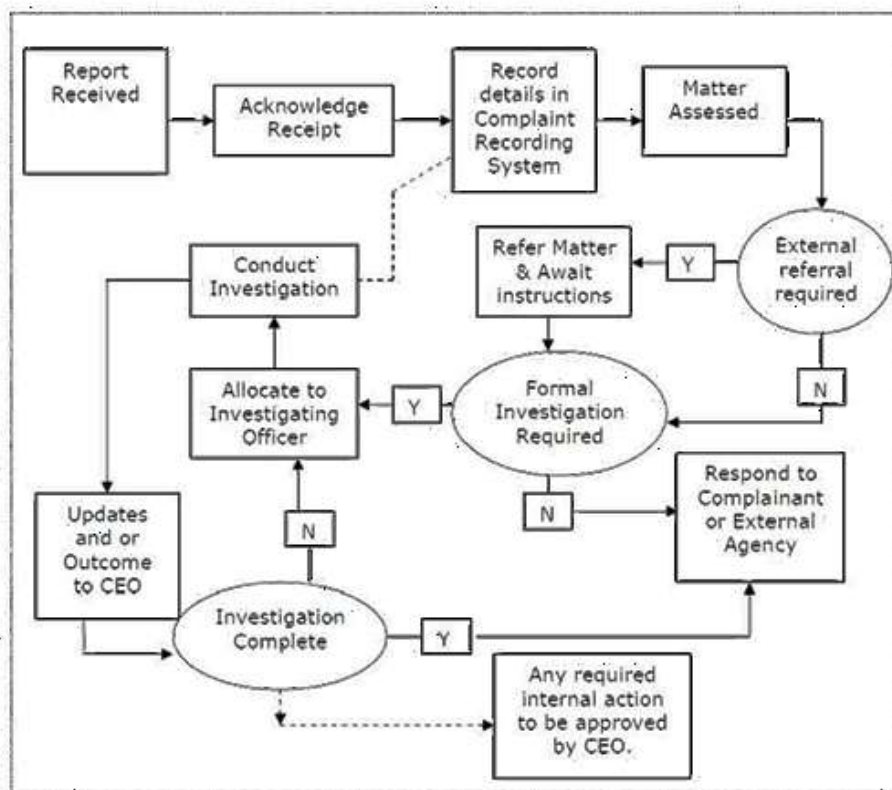
records unavailable.

- Refusal to produce files, minutes or other records within a reasonable timeframe.
- Trends and results not meeting agreed expectations.
- Account reconciliations not balancing or not properly maintained.
- Unauthorised changes to systems or work practices.
- Large or long outstanding debtor accounts and bad or doubtful debts.
- Lowest tenders passed over without explanations being recorded.
- Managers bypassing staff or staff bypassing Managers.
- Secretiveness of personnel about their work, duties and responsibilities.
- Unusual working hours or excessive overtime.
- Excessive control of records by one officer.
- Lost assets, absence of controls and audit trails.

The following are considered to be some of the key areas where Council could potentially be exposed to fraudulent behaviour. Adequate management controls need to be in place to address these areas.

- Grant Programs - This could involve a community group receiving favourable treatment in the grant allocation process by comparison with another group. The potential for grants received by Council to be misappropriated must be protected against.
- Misuse of Fuel Cards - This would involve a staff member using or allowing a fuel card to be used for an unauthorised purpose.
- Travel and Other Allowances - This may relate to illegal claims being submitted seeking reimbursement for expenditure that was not incurred or did not relate to Council business.
- Kickbacks, Gifts and Bribes - This would typically involve a member of staff or an elected member accepting a reward in return for doing a favour.
- Accounts Payable - This could occur whereby a Council officer falsified or prepared erroneous invoices/claims for goods or services which were not supplied to the Council.
- Theft of Council Assets - This could involve the theft of Council assets which may include computers, stationery, tools, cameras, vehicles, etc.
- Theft of Cash - This could involve the theft of rates revenue and other cash collected by Council employees or Contractors responsible for collecting cash on Council's behalf.
- People Development/Payroll - This may relate to individuals claiming they have qualifications which they do not hold, falsifying claims for leave entitlements and attendance records and "dummy" names on payroll records.
- Termination of Employment - This could involve staff not returning keys, fuel cards or other equipment when they cease their employment with Council.
- Misuse of Council Data - This could involve staff releasing to the public or others information that they become aware of to gain a pecuniary advantage for themselves or someone else or releasing information to discredit another person's reputation.
- Tendering Irregularities - This may involve situations where one contractor may be given preferential treatment at the expense of another operator.
- Computer Security - This may relate to theft of equipment and the manipulation of data within the computer to gain an advantage for self or someone else. It may relate to a computer virus being introduced to the organisation.
- Private Use of Council Assets & Equipment - This may involve staff using Council assets such as motor vehicles, computers, items of plant, etc. when unauthorised.

