



**MINUTES OF THE
GENERAL MEETING OF COUNCIL
28 JANUARY 2015**

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**MINUTES OF THE GENERAL COUNCIL MEETING OF
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 28 JANUARY 2015
IN THE COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,
61 MARSH STREET, STANTHORPE AT 9.00AM**

1. ATTENDANCE

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

Officers: David Keenan (Chief Executive Officer), David Tuxford (Director Business & Community Services), Ken Harris (Director Planning & Environment), Chris Whitaker (Acting Director Engineering Services), Marion Seymour (Minute Secretary)

2. APOLOGIES

Resolution

Moved Cr R Bartley

Seconded Cr G Rees

THAT the apology of Cr Ingram be recorded and leave of absence be granted.

Carried

3. CONDOLENCES

Resolved

THAT Council recognise those recently departed from the region.

Carried

4. READING AND CONFIRMATION OF MINUTES

4.1 General Council Meeting - 17 December 2014

Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

THAT the Minutes of the General Council Meeting held on Wednesday 17 December 2014 be adopted.

Carried

4.2 Special Council Meeting - 19 December 2014

Resolution

Moved Cr J McNally

Seconded Cr R Bartley

THAT the Minutes of the Special Council Meeting held on Friday 19 December 2014 be adopted.

Carried

5. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precise	Nature of Conflict
8.3	Proposed Trustee Lease to Allora Men's Shed	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 his role as Patron of the Allora Men' Shed. Cr Rees dealt with the perceived conflict of interest by stating that it was his determination that his personal interest is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest. Cr Rees participated in the discussion and voting on this matter.
9.1	Engineering Department Monthly Report	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 due to his ownership of Telstra Shares and dealt with the perceived conflict by leaving the room and taking no part in the discussions.
10.3	Request for Negotiated Decision, Material Change of Use - Imperial	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.
14.15	Goomburra Valley Animal Management	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.
14.16	Request to Consider the Ancillary Use of the	Cr Gow declared that a perceived conflict of interest in this matter (as defined in section 173

	Stanthorpe Showgrounds from the Stanthorpe Agricultural Society	of the <i>Local Government Act 2009</i>), may exist due to his role with the Stanthorpe Agricultural Society and dealt with the perceived conflict by leaving the room and taking no part in the discussions.
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6. READING AND CONSIDERATION OF CORRESPONDENCE

6.1.1 Local Government Election 2016

Resolution

Moved Cr J Mackenzie

Seconded Cr R Bartley

THAT Council make a strong objection to the Minister for Local Government, DaSBAC, LGAQ and Hon Lawrence Springborg against abolition of postal voting in the 2016 local government elections on the grounds that many residents have limited access to polling places, the costs and that Council simply asked that postal votes date-stamped after the close of the poll should not be included in the count.

Carried

6.1.2 Grazing Permits on Road Reserves

Resolution

Moved Cr R Bartley

Seconded Cr V Pennisi

THAT Council formally make a submission when the reforms regarding this legislation are being considered as Council believes that during drought declaration periods, permit fees are not required, and that these issues be considered at a workshop at a later date to enable local government input.

Carried

6.1 Correspondence

Resolution

Moved Cr R Bartley

Seconded Cr G Rees

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 31 December 2014

Resolution

Moved Cr G Rees

Seconded Cr J McNally

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

Carried

8.2 BCS - SDRC Operational Plan Quarterly Review - October to December 2014

Resolution

Moved Cr N Meiklejohn

Seconded Cr G Rees

THAT Council receive and note the Southern Downs Regional Council's Operational Plan Quarterly Review – October to December 2014.

Carried

Cr Rees declared that a perceived conflict of interest in Agenda Item 8.3 (as defined in section 173 of the Local Government Act 2009), may exist due to his role as Patron of the Allora Men's Shed. Cr Rees dealt with the perceived conflict of interest by stating that it was his determination that his personal interest is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest. Cr Rees participated in the discussion and voting on this matter.

8.3 BCS - Proposed Trustee Lease to Allora Men's Shed

Resolution

Moved Cr G Rees

Seconded Cr N Meiklejohn

THAT Council enter into a Trustee Lease with Allora Men's Shed over part of Lot 125 ML1959 (known as Allora Scout Group Park) with Allora Men's Shed being responsible for all associated fees with the preparation of the Trustee Lease including survey costs, with the inclusion of a 6 month notice clause given for changing the Lease.

Carried

Cr Rees voted for the motion.

8.4 BCS - Executive Performance Report

Resolution

Moved Cr J Mackenzie

Seconded Cr G Rees

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

Carried

9. ENGINEERING SERVICES DEPARTMENT REPORTS

*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 due to his ownership of Telstra Shares and dealt with the perceived conflict by leaving the room and taking no part in the discussions.
Cr J Mackenzie left the meeting at 9.53am.*

9.1 Engineering Department Monthly Reply

Resolution

Moved Cr N Meiklejohn

Seconded Cr G Rees

THAT Council receive the Engineering Services Department Monthly Report and recommend advertising the fluoridation equipment for removal and sale.

Carried

10:02 AM Cr J Mackenzie rejoined the meeting.

9.3 Future Development of Village Streets

Resolution

Moved Cr R Bartley

Seconded Cr J Mackenzie

THAT Council receive the report and consider individual requests as per the normal capital considerations.

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: Cr N Meiklejohn (1)

Accordingly the Mayor declared the motion carried.

9.4 Proposed Capital Budget Amendment Roads (Anemone Street Postponement)

Resolution

Moved Cr C Gow

Seconded Cr J McNally

THAT Council resolve to postpone the physical construction for the capital project “Anemone Street Stage 2 Western End” and included in the 2015/16 financial year and approve the proposed capital budget amendment as set out in the table below.

Project	Current 2014/15 Budget Allocation	Proposed 2014/15 Budget Allocation
Anemone Street Stage 2 Western End	\$650,000	\$150,000
Inverramsay Road Widening	\$0	\$250,000
Killarney Barlows Gate Road – Major Pavement Repairs/Rehabilitation of failed sections	\$0	\$115,000
Roach Street Bitumen Sealing	\$0	\$135,000
TOTAL	\$650,000	\$650,000

Carried

The meeting adjourned morning tea at 10.31am and reconvened at 11.00am at which time there were present Crs Blundell, McNally, Gow, Rees, Mackenzie, Pennisi, Bartley and Meiklejohn.

Meeting In Camera

Moved Cr V Pennisi

Seconded Cr G Rees

The Meeting moved into closed session at 11.00am.

Carried

11.00am Attendance by King & Company in relation to Agenda Item 14.16

Cr Gow declared that a perceived conflict of interest in relation to discussion on Agenda Item 14.16 (as defined in section 173 of the Local Government Act 2009), may exist due to his role with the Stanthorpe Agricultural Society and dealt with the perceived conflict by leaving the room and taking no part in the discussions. Cr Gow left the meeting at 11.00am.

Cr Gow rejoined the meeting at 11.55am

Meeting Out Of Camera

Recommendation

THAT the meeting resume in open session at 12.10pm.

