



**MINUTES OF THE
GENERAL MEETING OF COUNCIL
23 SEPTEMBER 2015**

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REGIONAL COUNCIL HELD ON 23 SEPTEMBER 2015 IN
THE COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,
61 MARSH STREET, STANTHORPE AT 9.00AM**

1. ATTENDANCE

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

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

2. APOLOGIES

2.1 Apology

Resolution

Moved Cr J McNally

Seconded Cr D Ingram

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

Carried

3. CONDOLENCES

Resolution

THAT Council recognise those recently departed from the region.

Carried

4. READING AND CONFIRMATION OF MINUTES

4.1 General Council Meeting - 26 August 2015

Resolution

Moved Cr J McNally

Seconded Cr N Meiklejohn

THAT the minutes of the General Council Meeting held on Wednesday 26 August 2015 be adopted.

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, D Ingram, J McNally, N Meiklejohn, V Pennisi and G Rees (7)

Against: Cr Mackenzie (1)

Accordingly the Mayor declared the motion carried.

4.2 Special Council Meeting - 7 September 2015

Resolution

Moved Cr R Bartley

Seconded Cr G Rees

THAT the minutes of the Special Council Meeting held on Monday 7 September 2015 be adopted.

Carried

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Previous Council Meeting

Resolution

Moved Cr D Ingram

Seconded Cr G Rees

THAT Council receive the report and note the contents.

Carried

6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precis	Nature of Conflict
	Presentation to Bluecare	Cr Ingram declared that a perceived conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>), may exist due to her membership. Cr Ingram dealt with the perceived conflict of interest by stating that it was her determination that her personal interest is not of sufficient significance that it would lead to her making a decision on this matter that is contrary to the public interest. Cr Ingram participated in the discussion and voting on this matter.
10.6	Review of Council Lease Policy	Cr Bartley declared that a perceived conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>), may exist due to his membership of some of the affected organisations. Cr Bartley 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 Bartley participated in the discussion and voting on this matter.
10.6	Review of Council Lease Policy	Cr Meiklejohn declared that a perceived conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>), may exist due to his membership of some of the affected organisations. Cr Meiklejohn dealt with the perceived conflict of interest by stating that it was his determination that he would best perform

		his responsibility of serving the overall public interest of the whole of Council's area by participating in the discussion and voting on this matter.
10.6	Review of Council Lease Policy	Cr Pennisi 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 membership of some of the affected organisations. Cr Pennisi 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 Pennisi participated in the discussion and voting on this matter.
10.6	Review of Council Lease Policy	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 membership of some of the affected organisations. 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.
10.11	Parks Rationalisation Committee Meeting Minutes	Cr Blundell declared that a perceived conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>), may exist due to the donation of land for Donnelly's Castle by his partner's family. Cr Blundell advised he would leave the room if that Park was raised in discussion.
12.5	Emu Swamp Dam: Request for Funding from Emu Swamp Irrigators	Cr Pennisi 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 stating, "I am declaring a perceived COI based on my former position as Chair of the SCRIP. I am currently the Council representative on the Stanthorpe Community Reference Panel, however I do not stand to gain anything directly or indirectly based on any decision Council makes, either in this capacity or my previous role. The public benefits of the decision to proceed with this project in general far outweigh any perceived conflict that may be assumed in relation to my duties as a Councillor. For the decision today I will be remaining for the discussion but abstaining from the vote. Further no persons close to me stand to gain any personal benefit from this decision.
12.7	Progress Report GrainX Australia – Memorandum of Understanding	Cr Rees declared that a real conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>) exists, as he is an affected neighbour and dealt with the real conflict

		of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
16.3	Agreement for Access to Allora Water Bore	Cr Rees declared that a real conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>) exists, as he is an affected neighbour and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.

7. READING AND CONSIDERATION OF CORRESPONDENCE

7.1 Correspondence

Resolution

Moved Cr J Mackenzie

Seconded Cr D Ingram

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

Carried

8. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

Nil

9. EXECUTIVE

9.1 2015 Christmas Closure

Resolution

Moved Cr G Rees

Seconded Cr R Bartley

THAT:

1. Council Offices will close at 12.00noon on Thursday 24 December 2015 and reopen on Monday 4 January 2016.
2. Appropriate advertisements be placed in the local newspapers advising the community of the Christmas closedown.

Carried

10. BUSINESS & COMMUNITY SERVICES DEPARTMENT REPORTS

10.1 BCS - Financial Report as at 31 August 2015

Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

THAT Council receive and note the Financial Report as at 31 August 2015.