### Overview of Fraud Investigation Process



### Reporting Requirements

This procedure applies to the reporting of suspected fraud or wrong doing involving Council employees, elected members, contractors, consultants, vendors or any other party with a business relationship with Council.

Any person who suspects fraudulent behaviour or wrongdoing is encouraged to report the matter as that person sees fit. Reports may be made to: the Mayor; the Chief Executive Officer; Elected Members; Directors; Managers; or Team leaders.

A staff member reporting the matter is also encouraged to provide sufficient detailed information to enable a comprehensive summary to be prepared.

All summaries should identify and include, where possible, the following:

- Section and/or location of the alleged incident;
- Key person(s) involved;
- Nature of the alleged incident;
- Time period over which the alleged incident has occurred;

- Value associated with the alleged incident; and
- Any documentary evidence in support of the alleged incident.

Instances of suspected fraud or wrongdoing should be reported promptly and without delay.

Council would prefer that reports of fraud are not made anonymously as such reports cannot be pursued if further information is required. Additionally, the results of any investigation cannot be communicated to the reporting officer if made anonymously. However, anonymous complaints will receive due and proper consideration, although attempts may be made to identify an anonymous complainant for the reasons outlined above.

A proper record needs to be maintained of reports made and how they are addressed.

Whilst external reporting may be an option for some employees, the CMC requires the Chief Executive Officer to notify the Crime & Misconduct Commission (CMC) if they suspect a matter may involve 'official misconduct'.

The Chief Executive Officer needs to ensure all fraud related matters are assessed and to determine Council's obligations and/or need for reporting them to external agencies. External agencies to which reports of fraud and corruption are made will be determined by legislative requirements, and may include such agencies as the CMC, Queensland Police Service or Queensland Audit Office.

The highest degree of confidentiality will be a feature of reporting and investigating fraud. In line with the Whistleblowers Protection Act 2001, every attempt will be made to protect the confidentiality of employees who report fraud. The reputation of those potentially involved must also enjoy the highest level of protection.

In order to avoid damaging the reputations of innocent persons initially suspected of wrongful conduct, and to protect the Council from potential civil liability, the results of any investigations will be disclosed or discussed only with those persons who require knowledge of such investigation in the performance of their office or function.

Reports that are found to be deliberately vexatious will be deemed a breach of the Employee Code of Conduct. Where an employee has been found to have breached this code, penalties may be applied ranging from a warning or loss of privileges for minor breaches, through to termination of employment for official misconduct. This will be in accordance with the *Local Government Act 2009* and Council's Disciplinary Procedure.

Council will ensure that appropriate documentation of the facts has been achieved in order to permit:

- appropriate personnel action;
- protection of innocent persons;
- appropriate civil or criminal actions;
- preservation of the integrity of any criminal investigation and prosecution; and
- avoidance of any unnecessary litigation.

Council will treat all cases of reported or suspected fraud with seriousness and confidentiality. Employees who make complaints will not be victimised or disadvantaged and the person against whom the complaint is made will be treated with procedural fairness. Procedural fairness in this context relates to the person's right to be heard, and to have representation, legal or otherwise, present during interviews or discussions relating to the complaint being investigated. However in the event that fraud is proven, the employee(s) responsible will be subject to Council disciplinary action, the extent of which will be determined by the Chief Executive Officer. If the Chief Executive



Officer is involved in the matter, the extent of any disciplinary action will be determined by the Mayor.

Depending on the severity of the allegations, the Police may be involved in the investigation process. The decision to call the Police will be made by the Chief Executive Officer.

#### Investigation Procedure

The officers appointed to carry out workplace investigations, must be rigorously impartial, sensitive to the rights of individuals and ensure that the purpose of any investigation, for cases of suspected fraud, is to discover all relevant facts and not just those that are suggestive of guilt.

