



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

## ORDER OF BUSINESS:

<b>1.</b>	<b>ATTENDANCE .....</b>	<b>4</b>
<b>2.</b>	<b>APOLOGIES.....</b>	<b>4</b>
<b>3.</b>	<b>CONDOLENCES .....</b>	<b>4</b>
<b>4.</b>	<b>READING AND CONFIRMATION OF MINUTES.....</b>	<b>4</b>
	4.1 General Council Meeting - 23 September 2015 .....	4
<b>5.</b>	<b>ACTIONS FROM COUNCIL MEETINGS .....</b>	<b>5</b>
	5.1 Actions from Previous Council Meeting.....	5
<b>6.</b>	<b>DECLARATIONS OF CONFLICTS OF INTEREST .....</b>	<b>5</b>
<b>7.</b>	<b>READING AND CONSIDERATION OF CORRESPONDENCE .....</b>	<b>5</b>
	7.1 Annual Valuation for Southern Downs Region .....	5
	7.1 Correspondence .....	6
<b>8.</b>	<b>RECEPTION AND READING OF PETITIONS AND JOINT LETTERS.....</b>	<b>6</b>
	8.1 Petition - Australia Day 2016 Celebrations.....	6
<b>9.</b>	<b>EXECUTIVE.....</b>	<b>6</b>
	9.1 Local Government Remuneration and Discipline Tribunal.....	6
	9.2 EXEC - Financial Report as at 30 September 2015 .....	6
	9.3 EXEC - SDRC Operational Plan Quarterly Review - July to September 2015 .....	7
	9.4 EXEC - Executive Performance Report - September 2015 .....	7
	15.2.1 Request for Reduction/Removal of Water & Waste Water Charges .....	7
	9.5 EXEC - Review of Council Lease Policy .....	7
	9.6 EXEC - Proposed Freehold Lease - Stanthorpe Sports Association .....	8
	9.7 EXEC - Proposed Lease - Allora Sports Club Inc. ....	9
	9.8 EXEC - Freehold Lease - Warwick Shire Woodcrafters Inc.....	9
	9.9 EXEC - Freehold Lease - Stanthorpe Senior Citizens.....	10
	14.1 Payment of Electricity by Community Lessees.....	10
	9.10 EXEC - Proposed Permanent Closure of Road Reserve between First and Second Avenue, Warwick .....	10
	15.2 EXEC - Request for Reduction/Removal of Water & Waste Water Charges.....	11
<b>10.</b>	<b>ENGINEERING SERVICES DEPARTMENT REPORTS.....</b>	<b>11</b>
	10.1 Engineering Services Department Monthly Report .....	11
	10.2 Proposed Removal of Steps - Carrs Crossing, Junabee .....	11

10.3	Request for Signage .....	11
10.4	Maryvale Cemetery.....	12
10.5	Aerodrome Operations .....	12
10.6	Water Supply Agreement with Tenterfield Shire Council .....	13
10.7.1	Deferral - Trade Waste Management Policy .....	13
<b>11.</b>	<b>PLANNING &amp; ENVIRONMENT DEPARTMENT REPORTS .....</b>	<b>14</b>
11.1	Draft Planning Bill 2015 (Qld) .....	14
11.2	Pest Management Working Group Minutes 25 August 2015.....	14
11.3.1	Principal Cycle Network Plan for Stanthorpe and Warwick - Community Consultation .....	15
11.3	P&E - Principal Cycle Network Plan for Stanthorpe and Warwick .....	15
11.4	P&E - Stanthorpe Streetscape Masterplan .....	15
11.5	Proposed Amendment of Subordinate Local Law No. 2 (Animal Management) 2011 and Subordinate Local Law No. 1.5 (Keeping of Animals) 2011.....	16
11.6	Notice of Appeal to Planning and Environment Court, Appeal No. 3860 of 2015, Raymond Anthony Crompton, Gladfield Back Road, Gladfield ..	16
11.7	P&E - Fee Reduction Request For I & L Rizzato & Sons .....	16
11.8	Construction of the Northern Granite Belt Waste Transfer Station and Proposed Closure of the Thulimbah Waste Transfer Station.....	17
11.9	P&E - Reconfiguration of Lot - Catholic Diocese of Toowoomba, 124-146 Cleary Street, Warwick .....	18
11.10	P&E - Review of New Library Fees and Charges.....	22
11.11	Council's Role with Civic Events - 2016 Australia Day .....	23
<b>12.</b>	<b>REPORTS OF DEPUTATION OR CONFERENCE &amp; REPORTS FROM DELEGATES APPOINTED BY COUNCIL TO OTHER BODIES .....</b>	<b>23</b>
12.1	Report from Delegates.....	23
<b>13.</b>	<b>NOTICES OF MOTION .....</b>	<b>24</b>
13.1	Notice of Motion - Annual Funding YMCA Stanthorpe .....	24
<b>14.</b>	<b>GENERAL BUSINESS .....</b>	<b>24</b>
14.2	Leslie Dam Facilities.....	24
14.4	Sandy Creek Raceway - Non-compliance.....	24
14.3	Destination Southern Downs Budget .....	24
14.5	Warwick Artists Group .....	25
<b>15.</b>	<b>CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS .....</b>	<b>25</b>
	<b>Meeting In Camera .....</b>	<b>27</b>
	<b>Meeting Out Of Camera .....</b>	<b>27</b>
10.7	Trade Waste Management Policy .....	27