Carried

9.2 Direction from Council on Coal Exploration Drilling

Resolution

Moved Cr J Mackenzie

Seconded Cr G Rees

THAT:-

A. Council:-

1. Recognise the value of mining to the Queensland economy in appropriate locations and that mining is ultimately controlled by the Queensland State Government in consultation with regional councils;
 2. Support the limited continuation of existing identified mines within the Southern Downs Region provided there are suitable approval conditions to protect the environment and surrounding districts in the short and long term;
 3. Publicly endorse the intent and provisions of the gazetted Darling Downs Regional Plan to separate urban, agricultural and mining activities within the Southern Downs Region by declaring Priority Agricultural Areas (PAAs).
 4. Hereby object to any form of coal, oil and/or coal seam gas developments within the Darling Downs Regional Plan's identified Priority Agricultural Areas (PAAs) within the Southern Downs Region;
 5. Universally object to any form of coal, oil and/or coal seam gas developments in the abovementioned mapped areas on the grounds that co-existence opportunities between the resource sector and the existing agricultural development are impossible because:-
 - (i) The Southern Downs' Priority Agricultural Areas (PAAs) are rural in character but comparatively densely settled with smaller allotments than in other regional areas;
 - (ii) Any buffers or other measures are inadequate to address impacts from mining activities upon nearby housing, tourism and agriculture are inadequate;
 - (iii) The impact of resource development upon the stormwater management on the flood plains and especially the fragile underground water supplies within the in Priority Agricultural Areas (PAAs) is unknown and is likely irreversible so it should be refused in accordance with the 'pre-cautionary principle' under the Sustainable Planning Act 2009;
 - (iv) Resource sector development will impede the 'right to farm' and is in conflict with the existing high-value agricultural land, rural lifestyle and associated land uses;
 - (v) Resource sector development is in conflict with the tourism potential of the Southern Downs with its vistas, clean air, peace-and-quiet and landscape quality;
 - (vi) Resource sector development is contrary to the intent of the Sustainable Planning Act 2009 in that it will not achieve 'Ecological Sustainability' as a required balance that integrates the protection of ecological processes, economic development and the social wellbeing of people and communities; and
 - (vii) There is an unacceptable potential impact on the condition and safety of local rural and the State road and rail network between the source of minerals, mines and ports.
 6.
 - (i) Not issue any approvals nor permits for any works on road reserves, easements, reserves or any other land controlled by Council for the purposes of resource sector development; and
 - (ii) Remove all delegations to the Chief Executive Officer for the same.
- B. Before the 2015 State Government election, Council immediately write to the Premier, Opposition Leader, Member for the Southern Downs, relevant Ministers and Directors-

General to accordingly advise this resolution.

- C. Council commence discussions with the relevant State Government officers with a view of amending legislation to increase the protection of urban areas especially villages in the Southern Downs Region as Priority Living Areas.

Carried

9.2.1 Community Engagement - Mining Exploration

Resolution

Moved Cr V Pennisi

Seconded Cr C Gow

THAT Council enter into an engagement process with the broader community in relation to all forms of mining in the region.

Carried

9.5 Dam Safety - Emergency Action Plans for Connolly Dam and Storm King Dam

Resolution

Moved Cr C Gow

Seconded Cr N Meiklejohn

THAT Council notes that it has engaged Jacobs Group (Australia) Pty Ltd to complete the Dam Failure Impact Rating and total Population At Risk of Connolly Dam and Storm King Dam for a total cost of \$49,798.00 excluding GST.

Carried

12:50 PM Cr G Rees left the meeting.

12:55 PM Cr G Rees rejoined the meeting.

9.6 Funding Request to Provide a Water Service Connection

Resolution

Moved Cr R Bartley

Seconded Cr N Meiklejohn

THAT Council receive the report and defer consideration to allow further discussion at a future Briefing Session.

Carried

The meeting adjourned for lunch at 1.00pm and reconvened at 1.42pm at which time there were present Crs Blundell, McNally, Gow, Rees, Mackenzie, Pennisi, Bartley and Meiklejohn.

10. PLANNING & ENVIRONMENT DEPARTMENT REPORTS

10.1 Negotiated Decision - Hutchison Quarries Pty Ltd, 608 Mountain Maid Road, Greymare Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

THAT the application for Negotiated Decision, in relation to the Development Permit dated 18 December 2014 for a Material Change of Use for the purpose of Extractive industry (Decomposed granite and sand extraction) on land at 608 Mountain Maid Road, Greymare, described as Lot 22 ML659, Parish of Palgrave, County of Merivale, be approved and Conditions 1, 2, 4, 5, 11, 28, 32, 38 be amended as follows:

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 Greymare Site Map, revision 2, submitted to Council on 15 January 2015.
 - Plan titled Greymare Detailed Site Map, revision 1, submitted to Council on 15 January 2015.
 - ~~Plan Titled: Site Location Map, showing proposed extraction area, dated 26 October 2014, prepared by Yarramine Environmental.~~
2. This approval is limited to a period of ~~twenty five~~ (20 15) years and will expire on 31 December ~~2030~~ 2035. 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.
4. The excavation and stockpiling of overburden, is to be conducted wholly within the ~~5.0~~ 3.0 hectare designated area, shown on the ~~Plan titled Greymare Site Map, revision 2, submitted to Council on 15 January 2015 and the Plan titled Greymare Detailed Site Map, revision 1, submitted to Council on 15 January 2015~~ ~~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 10,000 5,000 square metres** of the proposed excavation site, as shown on the ~~Plan titled Greymare Site Map, revision 2, submitted to Council on 15 January 2015 and the Plan titled Greymare Detailed Site Map, revision 1, submitted to Council on 15 January 2015~~ ~~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.**
11. Machinery to be used in the Extractive Industry is generally limited to one (1) bull-dozer, one (1) loader, **one (1) excavator**, and one (1) truck at any one time and one (1) mobile screening plant which shall comply with noise emission standards.
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 10,000 ~~5,000~~ square metres excavation area has been exhausted.

- 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.~~
- 38. Leonard Road is to be upgraded to a constructed gravel road standard, ~~to achieve a minimum of 100 millimetre gravel cover,~~ including widening; ~~and 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 4.0 ~~6.0~~ metres.

Carried

10.2 Material Change of Use - S Wieden, Donald Street, Leyburn

Resolution

Moved Cr J Mackenzie

Seconded Cr V Pennisi

- A. THAT the draft amendments to the Flood hazard overlay code be presented to a Council briefing meeting for discussion; and
- B. THAT the application for a Material Change of Use Dwelling house (not in accordance with building setbacks and within the Flood hazard overlay) on Lot 22 L184, Parish of Leyburn, County of Merivale, located at Donald Street, Leyburn, be deferred for approval by the Chief Executive Officer under delegated authority, subject to Councillors being advised of additional information regarding access.

Carried

Cr Mackenzie declared that a perceived conflict of interest in Agenda Item 10.3 (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.

