



**MINUTES OF THE  
GENERAL MEETING OF COUNCIL  
16 DECEMBER 2015**

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**MINUTES OF THE GENERAL COUNCIL MEETING OF  
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 16 DECEMBER 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 & Community Services), Marion Seymour (Minute Secretary)

**2. APOLOGIES**

Nil

**3. CONDOLENCES**

**Resolved**

THAT Council recognise those recently departed from the region.

**Carried**

**4. READING AND CONFIRMATION OF MINUTES**

**4.1 General Council Meeting - 25 November 2015**

**Resolution**

**Moved Cr J McNally**

**Seconded Cr G Rees**

THAT the minutes of the General Council Meeting held on Wednesday 25 November 2015 be adopted.

**Carried**

**4.2 Special Council Meeting - 7 December 2015**

**Resolution**

**Moved Cr G Rees**

**Seconded Cr J McNally**

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

**Carried**

## 5. ACTIONS FROM COUNCIL MEETINGS

### 5.1 Actions from Previous Council Meeting

#### Resolution

Moved Cr D Ingram

Seconded Cr C Gow

THAT Council receive the report and note the contents.

**Carried**

## 6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precis	Nature of Conflict
9.3	Proposed Renewal of Lease – Telstra Ltd	Cr Mackenzie declared a real conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i> ) due to a shareholding held in Telstra and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
9.3	Proposed Renewal of Lease – Telstra Ltd	Cr Gow declared a real conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i> ) due to a shareholding held in Telstra and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
9.3	Proposed Renewal of Lease – Telstra Ltd	Cr Bartley declared a real conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i> ) due to a shareholding held in Telstra and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
11.1	Southern Downs Young Leaders Program 2016	Cr Meiklejohn declared a real conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i> ) due to his son being one of the applicants t and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
11.7	Request to Activate an Overflow Area for Camping: Stanthorpe Agricultural Society for Apple and Grape 2016	Cr Gow declared a perceived conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i> ) due to his position with Stanthorpe Agricultural Society and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
13.1	Notice of Motion- Construction of Concrete Footpath Western Side of Guy Street Between Locke & Pratten Streets	Cr Bartley declared a real conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i> ) due to the location of his parents' property in Guy Street and dealt

		with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
13.1	Notice of Motion- Construction of Concrete Footpath Western Side of Guy Street Between Locke & Pratten Streets	Cr McNally declared a real conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i> ) due to her position on the Board of Assumption College and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
15.6 & 15.6.1	Progress Report GrainX Australia	Cr Rees declared a real conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i> ) due to due to his residence being located near the site, 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 McNally**

**Seconded Cr G Rees**

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

*Cr Rees declared a real conflict of interest in Agenda Item 15.6.1 (as defined in section 173 of the Local Government Act 2009) due to due to his residence being located near the site, and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.*

09:08 AM Cr G Rees left the meeting.

### 15.6.1 Grainx Memorandum of Understanding

#### Resolution

**Moved Cr J Mackenzie**

**Seconded Cr R Bartley**

THAT Agenda Item 15.6 be considered in Council's open meeting.

**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 and N Meiklejohn (5)

Accordingly the Mayor declared the motion lost.

09:12 AM Cr G Rees rejoined the meeting.

## 9. EXECUTIVE

### 9.1 Financial Report as at 30 November 2015

#### Resolution

Moved Cr N Meiklejohn

Seconded Cr C Gow

THAT Council receive and note the Financial Report as at 30 November 2015.

**Carried**

### 9.2 Proposed Lease for Stanthorpe Swimming Club Inc.

#### Resolution

Moved Cr J McNally

Seconded Cr C Gow

THAT Council offer a five year freehold lease to the Stanthorpe Swimming Club Inc. for the occupation of part of Lot 2 on RP82554, situated at the Stanthorpe Swimming Pool, 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, should the premises be required for any other purpose;
- The Lessee will be responsible for the maintenance of the leased premises;
- 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 a minimum amount of twenty million dollars (\$20,000,000);
- The Lessee will provide evidence of 'Incorporation'.

**Carried**

Cr Gow declared a real conflict of interest in Agenda Item 9.3 (as defined in section 173 of the Local Government Act 2009) due to a shareholding held in Telstra and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.

09:19 AM Cr C Gow left the meeting.

Cr Mackenzie declared a real conflict of interest in Agenda Item 9.3 (as defined in section 173 of the Local Government Act 2009) due to a shareholding held in Telstra and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.

09:19 AM Cr J Mackenzie left the meeting.