15.1	EXEC - Proposed Sale of Land at Leyburn.....	27
15.3	Tender Assessment Report - Request for Tender 16/013 "Construction of Lyndhurst Lane Bridge" .....	28
15.4	Trade Waste Management Plan .....	28
15.5	Proposed Amendments to the Southern Downs Planning Scheme.....	29
15.6	P&E - 2015-2016 - Community Support Program Funding Recommendations.....	29
15.7	P&E - 2015-2016 Community Grants Funding Recommendations.....	30

**MINUTES OF THE GENERAL COUNCIL MEETING OF SOUTHERN DOWNS  
REGIONAL COUNCIL HELD ON 28 OCTOBER 2015 IN THE COUNCIL CHAMBERS,  
SOUTHERN DOWNS REGIONAL COUNCIL, 64 FITZROY STREET, WARWICK AT  
9.00AM**

**1. ATTENDANCE**

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

Officers: David Keenan (Chief Executive Officer), Peter See (Director Engineering Services), Ken Harris (Director Planning, Environment and Community Services), Marion Seymour (Minute Secretary)

**2. APOLOGIES**

Nil

9.00am Presentation of Certificate of Service to Cr Meiklejohn

9.05am Presentation to Blue Care Warwick - Casual for a Cause

**3. CONDOLENCES**

**Resolved**

THAT Council recognise those recently departed from the region.

**4. READING AND CONFIRMATION OF MINUTES**

**4.1 General Council Meeting - 23 September 2015**

**Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr V Pennisi**

THAT the minutes of the General Council Meeting held on Wednesday 23 September 2015 be adopted, noting the amendment to item 10.2 with the inclusion of the word "preceding" in point 2.

**Carried**

## 5. ACTIONS FROM COUNCIL MEETINGS

### 5.1 Actions from Previous Council Meeting

#### Resolution

Moved Cr D Ingram

Seconded Cr N Meiklejohn

THAT Council receive the report and note the contents.

**Carried**

## 6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precis	Nature of Conflict
9.6	Proposed Freehold Lease – Stanthorpe Sports Association	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 Cr Pennisi being a life member of one of the sporting clubs that use the facility. 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.
14.5	Warwick Artists Group	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 wife being a life member of one of the Group. 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.

## 7. READING AND CONSIDERATION OF CORRESPONDENCE

### 7.1 Annual Valuation for Southern Downs Region

#### Resolution

Moved Cr R Bartley

Seconded Cr V Pennisi

THAT Council write to the Valuer-General requesting a reconsideration of their decision not to conduct an annual valuation for the Southern Downs given the significant downturn in the real estate market in the region over recent months.

**Carried**

## 7.1 Correspondence

### Resolution

**Moved Cr J Mackenzie**

**Seconded Cr R Bartley**

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

**Carried**

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

Cr Bartley tabled a Petition to keep Australia Day Celebrations in Warwick.

### 8.1 Petition - Australia Day 2016 Celebrations

#### Resolution

**Moved Cr R Bartley**

**Seconded Cr J Mackenzie**

THAT the attached Petition to keep 2016 Australia Day Celebrations in Warwick be received.

**Carried**

#### Attachments

1. Petition

9.15am Cr Gow joined the meeting.

## 9. EXECUTIVE

### 9.1 Local Government Remuneration and Discipline Tribunal

#### Resolution

**Moved Cr R Bartley**

**Seconded Cr N Meiklejohn**

THAT Council write to the Tribunal indicating that Southern Downs Regional Council should remain a Category 4 local government authority and make no comment in relation to the allowances for Mayor, Deputy Mayor and Councillors.

**Carried**

### 9.2 EXEC - Financial Report as at 30 September 2015

#### Resolution

**Moved Cr C Gow**

**Seconded Cr J McNally**

THAT Council receive and note the Financial Report as at 30 September 2015, and continue to endorse the reduction in staff costs through natural attrition.