10.3 Request for Negotiated Decision, Material Change of Use - Imperial Sapphire Pty Ltd & Brexline Pty Ltd, 2081 Inverramsay Road, Goomburra

Resolution

Moved Cr V Pennisi

Seconded Cr J McNally

THAT the application for a Negotiated Decision, in relation to the Development Permit dated 17 December 2014 for a Material Change of Use for the purpose of Function facility (Wedding venue) on land at 2081 Inverramsay Road, Goomburra, described as Lot 215 M34107 and Lot 2 SP102830, Parish of Gladfield, County of Merivale, be approved in part only, for the following reasons:

Condition 4

The request to change the Condition would result in a change in the proposed use of Function Facility (Wedding venue) to Function Facility. It is reasonable to suggest that this change would result in a substantially different development. Council would assess a Function Facility differently to a Function Facility (Wedding venues) and could result in different conditions as part of any approval.

A change of this sort could have new issues that submitters may have concerns about and may not accord with a Permissible Change as defined under the Sustainable Planning Act 2009.

Condition 4 should remain unchanged

Condition 6

The information that supported that application indicated that only one site would be used at one time for the purpose of the Wedding function facility. The request for a Negotiated Decision for condition 6 requires a minor change to the application, however a minor change is not possible at this stage of the IDAS planning process as section 367 of the Sustainable Planning Act also applies in this case.

Condition 6 should remain unchanged.

Condition 10:

Site D is particularly close to adjoining camping uses and is of concern regarding the possible nuisance that could be caused by having more than one event per month on Site D.

Condition 10 should remain unchanged.

Condition 16:

The supporting documents of the application showed the intent of gaining planning approval for a Wedding Function Facility and was advertised and assessed on this basis. The Public Notification signs read *Wedding Facility and Functions* whereas the newspaper advertisement reads *Wedding function-Facility*. The discrepancy of the Public Notification was indicated by a submitter against the proposal and was addressed in the previous report to Council. It was concluded that discrepancy was minor and considered reasonable that it had not affected the Community and Relevant stakeholders becoming aware of the application.

Condition 16 should remain unchanged.

Condition 23, 26 and 27

Loud music is inconsistent with a rural setting. While camping is permitted in this area, this activity is generally associated with "peace and quiet" and amplified music outside the times

specified would impact negatively on the amenity of the area.

Noise limits in condition 26 relate to the dB(A) reading above the background noise from the nearest boundary of an affected residential dwelling. This condition does not imply that noise cannot be above 5 dB(A), but implies noise cannot be 5dB(A) above the background noise. Background noise differs depending on the area and site conditions. This condition helps ensure the character of the area is maintained.

Providing a condition with a standard dB(A) reading without factoring in the background noise level can cause excessive noise depending on the location. As the proposed Wedding function facility is located within the Rural zone, it is considered inappropriate to allow the proposed dB(A) levels.

Conditions 23, 26 and 27 should remain unchanged.

THAT Adopted Infrastructure Charges, Conditions 1, 9, 12, 13 and 25 be amended, conditions 9A and 9B be included and Advisory Note (x) be included, as follows:

Adopted Infrastructure Charges

Development Type	Network	Rate	Proposed	Charge
Places of assembly	Other	\$35/m ² GFA	30% of \$35 x 451.5 509.2 m ²	\$4,740.75 \$5,346.81
TOTAL:				\$4,740.75 \$5,346.81

- 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 as <i>amended on 12 November 2014</i>	14GORDON	28 October 2014
<i>Floor Plan</i>	<i>110FP</i>	<i>11 January 2015</i>
<i>Sections Cross</i>	<i>301ST</i>	<i>11 January 2015</i>
<i>External Perspectives</i>	<i>423PD</i>	<i>11 January 2015</i>

- The Wedding function facility shall provide for a maximum of 35 events in any calendar year.
 - The applicant can apply to Council to change this number of events to allow an increase in Wedding function facility events per year after 12 months after the first Wedding function. In deciding this future request, and reviewing conditions of approval, Council will consider the level of compliance with the conditions of this approval.
 - In relation to condition 9A, any approval to increase event numbers above 35 per year may require the sealing of the Inverramsay Road as determined Council at the time of the request.
- ~~There is to be a maximum of 132 guests at any function involving the proposed marquee submitted with this application. If a marquee used for the Wedding 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.~~
- ~~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. Camping associated with the Wedding function facility can only occur at approved~~

camping sites in accordance with Subordinate Local Law No. 1.6 (Operation of Camping Grounds).

25. The marquee at sites ~~B & D~~ shall be positioned with ~~three~~ two sides towards the west enclosed; to be clear, the sides facing towards the neighbouring ~~properties~~ property to the west will be enclosed.

(x) *Camping associated with the Wedding function facility is only permitted at camping sites approved in accordance with Subordinate Local Law No. 1.6 (Operation of Camping Grounds).*

Carried

Cr Mackenzie voted for the motion.

2:22 PM *Cr V Pennisi left the meeting.*

02:23 PM *Cr V Pennisi rejoined the meeting.*

10.4.1 Material Change of Use and Reconfiguring a Lot - Christian Education Services Ltd 45-51 & 62 Canningvale Road and 476 East Street, Warwick - Refusal

Resolution

Moved Cr J Mackenzie

Seconded

THAT:-

1. The application for Reconfiguring a lot (4 lots into 75 lots), including 22 residential lots within Community facilities zone and park, and Educational establishment on land at 45-51 & 62 Canningvale Road and 476 East Street, Warwick, described as Lot 3 CP867702, Lots 1 & 2 SP196278 and Lot 1 RP36194, Parish of Warwick, County of Merivale, be refused for the reasons outlined in the Planning Report and that Council does not support a 4 way street intersection in a residential subdivision.
2. The applicant and submitters be advised that Council is likely to support approval of an application for the reconfiguration of lots relating to land in the Residential Zone under the current Planning Scheme provided that:-
 - a. reasons for refusal of the current application are addressed in any application;
 - b. storm water drainage issues outlined in submissions are addressed;
 - c. more direct access to the existing school is provided from Canningvale Road and/or a possible plan of future development is shown for the existing school development is presented in any future application; and
 - d. buffers to existing/future industry are addressed in any future application.
3. The applicant be invited to present some alternative amended proposals to the Councillors for informal discussion on a "without prejudice" basis.

Lapsed

Lapsed for want of a seconder

10.4 Material Change of Use and Reconfiguring a Lot - Christian Education Services Ltd, 45-51 & 62 Canningvale Road and 476 East Street, Warwick

Resolution

Moved Cr N Meiklejohn

Seconded Cr G Rees

THAT the application for Reconfiguring a lot (4 lots into 75 lots), including 22 residential lots within Community facilities zone and park, and Educational establishment on land at 45-51 & 62 Canningvale Road and 476 East Street, Warwick, described as Lot 3 CP867702, Lots 1 & 2 SP196278 and Lot 1 RP36194, Parish of Warwick, County of Merivale, be approved in part only, and:

A. THAT the Material change of use, relating to the 22 residential lots within the Community facilities zone, i.e. Lots 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 38, 39, 40, 41, 42, 43, 52, 53, 54, 55, 56 and 57 be refused for the following reasons:

1. The proposed subdivision of land within the Community facilities zone, for residential purposes is not consistent with the Southern Downs Planning Scheme, as may potentially compromise the land within the Industry zone and the Morgan Park Recreational Grounds. Therefore, the proposed development cannot comply with the following sections of the Southern Downs Planning Scheme:

- Section 3.2, Strategic framework, Preliminary, Strategic intent, Safe, healthy communities:

The residential areas will provide vibrant, pleasant places to live where there is a mix of highly compatible land uses that all contribute to residential enjoyment.