*Cr Bartley declared a real conflict of interest in Agenda Item 9.3 (as defined in section 173 of the Local Government Act 2009) due to a shareholding held in Telstra and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.*

*09:19 AM Cr R Bartley left the meeting.*

### **9.3 Proposed Renewal of Lease - Telstra Corporation Ltd**

#### **Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr D Ingram**

THAT Council offer a three year lease from 1 January 2016, to Telstra Corporation Ltd. for the occupation of Lot 1 on Crown Plan BNT1615, situated at the corner of Amiens and Texas Roads, Stanthorpe, with the annual lease fee commencing at \$5,200 (subject to annual CPI increases).

**Carried**

*09:20 AM Cr C Gow rejoined the meeting.*

*09:20 AM Cr R Bartley rejoined the meeting.*

*09:20 AM Cr J Mackenzie rejoined the meeting.*

### **9.4 Executive Performance Report - November 2015**

#### **Resolution**

**Moved Cr R Bartley**

**Seconded Cr G Rees**

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

**Carried**

### **9.5 Rural Debt and Drought Taskforce Submission**

#### **Resolution**

**Moved Cr J Mackenzie**

**Seconded Cr V Pennisi**

THAT Council provide a submission to Rural Debt and Drought Taskforce, and request a meeting with the Taskforce when they visit the region in December/January.

**Carried**

#### **Attachments**

1. Submission

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

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

#### **Resolution**

**Moved Cr G Rees**

**Seconded Cr R Bartley**

THAT Council receive the Engineering Services Department Monthly Report.

**Carried**

### **10.2 Request for Budget Amendment to Fund Fire Fighting Point - YMCA Stanthorpe**

#### **Resolution**

**Moved Cr J McNally**

**Seconded Cr J Mackenzie**

THAT Council approve the extension of the water main to YMCA Stanthorpe at a cost of \$21,900 to be taken from the Contingency Fund within the Capital Budget.

**Carried**

### **10.3 Exercise Clarion**

#### **Resolution**

**Moved Cr C Gow**

**Seconded Cr G Rees**

THAT Council adopts recommendations as detailed in the report.

**Carried**

### **10.4 Exercise Clarion After Action Review v0.1**

#### **Resolution**

**Moved Cr J Mackenzie**

**Seconded Cr C Gow**

THAT Council receive the draft Exercise Clarion After Action Review v0.1 Report.

**Carried**

*09:52 AM Cr J McNally left the meeting.*

*09:54 AM Cr J McNally rejoined the meeting.*

### **10.5 Disaster Management Plan Assessment Report**

#### **Resolution**

**Moved Cr J Mackenzie**

**Seconded Cr C Gow**

THAT Council receive the Disaster Management Plan Assessment Report.

**Carried**

## **10.6 Draft Asset Management Plan - Stanthorpe Recycled Water Scheme**

### **Resolution**

**Moved Cr V Pennisi**

**Seconded Cr J Mackenzie**

THAT Council receive the Draft Asset Management Plan for Stanthorpe Recycled Water Scheme and send a copy to the irrigators to seek comment for a period of no longer than 3 months.

**Carried**

*10:03 AM Cr J Mackenzie left the meeting.*

*Cr Meiklejohn declared a real conflict of interest in Agenda Item 11.1 (as defined in section 173 of the Local Government Act 2009) due to his son being one of the applicants and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.*

*10:03 AM Cr N Meiklejohn left the meeting.*

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

### **11.1 Southern Downs Young Leaders Program 2016**

#### **Resolution**

**Moved Cr D Ingram**

**Seconded Cr J McNally**

THAT Council adopt and confirm the nominated appointees for the Southern Downs Young Leaders Program for 2016.

**Carried**

*10:04 AM Cr J Mackenzie rejoined the meeting.*

*10:05 AM Cr N Meiklejohn rejoined the meeting.*

## **11.2 Making of Amendment Subordinate Local Law No. 1 (Animal Management and Keeping of Animals) 2015**

### **Resolution**

**Moved Cr C Gow**

**Seconded Cr J McNally**

THAT Council:

1. Makes *Amendment Subordinate Local Law No. 1 (Animal Management and Keeping of Animals) 2015* (as attached).
2. Adopts new consolidated versions of *Subordinate Local Law No. 2 (Animal Management) 2011* and *Subordinate Local Law No. 1.5 (Keeping of Animals) 2011* to include the amendments made by *Amendment Subordinate Local Law No. 1 (Animal Management and Keeping of Animals) 2015*.
3. Amend the Schedule of General Fees and Charges to replace the section relating to Local Law No. 2 (Animal Management) 2011 with the following:

#### **Subordinate Local Law No. 1.5 (Keeping of Animals) 2011**

(Application to keep animals under Schedule 2 of *Subordinate Local Law No. 2 (Animal Management) 2011*)

- |  |       |
|--|-------|
| – Application to keep breeding dogs or breeding cats (Animal Breeder Permit) | \$250 |
| – Any other application for the keeping of animals                           | \$150 |
| – Annual renewal of approval for the keeping of animals                      | \$40  |

**Carried**

The attached Submission was omitted from the Agenda and emailed to Councillors.