Carried

10.2 BCS - Budget Process and Timeline 2016

Resolution

Moved Cr J Mackenzie

Seconded Cr V Pennisi

THAT Council adopt the budget process outlined in the report as a trial with a review to be undertaken at the end of the budget process in 2016.

Carried

10.3 BCS - Financial Reserves

Resolution

Moved Cr J Mackenzie

Seconded Cr N Meiklejohn

THAT Council receive and note the contents of this report and request the matter be further considered with a draft program proposed.

Carried

10.4 BCS - Financial Assistance Grants (FAG's)

Resolution

Moved Cr N Meiklejohn

Seconded Cr D Ingram

THAT Council :

1. Receive and note the contents of this report.
2. Through the September Budget Quarterly Review process, investigate opportunities of decreasing expenditure or increasing income or a combination of both to offset the decrease in the Financial Assistance Grants (FAG's).

Carried

10.5 BCS - Executive Performance Report - August 2015

Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

THAT Council receive and note the Executive Performance Statistics for August 2015.

Carried

Crs Bartley, Meiklejohn, Pennisi and Rees declared perceived conflicts of interest in Agenda Item 10.6 (as defined in section 173 of the Local Government Act 2009), may exist due to their membership of some of the affected organisations. The Councillors dealt with the perceived conflict of interest by stating that it was their determination that their personal interest is not of sufficient significance that it would lead to them making a decision on this matter that is contrary to the public interest. Councillors participated in the discussion and voting on this matter.

10.6 BCS - Review of Council Lease Policy

Resolution

Moved Cr J McNally

Seconded Cr D Ingram

THAT Council defer consideration of the Review of Council Lease Policy to the October 2015 General Meeting.

Carried

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

For: Crs P Blundell, D Ingram, J McNally, N Meiklejohn and G Rees (5)

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

Accordingly the Mayor declared the motion carried.

10:09 AM Cr D Ingram left the meeting.

10:10 AM Cr D Ingram rejoined the meeting.

10.7 BCS - Proposed Permanent Closure of Road Reserve between First and Second Avenue, Warwick

Resolution

Moved Cr N Meiklejohn

Seconded Cr J Mackenzie

THAT Council advise the applicant that no objection is offered to the proposed permanent road closure of road reserve situated between First and Second Avenues, Warwick subject to the road closure area being amalgamated with an adjoining lot, being Lot 40.

Carried

10:17 AM Cr V Pennisi left the meeting.

10.8 BCS - Proposed Lease - Allora Sports Club Inc.

Resolution

Moved Cr J Mackenzie

Seconded Cr G Rees

THAT Council defer consideration of the Proposed Lease - Allora Sports Club Inc until the Review of Council's Lease Policy has been completed.

Carried

10:20 AM Cr V Pennisi rejoined the meeting.

10.9 BCS - Freehold Lease Over Premises at the Stanthorpe Council Precinct

Resolution

Moved Cr J Mackenzie

Seconded Cr G Rees

THAT Council defer consideration of the Freehold Lease Over Premises at the Stanthorpe Council Precinct until the Review of Council's Lease Policy has been completed.

Carried

10.10BCS - Saleyards Advisory Committee Meeting - 27 August 2015

Resolution

Moved Cr N Meiklejohn

Seconded Cr R Bartley

THAT Council receive and note the minutes of the Saleyards Advisory Committee Meeting held on 27 August 2015.

Carried

Cr Blundell declared that a perceived conflict of interest in Agenda Item 10.11 (as defined in section 173 of the Local Government Act 2009), may exist due to the donation of land for Donnelly's Castle by his partner's family. Cr Blundell advised he would leave the room if that Park was raised in discussion.

10.11 BCS - Parks Rationalisation Committee (PRC) Meeting Minutes - 22 July, 2 September and 15 September 2015

Resolution

Moved Cr J Mackenzie

Seconded Cr N Meiklejohn

THAT Council :

1. Receive and note the Minutes of the Parks Rationalisation Committee Meetings held on 22 July, 2 September and 15 September 2015.
2. Immediately undertake the recommendations of the Parks Rationalisation Committee for 53 Fairwill Park, 60 Glencairn Park, 91 Lysaght Park and 98 Meadowbank Park.
3. Continue actions endorsed by the Parks Rationalisation Committee for all other parks with a report to be presented to the November 2015 General Meeting.

Carried

Cr Blundell voted for the motion.

Presentation to Bluecare Stanthorpe of Proceeds from Council's "Casual for a Cause".