- Section 3.2, Strategic framework, Preliminary, Strategic intent, Industrial development:

The integrity of the industrial estates will be protected from encroachment from sensitive uses.

- Section 3.3.1 (2)(a)(vi), Strategic framework, Settlement pattern, Strategic outcomes:

The extension of the urban area for housing and rural residential development is limited in the north and east by the presence of strategic cropping land, potential strategic cropping land and good quality agricultural land and in the south by the Warwick Industrial Estate and Morgan Park which both have the potential to conflict with residential development. The extension of residential areas and rural residential areas is therefore encouraged west and south west of the existing built up area.

- Section 3.3.1(6), Strategic framework, Settlement pattern, Strategic outcomes:

... Demand for housing, including the demand for rural residential development, is directed to land included in the residential and rural residential zones in order to support the achievement of other strategic outcomes including natural resources and landscape, community identity and diversity and infrastructure and services, as well as other major planning objectives including sustainability, conservation, recreation and ongoing agricultural land use.

- Section 3.3.1(12), Strategic framework, Settlement pattern, Strategic outcomes:

The Warwick and Stanthorpe Industrial Estates provide serviced industrial land that is separated from residential areas. The industrial areas are protected from encroachment by uses that are sensitive to or are at risk from the impacts of industries and sensitive uses are not located near incompatible uses such as industrial development, railway corridors and State controlled roads.

- Section 3.3.1(13), Strategic framework, Settlement pattern, Strategic outcomes:
The health, wellbeing, amenity and safety of communities and individuals are protected from the impacts of air and noise emissions, as well as hazardous materials.
- Section 3.3.7.1(1), Strategic framework, Settlement pattern, Element: Industrial areas, Specific outcomes:
The interface between industrial development and sensitive uses is managed to protect communities and individuals, and to ensure the long term viability of industrial development. ...
- Section 3.3.7.1(2), Strategic framework, Settlement pattern, Element: Industrial areas, Specific outcomes:
Extensions of the Warwick Industrial Estate to the south east and the Stanthorpe Industrial Estate to the west will occur. The extensions are located and planned to reduce conflict with zones for sensitive land uses as they extend into non-urban areas.
- Section 3.3.7.1(4), Strategic framework, Settlement pattern, Element: Industrial areas, Specific outcomes:
The industrial areas are protected from the development of sensitive land uses, except where sensitive uses are ancillary to and support the industrial nature of the area.
- Section 3.3.10.1(1), Strategic framework, Settlement pattern, Element: Land use impacts, Specific outcomes:
Morgan Park is maintained as a significant sport and recreation facility of regional State and national significance and potential conflict with sensitive uses is reduced by limiting potentially incompatible development in the vicinity.
- Section 3.3.10.1(6), Strategic framework, Settlement pattern, Element: Land use impacts, Specific outcomes:
The location of industry, intensive animal industry operations and sensitive uses, particularly residential activities, are managed to protect the health, well being, amenity and safety of communities and individuals from the impacts of air, noise and odour emissions and from the impacts of hazardous materials and to support and protect industry and rural uses in appropriate locations.
- Section 3.9.3.2(1), Strategic framework, Economic development, Element: Industry, Land use strategies:
Adequate land is provided for all forms of industrial use. Land suitable for industrial development is included in the Industry zone. This land, which includes the existing Industrial Estates and their proposed extensions, is capable of accommodating a diverse range of industrial activities and employment opportunities and will be protected and maintained for industrial use.
- Section 3.9.3.2(5), Strategic framework, Economic development, Element: Industry, Land use strategies:
Activities proposed in areas near the Industry zone which may be sensitive to the impacts of industry will be located, buffered and designed to mitigate the impacts of industry.
- Section 3.9.3.2(6), Strategic framework, Economic development, Element: Industry, Land use strategies:

In the longer term it may be appropriate for the major industrial area located south east of Warwick to expand into the adjoining rural area. Uses which would prejudice this potential such as rural residential development will not be located in this area.

- Section 6.2.1.2(1), Zone codes, Community facilities zone code, Purpose:
The purpose of the Community facilities zone code is to provide for community related activities and facilities whether under public or private ownership.
- Section 6.2.1.2(2), Zone codes, Community facilities zone code, Purpose:
The local government purpose of the zone code is to protect the continued operation of major community facilities in the Region in a manner that meets community needs without resulting in unacceptable adverse impacts on the surrounding localities.
The zone includes passive and active open space and recreational facilities in public and private ownership as well as some areas of bushland, wetlands or waterways when these areas are used for recreation. Therefore the purpose of the zone is also to:
 - (d) *Ensure that any development proposed on land included in this zone is compatible with the existing community use. Due to the significance of Morgan Park as a community, sport and recreation facility of regional, state and national significance, development which could prejudice, restrict or limit the use of the grounds will not be permitted unless the use is developed in a manner that ensures that it will not affect the use of Morgan Park.*
- Section 6.2.1.2(3), Zone codes, Community facilities zone code, Purpose:
The purpose of the code will be achieved through the following overall outcomes:
 - (e) *The form of the development is specific to the facility in recognition of the particular operational, functional and locational criteria of the community purpose or facility.*
- Section 6.2.1.3, Zone codes, Community facilities zone code, Assessment criteria:
 - PO1 All uses are located, designed and operated to be compatible with other existing uses on the site.*
 - PO6 All uses are located and designed and operated to be compatible with other existing uses and to preserve or improve –*
 - (a) *the physical conditions of the adjoining area including noise, light, odour, air quality and traffic generation; and*
 - (b) *the character of the adjoining area including privacy, built form and safety.*
 - PO16 Uses other than those specifically for community purposes are either associated with, or provide services to people using the community facility or employed on the site or have similar characteristics to the particular community purpose existing on the site.*
 - PO17 The proposed use meets demonstrated existing or future community needs.*
- Section 9.3.7.2(2), Development codes, Residential uses code, Purpose:
The purpose of the code will be achieved through the following overall outcomes.
All dwelling houses, dual occupancy, hostels, multiple dwellings and retirement facilities:
 - (a) *Occur only on land that is suited to the development and occupation of residential buildings;*
 - (b) *Are located on land which is not in the vicinity of land uses that would adversely affect the occupation and use of buildings for residential uses and conversely*

where the residential uses could prevent or inhibit the conduct of existing land uses;

- (g) Provide residents with protection from noise, lighting, odour, dust and other environmental nuisances;
- (j) Are developed at a density and scale that complements and is compatible with the character and residential amenity of the surrounding area;
- (l) Prevent unacceptable environmental and amenity impacts on adjoining developments; and

2. There is no demonstrated need to utilise land within the Community facilities zone for residential purposes. Therefore, the proposed development cannot comply with the following sections of the Southern Downs Planning Scheme:

- Section 3.3.1(6), Strategic framework, Settlement pattern, Strategic outcomes:

... Demand for housing, including the demand for rural residential development, is directed to land included in the residential and rural residential zones in order to support the achievement of other strategic outcomes including natural resources and landscape, community identity and diversity and infrastructure and services, as well as other major planning objectives including sustainability, conservation, recreation and ongoing agricultural land use.