**Carried**

### **9.3 EXEC - SDRC Operational Plan Quarterly Review - July to September 2015**

#### **Resolution**

**Moved Cr R Bartley**

**Seconded Cr G Rees**

THAT Council receive and note the contents of this Operational Plan Quarterly Review – July to September 2015, noting an amendment to Parks Rationalisation item to reflect minor savings had been achieved through some reduction of services.

**Carried**

### **9.4 EXEC - Executive Performance Report - September 2015**

#### **Resolution**

**Moved Cr R Bartley**

**Seconded Cr C Gow**

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

**Carried**

### **15.2.1 Request for Reduction/Removal of Water & Waste Water Charges**

#### **Resolution**

**Moved Cr R Bartley**

**Seconded Cr J Mackenzie**

THAT Confidential Agenda Item 15.2 be considered in open meeting.

**Carried**

### **9.5 EXEC - Review of Council Lease Policy**

#### **Resolution**

**Moved Cr J Mackenzie**

**Seconded Cr R Bartley**

THAT:-

1. Sections 5.1 and 5.2 of the Community Lease Policy PL-RP001 be amended so that a flat annual rental fee of \$200.00 will apply for all community leases.
2. Forecast reduction in income from community leases be referred to Council's First Quarter Review.

**Carried**

The attached letter from the Stanthorpe Sports Association Inc regarding their lease arrangements was tabled.

*Cr Pennisi declared that a perceived conflict of interest in Agenda Item 9.6 (as defined in section 173 of the Local Government Act 2009), may exist due to Cr Pennisi being a life member of one of the sporting clubs that use the facility. 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.*



## 9.6 EXEC - Proposed Freehold Lease - Stanthorpe Sports Association

### Resolution

Moved Cr V Pennisi

Seconded Cr J Mackenzie

THAT Council:-

1. Continue to support existing Resolution 8.2 dot point 1 of December 2013 General Council Meeting and discuss transitional arrangements with affected community groups before July 2017, outlined as follows:
  - “1. Propose to maintain all land on Council owned/controlled sporting fields that are leased to sporting groups with the definition of sporting group to be refined, but in general terms, would include those sports that are played in schools such as :
    - Football (Soccer)
    - Rugby League
    - Rugby Union
    - Australian Football League
    - Cricket
    - Netball
    - Tennis”
2. Enter a five year Lease with Stanthorpe Sports Association on the basis of the attached letter of request sent to Council on 31 August 2015 following the decision made by the Stanthorpe Sports Association after consultation with the Chief Executive Officer and members of staff.

**Carried**

### Attachments

1. Stanthorpe Sports Association Inc Letter

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

*For: Crs R Bartley, C Gow, D Ingram, J Mackenzie, J McNally, V Pennisi and G Rees (7)*

*Against: Crs P Blundell and N Meiklejohn (2)*

*Accordingly the Mayor declared the motion carried.*

## **9.7 EXEC - Proposed Lease - Allora Sports Club Inc.**

### **Resolution**

**Moved Cr D Ingram**

**Seconded Cr G Rees**

THAT Council approve an amendment to the Trustee Lease to Allora Sports Club Inc, to include lease areas shown as 'A', 'B' and 'C' on the attached plan on the proviso that the Allora Sports Group amend their Public Liability Policy, to include the activities of Allora Playgroup, in accordance with Council's Lease Policy (PL-RP001).

**Carried**

Citizenship Ceremony 10.40am

The meeting adjourned adjourned for morning tea at 10.50am and reconvened at 11.17am at which time there were present Crs Blundell, McNally, Gow, Rees, Mackenzie, Pennisi, Bartley, Ingram and Meiklejohn.

## **9.8 EXEC - Freehold Lease - Warwick Shire Woodcrafters Inc.**

### **Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr J McNally**

THAT Council offer a five year Freehold Lease from 1 December 2015 to the Warwick Shire Woodcrafters Inc. for the occupation of part of Lot 1 on RP105768 and Lots 1 & 2 on RP117727, with the following special conditions:

- The annual lease fee to be in accordance with Council's Lease Policy.
- The Lessor reserves the right to terminate this lease with the provision of four months' notice to the Lessee, and Council could work with the Lessee to find appropriate alternative accommodation if required.

**Carried**

## **9.9 EXEC - Freehold Lease - Stanthorpe Senior Citizens**

### **Resolution**

**Moved Cr J Mackenzie**

**Seconded Cr V Pennisi**

THAT Council offer a 10 year freehold lease to the Stanthorpe Senior Citizens (SSC) for the occupation of the Senior's rooms located on Lot 2 on RP126970, with the following special conditions:

- A term up to a maximum of ten (10) years and in accordance with a Council resolution;
- An annual lease fee of \$200.00 will apply;
- The Lessee will not be responsible for utility charges, due to the leased premises not being separately metered;
- The Lessee will not be responsible for building maintenance as the leased premises form part of Council occupied building/s;
- The Lessee will not be responsible for building insurance;
- The Lessee will be responsible for contents insurance if the Lessee deems this necessary;
- The Lessee must effect a public liability insurance policy for an amount of ten million dollars (\$10,000,000);
- Any further inclusions as resolved by Council;
- The SSC will provide evidence of 'Incorporation';
- Council will not unreasonably withhold approval for the SSC to rent the premises to third parties (subject to those third parties providing evidence of Public Liability insurance).