## **11.3 Feedback from the Stanthorpe Streetscape Masterplan Public Display**

### **Resolution**

**Moved Cr J Mackenzie**

**Seconded Cr J McNally**

THAT Council:

1. Adopt the Stanthorpe Streetscape Masterplan.
2. Consider the priority project list as part of discussions on the SDRC budget for the 2016/17 financial year.
3. In the project priority list, consider the recommendations by submitters during the public display.
4. Consider expressions of interest from Community Groups for specific components of the Stanthorpe Streetscape Masterplan

**Carried**

### **Attachments**

1. Submission

#### **11.4 Australia Day Awards Assessment Panel Membership 2016**

##### **Resolution**

**Moved Cr R Bartley**

**Seconded Cr G Rees**

THAT Council:-

1. Adopt the establishment of one Australia Day Awards Assessment Panel to deal with all applications received across the region with membership to include 4 Councillors and 2 Community Services Staff, ensuring that nominations from each region are dealt with according to geographic location as per the nomination form.
2. Nominate Crs Pennisi, Ingram, Rees and Bartley as members of the Assessment Panel.

**Carried**

#### **11.5 PE & CS - Tobacco and Other Smoking Products (Smoke Free Places) Amendment Bill 2015**

##### **Resolution**

**Moved Cr D Ingram**

**Seconded Cr G Rees**

THAT Council offer no objection to the Tobacco and Other Smoking Products (Smoke-free Places) Amendment Bill 2015 and notes that prior to adopting Local Laws to control smoking on Council controlled land a further report on enforcement and staffing will have to be submitted to Council.

**Carried**

10:27am Presentation of Casual for a Cause Donation to Warwick and Stanthorpe SES representatives

The meeting adjourned for Morning Tea at 10.30am and reconvened at 11.00am at which time there were present Crs Blundell, McNally, Gow, Rees, Mackenzie, Pennisi, Bartley, Ingram and Meiklejohn.

*Cr Gow declared a perceived conflict of interest in Agenda Item 11.7 (as defined in section 173 of the Local Government Act 2009) due to his position with Stanthorpe Agricultural Society and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.*

11.00am Cr Gow left the meeting

## **11.7 Request to Activate an Overflow Area for Camping: Stanthorpe Agricultural Society for Apple and Grape 2016**

### **Resolution**

**Moved Cr J Mackenzie**

**Seconded Cr R Bartley**

THAT Council approve the request by the Stanthorpe Agriculture Society to activate an overflow area for camping during the Apple and Grape Festival 2016 on the Stanthorpe Showgrounds subject to the provision of suitable amenities and waste disposal facilities to the satisfaction of the Director Planning, Environment and Community Services in accordance with the adopted Policy with a review following the event.

**Carried**

*11.05am Cr Gow rejoined the meeting.*

## **11.8.1 Enforcement Program for Unlawful Building Works**

### **Resolution**

**Moved Cr J Mackenzie**

THAT Council take no further action in this matter until written further specific details are confidentially provided to a statutory meeting where illegal building/plumbing works are considered to be an immediate danger and/or severe environmental threat to human habitation.

**Lapsed**

The Motion lapsed for want of a seconder

## **11.8 Sugarloaf Forestry - Enforcement Program for Unlawful Building Works**

### **Resolution**

**Moved Cr D Ingram**

**Seconded Cr J McNally**

THAT Council notes the contents of the report and that an enforcement program will be commencing in regards to unlawful building works in the Limited Development (Constrained Land) Zone of the Sugarloaf Forestry.