- Section 3.3.2.2(1), Strategic framework, Settlement pattern, Element: Towns and villages, Land use strategies:

The regional centres of Warwick and Stanthorpe and the district centres of Allora and Killarney are strengthened by consolidating future population growth within defined growth boundaries identified as the priority infrastructure area and within the urban zones and the rural residential zone. Adequate land is provided within the priority infrastructure area to accommodate more than 15 years demand and includes land for necessary utility installations. Urban and rural residential development that extends beyond the existing urban and rural residential zones will not be supported.

- Section 3.5.2.2(2), Strategic framework, Community identity and diversity, Element: Communities, Land use strategies:

Residential development, including rural residential development, is only located within the area that is currently zoned for residential purposes where there is ready access to services and facilities.

3. A number of submissions were received which contained reasonable grounds that warrant refusal of part of the application.

B. THAT the Subdivision of the land into Lots 1 to 17, 28 to 37, 44 to 51 and 58 to 71, and the balance lot containing the school, be approved subject to the following conditions:

Schedule 1 - Southern Downs Regional Council Conditions for the Subdivision of land within the Low density residential zone

Approved Plans

1. The development of the site is to be generally in accordance with the following proposal plans submitted with the application, EXCEPT:

- (a) LOTS 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 38, 39, 40, 41, 42, 43, 52, 53, 54, 55, 56 and 57 are not approved;
- (b) There is no park dedication. This land is to be incorporated with the school;
- (c) Cul-de-sac's are provided at the end of each No Through Road, i.e. Regal Glen and

Sovereign Rise;

- (d) The pathway within the western portion of the subdivision is to be relocated to approximately between proposed Lot 12 and 13, to provide a direct linkage to Moncrieffe Street;
- (e) The pathway between proposed Lots 60 and 61 is to be removed;

and subject to the final development being amended in accordance with the conditions of this approval.

Plan Name	Plan No.	Date
Proposed Layout Plan	1.01 - B	26 August 2014
Proposed Staging Plan	1.02 - B	26 August 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.

Reconfiguration of a Lot

- 3. A property note is to be included on each title, advising any future owners of the residential allotments that noise attenuation measures, such as insulation, brick construction, double-glazed windows, may be required in the construction of a dwelling to eliminate any noise impacts from the use of the Morgan Park Recreational Grounds. The installation of any mitigation measures is to be at the landowners cost.

Dedications

- 4. A 6.0 metre x 3 chord truncation on the corners of Canningvale Road and Kings Wood Avenue is to be dedicated for road purposes at no cost to Council.
- 5. A 6.0 metre x 3 chord truncation on the corners of Kings Wood Avenue and Regal Glen is to be dedicated for road purposes at no cost to Council.
- 6. A 6.0 metre x 3 chord truncation on the corners of Kings Wood Avenue and Sovereign Rise is to be dedicated for road purposes at no cost to Council.

Amenity and Environmental Controls

- 7. Declared pest plants on **all** the land subject to this application must be destroyed to the satisfaction of the Manager Environmental Services, prior to Council signing the Plan of Subdivision.
- 8. Advertising Devices relating to the sale of the lots may **only** be erected on the subject land, i.e. Lots 1 and 2 SP196278. 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.

Fencing, Landscaping and Buffers

- 9. A fence and appropriate signage is to be erected around the perimeter of the retention basins to the satisfaction of the Director Engineering Services and at the full cost to the applicant.
- 10. A 1.8 metre high acoustic fence is to be erected along the southern and western boundaries of both proposed Lots 16 and 17, to minimise the potential noise and light impacts from the adjoining industrial uses.
- 11. **Details of the proposed fencing are to be submitted to and approved by the Director Planning and Environment prior to the issue of a Development Permit for Building**

Work. Fencing is to be provided and maintained in accordance with the approved details.

12. Landscaped areas are to be provided on the site in accordance with Plan No. 1.04, Issue B, dated 26 August 2014, prepared by Christian Community Developments, subject to compliance with Conditions 13 and 14.
13. Crepe Myrtle trees (*Lagerstroemia*) are to be planted within the road reserve of Canningvale Road. The trees are to be planted approximately 20.0 metres apart on the southern side of Canningvale Road. The trees are to be of a minimum height of 1.5 metres at the time of planting.
14. Crepe Myrtle trees (*Lagerstroemia*) are to be planted within the road reserve of Kings Wood Avenue, Regal Glen and Sovereign Rise. The trees are to be planted approximately 20.0 metres apart and on both sides of the sealed pavement. The trees are to be of a minimum height of 1.5 metres at the time of planting.
15. Tree planted buffer strips of 20.0 metres width are to be provided as follows:
 - adjacent to the southern boundary of the school land, from the western boundary to the western end of the oval; and
 - adjacent to the western boundary of the school land, from the southern boundary to the first residential allotment,

so as to minimise the visual and environmental impacts from the adjoining industrial land.

Within these buffer areas, existing native vegetation is to be retained and allowed to naturally regenerate. Within these buffer areas, random plantings of a variety of native trees and shrubs of differing growth habits are to be provided at spacings of 4-5 metres. The trees and shrubs must be of species that are fast growing, frost resistant and drought hardy. The buffer is to have a mature tree height of at least 3.0 metres. **The trees and shrubs are to be planted prior to the signing of the Plan of Subdivision.** The vegetated buffers are to be maintained so they form an effective buffer.

16. The treed buffer referred to in Condition 15 shall be planted and maintained in accordance with the approved Landscaping Plan. Prior to approval of the Plan of Subdivision, a bond for the amount of \$20,000. shall be submitted to Council for the maintenance of this buffer. The bond must be in the form of cash, bank cheque or irrevocable bank guarantee. The bond shall be returned 12 months after the Plan of Subdivision is registered in the Office of Registrar of Titles subject to the satisfactory establishment and maintenance of the buffer. If the buffer is not maintained in accordance with the conditions of this approval, Council may call up the bond to undertake planting to satisfy the requirements of this approval. The terms and conditions of the bond will include details of its purpose and intended use. Council or its agents must be allowed access to the site to undertake any works required in accordance with this condition.
17. **A Landscaping Plan is to be submitted to and approved by the Director Planning and Environment prior to the planting of the treed buffers.** 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. Root barriers are to be installed around trees that are located within 3.0 metres of any underground infrastructure. The site is to be landscaped and maintained in accordance with the approved Landscaping Plan.

Roadworks and Stormwater Drainage

18. 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.
19. A Traffic Management Review is to be conducted for this section of Canningvale Road. The review is to be conducted by an appropriately qualified person, who is a Registered

Professional Engineer in Queensland (RPEQ), in consultation with the Director Engineering Services. The recommendations of the review are to be implemented at the developer's cost, subject to approval by the Director Engineering Services. The details of the review are to be submitted as part of the Operational works application.