The meeting adjourned for morning tea at 10.35am and reconvened at 10.58am at which time there were present Crs Blundell, McNally, Rees, Mackenzie, Pennisi, Bartley, Ingram and Meiklejohn.

Meeting In Camera

Resolution

Moved Cr D Ingram

Seconded Cr G Rees

THAT the meeting move into closed session.

Carried

The Meeting moved into closed session at 10.58am.

Teleconference with David Janetzki, Chair of Audit and Risk Management Committee – Agenda Item 16.2.

Meeting Out Of Camera

Resolution

THAT the meeting resume in open session at 11.08am.

Carried

10.12BCS - Stanthorpe Cemetery - Outdoor Burial Wall - Stage 2 Remaining Walls

Resolution

Moved Cr V Pennisi

Seconded Cr D Ingram

THAT Council :

1. Refer construction of block B of stage 2 as part of 2016/2017 capital works program, consisting of 24 vaults, of the Stanthorpe Outdoor Burial Wall.
2. Construct the remaining blocks C, D and E (the remaining walls) of stage 2 after 50% of the preceding block has been sold.
3. Further discuss the costs of ongoing maintenance of the burial wall in conjunction with all forms of burial.

Carried

10.13Council's Role with Civic Events - 2016 Australia Day

Resolution

Moved Cr J Mackenzie

Seconded Cr R Bartley

THAT Council immediately arrange a press release and public notice in local newspapers seeking public feedback for 21 days on holding Australia Day 2016 celebrations at Warwick, Glengallan Homestead or elsewhere with free buses provided from Warwick, with the matter referred to the October 2015 General Meeting.

Carried

11. ENGINEERING SERVICES DEPARTMENT REPORTS

11:40 AM Cr V Pennisi left the meeting.

11.1 Engineering Services Department Monthly Report

Resolution

Moved Cr D Ingram

Seconded Cr R Bartley

THAT Council receive the Engineering Services Department Monthly Report.

Carried

11.2 Proposed Naming of Berat-Forest Springs Road Bridge

Resolution

Moved Cr J Mackenzie

Seconded Cr R Bartley

THAT Council name the recently constructed bridge on Berat-Forest Springs Road in honour of Maureen Shearing.

Carried

11:41 AM Cr V Pennisi rejoined the meeting.

11.3 Bisley Street Service Road

Resolution

Moved Cr J Mackenzie

Seconded Cr J McNally

THAT Council install bollards to prevent traffic movement on Bisley Street Service Road, and refer the matter to the Parks Rationalisation Committee for consideration.

Carried

11.4 Works Construction Capital Budget - Proposed Amendment

Resolution

Moved Cr J Mackenzie

Seconded Cr D Ingram

THAT Council resolve to amend the Works Construction Capital Budget as set out in Table 2 – “Works Construction Capital Budget Proposed Amendment”.

Carried

11:50 AM Cr R Bartley left the meeting.

11:52 AM Cr R Bartley rejoined the meeting.

12. PLANNING & ENVIRONMENT DEPARTMENT REPORTS

12.1 Request to Remove a Place from the Local Heritage Register - 33 Maryland Street, Stanthorpe

Resolution

Moved Cr J Mackenzie

Seconded Cr N Meiklejohn

THAT Council:-

1. Resolves that the place at 33 Maryland Street, Stanthorpe, is not a place of cultural heritage significance; and
2. Proposes to remove Listing No. 771 (which relates to the Commercial Building located on Lot 2 RP31625 and Lot 2 RP31627, 33 Maryland Street, Stanthorpe) from the Local Heritage Register, and proceed with notification of the proposed change as required by the *Queensland Heritage Act*.

Carried

12.2 Temporary Local Planning Instrument 01/2015 (Amendment of the Flood hazard overlay)

Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

THAT Council adopts the Temporary Local Planning Instrument 01/2015 (Amendment of the Flood hazard overlay), as attached.