**Carried**

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

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

*Against: Cr J Mackenzie (1)*

*Accordingly the Mayor declared the motion carried.*

## 11.9 Request to Change an Existing Approval - Churches of Christ in Queensland, 9-15 Alice Street, Stanthorpe

### Resolution

Moved Cr D Ingram

Seconded Cr J McNally

- A. THAT Council considers that the Maximum Developable Scenario to not be detrimental to surrounding properties while considering impacts associated with increases in peak flood levels, flood velocities, and the flood footprint, the application for a request to change an existing approval, that being the Development Permit dated 28 February 2007, as amended by notice dated 18 March 2015, for an Aged Persons Accommodation and Community Care Centre (Nursing Home) on land at 9-15 Alice Street, Stanthorpe, described as Lot 36 RP21510 and Lot 2 RP103921, Parish Stanthorpe, County of Bentinck, be approved and the conditions of approval be amended as follows:

### Schedule 1 - Assessment Manager's Conditions

#### Proposal Plan

1. The development is to be generally in accordance with the following proposal plans and development details 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
Schematic Site Layout & Site Elevation	CARN0101 A001 DA1	1 February 2007
Sketch Floor Plan Part 'A'	CARN0101 A002 DA	18 December 2006
Sketch Floor Plan Part 'B'	CARN0101 A003 DA	18 December 2006
Upper and Lower Floor Plans	CARN0101 A004 DA	18 December 2006
Elevations	CARN0101 A005 DA	18 December 2006
ILU's Floor Plan & Elevations	CARN0101 A006 DA	18 December 2006
Development Footprint Scenarios	5A	n.d.

2. The approval is for:
- Aged persons accommodation comprising a maximum of 67 dwelling units each containing 2 bedrooms.
  - A nursing home comprising a maximum of 120 beds.
3. The development may be staged, provided that all works and infrastructure required for a particular stage are constructed with that stage.
- ~~3A. Deleted. This approval, as it relates to those parts of Stage 1B and Stage 3 within the Flood hazard overlay, lapses on 31 December 2015.~~
- ~~3B. This approval will lapse if the entire development is not completed before 31 December 2020. Stage 1A, Stage 2, Stage 4, and those parts of Stage 1B and Stage 3 located outside of the Flood hazard overlay, are to be completed by 31 December 2020. This approval will lapse in respect of those parts of the development that have not been completed within this period.~~
- ~~3C..The proposed development is to be wholly contained within Lot 2 RP103921 and Lot 39 RP21510.~~

### **Waste Water**

4. The development shall be connected to Council's sewerage system in accordance with the "Sewerage Code of Australia" and in accordance with engineering plans and specifications submitted by the applicant and approved by Council.
5. The developer shall ensure that Council's sewerage reticulation system has sufficient capacity to service the development and if not, the developer is to meet the cost of any upgrading works required.
6. All works required at the point of connection to Council's sewer system shall be undertaken by Council at the developer's cost.

### **Water Supply**

7. The development shall be connected to Council's water supply system in accordance with the "Water Reticulation Code of Australia" and in accordance with engineering plans and specifications submitted by the applicant and approved by Council.
8. The developer shall ensure that Council's water reticulation system has sufficient capacity to service the development and if not, the developer is to meet the cost of any upgrading works required.
9. All works required at the point of connection to Council's water reticulation system shall be undertaken by Council at the developer's cost.

### **Storm Water**

10. Stormwater generated on site is to be collected and drained to a legal point of discharge in accordance with the "Queensland Urban Drainage Manual" and in accordance with engineering plans and specifications submitted by the applicant and approved by Council.
11. A 4 metre wide easement is to be provided, in favour of Council, along the southern boundary of Lot 36 on RP 21510 Parish of Stanthorpe for the purposes of construction and maintenance of underground and overland stormwater drainage.

### **Solid Waste**

12. All solid waste shall be disposed of to the satisfaction of the **Director Planning, Environment and Community Services Environmental Health Officer**.
13. Bin collection points are to be located within the development. The location, design and orientation of the bin collection points are to be determined in consultation with Council's Director **Planning, Environment and Community of Health and Building Services**.
14. The industrial bin associated with the aged care facility is to be located so that it can be emptied without any manual repositioning.

### **Parking**

15. Provision of off street car parking in accordance with the Provisions for Car parking and Loading being Part 5 Clauses 1.1 and 1.2 of the Planning Scheme. At least one car parking space and a tandem space is to be provided in association with each separate dwelling unit. The car parking spaces are to be constructed, laid out and marked in accordance with the Planning Scheme. A further 14 off street spaces are to be provided within the residential component of the development. Of these 6 are to be provided adjacent to the visitor centre with the remaining 8 to be distributed through the residential development.
16. Provision of at least 39 car parking spaces in association with the nursing home. The provision of the parking may be staged as the construction of the nursing home is staged provided that 1 space is provided for every 3 beds in the current stage.