Council has nominated the Chief Executive Officer as the principal investigating officer except in circumstances where the complaint relates to the Chief Executive Officer in which case the Mayor or his delegate will become the investigating officer. Where considered necessary by the principal investigating officer, other officers deemed necessary may also be engaged to assist. At the conclusion of any investigation, the investigating officer in charge must submit a written report to the Mayor and Chair of the Audit & Risk Management Committee.

When alleged cases of fraud are reported, a fact finding inquiry will be conducted based on the principles of natural justice and procedural fairness. If the inquiry uncovers fraud, a criminal investigation may commence through the Queensland Police Service or the Crime and Misconduct Commission in cases related to "official misconduct". If an inquiry uncovers misconduct other than fraud, the matter will be dealt with by the Chief Executive Officer.

Council will follow the Independent Commission Against Corruption (ICAC) INVESTIGATING FRAUD CHECKLIST when undertaking investigations.

If the inquiry confirms beyond a reasonable doubt that a fraud has taken place or conduct proved and who is responsible, disciplinary action may be taken as per Council's Code of Conduct for staff and according to the provisions of the Local Government Act 2009 and associated Regulations for Councillors.

In addition to the above, the following are key areas to be considered when conducting an inquiry:

- Maintaining confidentiality i.e. identity of the source and the subject, including documents and the recording of information.
- It is vital that instances of alleged misconduct are thoroughly investigated and the employee, where it is deemed appropriate, is made aware of the allegations and provided with a reasonable opportunity to respond.
- An assessment of the information (to determine referral for either the Crime and Misconduct Commission, Queensland Police Service or the continuation of the fact finding inquiry).
- Matters relating to a criminal offence will be reported to the police as early as possible to avoid jeopardising potential police investigation. E.g. theft, assault, obtaining benefit by deception, embezzlement or misappropriation of money, bribery.

#### Communication

Appropriate communication and consultation between key parties to an enquiry is the most effective method of ensuring all facets have been considered.

The key communication and consultation aspects of this procedure are as follows:

- The status or results of any investigations will be disclosed or discussed only with those

- persons who require knowledge of such in the performance of their office or function;
- The identity of Officers reporting suspected fraud will be subject to strict confidentiality, and they will be advised of investigation outcomes;
  - Council expects all staff to be familiar with and act in accordance with the Code of Conduct and expects similar standards from contractors, volunteers, agencies or organisations that do business with the Council;
  - An employee who has an interest in a matter in relation to which he or she is required or authorised to act in the course of official duties must disclose the interest to the Chief Executive Officer and must not, unless the Chief Executive Officer otherwise determines, act in relation to the matter.
  - Consultation with management to verify the integration of the Fraud Prevention & Investigation Policy with day to day operational activities;
  - Chief Executive Officer to be immediately advised where ever there is prima facie evidence to support an allegation of fraud;
  - At the conclusion of any investigation, the investigating officer in charge must submit a written report to the Mayor and Chair of the Audit & Risk Management Committee;
  - Matters relating to a criminal offence will be reported to the police as early as possible to avoid jeopardising potential police investigation.

#### Duties and Behaviour

Council expects its elected members and staff to maintain a high standard of ethical conduct in all activities, in particular with respect to resources, information and authority. The community rightly expects the Council to conduct its business in a fair and honest manner.

All staff are expected to develop, encourage, insist upon and implement sound financial, legal and ethical decision making within their responsibility levels.

Staff should also be familiar with and act in accordance with the Southern Downs Regional Council Code of Conduct and elected members to comply with the provisions of the Local Government Act 2009 and associated Regulations.

An employee who has a pecuniary interest in a matter in relation to which he or she is required or authorised to act in the course of official duties must disclose the interest to the Chief Executive Officer and must not, unless the Chief Executive Officer otherwise determines, act in relation to the matter.

Decision making should be open and transparent. It is in the best interests of fraud prevention for decision making to be visible and unambiguous to staff, elected members and the public.

Executive Managers and Managers at all levels of the organisation need to lead by example, to demonstrate integrity and fairness in decision making and an open honest relationship in their dealings with others. Specific fraud prevention strategies must be implemented that are consistent with overall Council strategies such as:

- Defining clear lines for supervisory responsibilities and accountabilities.
- Reinforcing the need for disciplinary measures when required.
- Adopting preventative measures to deter and detect instances of fraud – this places primary responsibility for deterrence and detection with each Senior Manager.