**Carried**

## **14.1 Payment of Electricity by Community Lessees**

### **Resolution**

**Moved Cr J Mackenzie**

**Seconded Cr V Pennisi**

THAT Council will consider introducing in its next budget (2016/2017) the requirement for payment of electricity by all community lessees.

**Carried**

## **9.10 EXEC - Proposed Permanent Closure of Road Reserve between First and Second Avenue, Warwick**

### **Resolution**

**Moved Cr J Mackenzie**

**Seconded Cr R Bartley**

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 adjoining Lots 39 and 40 on RP31029.

**Carried**

## **15.2 EXEC - Request for Reduction/Removal of Water & Waste Water Charges**

### **Resolution**

**Moved Cr J Mackenzie**

**Seconded Cr R Bartley**

THAT Council rebate by 50% the water and waste water charges for the Killarney, Allora and Warwick Senior Citizens Centres in the current and future financial years

**Carried**

## **10. ENGINEERING SERVICES DEPARTMENT REPORTS**

### **10.1 Engineering Services Department Monthly Report**

#### **Resolution**

**Moved Cr R Bartley**

**Seconded Cr G Rees**

THAT Council receive the Engineering Services Department Monthly Report.

**Carried**

### **10.2 Proposed Removal of Steps - Carrs Crossing, Junabee**

#### **Resolution**

**Moved Cr R Bartley**

**Seconded Cr V Pennisi**

THAT Council enter into consultation with Queensland Police Service, Yangan Progress Association, affected landowner and Department of Natural Resources and Mines to determine how to manage the area.

**Carried**

### **10.3 Request for Signage**

#### **Resolution**

**Moved Cr R Bartley**

**Seconded Cr V Pennisi**

THAT Council refer the request for financial support for the installation of directional signage to the RAAF World War 2 Airfield Monument for consideration in the 2016/2017 budget.

**Carried**

## **10.4 Maryvale Cemetery**

### **Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr G Rees**

THAT Council:

1. Note the submission from the Maryvale Progress Association;
2. Endorse Council entering into a Volunteer Agreement with the Maryvale Progress Association under the provisions of PL-HR039 Volunteer Policy.
3. Consider allocating \$13,436.50 or part thereof in the 2016/17 Council budget to support the Maryvale Progress Association in the endeavour to improve the quality of the Maryvale Cemetery.
4. Advise the Maryvale Progress Association of the Fast Response Grant process.

**Carried**

## **10.5 Aerodrome Operations**

### **Resolution**

**Moved Cr J McNally**

**Seconded Cr C Gow**

THAT Council

1. Note the Safety Inspection Reports (dated July 2015) completed by Aerodrome Operations Support Pty Ltd for both the Stanthorpe and Warwick Aerodromes.
2. Note the reports, including proposed actions, have been referred by officers to the Civil Aviation Safety Authority.
3. Note that no funding has been allocated in the 2015/16 Budget to cover all the expenses that may be incurred to rectify the remedial actions identified.
4. Note and endorse those actions currently being executed by Council officers (noted in the report section of the Council report) to address those remedial actions identified by Aerodrome Operations Support Pty Ltd.

**Carried**

## 10.6 Water Supply Agreement with Tenterfield Shire Council

### Resolution

Moved Cr R Bartley

Seconded Cr D Ingram

THAT Council:

1. Approves the attached Water Supply Agreement with Tenterfield Shire Council
2. Authorises the Chief Executive Officer/ Mayor to sign off and implement the Agreement as soon as possible.
3. Authorises the Chief Executive Officer to make administrative amendments to the Agreement where required.

**Carried**

### Attachments

1. Water Supply Agreement

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

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

*Against: Cr N Meiklejohn (1)*

*Accordingly the Mayor declared the motion carried.*

## 10.7.1 Deferral - Trade Waste Management Policy

### Resolution

Moved Cr N Meiklejohn

Seconded Cr R Bartley

THAT Council defer consideration of the Trade Waste Management Policy in conjunction with Agenda Item 15.4.

**Carried**

The meeting adjourned for lunch at 12.55pm and reconvened at 1.40pm at which time there were present Crs Blundell, McNally, Rees, Mackenzie, Pennisi, Bartley, Ingram and Meiklejohn.

