



**MINUTES OF THE  
SPECIAL MEETING OF COUNCIL  
7 SEPTEMBER 2015**

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**MINUTES OF THE SPECIAL COUNCIL MEETING OF SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 7 SEPTEMBER 2015 IN THE COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL, 64 FITZROY STREET, WARWICK AT 9.00AM**

**1. ATTENDANCE**

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

Officers: David Keenan (Chief Executive Officer), Peter See (Director Engineering Services), Tim O'Brien (Acting Director Planning & Environment), David Tuxford (Director Business & Community Services), Marion Seymour (Minute Secretary)

**2. APOLOGIES**

**2.1 Apology**

**Resolution**

**Moved Cr C Gow**

**Seconded Cr D Ingram**

THAT the apology of Cr Meiklejohn be received and leave of absence granted.

**Carried**

**3. DECLARATIONS OF CONFLICTS OF INTEREST**

Nil

9.07am Cr Bartley joined the meeting.

**4. PLANNING & ENVIRONMENT DEPARTMENT REPORTS**

**4.1.1 Material Change of Use - CDS Investments No 1 Pty Ltd Percy Street, Warwick**

**Resolution**

**Moved Cr J Mackenzie**

**Seconded**

THAT the application for Material Change of Use for the purpose of Short-term accommodation (Motel - 33 rooms) on land at 76-80 Percy Street, Warwick, described as Lot 1 SP22823 access via the adjoining easements in the Parish of Warwick, County of Merivale, be approved subject to conditions set out in the officer's report with an additional requirement in condition (1) that the development has a sympathetic roof line to the adjacent local heritage place in accordance with Performance Outcome PO13 in Table 8.2.6.3 of the Heritage overlay Code in the SDRC Planning Scheme.

**Lapsed**

Motion lapsed for want of a seconder.

#### 4.1 Material Change of Use - CDS Investments No 1 Pty Ltd, 76-80 Percy Street, Warwick Resolution

**Moved Cr G Rees**

**Seconded Cr J McNally**

- A. THAT the application for a Material Change of Use for the purpose of Short-term accommodation (Motel - 33 rooms) on land at 76-80 Percy Street, Warwick, described as Lot 1 SP228238, Parish of Warwick, County of Merivale, be approved despite the conflict with the planning scheme for the following reasons:

The proposed development is for a two storey motel, which cannot comply with Performance outcome 20 of the Principal centre zone code, which required accommodation within this zone to be located above ground level.

The purpose of the code includes that "all accommodation is located above ground level in order to maintain the vitality of the centre". As the proposed development involves the demolition of three, single storey residences, the use of the land remains residential. The increase in use results in a higher yield for the property, which is desirable within the Principle centre.

The proposed development involves accommodation on ground level, however the proposed development is not located on the main street, being Palmerin Street and is located in an area where retail and commercial development is not prominent. There is a large variety of building styles, scales and ages along this section of Percy Street. There is no coherent streetscape in this area. Therefore, a contemporary design such as that proposed can be considered acceptable.

The proposed development has the potential to reinvigorate the central business district of Warwick, outside of normal business hours, and will also provide an increased opportunity for surveillance.

It can be considered that the residential use the property is complementary to the commercial and cultural use of the surrounding properties.

- B. THAT the application for Material Change of Use for the purpose of Short-term accommodation (Motel - 33 rooms) on land at 76-80 Percy Street, Warwick, described as Lot 1 SP228238, Parish of Warwick, 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	DA-02	20 January 2015
Block A Ground Floor Plan	DA-03	20 January 2015
Block A First Floor Plan	DA-04	20 January 2015
Block B Floor Plans	DA-05	20 January 2015
Elevations 1	DA-06	20 January 2015
Elevations 2	DA-07	20 January 2015
Sections	DA-08	20 January 2015
Landscape Plan	DA-09	20 January 2015

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 approved accommodation must be used for short term guests only. Excluding those persons residing in the manager's residence, the approved motel units must not be occupied by persons for the purpose of permanent accommodation.
4. 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.