Measures to prevent fraud need to be continually monitored and reviewed.

Overall responsibility for coordinating fraud prevention measures rests with the Audit and Risk Management Committee function of Council. Responsibilities include:

- Review of any fraud related documentation produced.
- Consultation with management to verify the integration of the Fraud Prevention & Investigation processes within day to day operational activities.
- Questioning to check for understanding of investigation techniques and the Fraud Prevention & Investigation processes.
- To immediately advise the Chief Executive Officer of any situation where there is prima facie evidence to support an allegation of fraud.
- Has the authority to isolate the area of investigation, to prevent destruction or manipulation of evidence and to prevent further damage.
- In consultation with the Manager Human Resources, recommend that the staff member(s) be suspended from duties during investigations.
- Ensure staff who report fraud are advised that their concerns have been investigated and appropriate action taken.



## Immunisation Policy

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<b>Policy Number:</b>	PL-HR050
<b>Department:</b>	Executive
<b>Section:</b>	Human Resources
<b>Responsible Manager:</b>	Human Resources Manager
<b>Date Adopted:</b>	23 February 2011
<b>Date to be Reviewed:</b>	Within 6 months of the quadrennial election
<b>Date Reviewed:</b>	17 December 2014
<b>Date Rescinded:</b>	n/a

### REVISION RECORD

Date	Version	Revision description
09.2012		Annual Review
17.2014		Annual Review

**Immunisation Policy**

**Policy no: PL-HR050**

**Updated: 17 December 2014**

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## **1 Policy Background**

The Southern Downs Regional Council aims to provide its employees with every opportunity to perform their work tasks safely. Some occupations undertaken by SDRC staff may carry a risk of infection by Hepatitis A and/or B or Q Fever. An independent review of **positions regular work tasks** has been undertaken by an independent medical practitioner and those positions where vaccination is recommended identified. Policy content is derived from, and complies with, the current version of *The Australian Immunisation Handbook*.

## **2 Purpose**

This policy outlines the responsibilities of Council and its employees in ensuring that all reasonable preventative measures are taken to avoid possible infection.

## **3 Scope**

All SDRC employees identified as being at risk. This policy does NOT supersede any advice given by a registered medical practitioner.

## **4 Legislative Context**

– *Work Health and Safety Act 2011*

## **5 Policy Details**

### **5.1 RESPONSIBILITIES**

#### **5.1.1 Employer's Responsibilities**

- a) Maintain and annually review a documented policy of the immunisation requirements for workers identified as undertaking at risk occupations.
- b) Ensure that employees are given adequate information and education to enable them to make valid decisions about immunisations, including access to a registered medical practitioner.
- c) Ensure that vaccination is available to existing and new staff in identified at risk positions and coordinate visits to medical practitioners to ensure staff receive all vaccinations and tests required.
- d) Be aware of Council's duty of care towards staff who are engaged in activities which may pose a risk of exposure.
- e) Conduct appropriate risk assessments on irregular duties undertaken by employees to ensure that employees are not placed at undue risk.
- f) Provide detailed information on safe work practices for work tasks where exposure to risk may arise, including appropriate first aid response where required.

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- g) Provide appropriate Personal Protective Equipment at all times, as per existing Workplace Health and Safety Policies, to minimise risk wherever possible.
- h) Maintain security and confidentiality of all employee information relating to vaccinations and infectious diseases.
- i) Inform employees that vaccinations will be funded by the SDRC, **except where employment is terminated prior to completion of vaccination program.**

**Where employment is terminated prior to the completion of the vaccination program, the employee will be required to reimburse Council for any vaccinations thus far received, and will become responsible for the completion of their vaccination program at their discretion.**

- j) Ensure that contracting agencies only provide staff into areas where high risk tasks may be performed who are able to prove a previous record of vaccination.
- k) Ensure that copies of the employee's vaccination records are available on termination or at the employee's written request within a reasonable amount of time.

### 5.1.2 Employee's Responsibilities

- a) Comply with the SDRC, vaccination and education program guidelines.
- b) If the employee refuses to undergo vaccination or to provide evidence of previous vaccination, they must document their dissent and their understanding of possible risks involved in non participation.
- c) Provide screening and/or vaccination records when requested by the SDRC.
- d) Report any adverse events following vaccination to their vaccination provider (i.e. registered medical practitioner).
- e) Comply with SDRC Workplace Health and Safety policies and procedures, including this policy, at all times.