20. All roads within the development are to be constructed in asphaltic concrete, and such works are to include mountable kerbing and channelling, stormwater drainage, street tree planting and the top dressing of footpaths with good quality top soil. Kings Wood Avenue is to be a minimum of 20.0 metres wide with a minimum sealed carriageway width of 9.0 metres. Regal Glen and Sovereign Rise are to be a minimum of 20.0 metres wide with a minimum sealed carriageway width of 6.0 metres.
21. Cul-de-sacs are to be constructed at the end of the No Through Roads, i.e. Regal Glen and Sovereign Rise.
22. Sealed road widening of Canningvale Road, including mountable kerbing and channeling and stormwater drainage, is to be constructed along the full frontage of the site, to match the existing alignment directly to the west of the subject lot.
23. The design and construction of roads within the development are to incorporate measures to reduce traffic speeds within the development and to enhance the pedestrian safety and streetscape quality of the development.
 - (a) All intersections within the subdivision are to be designed as right angles, and treated so as to constrict vehicular movements and enhance both the safety and streetscape quality of the intersection, e.g. be incorporating landscaping and pavement treatments.
 - (b) All roads within the subdivision are to be designed to reduce traffic speeds. This may include speed control measures including variations to pavement treatments, road narrowing with appropriate landscape treatments and a reduction in the length of straight sections of road by the incorporation of variations to the alignment of the carriageway.
 - (c) A variation in cul-de-sac head treatment may be incorporated which include the provision of parking bays, landscaping and alternative turning area designs. The design is to allow for a refuse collection truck to manoeuvre within the cul-de-sac. Tee or hammer-head designs are not permitted.
24. Street name signs are to be provided in accordance with Council's standard design for street signs.
25. The design, construction and operation of the stormwater drainage system must comply with *State Planning Policy 4/2010 - Healthy Waters*. Stormwater management must incorporate:
 - measures to achieve relevant design objectives outlined in Chapter 4 of the State Planning Policy Guideline for Healthy Waters; and
 - management of nutrients of concern.A Stormwater Quality Management Plan (SQMP) must be submitted for approval with the application for Operational Works. The SQMP must:
 - (a) be consistent with any local area stormwater water management planning; and
 - (b) provide for achievable stormwater quality treatment measures reflecting land use constraints, such as soil type, landscape features (including landform), nutrient hazardous areas, and rainfall erosivity.
26. A stormwater drainage system serving the development is to be constructed and the stormwater disposed of to a legal point of discharge, in accordance with the Queensland Urban Drainage Manual (QUDM). Where the finished levels of a proposed allotment are such that stormwater runoff from all or part of the allotment cannot be gravity discharged to the street, an underground drainage line shall be provided to discharge the runoff from the allotment. Where necessary, suitable easements may be required over adjoining properties to provide access to Condamine River. The easements shall be provided to Council, at the

developer's cost. All drainage works should meet the requirements of the Queensland Urban Drainage Manual (QUDM).

Water Supply and Sewerage

27. An underground reticulated water supply system, up to and including water meters, is to be provided to service all allotments. This system is to be connected to Council's water supply system.
28. A sewerage reticulation system is to be provided to service all allotments. This system is to be connected to Council's wastewater sewerage system.

Pedestrian Works

29. A 2.0 metre wide concrete footpath is to be constructed within the pathway between proposed Lots 12 and 13 (approximately), to link to Moncrieffe Street. The pathways are to link to the roadway of Moncrieffe Street and Regal Glen and include perambulator ramps. Removable bollards are to be provided at each end of the pathway to restrict vehicle movements along the pathway. Please contact Council's Parks Coordinator to ascertain the type of bollards to be used. The work is to be completed as part of Stage 2.

Electricity, Street Lighting and Telecommunications

30. Underground reticulated electricity is to be provided to each lot to the requirements of Ergon Energy. Prior to Council signing the Plan of Subdivision, written advice must be provided from Ergon Energy confirming reticulated electricity has been installed to service each lot.
31. 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 Telstra in exchange for the provision of fibre within that pit and pipe network. Prior to Council approving the plan of subdivision, written advice is to be provided from Telstra that the pit and pipe network has been installed in accordance with NBN Co's specifications.
32. Street lighting shall be provided in accordance with AS/NZS 1158.

Operational Works

33. All operational works are to be accepted on-maintenance prior to the Council signing the Plan of Subdivision. (See advisory note below.)

Adopted Infrastructure Charges Notice

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

Advisory Notes

- (i) 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);
 - If the development involves new roads, the proposed names for new roads;
 - A Traffic Management Review of Canningvale Road; 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

- (ii) 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

Approval Times

- (iii) In accordance with the *Sustainable Planning Act 2009*, this approval will lapse two years from the day the approval takes effect, or four years where the reconfiguration involves Operational Works. If an application for a related approval is made within two years of the day this approval takes effect, the relevant period is taken to have started on the day the latest related approval takes effect (*Sustainable Planning Act 2009* s341).

Approval of Plan of Subdivision

- (iv) The Plan of Subdivision for the reconfiguration must be submitted to Council for Compliance Assessment (*Sustainable Planning Regulation 2009* Sch 19). The Plan of Subdivision must be submitted to Council within the relevant period of the approval, and with the appropriate form (IDAS Form 32) and fees. **Council will NOT issue a Compliance Certificate or approve the plan unless all conditions of this approval have been complied with to the satisfaction of Council and within the relevant period of the approval.**
- (v) The approved Plan of Subdivision must be lodged for registration in the Office of the Registrar of Titles within six months of the date of Council’s Compliance Certificate and approval of the Plan of Subdivision. If the Plan of Subdivision is not registered within this timeframe, Council’s approval of the Plan of Subdivision will lapse. Council may reapprove the Plan of Subdivision subject to payment of the applicable fee.

C. THAT the Educational establishment be approved subject to the following conditions:

Schedule 2 - Southern Downs Regional Council Conditions for an Educational establishment

Approved Plans

1. The development of the site is to be generally in accordance with the following proposal plan 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
Proposed Layout Plan	1.01 - B	26 August 2014

Land Use and Planning Controls

2. The material change of use the subject of this development permit must be completed within a period of four (4) 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 been completed within this period.
3. 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

4. Litter bins shall be provided on the site near to the carparking area, recreational areas and

proposed classrooms.

5. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
6. Advertising Devices relating to the Educational establishment may only be erected on the subject land, i.e. Lot 2 SP196278. The location, size, type and content of any advertising sign or device located on the land is to be compatible with the character of the surrounding area. No advertising signs or devices are to be located on any other land, unless all applicable approvals are obtained under the Planning Scheme and the relevant local laws. No advertising signs or devices are to be located within the road reserve.
7. 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.
8. Any lighting device is to be so positioned and shielded so as not to cause any glare nuisance to any nearby residential property or passing motorist, or to shine upwards into the night sky.

Fencing, Landscaping and Buffers

9. Tree planted buffer strips of 20.0 metres width are to be provided as follows:
 - adjacent to the southern boundary of the school land, from the western boundary to the western end of the oval; and
 - adjacent to the western boundary of the school land, from the southern boundary to the first residential allotment,

so as to minimise the visual and environmental impacts from the adjoining industrial land.