### **Internal Access**

17. The main entry shall have a minimum sealed width of 9 m from the point of entry onto the site



to the Community Facilities. This paved surface of the entry road shall be contained between two 150mm wide concrete edge strips plus 3.0 m of verge on each side.

18. The services and staff entry shall have a sealed pavement width of a minimum 9 m to be contained between two 150mm wide concrete edge strips plus 3.0 m of verge on each side.
19. All other internal roads are to have a sealed pavement width of a minimum of 5.5 m to be contained between two 150 mm wide concrete edge strips plus 3.0 m of verge on each side.

#### **Footpath Works**

20. The developer is to construct a 1.5 metre wide 125mm deep concrete footpath along the frontage of Lot 36 on RP 21510 Parish of Stanthorpe to the satisfaction of the Director of Engineering Services.
21. The developer is to construct a sealed or paved vehicle crossing from Alice Street to the property boundary in accordance with engineering plans submitted by the developer and approved by Council and to the satisfaction of the Director of Engineering Services.
22. The developer is to undertake top dressing, with good quality topsoil, and grass seeding of the un-constructed section of footpath following completion of construction works to the satisfaction of the Director of Engineering Services.
23. Provision of internal footpaths as shown on the proposal plans.

#### **Alice Street Road Works**

24. The developer is to construct concrete kerb and channel and pavement widening and bitumen sealing to the Alice Street frontage of the development in accordance with engineering plans and specifications submitted by the applicant and approved by Council and to the satisfaction of the Director of Engineering Services.
25. The developer is to construct a stormwater drainage gully and trafficable grate to drain the kerb and channel to Council's existing stormwater drainage in accordance with engineering plans and specifications submitted by the applicant and approved by Council and to the satisfaction of the Director of Engineering Services.

#### **Landscaping**

26. The site is to be landscaped in accordance with a properly prepared planting plan to be submitted to and approved by the Assessment Manager prior to any construction on site. The landscaping is to be established to the satisfaction of Council at all times.

#### **Amenity**

27. Any lighting device is to be positioned and shielded as not to cause glare nuisance to any nearby residential occupant or passing motorist and not emit light upwards into the night sky.
28. **All service equipment and refrigeration units are to be positioned and housed so as not to cause a noise nuisance or disturbance to persons or property not connected with the development.**

#### **Erosion Control**

29. Prior to the commencement of the development works on the site the developer shall submit to Council for approval properly prepared Erosion and Sediment Control Plans as detailed in the document, "Soil Erosion and Sediment Control: Engineering Guidelines for Queensland Construction Sites, Institute of Engineers, Australia 1996".

#### **Operational Works**

30. A Development Permit for Operational Works associated with the development must be obtained in accordance with the *Sustainable Planning Act*. The development application must be submitted with the following:
  - Relevant IDAS Forms;

- The relevant fee in accordance with Council's Schedule of General Fees and Charges;
- Design, schedules and specifications for all Operational Works, certified by a Registered Professional Engineer in Queensland (RPEQ);
- A car parking plan showing the location and dimension of all parking areas, details of the proposed pavement treatment, and full engineering specifications of layout, construction, sealing, drainage and line marking;
- A plan showing ingress and egress wheel and swept turning paths;
- A Stormwater Management Plan;
- An Erosion and Sediment Control Plan; and
- A geotechnical report addressing the filling of the site and make recommendations as to how it will be possible for such filling to achieve compliance with AS3798-2007 (as amended) "*Guidelines on Earthworks for Commercial and Residential Developments*".

Operational Works, **excluding earth 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.

- 30A. An Operational works permit must be obtained for the proposed earthworks on the site, specifically addressing compacting of the fill to prevent washout.
- 30B. All earthworks, including batters must be fully contained within the development site.
- 30C. Prior to the use of the land commencing an Operational Works Compliance Certificate must be issued. (See advisory note below.)
- 30D. The finished ground level of the development site must achieve a minimum level of 500mm above the height of the Defined Flood Event (DFE).
- 30E. Filling of the site must not exceed the footprint of the *Maximum Developable Area* in accordance with Plan No. 5A prepared by *BMT WBM* as approved in Condition 1 of this approval.
- 31. Deleted.
- 32. Deleted.
- 33. Deleted.
- 34. Deleted.
- 35. Deleted.
- 36. Deleted.
- 37. Deleted.
- 38. Deleted.
- 39. Deleted.
- 40. Deleted.
- 41. Deleted.
- 42. Deleted.