## 5.2 CONSENT

### 5.2.1 Consent

- a) Valid consent, as outlined in *The Australian Immunisation Handbook* (current edition), must be obtained in writing from the employee prior to vaccination being undertaken. Valid consent shall be sought in writing via the Immunisation Consent Form, following provision of up to date written information sourced from Queensland Health or a registered medical practitioner.
- b) Documentation of the consent process and its outcome will be maintained as part of the Data Collection process (5.3.1).
- c) To assist employees to make an informed decision regarding consent, Council will provide written information and the opportunity to discuss with a registered medical practitioner prior to signing a consent form.



### 5.2.2 Conscientious Objection

- a. If recommended vaccines are refused, signed documentation of refusal and acknowledgement of possible risks will be obtained from the employee.
- b. Documentation of information provided and the refusal will be maintained as part of the Data Collection process (5.3.1).

## 5.3 IMMUNISATION

### 5.3.1 Data Collection

- a) Immunisation History
  - I. Council may request that staff provide documentation to verify previous vaccination(s) undertaken
- b) The SDRC will maintain a data collection system that:
  - I. Contains details of vaccinations provided to employees, including documented consent or refusal, type of vaccine(s) administered and details of registered medical practitioner.
  - II. Contains details of evidence of screening and vaccinations provided by employees or contractors at Council's request.
  - III. Is secure and accessible only by authorised personnel responsible for the oversight and management of the staff immunisation program.
  - IV. Is updated when any new events occur.

### 5.3.2 Immunisation Process

- a) Vaccines will be administered by a registered medical practitioner authorised to immunise and conducted in accordance with guidelines provided in the current edition of the *Australian Immunisation Handbook* (See Appendix A) or as determined by the registered medical practitioner.
- b) The need for vaccination will be identified by Human Resources staff in accordance with the recommendations of *Australian Immunisation Handbook* and Occupational Physician to ensure the following:
  - I. New employees entering into a position identified as at risk will commence required vaccination courses ~~following completion of their probationary period~~ **as soon as practicable after commencement**.
  - II. Existing employees moving into a position identified as at risk will commence required vaccination courses ~~within one month of~~ **as soon as practicable after** commencing in their new position.
  - III. Existing employees undertaking duties classified as at risk as at the time of adoption of this policy that are unable to provide evidence of current immunity will commence required vaccination courses within one month of adoption of this policy.

## **6 Definitions**

Term	Meaning
'At risk'	Regularly engaged in activities where there is a high possibility of contact with blood, bodily fluids or faecal matter (Hepatitis A & B) or direct contact with livestock (Q Fever), as part of normal occupation. Determined by independent assessment of duties outlined in Position Description.

## **7 Related Documents**

- Appendix A - Guidelines for Administration of Vaccines
- Appendix B - Position Identified as 'At Risk'
- Appendix C - Recommendations on Vaccination, Screening and Exclusion

## **8 References**

- Australian Immunisation Handbook
- Immunisation Consent Form
- Immunisation Refusal and Acknowledgement of Risk Form
- Immunisation Fact Sheet



## **Appendix A**

### **Guidelines for Administration of Vaccines**

#### **Hepatitis A and B**

Hepatitis A & B are commonly and successfully vaccinated for using a combined vaccine such as Twinrix on the following schedule:

- A course of vaccines given at zero (0), one (1) and six (6) months.

#### **Q Fever**

Vaccination for Q Fever in individuals who have had previous doses of vaccine or other exposure to Q Fever is *not* recommended. Therefore vaccination is recommended according to the following schedule:

- Collection of detailed medical history by a registered medical practitioner qualified in the diagnosis of Q Fever to determine whether previous exposure to Q Fever is known or likely.
- Skin test and blood sample to detect any current antibody levels.
- If, after seven (7) days no reaction is observed, proceed with immunisation in one (1) single dose.
- No post vaccination blood tests are required to confirm immunity.

These guidelines are derived from and consistent with information provided in the current edition of the *Australian Immunisation Handbook*. Every effort is made to provide relevant information to employees however the advice of a qualified, registered medical practitioner should always be regarded as taking precedence.



## Appendix B

### Positions Identified as 'At Risk'

The following positions have been identified via independent and internal review to be at risk based on position description.