## 11. PLANNING & ENVIRONMENT DEPARTMENT REPORTS

### 11.1 Draft Planning Bill 2015 (Qld)

#### Resolution

**Moved Cr N Meiklejohn**

**Seconded Cr J McNally**

THAT Council makes a submission in relation to the Draft Planning Bill 2015 with regards to the following matters:

- The extension of time for a TLPI from 1 year to 2 years is appropriate.
- The terminology of code and impact assessment should remain.
- There should be a process, similar to that for exemption certificates, to allow a reduction in the level of assessment from impact to code.
- A timeframe should attach to the completion of development conducted under an exemption certificate.
- It is appropriate that the Assessment Manager is allowed discretion to accept an application that does not include all required documents as being properly made.
- It is appropriate that all impact assessable applications are subject to public notification.
- Any application for a minor change should be assessed against the matters that apply when the change application is made, as this reflects latest planning policy.
- The definition for minor change should be amended for clarification.
- The provisions relating to currency periods of development approvals are much clearer and more workable than those for relevant periods under the *Sustainable Planning Act*.

**Carried**

01:45 PM Cr J Mackenzie left the meeting.

### 11.2 Pest Management Working Group Minutes 25 August 2015

#### Resolution

**Moved Cr R Bartley**

**Seconded Cr G Rees**

THAT Council receive the report in relation to the Pest Management Working Group (PMWG) Minutes of the 25 August 2015 and adopt the Minutes.

**Carried**

01:46 PM Cr J Mackenzie rejoined the meeting.

01:47 PM Cr C Gow rejoined the meeting.

01:48 PM Cr R Bartley left the meeting.

01:49 PM Cr R Bartley rejoined the meeting.





### **11.5 Proposed Amendment of Subordinate Local Law No. 2 (Animal Management) 2011 and Subordinate Local Law No. 1.5 (Keeping of Animals) 2011**

#### **Resolution**

**Moved Cr J McNally**

**Seconded Cr D Ingram**

THAT Council proposes to make Amendment Subordinate Local Law No. 1 (Animal Management and Keeping of Animals) 2015 (as attached), and notes that there are no significant impacts associated with the anti-competitive provisions of the Amendment Subordinate Local Law.

**Carried**

#### **Attachments**

1. Proposed Amendment of Subordinate Local Law No 2 (Animal Management) 2011 and Subordinate Local Law No 1.5 (Keeping of Animals) 2011

### **11.6 Notice of Appeal to Planning and Environment Court, Appeal No. 3860 of 2015, Raymond Anthony Crompton, Gladfield Back Road, Gladfield**

#### **Resolution**

**Moved Cr G Rees**

**Seconded Cr N Meiklejohn**

THAT the report in relation to the Notice of Appeal to Planning and Environment Court, Raymond Anthony Crompton, Gladfield Back Road, Gladfield, be received and that Council:

- (i) Delegate to the Chief Executive Office power to engage legal counsel and expert witnesses as necessary in defending Council's decision on this development application; and
- (ii) 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 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;
- (iii) Approve the expenditure of more than \$50,000, if required, for this matter.

**Carried**

### **11.7 P&E - Fee Reduction Request For I & L Rizzato & Sons**

#### **Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr V Pennisi**

THAT Council approve the request by I & L Rizzato & Sons to reduce the development application fees by 50% for the applications for rural workers accommodation and non-resident workforce accommodation in Pozieres.

**Carried**

## **11.8 Construction of the Northern Granite Belt Waste Transfer Station and Proposed Closure of the Thulimbah Waste Transfer Station**

### **Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr G Reesi**

THAT Council note the opening date of mid December for the Northern Granite Belt Waste Transfer Station and adopt to close the Thulimbah Waste Transfer station from 1 February 2016.

**Carried**

## 11.9 P&E - Reconfiguration of Lot - Catholic Diocese of Toowoomba, 124-146 Cleary Street, Warwick

### Resolution

Moved Cr N Meiklejohn

Seconded Cr G Rees

- A. THAT the application for Material Change of Use and Reconfiguring a Lot - Subdivision of two (2) lots into 34 lots on land at 124-146 Cleary Street, Warwick, described as Lot 3 RP125874 (Incl Emt A in SP257235) and Lot 1 RP36412 (Incl Emt B in SP257235), Parish of Warwick, County of Merivale, be approved despite conflict with the planning scheme for the following reasons:

The subject land is partially within the Rural zone due to the impact from the Flood hazard overlay.

It is acknowledged that the subject land is within the Rural zone due to the flooding constraints which affect the property. The land is surrounded by land within the residential zones and is in proximity to services, such as the hospital, educational establishments and park. All urban services can be provided to the property.

The applicant proposes to utilise part of the land which is within the Rural zone for residential purposes; four lots, and six partial lots. Whilst the residential lots are within the Rural zone, as previously detailed, the lots are located outside of the Flood hazard overlay.