#### **Advisory Notes**

- (i) The Flood hazard overlay is based on a 1% Annual Exceedance Probability (AEP) flood event and therefore doesn't guarantee flood immunity.

**Carried**

Agenda Item 11.10 was withdrawn in accordance with an email request of the applicant.

### **11.10 Fee Reduction Request - Michael Wallace, Coxen Street, Ramsay Street and Wienholt Street, Maryvale**

#### **Recommendation**

THAT Council refuse the request by Michael Wallace to reduce the development application fees as development applications for the dwelling houses have not been received.

**Withdrawn**

## **9.6 Local Government Remuneration & Discipline Tribunal Report 2015**

### **Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr D Ingram**

THAT Council :

1. Adopt the Local Government Remuneration and Discipline Tribunal determined Remuneration Schedule effective from 1 July 2016 for Mayor, Deputy Mayor and Councillors.
2. Continue to offer Councillors the option for superannuation contributions on the basis that Council and Councillors make contributions in a ratio of two to one up to a maximum Council contribution rate of 12% with the maximum rate from Councillors being 6%.
3. Note the Southern Downs has been recategorized from Category 4 to Category 3.
4. Note that a new Council is able to set their remuneration rate.

**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, C Gow, J Mackenzie and V Pennisi (4)*

*Accordingly the Mayor declared the motion carried.*

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

Nil.

*Cr McNally declared a real conflict of interest in Agenda Item 13.1 (as defined in section 173 of the Local Government Act 2009) due to her position on the Board of Assumption College and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.*

*11.45am Cr McNally left the meeting*

*Cr Bartley declared a real conflict of interest in Agenda Item 13.1 (as defined in section 173 of the Local Government Act 2009) due to the location of his parents' property in Guy Street and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.*

*11.45am Cr Bartley left the meeting*

### **13. NOTICES OF MOTION**

#### **13.1 Notice of Motion - Construction of Concrete Footpath Western Side of Guy Street Between Locke & Pratten Streets**

##### **Resolution**

**Moved Cr J Mackenzie**

**Seconded Cr V Pennisi**

THAT Council consider construction of a concrete footpath on the western side of Guy Street between Locke and Pratten Streets in the 2016 Budget discussions.

**Carried**

*11:47am Crs Bartley and McNally rejoined the meeting*

#### **13.2 Notice of Motion - Key to Power Outlet at Killarney Cenotaph**

##### **Resolution**

**Moved Cr R Bartley**

**Seconded Cr J Mackenzie**

THAT Council provide a key to the power outlet at the Killarney Cenotaph to the Killarney RSL.

**Carried**

### **13.3 Notice of Motion to Repeal or Amend - Payment for Camping Allora and Dalveen Park Reserves**

#### **Resolution**

**Moved Cr J Mackenzie**

**Seconded Cr V Pennisi**

THAT Council consider repeal of the following Resolution 11.4 from General Council Meeting held 25 November 2015:-

*THAT Council:-*

- 1. Approves of an honesty box payment system for vehicles staying overnight at Dalveen and Allora Park Reserves. The overnight fee is set at \$10.00 per vehicle and proceeds to be used for maintenance of the Reserves.*
- 2. Reaffirms that the maximum stay for vehicles in these Reserves is 24 hours.*
- 3. Creates a \$10.00 fee in the Fees and Charges Register for overnight camping in Councils Reserves at Allora and Dalveen.*

And replace with:-

THAT:-

- Council not change its policy adopted in August 2015 for the next 24 months so that Council continues to permit free roadside camping where it has occurred historically for no more than 48 hour periods at: Mitchell Park, Dalveen; Dalrymple Creek, Allora; and Sports Reserve, Leyburn.
- During this period, Council undertake further consultation with all relevant stakeholders with a view to handing over control and maintenance of existing public camping at Dalveen, Allora and Leyburn to community groups.
- Council consider as part of the 2016/17 financial year budget deliberations, welcoming signage at its low-cost camping locations.

**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, C Gow, D Ingram, J Mackenzie, J McNally and V Pennisi (6)*

*Against: Crs P Blundell, N Meiklejohn and G Rees (3)*

*Accordingly the Mayor declared the motion carried.*

### **13.4 Notice of Motion - Review of Delegation 712 Council's Register of Delegations Council to CEO**

#### **Resolution**

**Moved Cr J Mackenzie**

**Seconded Cr R Bartley**

THAT pursuant to Section 257 of the Local Government Act 2009, Council amend its Delegation Register so that all tenders and expressions of interest pursuant to section 228 Local Government Regulation 2012 in Delegation Number 712 are subject to Condition 3.