Carried

Attachments

1. Temporary Local Planning Instrument 01/2015

12.3 Material Change of Use - Common Joe Investments Pty Ltd, 29 Marsh Street, Stanthorpe

Resolution

Moved Cr D Ingram

Seconded Cr G Rees

- A. THAT Council resolves that the existing and proposed carparking arrangements are not detrimental, taking into account the surrounding educational facilities, the children attending each of the surrounding educational facilities and the operating hours of each facility.
- B. If an application for the proposed building works is made within 12 months of this approval, this approval provides Council's pre-lodgement concurrence agency response for building works on the Local Heritage Place (i.e. Lot 903 S1683, Listing number: 736) in accordance with Schedule 7 of the *Sustainable Planning Act 2009*
- C. The application for a Material Change of Use for the purpose of a Child care centre (Extension to existing child care centre - all day child care up to 42 children) on land at 29 Marsh Street, Stanthorpe, described as Lot 903 S1683, Parish of Stanthorpe, County of Bentinck, be approved subject to 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 1-200	15KOOL, 102SP, DA1	8 June 2015
New Building Floor Plan	15KOOL, 110FP, DA1	7 June 2015
Existing Building Floor Plan	15KOOL, 113FP, DA1	7 June 2015
Elevations	15KOOL, 201EL, DA1	7 June 2015
External perspectives	15KOOL, 423PD, DA1	7 June 2015

Land Use and Planning Controls

2. This approval relates to the child care centre operations only.
3. The maximum number of children being cared for at the Child care centre is not to exceed 82 at any one time. This includes the children being cared for as part of the out of school care.
4. The Child care centre (subject application) and the kindergarten are not to operate conjointly.
5. The development shall generally operate only between the hours of 6.00am to 6.30pm, Mondays to Fridays, and not on Saturdays and Sundays.
6. The maximum number of employees on-site at any one time is six. This includes the business owners.
7. No materials or goods associated with the development are to be displayed or stored within the car park or landscaped areas, or outside the boundaries of the site.

Building and Site Design

8. The design, colours and materials of the building and pavement are to be in accordance with the residential and heritage character of the area. **Details of the colours 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 are to be constructed in the approved design, colours and materials.
9. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)

10. 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

11. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
12. Advertising Devices relating to the Child care centre may **only** be erected on the subject land, i.e. Lot 903 S1683. 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.
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. A screen fence 1.8 metres high shall be erected along the southern and eastern boundaries, to provide visual screening. This screen fencing is to be provided at the developer's cost. This fencing shall reduce in height to be no more than 1.2 metres high forward of the building line.
16. **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.
17. A shade structure is to be erected within the backyard area that is large enough to provide outdoor protection for the children to play. **Details of the shade structure are to be submitted to and approved by the Director Planning and Environment, prior to the issue of a Development Permit for Building Work.**
18. Landscaped areas are to be provided on the site in accordance with Plan No. 15KOOL - 102SP - DA1, dated 8 June 2015, prepared by Nspire Planning and Design.
19. The landscaping within the building setback, to Marsh Street, is to be densely planted.
20. Advanced tree plantings (i.e. minimum height of 1.5 metres at the time of planting) are to be provided as follows:
 - At least two within the building setback from Marsh Street, taking into consideration the electricity lines; and
 - At least one directly to the west of the proposed new child care centre.The advanced trees are to have open trunks, whereby there are no low branches which could impact on surveillance.
21. **A Landscaping Plan is to be submitted to and approved by the Director Planning and Environment prior to the issue of any Development Permit for Building Work.** The Landscaping Plan must include details of the location and species of plants, the irrigation system and the height and material of fencing. Plants are to be generally frost resistant and drought hardy, and must not include weed species. 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 Plan.

Car Parking and Vehicle Access

22. The existing vehicle access is to remain and be maintained whenever required.

23. Car parking shall be provided on site in accordance Plan No. 15K00L - 102SP - DA1, dated 8 June 2015, prepared by Nspire Planning and Design. All car parking, driveway and loading areas shall be constructed, sealed, line marked, drained, laid out and regularly maintained.

Roadworks and Stormwater Drainage

24. 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.
25. 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).
26. Signage must be provided at the vehicular entrance, indicating that pedestrians are not to use this entrance, but are to use the designated pedestrian entrance, located to the south.

Water Supply and Sewerage

27. The new building is to be connected to Council's reticulated water supply system and sewerage system.
28. The proposed dwelling units are to be connected to Council's reticulated water supply system and sewerage system in accordance with the *Queensland Plumbing and Wastewater Code*. A separate water connection (including water meter) is to be provided for each dwelling unit within the development. A separate sewerage connection is to be provided for each dwelling unit.