The residential subdivision of the land which is not within the Flood hazard overlay is not going to result in encroachment on to rural land, in the sense that it is more infill development opposed to rural encroachment.

- B. THAT the boundary of the Low density residential zone is amended as part of the current planning scheme review. The amendment should include the land in the vicinity, which are not included in the Flood hazard overlay, within the Low density residential zone.
- C. THAT the application for Material Change of Use and Reconfiguring a Lot - Subdivision of two (2) lots into 34 lots on land at 124-146 Cleary Street, Warwick, described as Lot 3 RP125874 (Incl Emt A in SP257235) and Lot 1 RP36412 (Incl Emt B in SP257235), Parish of Warwick, County of Merivale, be approved subject to the following conditions:

### Schedule 1 - Southern Downs Regional Council Conditions for Reconfiguring a Lot

#### Approved Plans

1. The development of the site is to be generally in accordance with the following proposal plan submitted with the application, **EXCEPT, the road stub to the south is deleted and a road stub is provided to the land to the east and a pedestrian pathway connection is provided to the land to the south**, and subject to the final development being amended in accordance with the conditions of this approval.

Plan Name	Plan No.	Date
Proposed reconfiguration	13511 P1	17 July 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.

#### Dedications

3. A 6.0 metre x 3 chord truncation on the corner of the new road and Cleary Street is to be dedicated for road purposes at no cost to Council. Any fencing is to be relocated and any other infrastructure is to be removed from within the dedicated area.

### **Easements and Covenants**

4. An easement for waste water purposes is to be provided over the sewer line which traverses the property, in favour of Council. The easement documentation is to be prepared by Council's solicitors at the developer's cost. A copy of the easement documentation is to be submitted to Council for approval prior to the signing of the Plan of Subdivision.

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

5. A screen fence 1.8 metres high shall be erected along the common boundary with Lot 2 RP901732. The fence is to be erected prior to large scale earthworks are undertaken as part of stage one. This screen fence is to be provided at the developer's cost.
6. Crepe Myrtle trees (*Lagerstroemia*) are to be planted within the road reserve of Cleary Street and the proposed new roads. The trees are to be planted approximately 20.0 metres apart and on the southern side of Cleary Street and on both sides of the sealed pavement of the new roads. The trees are to be of a minimum height of 1.5 metres at the time of planting. A plan showing the location of the street trees is to be provided as part of any Operational works application.

### **Roadworks and Stormwater Drainage**

7. 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.
8. A stub road is to be provided to the land to the east. The stub road is to be located outside of the Flood hazard overlay.
9. 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. New roads are to be a minimum of 18.0 metres wide with a minimum sealed carriageway width of 7.0 metres.
10. The new internal roads are to be designed and constructed to have a 1 in 50 year flood immunity.
11. Sealed road widening, including mountable kerbing and channeling and stormwater drainage, is to be constructed along the Cleary Street frontage of the site. The widening and kerb and channel is to match the existing alignment at the corner of Dragon Street, and the concrete edging at the service station to the west.
12. A temporary turn around area is to be constructed at the end of the new road providing for future connectivity. If at the completion of any stage of the development a new road is not constructed to its final length, a sealed turn around area is to be provided at the end of the constructed section of road. The temporary turn around areas are to be sealed and are to be designed to allow for a single turning movement for an 8.8 metre service vehicle (MRV). The sealed turn around area must remain until such time as the road is further extended or completed to its final length. Such turnaround must be designed to accommodate a tandem drive garbage truck.
13. An alternative access point is to be established, which is flood free, to Dragon Street, Carmody Street or Wallace Street. The alternative access point is to be available in case of emergency, whereby the access to Cleary Street is not available. The alternative access does not need to be formed, however must be passable by a 2WD vehicle. The easement should be established to ensure it is lawful. The alternative access is to remain in place until such time as the proposed stub road to the south is connected to a further subdivision.
14. 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 are to be 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.
15. Street name signs are to be provided in accordance with Council's standard design for street signs.
16. (a) 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 will 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 QUDM.
- (b) All lots are to be above ARI 1%.

### **Water Supply and Sewerage**

17. A 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.
18. A sewerage reticulation system is to be provided to service all allotments. This system is to be connected to Council's wastewater sewerage system.
19. If the sewer line servicing Lot 19 RP83070 has been installed, the sewer is to be relocated through proposed Lots 21 and 25, to be near the property boundary.
- If the sewer line servicing Lot 19 RP83070 has not been installed, it may be appropriate for negotiations to occur on the alignment to best fit the subject subdivision layout.
- ALTERNATIVELY, the lot layout is amended taking into consideration the sewer line.

