



**MINUTES OF THE
GENERAL MEETING OF COUNCIL
16 MARCH 2016**

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**MINUTES OF THE GENERAL COUNCIL MEETING OF SOUTHERN DOWNS
REGIONAL COUNCIL HELD ON 16 MARCH 2016 IN THE COUNCIL CHAMBERS,
SOUTHERN DOWNS REGIONAL COUNCIL,
61 MARSH STREET, STANTHORPE AT 9.00AM**

1. ATTENDANCE

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

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

2. APOLOGIES

Nil

3. CONDOLENCES

Recommendation

THAT Council recognise those recently departed from the region.

4. READING AND CONFIRMATION OF MINUTES

4.1 General Council Meeting - 24 February 2016

Resolution

Moved Cr J McNally

Seconded Cr D Ingram

THAT the minutes of the General Council Meeting held on Wednesday 24 February 2016 be adopted.

Carried

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Previous Council Meeting

Resolution

Moved Cr C Gow

Seconded Cr G Rees

THAT Council receive the report and note the contents.

Carried

6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precs	Nature of Conflict
8.1	Petition – Permanent Upgrade of the Broadwater Crossing, Jimmy Mann Road	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 the Petitioner being his neighbour and friend and dealt with the perceived conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
11.5	Material Change of Use – Haworth Park Pty Ltd, 113 Saddledam Road, Leslie Dam	Cr McNally declared a perceived conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>) due to her membership of the Warwick Dirt Bike Club and dealt with the perceived conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
15.2	Rates Exemption Request	Cr Meiklejohn declared that a perceived conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>), may exist due to his wife being a member of the applicant. Cr Meiklejohn 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 Meiklejohn participated in the discussion and voting on this matter.
15.5	National Stronger Regions Round 3	Cr Pennisi declared that a perceived conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>), may exist due to his role as Chairman of Regional Development Australia. 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.

7. READING AND CONSIDERATION OF CORRESPONDENCE

7.1 Correspondence

Resolution

Moved Cr D Ingram

Seconded Cr C Gow

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

Carried

Cr Gow declared a perceived conflict of interest in Agenda Item 8.1 (as defined in section 173 of the Local Government Act 2009) due to the Petitioner being his neighbour and friend and dealt with the perceived conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter. Cr C Gow left the meeting at 9.07am.

8. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

8.1 Petition - Permanent Upgrade of the Broadwater Crossing, Jimmy Mann Road

Resolution

Moved Cr V Pennisi

Seconded Cr N Meiklejohn

THAT Council:-

1. Receive the Petition seeking permanent upgrade of Jimmy Mann Road, including the Broadwater Crossing and refer it to the Director Engineering Services for investigation.
2. Refer the matter for consideration in 2016/2017 budget deliberations.

Carried

09:08am Cr C Gow rejoined the meeting

09:08am Cr Bartley joined the meeting

14.1 Discussion of Confidential Items in Open Session

Resolution

Moved Cr J McNally

Seconded Cr D Ingram

THAT the following confidential agenda items be discussed in open session:-

- 15.5 National Stronger Regions Round 3
- 15.7 Bushfire Mitigation Options for Council Owned and Managed Land

Carried

11. PLANNING & ENVIRONMENT DEPARTMENT REPORTS

11.1 Pest Management Working Group Minutes 16 February 2016

Resolution

Moved Cr C Gow

Seconded Cr N Meiklejohn

THAT Council receive the minutes of the Pest Management Working Group meeting held on 16 February 2016 and adopt the recommendations.

Carried

11.2 Fee reduction request - Warwick Aero Modellers, Old Stanthorpe Road, Morgan Park

Resolution

Moved Cr V Pennisi

Seconded Cr G Rees

THAT Council approve the request by the Warwick Aero Modellers to refund the entire development application fee for the Outdoor sport and recreation use proposed at the Morgan Park recreation reserve.

Carried

11.3 Material Change of Use - Plans by Design, 8 Hamilton Street, Warwick

Resolution

Moved Cr J McNally

Seconded Cr D Ingram

THAT the application for a Material Change of Use for the purpose of Multiple dwelling units (9 units) and Short-term accommodation (9 units) on land at 8 Hamilton Street, Warwick, described as Lot 1 RP84074, Parish of Warwick, County of Merivale, be approved subject to the following conditions:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

1. The development of the site is to be generally in accordance with the following proposal plans submitted with the application, and subject to the final development being amended in accordance with the conditions of this approval.

Plan Name	Plan No.	Date
Site Plan	14146 - Page 1 of 5, Issue B	10 December 2015
Floor Plan - Units 1 - 3	14146 - Page 2 of 5, Issue B	10 December 2015
Elevations - Units 1 - 3	14146 - Page 3 of 5, Issue B	10 December 2015
Floor Plan - Units 4 - 6 and 7 - 9	14146 - Page 4 of 5, Issue B	10 December 2015
Elevations - Units 4 - 6 and 7 - 9	14146 - Page 5 of 5, Issue B	10 December 2015

2. Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval prevail.
3. At least one week prior to the commencement of construction, written advice is to be provided to the occupants of 6 Hamilton Street advising of the commencement date.

Staging

4. The development may proceed in stages, provided that any road access and infrastructure services required to service a particular stage are constructed with that stage.