**Carried**

### **13.5 Notice of Motion - Establishment of Key Performance Indicators and Memorandums of Understanding**

#### **Resolution**

**Moved Cr V Pennisi**

**Seconded Cr C Gow**

THAT :-

1. KPI's and appropriate MOU's are established for all groups that receive substantial funding from SDRC so that they may be measured against on an annual basis.
2. Letters be drafted and sent to such organisations informing them that we hope to introduce this as of the 1 July 2016.
3. SDRC begins consultation with stakeholders as to what the KPI's need to reflect.
4. SDRC develops a policy in relation to formal arrangements reflecting MOU's and KPI's for such groups and contributions.
5. SDRC investigate the formal reporting process of declaring such operational grants as CSO's.

**Carried**

### **11.6 Major Grants**

#### **Resolution**

**Moved Cr J Mackenzie**

**Seconded Cr C Gow**

THAT Council:

1. Develop a new category of Council grants with a financial value of greater than \$10,000;
2. Develop key performance indicators that are linked to the allocation of this new Council grant funding;
3. Include the Council grant funding into the annual budget under the term of Major Grants; and
4. Write to all current recipients of Council funding in excess of \$10,000 (that does not sit under a current arrangement) informing them of Council's intention around future allocations.

**Carried**

### **14. GENERAL BUSINESS**

*01:01 PM Cr N Meiklejohn left the meeting.*

*01:03 PM Cr N Meiklejohn rejoined the meeting.*

The meeting adjourned for lunch at 1.02pm and reconvened at 1.40pm at which time there were present Crs Blundell, McNally, Gow, Rees, Mackenzie, Pennisi, Bartley, Ingram and Meiklejohn.

01:49 PM Cr V Pennisi left the meeting.

01:51 PM Cr V Pennisi rejoined the meeting.

#### **14.1 National Water Infrastructure Development Fund**

##### **Resolution**

**Moved Cr V Pennisi**

**Seconded Cr J Mackenzie**

THAT Council:-

1. Grant delegated authority to the Chief Executive Officer to prepare an application to the National Water Infrastructure Development Fund based on the 5 recommendations of the Emu Swamp Dam Project Control Group.
2. Work with Queensland Treasury Corporation to ascertain the financial implications of proceeding with the Emu Swamp Dam in relation to Southern Downs Regional Council's financial situation

**Carried**

#### **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 Sale of Land for Unpaid Rates**

#### **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.

### **15.2 Emergency Management Levy**

#### **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.

### **15.3 Proposed Lease Options for Lot 1 on RP102392**

#### **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.

### **15.4 Audit & Risk Management Committee (ARMC) Meeting - 3 December 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.

### **15.5 Darling Downs Moreton Rabbit Board**

#### **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.

### **15.6 Progress Report GrainX Australia - Memorandum of Understanding**

#### **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 Planning and Environment Appeal No. 4575 of 2013 - Urban Potentials Pty Ltd, Rabbit Fence Road, Dalveen**

#### **Reason for Confidentiality**

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



## 15.8 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.

### 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 2.30pm.

02:49 PM Cr N Meiklejohn left the meeting.

02:50 PM Cr J Mackenzie left the meeting.

02:51 PM Cr N Meiklejohn rejoined the meeting.

02:52 PM Cr G Rees left the meeting during discussion on Agenda Item 15.6.

02:52 PM Cr J Mackenzie rejoined the meeting.

03:01 PM Cr J McNally left the meeting.

03:03 PM Cr J McNally rejoined the meeting.

03:08 PM Cr R Bartley left the meeting.

03:08 PM Cr R Bartley rejoined the meeting.

03:19 PM Cr G Rees rejoined the meeting.

### Meeting Out Of Camera

#### Recommendation

THAT the meeting resume in open session at 3.39pm.

## 15.1 Sale of Land for Unpaid Rates

#### Resolution

**Moved Cr J McNally**

**Seconded Cr D Ingram**

THAT Council resolve to sell the property as listed in the table for overdue rates.

**Carried**

## 15.2 Emergency Management Levy

### Resolution

Moved Cr V Pennisi

Seconded Cr N Meiklejohn

THAT Council:-

1. Receive and note the contents of this report, and commence a consultation process with the community.
2. Raise Council's concerns with the local member and request a delegation to meet with the State Minister for Police, Fire and Emergency Services.