### **Pedestrian Works**

20. A 2.0 metre wide pedestrian pathway to the land to the south is to be provided at the location of the proposed Lot 13. A concrete footpath is to be constructed within the pedestrian pathway, linking to the new roadway.

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

21. 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 that reticulated electricity has been installed to service each lot.
22. 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.
23. Street lighting shall be provided in accordance with AS/NZS 1158.

### Operational Works

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

### Infrastructure Charges Notice

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

### Advisory Notes

- (i) The Flood hazard overlay is based on a 1% flood event and therefore doesn't guarantee flood immunity.
- (ii) 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 at least 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);
  - Flood immunity level of the internal roads;
  - Details of the works to be undertaken within the Flood hazard overlay area to control stormwater and flood water;
  - A Stormwater Management Plan;
  - Dust suppression methods;
  - If the development involves new roads, the proposed names for new roads; 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

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

### Approval Times

- (iv) In accordance with the *Sustainable Planning Act 2009*, this Reconfiguring of a Lot part of the approval will lapse two years from the day the approval takes effect, or four years where the reconfiguration involves Operational Works. The Material Change of Use part of the approval will lapse four years from the day the approval takes effect. 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

- (v) 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.**

- (vi) 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.

## **Schedule 1 - Southern Downs Regional Council Conditions for Material Change of Use**

### **Approved Plans**

1. The construction of Dwelling houses on proposed Lots 1, 2, 14, 15, 24 to 29 may proceed as exempt development under the Southern Downs Planning Scheme 2012.

### **Advisory Notes**

#### **Aboriginal Cultural Heritage**

- (i) 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**

## **11.10P&E - Review of New Library Fees and Charges**

### **Resolution**

**Moved Cr C Gow**

**Seconded Cr R Bartley**

THAT Council :

1. Adjust the 2015-2016 Fees and Charges for Inter-Library Loans (ILL) from \$5.00 to \$2.00.
2. Adjust the 2015-2016 Fees and Charges for Meeting Room Use by a not for profit group or organisation from \$10.00 to \$5.00.

**Carried**

03:01 PM Cr G Rees left the meeting.

03:03 PM Cr G Rees rejoined the meeting.



## **11.11 Council's Role with Civic Events - 2016 Australia Day**

### **Resolution**

**Moved Cr J Mackenzie**

**Seconded Cr R Bartley**

THAT Council:-

1. Allocate funds from the 2015/16 Budget for Australia Day 2016 as follows:
  - Stanthorpe - limit of \$6058 as per current budget;
  - Killarney - \$500 be offered to the organizing committee via Killarney Lions Club;
  - Allora - \$500 be offered to Glengallan Homestead; and
  - Warwick - a maximum of \$6058 with funds spent on the event as a partnership with community groups at the discretion of the Committee.
2. Delegate authority to the Chief Executive Officer to formulate a Committee to organise Australia Day celebrations in Leslie Park, Warwick.
3. Endorse the appointment of Cr Mackenzie and Cr Meiklejohn to the Committee.

**Carried**

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

Cr McNally had previously distributed the attached report on her attendance at the 2015 LGAQ Conference.

### **12.1 Report from Delegates**

#### **Resolution**

**Moved Cr J McNally**

**Seconded Cr D Ingram**

THAT Council receive the report of Cr McNally, and send a letter of thanks to Margaret de Wit on her retirement as President of LGAQ.

**Carried**

#### **Attachments**

1. Report from Cr McNally - 2015 LGAQ Conference

Cr Bartley advised of his appointment to the State Executive of the River Trust.

Cr Ingram provided an update on the Annual General Meeting of Community Development Services.



## 13. NOTICES OF MOTION

### 13.1 Notice of Motion - Annual Funding YMCA Stanthorpe

#### Resolution

**Moved Cr V Pennisi**

**Seconded Cr G Rees**

THAT during the budget review process, the financial contribution to YMCA Stanthorpe be reconsidered to align with a 5% reduction in funding.

**Carried**

## 14. GENERAL BUSINESS

Cr Bartley tabled the attached letter from Andrew Gale.

### 14.2 Leslie Dam Facilities

THAT the attached letter from Andrew Gale be received and referred to the Manager Corporate Services.

#### Attachments

1. Letter from Andrew Gale

Cr Bartley tabled the a letter from Sandy Creek Raceway

### 14.4 Sandy Creek Raceway - Non-compliance

THAT the attached letter from Sandy Creek Raceway be received and referred to the Director Planning & Environment.

#### Attachments

1. Sandy Creek Raceway Letter

### 14.3 Destination Southern Downs Budget

#### Resolution

**Moved Cr J Mackenzie**

**Seconded Cr R Bartley**

THAT Council request Destination Southern Downs to consider making their budget available to the public.