Operational Works

29. 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

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

Advisory Notes

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning and Environment, prior to the use commencing, and then compliance maintained at all times while the use continues.
- (ii) Any proposal to increase the scale or intensity of the use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Sustainable Planning Act 2009* and would have to comply with the requirements of the Planning Scheme.
- (iii) If food is to be provided to children, applications for licence under the *Food Act 2006* are to be submitted to Council prior to the commencement of provision of food. 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.
- (iv) **Plumbing and Drainage Approval is to be obtained** in accordance with the *Plumbing and Drainage Act 2002* for the proposed plumbing and drainage works. The application for

Plumbing and Drainage approval must be submitted to Council with the appropriate **forms, plans and fees** associated with this application. A **Certificate of Compliance must be issued** for the works prior to the use commencing.

- (v) **Building Approval is to be obtained** in accordance with the *Sustainable Planning Act 2009* for the proposed building work. The building application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. The building plans are to accord with the plans approved in this approval. The building is to be constructed in accordance with the Building Approval prior to the commencement of the use. A **Form 11 (Certificate of Classification) must be issued for the building works prior to the use commencing.**
- (vi) A 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 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

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

Schedule 2 - Department of Infrastructure, Local Government and Planning conditions as a Concurrence agency

Nil.

Carried

12.4 Negotiated Decision - Kelris Pty Ltd, Dight Road, Rosenthal Heights

Resolution

Moved Cr N Meiklejohn

Seconded Cr J Mackenzie

- A. THAT the request for a Negotiated Decision, in relation to the Development Permit dated 29 June 2015 for a Subdivision of 2 lots into 49 lots (Over 8 stages: Stage 1: Lots 1-9; Stage 2: Lots 10-11; Stage 3: Lots 12, 15-18; Stage 4: Lots 21 and 22; Stage 5: 18-20 and 23-32; Stage 6: Lots 13 and 14, 34, and 46-49; Stage 7: Lots 33, 35 and 36, and 44 and 45; and Stage 8: Lots 37-43) on land at Dight Road, Rosenthal Heights, described as Lot 4 RP199040 and Lot 2 SP260975, Parish of Warwick, County of Merivale, be refused in part for the following reasons:

The Planning Scheme specifically details that lots which are created within the Rural residential zone, with an area less than 1.5 hectares, require kerb and channel.

The lots which have frontage to Dight Road range from 4,000 square metres to 1.1 hectares, and are therefore all well below the 1.5 hectares stipulated in the Planning Scheme which may be suitable for a concrete edge strip. The applicant has now agreed that kerb and channel should be provided along the Dight Road frontage. Therefore, Condition 9 should remain unchanged.

- B. THAT Condition 8 be amended as follows:

8. All roads within the development are to be constructed in asphaltic concrete/bitumen seal, 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. New roads are to be a minimum of 15 metres wide with a minimum sealed carriageway width of 6.5 metres.

~~Subject For the frontage of proposed Lots 33 and 35-43, a concrete edge strip may be satisfactory subject~~ to an assessment of stormwater and drainage impacts and information being submitted for approval, ~~a concrete edge strip and swale drains (instead of the provision of kerb and channel) may be considered appropriate for the two internal cul-de-sacs.~~ Such information is to be prepared by a Registered Professional Engineer of Queensland (RPEQ), with the Operational works application and must demonstrate that the road construction and overland drainage will not be compromised without kerb and channel on the frontage of these lots.

Carried

12:17 PM Cr N Meiklejohn left the meeting.

12:17 PM Cr N Meiklejohn rejoined the meeting.

Cr Pennisi declared that a perceived conflict of interest in Agenda Item 12.5 (as defined in section 173 of the Local Government Act 2009), may exist stating, "I am declaring a perceived COI based on my former position as Chair of the SCRIP. I am currently the Council representative on the Stanthorpe Community Reference Panel, however I do not stand to gain anything directly or indirectly based on any decision Council makes, either in this capacity or my previous role. The public benefits of the decision to proceed with this project in general far outweigh any perceived conflict that may be assumed in relation to my duties as a Councillor. For the decision today I will be remaining for the discussion but abstaining from the vote. Further no persons close to me stand to gain any personal benefit from this decision.

12.29pm Cr Pennisi left the room.

12.5 Emu Swamp Dam: Request for funding from Emu Swamp Irrigators

Resolution

Moved Cr J Mackenzie

Seconded Cr R Bartley

THAT Council make a contribution of \$10,000 to the study for the Emu Swamp Dam Business Case from Council's current budget allocation.

Carried

12:48pm Cr Pennisi rejoined the meeting.

12:58pm Cr J McNally left the meeting.

01:00pm Cr J McNally rejoined the meeting.