**Carried**

## 15.3 Proposed Lease Options for Lot 1 on SP102392

### Resolution

Moved Cr D Ingram

Seconded Cr J McNally

THAT Council Offer a five year Trustee Lease to Destination Southern Downs over the whole of Lot 1 on SP102392, situated at 34 Leslie Parade, Stanthorpe, with the following special conditions to apply:

- An annual lease fee will apply in accordance with Council's Lease Policy;
- The Lessee will be not responsible for Council water and sewerage charges, due to the premises being metered with the toilet block included;
- The Lessee will contribute towards the cost of electricity, as negotiated with the Lessor;
- The Lessee will be responsible for building maintenance, excluding the public toilets, attached to the building;
- The Lessee will not be responsible for building insurance;
- The Lessee will be responsible for contents insurance;
- The Lessee must effect a public liability insurance policy for a minimum amount of twenty million dollars (\$20,000,000);
- Notwithstanding the provisions of Clause 20 of the Trustee Lease schedule, the Lessor reserves the right to terminate the lease with the provision of 6 months notice to the Lessee;
- The Lessor will continue to maintain the public toilets and the surrounding park area of Lot 1 on SP102392.

**Carried**

#### **15.4 Audit & Risk Management Committee (ARMC) Meeting - 3 December 2015**

##### **Resolution**

**Moved Cr J McNally**

**Seconded Cr R Bartley**

THAT Council :

1. Adopt the minutes of the ARMC Meeting held on 3 December 2015.
2. Endorse the recommendations as listed in the minutes.

**Carried**

#### **15.5 Darling Downs Moreton Rabbit Board**

##### **Resolution**

**Moved Cr V Pennisi**

**Seconded Cr R Bartley**

THAT Council receive and note the Darling Downs-Moreton Rabbit Board's Confidential Board Report from the November 2015 meeting.

**Carried**

*Cr Rees declared a real conflict of interest in Agenda Item 15.6 (as defined in section 173 of the Local Government Act 2009) due to his residence being located near the site, and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter. Cr Rees left the meeting.*

#### **15.6 Progress Report GrainX Australia - Memorandum of Understanding**

##### **Resolution**

**Moved Cr J McNally**

**Seconded Cr C Gow**

THAT Council:-

1. Receive the report in relation to the GrainX Consultative Committee Meeting of 19 November 2015.
2. Receive the Minutes from the Consultative Committee Meeting and note the action items of the Minutes.

**Carried**

#### **15.6.2 Progress Report GrainX Australia**

##### **Resolution**

**Moved Cr J Mackenzie**

**Seconded Cr R Bartley**

THAT:-

1. The previous and future minutes of the Consultative committee Meetings be made public except for any references to GrainX commercial in confidence information and the register of complaints and comments submitted to Council.

2. Council acknowledge the Herbert Street site used by GrainX will temporarily cease for the Christmas period from approximately 23 December 2015 to 4 January 2016.
3. Council request that the operators of the GrainX site be requested to attend a Special Meeting of Council after mid-January 2016 to discuss resolution of outstanding issues including landscaping of the Herbert Street frontage of the site, the hours of operation of the grain elevator, loading and unloading of grain both during and outside of peak harvest periods and the Memorandum of Understanding agreement for the loading of empty containers external to the site.

**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 and J Mackenzie (2)*

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

*Accordingly the Mayor declared the motion lost.*

*Cr Rees rejoined the meeting.*

#### **15.7 Planning and Environment Appeal No. 4575 of 2013 - Urban Potentials Pty Ltd, Rabbit Fence Road, Dalveen**

##### **Resolution**

**Moved Cr J Mackenzie**

**Seconded Cr J McNally**

THAT the report and the Appellants letter dated 27 November 2015 in relation to Planning and Environment Appeal No. 4575 of 2013 - Urban Potentials Pty Ltd, Rabbit Fence Road Dalveen is received and Council resolves that it is not prepared to further consider the option as proposed.

**Carried**

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

##### **Resolution**

**Moved Cr J McNally**

**Seconded Cr G Rees**

THAT Council 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.

**Carried**

## **14.2 Scenic Lookout Upgrade Program**

### **Resolution**

**Moved Cr J McNally**

**Seconded Cr N Meiklejohn**

THAT Council support the Mt Marley Application under Scenic Lookout Upgrade Program through the State Government for an amount of \$41,000, to be taken from the Contingency Fund within the Capital Works Program.

**Carried**

### **MEETING CLOSURE**

There being no further business, the meeting closed at 3.49pm.