**Lost**

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

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

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

*Accordingly the Mayor declared the motion lost.*

*Cr Bartley declared that a perceived conflict of interest in this Agenda Item 14.5 (as defined in section 173 of the Local Government Act 2009), may exist due to his wife being a life member of one of the Group. 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.*

Cr McNally had previously distributed the attached letter from the Warwick Artists Group.

## **14.5 Warwick Artists Group**

### **Resolution**

**Moved Cr J McNally**

**Seconded Cr R Bartley**

THAT the attached letter from the Warwick Artists Group be received and Council:-

1. Replace the sign at the Cnr of Wallace Street and Glen Road, subject to approval from the Department of Transport and Main Roads.
2. Allocate a street number to the Group's Art Studio in Willi Street, Warwick.

**Carried**

### **Attachments**

1. Warwick Artist Group Letter

Cr Bartley voted for the motion.

03:36 PM Cr D Ingram left the meeting.

03:37 PM Cr D Ingram rejoined the meeting.

## **15. 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:

### **15.1 EXEC - Proposed Sale of Land at Leyburn**

#### **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.

### **15.2 EXEC - 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.

### **15.3 Tender Assessment Report - Request for Tender 16/013 "Construction of Lyndhurst Lane Bridge"**

#### **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.

### **15.4 Trade Waste Management Plan**

#### **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.

### **15.5 Proposed Amendments to the Southern Downs Planning Scheme**

#### **Reason for Confidentiality**

This item is considered confidential in accordance with section 275(1)(g) of the *Local Government Regulation 2012*, as it contains information relating to any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

### **15.6 P&E - 2015-2016 - Community Support Program Funding Recommendations**

#### **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.

### **15.7 P&E - 2015-2016 Community Grants Funding Recommendations**

#### **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



### **15.3 Tender Assessment Report - Request for Tender 16/013 "Construction of Lyndhurst Lane Bridge"**

#### **Resolution**

**Moved Cr C Gow**

**Seconded Cr N Meiklejohn**

THAT Council, subject to successful negotiations of commercial and legal terms, accepts and enters into a contract for Contract No 16/013 "Construction of Lyndhurst Lane Bridge" with Ozwide Bridge Rail and Civil Pty Ltd generally in accordance with the Request for Tender and Ozwide Bridge Rail and Civil Pty Ltd's Tender for the amount of \$1,120,400.00 (excluding GST).

**Carried**

### **15.4 Trade Waste Management Plan**

#### **Resolution**

**Moved Cr J Mackenzie**

**Seconded Cr N Meiklejohn**

THAT Council:-

1. Receive the draft Trade Waste Management Plan.
2. Receive information on the likely potential number of businesses to be impacted prior to the consultation process.
3. Authorise the Manager Water and Wastewater to publicise the draft Trade Waste Management Plan for public comments before 2016 as follows:
  - On exhibition for 3 weeks
  - Online survey for 3 weeks
  - 1 workshop in Warwick and 1 workshop in Stanthorpe
4. Receive a subsequent report from Manager Water & Wastewater on the findings of the survey and workshops.

**Carried**

## **15.5 Proposed Amendments to the Southern Downs Planning Scheme**

### **Resolution**

**Moved Cr J Mackenzie**

**Seconded Cr J McNally**

THAT Council:-

1. Resolves to include the proposed amendments to the Southern Downs Planning Scheme, as detailed in this report, in the major amendments to the Southern Downs Planning Scheme.
2. Confirms its directive to amend the Southern Downs Planning Scheme such that all new dwellings, dual occupancies, multiple dwellings and short-term accommodation within the Rural zone and within 1 kilometre of an Intensive animal industry is impact assessable development, and the provisions of the planning scheme be amended to prevent these types of development in these locations.

**Carried**

## **15.6 P&E - 2015-2016 - Community Support Program Funding Recommendations**

### **Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr G Rees**

THAT Council :

1. Adopt the recommendations for funding of applications under the 2015-2016 Community Support Program totalling \$30,000 as per Attachment 1.
2. Sign-off the Funding Recommendations – Record of Decision as per Attachment 2.

**Carried**

### **Attachments**

1. CSP Attachment 1
2. CSP Attachment 2

## **15.7 P&E - 2015-2016 Community Grants Funding Recommendations**

### **Resolution**

**Moved Cr D Ingram**

**Seconded Cr G Rees**

THAT Council :

1. Adopt the recommendations for funding of applications under the 2015-2016 Community Grants Program totalling \$69,997 as per Attachment 1 without amendment.
2. Sign-off the Funding Recommendations – Record of Decision as per Attachment 2.

**Carried**

### **Attachments**

1. CGP - Attachment 1
2. CGP - Attachment 2

4.38pm Cr Mackenzie left the meeting.

### **MEETING CLOSURE**

There being no further business, the meeting closed at 4.43pm.