Within these buffer areas, existing native vegetation is to be retained and allowed to naturally regenerate. Within these buffer areas, random plantings of a variety of native trees and shrubs of differing growth habits are to be provided at spacings of 4-5 metres. The trees and shrubs must be of species that are fast growing, frost resistant and drought hardy. The buffer is to have a mature tree height of at least 3.0 metres. **The trees and shrubs are to be planted prior to the signing of the Plan of Subdivision.** The vegetated buffers are to be maintained so they form an effective buffer.

10. The treed buffer referred to in Condition 9 shall be planted and maintained in accordance with the approved Landscaping Plan. Prior to approval of the Plan of Subdivision, a bond for the amount of \$20,000. shall be submitted to Council for the maintenance of this buffer. The bond must be in the form of cash, bank cheque or irrevocable bank guarantee. The bond shall be returned 12 months after the Plan of Subdivision is registered in the Office of Registrar of Titles subject to the satisfactory establishment and maintenance of the buffer. If the buffer is not maintained in accordance with the conditions of this approval, Council may call up the bond to undertake planting to satisfy the requirements of this approval. The terms and conditions of the bond will include details of its purpose and intended use. Council or its agents must be allowed access to the site to undertake any works required in accordance with this condition.
11. Landscaping is to be provided within the footprint of the Educational establishment, including the pool.
12. **A Landscaping Plan is to be submitted to and approved by the Director Planning and Environment prior to the planting of the treed buffers and the use of the site commencing.** 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. Root barriers are to be installed around trees that are located within 3.0 metres of any underground infrastructure. The site is to be landscaped and maintained in accordance with the approved Landscaping Plan.

Car Parking and Vehicle Access

13. Concrete industrial crossings are to be constructed at the Kings Wood Avenue entrances to the site, in accordance with Council's standard. (Council's Engineering Services Department can provide details regarding Council's standard.)
14. Car parking shall be provided on site in accordance Plan No. 1.01, Issue B, dated 26 August 2014, prepared by Christian Community Developments. All car parking, driveways, including from Canningvale Road and loading areas shall be constructed, sealed, line marked, drained, laid out and regularly maintained.
15. All loading and unloading related to the school must be carried out within the designated drop zone.

Roadworks and Stormwater Drainage

16. 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.
17. A Traffic Management Review is to be conducted for this section of Canningvale Road. The review is to be conducted by an appropriately qualified person, who is a Registered Professional Engineer in Queensland (RPEQ), in consultation with the Director Engineering Services. The recommendations of the review are to be implemented at the developer's cost, subject to approval by the Director Engineering Services. The details of the review are to be submitted as part of the Operational works application.
18. Sealed road widening of Canningvale Road, including mountable kerbing and channeling and stormwater drainage, is to be constructed along the full frontage of the site, to match the existing alignment directly to the west of the subject lot.
19. A stormwater drainage system serving the development is to be constructed and the stormwater disposed of to a legal point of discharge, in accordance with the Queensland Urban Drainage Manual (QUDM). Where the finished levels of a proposed allotment are such that stormwater runoff from all or part of the allotment cannot be gravity discharged to the street, an underground drainage line shall be provided to discharge the runoff from the allotment. Where necessary, suitable easements may be required over adjoining properties. The easements shall be provided to Council, at the developer's cost. All drainage works should meet the requirements of the Queensland Urban Drainage Manual (QUDM).

Water Supply and Sewerage

20. An underground reticulated water supply system, up to and including water meters, is to be provided to service the school. This system is to be connected to Council's water supply system.
21. A sewerage reticulation system is to be provided to service the school. This system is to be connected to Council's wastewater sewerage system.

Operational Works

22. 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) Noise attenuation measures may be required in the buildings associated with the Educational establishment to eliminate any potential noise impacts from the use of the Morgan Park Recreational Grounds. Such measures may include insulation, the erection of block walls, installation of air conditioning, double glazing windows. The implementation of such measures is at the developers cost.
- (iv) 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;
 - A Traffic Management Review of Canningvale Road; 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

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

Carried

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

Nil

12. NOTICES OF MOTION

Nil

13. GENERAL BUSINESS

13.1 Review of Council's Scare Gun Policy

Resolution

Moved Cr R Bartley

Seconded Cr V Pennisi

THAT Council review its policy "Guidelines - Noise Control Measures for Using Scare Guns and Hail Cannons" as soon as possible.

Carried

13.2 Christmas Street Decorations

Resolution

Moved Cr J Mackenzie

Seconded Cr R Bartley

THAT a report regarding an inventory of Christmas Street Decorations and the intended use and geographical equal spread of old and new decorations across the region be prepared for consideration at the March General Council Meeting.

Carried

13.3 Hire of Stanthorpe Civic Centre for Leukaemia Concert

Resolution

Moved Cr V Pennisi

Seconded Cr G Rees

THAT the request for reduced or waiver of hire fees for use of the Stanthorpe Civic Centre in February 2015 for a concert in aid of the Leukaemia Foundation be delegated to the Chief Executive Officer.

Carried

14. CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS

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

Recommendation

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

14.1 BCS - Stanthorpe Sculpture Symposium and Sculpture Trail

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(h) of the *Local Government Regulation 2012*, as it contains information relating to and 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.

14.2 BCS - Rating Consultation Group (RCG)

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(h) of the *Local Government Regulation 2012*, as it contains information relating to and 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.

14.3 BCS - Freehold Leases at Mt Marley, Stanthorpe

Reason for Confidentiality

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

14.4 BCS - Tenders Received for Land for Lease by Tender 15/035

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.

14.5 BCS - Tenders Received for Land for Lease by Tender 15/037

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 - Tenders Received for Land for Lease by Tender 15/038

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 BCS - Tenders Received for Land for Lease by Tender 15/039

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.

14.8 BCS - Tenders Received for Land for Lease by Tender 15/040

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 BCS - Tenders Received for Land for Lease by Tender 15/041

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.

14.10 Affects of Bridge Railings During Flood Flows

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.

14.11 Fencing, Disposed Materials and Planting in a Road Reserve

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.

14.12 Tender for Constructing the Clear Water Reservoir Roof at the Warwick Water Treatment Plant

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.

14.13 Goomburra Valley Animal Management

Reason for Confidentiality

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

14.14 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

Moved Cr V Pennisi

Seconded Cr G Rees

The Meeting moved into closed session at 3.17pm.

Carried

3:20 PM Cr J Mackenzie left the meeting and took no further part.

3:30 PM Cr R Bartley left the meeting.

3:33 PM Cr R Bartley rejoined the meeting.

3:35 PM Cr C Gow left the meeting during discussion on Agenda Item 14.2.

3:37 PM Cr C Gow rejoined the meeting.

03:39 PM Cr R Bartley left the meeting.

03:43 PM Cr R Bartley rejoined the meeting.

03:44 PM Cr G Rees left the meeting.

03:46 PM Cr G Rees rejoined the meeting.

04:35 PM Cr C Gow left the meeting during discussion on Agenda Item 14.16.