### **Easements and Covenants**

5. If required, the existing easement is to be amended to allow for access and carparking associated with the motel.

### **Building and Site Design**

6. The design, colours and materials of the building and pavement are to be in accordance with the commercial character of the area. . Variation is to be achieved through the use of colours, materials, and architectural treatments along the Acacia Avenue frontage of Block A. **Details of the colours and materials of the building and pavement are to be submitted to and approved by the Director Planning and Environment prior to the issue of any Development Permit for Building Work.** The building and pavement is to be constructed in the approved design, colours and materials.
7. To ensure privacy is protected between adjoining properties, the windows located on the Acacia Avenue building elevation of Block B must either:
  - (i) be fitted with translucent glazing; or
  - (ii) be fitted with a fixed external screen.
8. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)
9. A copy of the Form 11 (Certificate of Classification) issued for the building works is to be provided to Council prior to the use commencing. (See advisory note below.)

### **Amenity and Environmental Controls**

10. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
11. The refuse storage area is to be of hardstand construction and within a screened enclosure constructed from solid materials with a height of at least 1.8 metres.
12. Advertising Devices relating to the Short term accommodation may **only** be erected on the subject land, i.e. Lot 1 SP228238. The location, size, type and content of any advertising sign or device located on the land is to be compatible with the commercial 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.
13. 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.
14. 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**

15. Landscaped areas are to be provided on the site in accordance with Plan No. DA-09, dated 20 January 2015.

16. Advanced tree plantings (i.e. minimum height of 1.5 metres at the time of planting) are to be provided as shown as "street planting" on Plan No. DA-09, dated 20 January 2015.
17. **A Landscaping schedule 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 schedule must include details of the location, height and species of plants, and the irrigation system. 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 metres of any underground infrastructure. The site is to be landscaped and maintained in accordance with the approved Landscaping schedule.

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

18. A concrete industrial crossing is to be constructed at the Percy Street entrance to the site in accordance with Council's standard. (Council's Engineering Services Department can provide details regarding Council's standard.)
19. Car parking shall be provided on site in accordance Plan No. DA-02, dated 20 January 2015.
20. All car parking, driveway and loading areas shall be constructed, sealed, line marked, drained, laid out and regularly maintained. This includes the sealing of the access easements located within Lots 1 and 2 RP5847, and Lots 2 and 3 RP46877.
21. The refuse collection vehicle is to be able to enter and exit the site in forward gear, to collect refuse from the skip bin area. Turning paths to demonstrate this movement can be achieved is to be submitted for approval with the Operational works application.
22. All loading and unloading of goods related to the development, i.e. laundry, 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 or footpath be permitted.

#### **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. Appropriate line marking is to be carried out along Percy Street to delineate the new angled carparking spaces, taking into consideration the driveway entrance.
25. Any redundant vehicle crossings are to be reinstated back to kerbing, matching the existing, and the footpath reinstated.
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. 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).
27. 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.
28. Signage must be provided along the internal driveway so that it can be easily read when exiting the property via motor vehicle whether day or night. This signage is to clearly demonstrate, via images and text, the correct side of the road to drive on in Queensland. (Council's Planning Department can provide details regarding Council's standard.)

### **Water Supply and Sewerage**

29. A reticulated water supply system, up to and including water meters, is to be provided to service the development. This system is to be connected to Council's water supply system.
30. A sewerage reticulation system is to be provided to service the development. This system is to be connected to Council's wastewater sewerage system.
31. The development is to comply with Council's policy *Works Near Water Supply and/or Sewerage Infrastructure Policy*, which requires an application to be submitted to Council for approval, prior to the commencement of the works. It is not desirable to build over the infrastructure, alternative arrangements should be sought, i.e. realignment of the sewer.

### **Pedestrian Works**

32. The Percy Street frontage of the proposed development is to be constructed in accordance with the Warwick streetscape general design, to match Percy Street, near the intersection with Palmerin Street. The construction of the footpath will include gold honed concrete footpath, black coloured service trench adjacent to the property boundaries, and flying saucer lighting. All design and product details are to be submitted and approved by the Director Engineering Services. (Council's Engineering Services Department can provide details regarding the Warwick streetscape general design).