12.6 Overflow Policy for Camping in the Southern Downs Region

Resolution

Moved Cr J Mackenzie

Seconded Cr

THAT Council adopt the attached amended Overflow Policy for Camping in the Southern Downs Region in accordance with Council's 'Guideline for the formation and review of Policies' (Guideline Number PL-GV069).

Lapsed

Attachments

1. Amended Overflow Policy

Motion lapsed for want of a seconder.

12.6.1 Overflow Policy for Camping in the Southern Downs - Deferral

Resolution

Moved Cr R Bartley

Seconded Cr G Rees

THAT Council defer consideration of the Overflow Policy for Camping in the Southern Downs Region.

Carried

Cr Rees declared that a real conflict of interest in Agenda Item 12.7 and 16.3 (as defined in section 173 of the Local Government Act 2009) exists, as he is an affected neighbour and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.

01:25 PM Cr G Rees left the meeting.

16.3.1 GrainX Matters

Resolution

Moved Cr R Bartley

Seconded Cr D Ingram

THAT Confidential Agenda Item 16.3 be considered in open session.

Carried

01:28 PM Cr J Mackenzie left the meeting.

01:33 PM Cr J Mackenzie rejoined the meeting.

16.3 Agreement for Access to Allora Water Bore

Resolution

Moved Cr R Bartley

Seconded Cr V Pennisi

THAT Council agree to the terms and conditions in the attached Water Use Agreement with Grainx.

Carried

Attachments

1. Water Supply Agreement

12.7 Progress Report GrainX Australia - Memorandum of Understanding

Resolution

Moved Cr J Mackenzie

Seconded Cr J McNally

THAT Council:-

1. Appoint the Mayor and Cr Meiklejohn to the Consultative Committee.
2. Adopt the attached Memorandum of Understanding (MOU).
3. Call Expressions of Interest for the two Community Members for the Consultative Committee, with those Members to be approved by the Council representatives on the Committee and the proponent.
4. Refer the following items to the first meeting of the Consultative Committee:-
 - a. Hours of operation for loading of grain shall generally be in daylight hours.
 - b. The issue of stormwater runoff.
 - c. Parking and the speed of trucks in South Street.

Carried

Attachments

1. Memorandum of Understanding

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:

16.1 BCS - Request for Reduction/Removal of Water & Waste Water Charges

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.

16.2 BCS - Audit & Risk Management Committee (ARMC) Meeting - 3 September 2015

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.

11.1 Agreement for Access to Allora Water Bore

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.

Meeting In Camera

Resolution

Moved Cr D Ingram

Seconded Cr J McNally

THAT the meeting move into closed session.

Carried

The Meeting moved into closed session at 2.02pm.

Meeting Out Of Camera

Resolution

THAT the meeting resume in open session at 2.16pm.

16.1 BCS - Request for Reduction/Removal of Water & Waste Water Charges

Resolution

Moved Cr J McNally

Seconded Cr N Meiklejohn

Resolution

THAT Council defer consideration of this matter to enable discussion with the Review of Council's Lease Policy.

Carried

16.2 BCS - Audit & Risk Management Committee (ARMC) Meeting - 3 September 2015

Resolution

Moved Cr J Mackenzie

Seconded

THAT Council :

1. Adopt the minutes of the ARMC meeting held on 3 September 2015.
2. Adopt the business arising from the ARMC meeting held on 3 September 2015.
3. Adopt the amended minutes of the ARMC meeting held on 4 June 2015.
4. Adopt the Business Continuity Plans with the inclusion of the following in Appendix A:-

Where necessary to facilitate the continuity of Council business, the Council hold statutory meetings with or without teleconferencing and adequate notice prescribed under the Act and with Ministerial approval less than the number of Councillors to form a quorum.

5. Adopt the amended ARMC Charter.

Lapsed

Motion lapsed for want of a seconder.

16.2.1 BCS - Audit & Risk Management Committee (ARMC) Meeting - 3 September 2015

Resolution

Moved Cr J McNally

Seconded Cr N Meiklejohn

THAT Council :

1. Adopt the minutes of the ARMC meeting held on 3 September 2015.
2. Adopt the business arising from the ARMC meeting held on 3 September 2015.
3. Adopt the amended minutes of the ARMC meeting held on 4 June 2015.
4. Adopt the Business Continuity Plans.
5. Adopt the amended ARMC Charter.

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, D Ingram, J McNally, N Meiklejohn, V Pennisi and G Rees
(7)*

Against: Cr J Mackenzie (1)

Accordingly the Mayor declared the motion carried.

MEETING CLOSURE

There being no further business, the meeting closed at 2.23pm.