#### Hepatitis A and / or B

Position Title	Work Area
9 Plumbing Inspector	Built Environment Planning & Development
Environmental Health Officer	Environmental Services
Senior Environmental Health Officer	Environmental Services
Environmental Services Manager Environmental Services	Environmental Services
Carstaker Slade Campus	Cleaning and Maintenance
Cleaner	Cleaning and Maintenance and Cleaning
Facilities Maintenance Officer	Cleaning and Maintenance
Facilities Officer	Cleaning and Maintenance
Supervisor Facilities	Cleaning and Maintenance
Ganger Parks & Gardens (incl Killamey)	Parks & Gardens
Labourer Parks & Gardens (incl Wallangarra)	Parks & Gardens
Plant Operator Parks & Gardens	Parks & Gardens
Supervisor Parks Team Leader Parks & Gardens	Parks & Gardens
Assistant Sewerage Wastewater Treatment Plant Operator	Water and Wastewater Sewerage
Ganger Water and Wastewater Sewerage	Water and Wastewater Sewerage
Labourer Water and Wastewater Sewerage	Water and Wastewater Sewerage
Manager Water and Wastewater Sewerage	Water and Wastewater Sewerage
Principal Engineer Water and Wastewater Sewerage	Water and Wastewater Sewerage
Pump well Station Attendant	Water and Wastewater Sewerage
Sewerage Wastewater Treatment Plant Operator	Water and Wastewater Sewerage
Supervisor Wastewater Sewerage Treatment	Water and Wastewater Sewerage
Supervisor Wastewater Sewerage (incl Maintenance and Construction, North and South)	Water and Wastewater Sewerage
Relief Treatment Plant Operator	Water and Wastewater
Labourer Cemeteries Cemetery Workers	Community Facilities Services
Ganger Cemeteries	Community Facilities
Team Leader Cemeteries	Community Facilities
Technical Officer Water and Wastewater Sewerage	Water and Wastewater Sewerage
Waste Water Officer	Water and Wastewater Sewerage
Sewerage Wastewater Treatment Operator	Water and Wastewater Sewerage
Aquatics Coordinator	WMRAC
Centre Manager WMRAC	WMRAC
Dry Area Coordinator	WMRAC
Facility Maintenance Officer WMRAC	WMRAC
Lifeguard / Learn To Swim Instructor	WMRAC
Team Member WMRAC	WMRAC

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Diesel Mechanic / Fitter Welder	Works
Plant Operator (where operating plant at landfill site)	Works/Environmental Services
Supervisor Workshop	Works
Workplace Health & Safety Officer	Exec
Community Youth Worker	Community

**Q Fever**

Position Title	Work Area
Environmental Compliance Officer (W)	Environmental Services
Environmental Health Officer	Environmental Services
Local Laws Officer (Animal Control)	Environmental Services
Local Laws Officer (Pest Management Compliance)	Environmental Services
Saleyard Administration Officer	Saleyards
Saleyard Data Entry Clerk	Saleyards
Saleyard Labourer	Saleyards
Saleyard Maintenance Officer	Saleyards
Saleyard Superintendent	Saleyards

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## Appendix C

### Recommendations on Vaccination, Screening and Exclusion

The following table summarises advice received from The Health Advantage regarding vaccination, post-vaccination screening and exclusion from duties.

Immunization	Group	Vaccinate	Post Vaccine Testing	Exclusion if unvaccinated
Q fever	Saleyards	Yes – If Exposure above 200hrs/annum.	No	Yes (exception below 200hrs/annum exposure then particulate filter mask)
	Environmental Services	No - unless exposure to high risk tasks above 200hrs/annum.	No	Yes if above 200hrs/annum exposure.
Hepatitis A & B	Built Environment	Yes - (plumbing Inspector)	No	No
	Water & Sewerage	Yes	No	No
	<b>9.1 Parks &amp; Gardens</b>	Yes – but only if risk of needle stick injury or engaged toilet cleaning	No	No
	Cleaning and Maintenance	Yes – but only if risk of needle stick injury or engaged toilet cleaning	No	No
	Environmental Services, Works, Services, etc., community	Yes – but only if risk of needle stick injury or engaged toilet cleaning	No	No
	<b>WRAC</b>	<b>Yes – but only if risk of needle stick injury, engaged toilet cleaning, caring for children in Day Care, working in indigenous communities</b>	<b>No</b>	<b>No</b>
	First Aiders	Yes	No	No

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