04:37 PM Cr C Gow rejoined the meeting.

Meeting Out Of Camera

Recommendation

THAT the meeting resume in open session at 4.52pm.

14.1 BCS - Stanthorpe Sculpture Symposium and Sculpture Trail

Resolution

Moved Cr V Pennisi

Seconded Cr G Rees

THAT Council approve the sculpture symposium and sculpture trail in principle, subject to further satisfactory information being provided to address areas of concern such as budget, including successful grant applications, with a further report to be presented to Council once this information has been received.

Carried

14.2 BCS - Rating Consultation Group (RCG)

Resolution

Moved Cr R Bartley

Seconded Cr N Meiklejohn

THAT Council :

1. Adopt the Minutes of the RCG Meeting held on 11 December 2014.
2. Adopt that a further report be provided to Council to discuss the recommendations put forward by the Rating Consultation Group (RCG) which will include Council Officers comments and explanations as to the practicality, legality and financial ramifications of each recommendation.
3. Adopt that Council Officers obtain legal advice about issuing a single rate notice when rating properties owned by different land holders but operated as one entity.
4. Adopt that a full meeting of all Councillors, RCG Members and Council Officers take place on a quarterly basis.
5. Adopt Mrs Mally McMurtrie, a former Councillor and Chair of the Rating Consultation Group, as a new member on the Rating Consultation Group to commence at the next meeting on 5 February 2015.
6. Adopt to extend Messrs Hutchinson, Petersen and Reid's term for a further one year to September 2016 to fall in line with the conclusion of the two year term for Messrs Gard and Fox.
7. Adopt the amended Rating Consultation Group's Terms of Reference and Non-Use & Non-Disclosure Agreement.
8. Acknowledge the resignation of Sean Hegarty from the RCG and send a letter of thanks to Mr Hegarty for his service and contribution to the RCG.

Carried

14.3 BCS - Freehold Leases at Mt Marley, Stanthorpe

Resolution

Moved Cr G Rees

Seconded Cr J McNally

THAT Council approve 2 concurrent Freehold Leases (10 year terms) over Lease CC, Lot 2 on SP145251, on Council owned land situated at Mt. Marley, Lock Street, Stanthorpe to Crown Castle Australian Pty Ltd, commencing at \$14,000 per annum (ex GST) from 1 July 2015 and increasing by 5% each year for a period of 20 years.

Carried

14.4 BCS - Tenders Received for Land for Lease by Tender 15/035

Resolution

Moved Cr G Rees

Seconded Cr J McNally

THAT Council approve a three year Trustee Permit over Lot 171 on Crown Plan P1272, situated at MacAlister Street, Pratten to Alan Balfour as per the tendered amount.

Carried

14.5 BCS - Tenders Received for Land for Lease by Tender 15/037

Resolution

Moved Cr N Meiklejohn

Seconded Cr V Pennisi

THAT Council approve a three year Trustee Permit over Lot 38 on Crown Plan M34548 and Lot 62 on Crown Plan M34548, situated at 425 Tannymorel Mt. Colliery Road, Tannymorel to Stacey Mehrgan as per the tendered amount.

Carried

14.6 BCS - Tenders Received for Land for Lease by Tender 15/038

Resolution

Moved Cr N Meiklejohn

Seconded Cr G Rees

THAT Council approve a three year Trustee Permit over Lot 39 on Crown Plan ML401 situated at Tannymorel Road, Tannymorel to Luis and Tracy Spragge as per the amount tendered.

Carried

14.7 BCS - Tenders Received for Land for Lease by Tender 15/039

Resolution

Moved Cr N Meiklejohn

Seconded Cr G Rees

THAT Council approve a five year Freehold Lease over part of Lot 2 on SP119600 situated at 89 Massie Bony Mountain Road, Massie to Steven and Lloyd Hilton as per the tendered amount.

Carried

14.8 BCS - Tenders Received for Land for Lease by Tender 15/040

Resolution

Moved Cr N Meiklejohn

Seconded Cr C Gow

THAT Council approve a ten year Trustee Lease over Lots 2 and 3 on Crown Plan ML813887, situated at 31 Kingsleigh Road, Rosenthal Heights to Pat Dwan as per the tendered amount.

Carried

14.9 BCS - Tenders Received for Land for Lease by Tender 15/041

Resolution

Moved Cr N Meiklejohn

Seconded Cr C Gow

THAT Council approve a five year Freehold Lease over part of Lot 2 on RP15576, situated at Hermitage Emu-vale Road, Yangan to Scott Glasby as per the tendered amount.

Carried

14.10 Affects of Bridge Railings During Flood Flows

Resolution

Moved Cr V Pennisi

Seconded Cr C Gow

THAT the report be forwarded to the Queensland Department of Transport and Main Roads with the request that the Department undertake some of the works recommended, and that a letter of commendation be sent to Russell Knipe.

Carried

14.11 Fencing, Disposed Materials and Planting in a Road Reserve

Resolution

Moved Cr N Meiklejohn

Seconded Cr C Gow

THAT Council receive the report and obtain further advice from the Department of Natural Resources and Mines in relation to this matter.

Carried

14.12 Tender for Constructing the Clear Water Reservoir Roof at the Warwick Water Treatment Plant

Resolution

Moved Cr G Rees

Seconded Cr R Bartley

THAT Council reject all Tenders received and recall fresh Tenders.

Carried

14.13 Goomburra Valley Animal Management

Resolution

Moved Cr J McNally

Seconded Cr C Gow

THAT Council

1. Receive the report on the progress of the legal actions in the matter of Brexline Pty Ltd and Imperial Sapphire Pty Ltd.
2. Acknowledges the response from Brexline Pty Ltd and Imperial Sapphire Pty Ltd to rectify the problems and accepts that it solves the western boundary issues but does not solve the eastern boundary issues, and as such cannot be accepted in isolation as an acceptable outcome, and Council would encourage Brexline Pty Ltd and Imperial Sapphire Pty Ltd to consider a similar treatment to the eastern boundary issues.
3. Delegate the power to accept or reject any further alternative resolutions in this matter to the Chief Executive Officer.
4. Appoint the Chief Executive Officer as its delegate to participate in any formal mediation or without prejudice proceedings. The delegate is to have authority to commence, negotiate, mediate or settle this Supreme Court action and make an agreement as a result of without prejudice discussions, legal advice or mediation upon such terms as Council's legal advisors may recommend or approve.

Carried

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 role with the Stanthorpe Agricultural Society and dealt with the perceived conflict by leaving the room and taking no part in the discussions. *Cr Gow left the meeting at 4.55pm.*

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

Resolution

Moved Cr R Bartley

Seconded Cr V Pennisi

THAT Council obtain further legal advice on this matter.

Carried

Cr Gow rejoined 4.55pm

14.15 Emu Swamp Dam Project Affected Landholders

Resolution

Moved Cr V Pennisi

Seconded Cr R Bartley

THAT Council arrange a meeting with each affected landholders identified in the Emu Swamp Dam Project to discuss the process related to their property in relation to Ministerial Designation of land.

Carried

MEETING CLOSURE

There being no further business, the meeting closed at 4.59pm.