*Note: Tree planting and road furniture are not required.*

### **Operational Works**

33. All operational works are to be accepted on-maintenance prior to the use of the land commencing. (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) 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) There is no guarantee that the land to the north will be used as a carpark indefinitely, or that the carpark will continue to operation in the current manner. In the future, access to Lot 1 SP228238 may not be available from the north.
- (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 food is to be prepared for guests, an application for a licence under the *Food Act 2006* are to be submitted to Council prior to any food being provided to guests. Applications for Design Approval and Approval to Operate (including applications for licence under the *Food Act 2006*) are to be submitted to and approved by Council for the food premise, prior to the issue of a Development Permit for Building Work.
- (v) An application must be submitted and approved by Council for a permit under the Local Law for rental accommodation.
- (vi) **Building Approval is to be obtained** in accordance with the *Sustainable Planning Act 2009* for the demolition or removal of the buildings. The application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this

application.

- (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 11 (Certificate of Classification) must be issued for the building works prior to the use commencing.**
- (ix) Council's approval is required to build over the sewers. Council will be a concurrence agency for the building application in accordance with the *Sustainable Planning Regulation*. The development must comply with MP 1.4 of the *Queensland Development Code – Building over or near relevant infrastructure*, and therefore must demonstrate compliance with the following Performance outcomes:
- P1 A building or structure -
- (a) does not adversely affect the operation of the relevant infrastructure; and
  - (b) does not place a load on the infrastructure that adversely affects its structure; and
  - (c) is constructed and located so its integrity is unlikely to be affected as a result of the infrastructure -
    - (i) being maintained or replaced; or
    - (ii) failing to function properly.
- P2 When completed, a building or structure allows -
- (a) gas that builds up in relevant infrastructure to escape in a way that ensures individuals in close proximity to the maintenance cover for the infrastructure are not harmed by the gas ; and
  - (b) the relevant service provider the access above the infrastructure for inspecting, maintaining or replacing the infrastructure.
- (x) 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 showing ingress and egress wheel and swept turning paths for the refuse collection vehicle;
  - 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.



### **Aboriginal Cultural Heritage**

- (xi) 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 Infrastructure, Local Government and Planning conditions as a Concurrence agency**

Nil.

**Carried**

## 4.2 Material Change of Use - Scott and Jan Wilson, 55 George Street, Hendon

### Resolution

Moved Cr G Rees

Seconded Cr J McNally

THAT the application for Material Change of Use for the purpose of a Dual occupancy (Second dwelling) on land at 55 George Street, Hendon described as Lot 22 ML3483, Parish of Hendon, 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	NA	3 September 2015

#### Car Parking and Vehicle Access

2. Vehicle access to the Dual occupancy is to be at the same location as the existing lawful entrance, on the gravel constructed section of George Street.
3. The internal driveway is to be of an all-weather standard.

#### Water Supply and Sewerage

4. On-site water storage is to be provided for the proposed new dwelling as follows:
  - (a) two bedrooms or less – 45,000 litres ; or
  - (b) more than two bedrooms - 67,500 litres.
5. All waste water generated from this property must be disposed of by means of an on-site sewerage facility (OSSF) in accordance with the AS/NZS 1547:2012, *Queensland Plumbing and Wastewater Code* and the *Standard Plumbing and Drainage Regulation 2003*.

#### 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) **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.
- (iii) **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**.
- (iv) The odour attenuation measures used in the construction of this dwelling may not eliminate the odour impacts from existing piggery at Gregory Street, Hendon, therefore the residents of this dwelling may still be impacted.

- (v) Council will not be sealing George Street as a result of any dust complaints received.

### **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**

## **5. 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:

#### **5.1 BCS - Proposed Permit to Occupy - Council Work's Depot, Allora**

##### **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.

### **Meeting In Camera**

#### **Resolution**

**Moved Cr D Ingram**

**Seconded Cr J McNally**

The Meeting moved into closed session at 9.10am.

**Carried**

09:11 AM Cr G Rees left the meeting.

### **Meeting Out Of Camera**

#### **Recommendation**

THAT the meeting resume in open session at 9.25am.

9.26am Cr Rees rejoined the meeting.

9.26am Cr Rees left the meeting.

## **5.1 BCS - Proposed Permit to Occupy - Council Work's Depot, Allora**

### **Resolution**

**Moved Cr J McNally**

**Seconded Cr C Gow**

THAT Council advise the Department of Natural Resources and Mines, that it has no objections to the issuing of a temporary Permit to Occupy over Lot 7 on CP840546, with the Permittee being responsible for any site modifications that may occur during the term of the Permit.

**Carried**

9.27am Cr Rees rejoined the meeting.

### **MEETING CLOSURE**

There being no further business, the meeting closed at 9.28am