Conditions specific to the Short term accommodation use

5. The maximum number of guests accommodated at any one time must not exceed the following:
 - Units 1, 2 and 3 - two persons; and;
 - Units 4, 5, 6, 7, 8 and 9 - four persons.
6. Advertising Devices relating to the Short term accommodation may only be erected on the subject land, i.e. Lot 1 RP84074. The location, size, type and content of any advertising sign or device located on the land is to be compatible with the residential character of the surrounding area. No advertising signs or devices are to be located on any other land, unless all applicable approvals are obtained under the Planning Scheme and the relevant local laws. No advertising signs or devices are to be located within the road reserve.

Easements and Covenants

7. An easement for sewer purposes is to be provided over the existing sewer main on the lot, 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.

Land Use and Planning Controls

8. No materials or goods associated with the development are to be displayed or stored within the car park or landscaped areas, or outside the boundaries of the site.

Building and Site Design

9. The colours and materials of the building and pavement are to be in accordance with the residential character of the area. The final design and construction of the buildings must provide for larger variation in **Details of the colours and materials of the building and pavement are to be submitted to and approved by the Director Planning and Environment prior to the issue of any Development Permit for Building Work.** The building and pavement are to be constructed in the approved design, colours and materials.
10. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)
11. A copy of the Form 21 (Final Inspection Certificate) issued for the building works is to be provided to Council prior to the use commencing. (See advisory note below.)

Amenity and Environmental Controls

12. The wheelie bins are to be stored within the courtyard of units 1, 3, 4, 6, 7 and 9. A concrete pad is to be provided for the two bins in an appropriate location within each courtyard.
13. One set of wheelie bins (one general waste and one recycling bin) must be provided for each unit.
14. The wheelie bins are to be stored in the common bin storage area for units 2, 5 and 8, as shown on Plan Titled: Site Plan, Plan No. 14146, Page 1 of 5, Issue B, dated 10 December 2015, prepared by Plans by design. A concrete pad is to be provided for all of the bins in the common bin storage.
15. All service equipment and refrigeration units are to be positioned and housed so as not to cause nuisance or disturbance to persons or property not connected with the development.
16. Any lighting device is to be so positioned and shielded so as not to cause any glare nuisance to any nearby residential property or passing motorist, or to shine upwards into the night sky.

Fencing, Landscaping and Buffers

17. A screen fence 1.8 metres high shall be erected along the side and rear boundaries, and to define each courtyard, to provide visual screening. This screen fencing is to be provided at the developer's cost. This fencing shall reduce in height to be no more than 1.2 metres high within 6.0 metres of the road boundary.

As part of the erection of the screen fencing along the northern boundary, care and attention is to be taken to ensure that the existing hedge at 6 Hamilton Street is retained.

18. Areas of private open space adjoining road frontages are to be screened to provide privacy for residents. Screen fencing provided within the building setbacks must be designed to provide visual screening and to ensure maintenance of the residential amenity of the area. This may include the use of recesses, landscaping, variation in materials and setbacks. Fencing along the road frontages of the land must be no higher than 1.2 metres. The height may be increased to 1.8 metres if the fence is at least 50% transparent.
19. **Details of the proposed fencing are to be submitted to and approved by the Director Planning and Environment prior to the issue of a Development Permit for Building Work.** Fencing is to be provided and maintained in accordance with the approved details.
20. Any retaining structures and their foundations must be wholly contained within private allotments and not be constructed as Council owned infrastructure.
21. Any retaining walls must not exceed 1.0 metres in height.
22. Landscaped areas are to be provided on the site in accordance with Plan Titled: Site Plan, Plan No. 14146, Page 1 of 5, Issue B, dated 10 December 2015, prepared by Plans by design.

23. Advanced tree plantings (i.e. minimum height of 1.5 metres at the time of planting) are to be provided as follows:
 - At least one within the building setback to Hamilton Street (however not within proximity to the sewer main which traverses the north-western corner);
 - At least one within the landscaped pockets in front of units 1, 2, 4, 6 and 7; and
 - One within the three gardens along the southern property boundary.
24. Crepe Myrtle trees (*Lagerstroemia*) are to be planted within the road reserve of Hamilton Street. The trees are to be planted approximately 20.0 metres apart. The trees are to be of a minimum height of 1.5 metres at the time of planting.
25. **A Landscaping Plan is to be submitted to and approved by the Director Planning and Environment prior to the issue of any Development Permit for Building Work.** The Landscaping Plan must include details of the location and species of plants, the irrigation system and the height and material of fencing. Plants are to be generally frost resistant and drought hardy, and must not include weed species. Root barriers are to be installed around trees that are located within 3 metres of any underground infrastructure. The site is to be landscaped and maintained in accordance with the approved Landscaping Plan.

Car Parking and Vehicle Access

26. A concrete industrial crossing is to be constructed at the Hamilton Street entrance to the site in accordance with Council's standard. (Council's Engineering Services Department can provide details regarding Council's standard.)
27. Car parking shall be provided on site in accordance Plan Titled: Site Plan, Plan No. 14146, Page 1 of 5, Issue B, dated 10 December 2015, prepared by Plans by design. All car parking, driveway and loading areas shall be constructed, sealed, line marked, drained, laid out and regularly maintained.
28. The sealed driveway and carparking areas are to be finished in exposed aggregate, stencil, or similar.
29. The redundant vehicle crossing in Hamilton Street is to be reinstated back to kerbing, and the footpath reinstated.

Roadworks

30. 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.

Stormwater Drainage

31. A stormwater drainage system serving the development is to be constructed and the stormwater disposed of to a lawful point of discharge, in accordance with the Queensland Urban Drainage Manual (QUDM). Where the finished levels of a proposed allotment are such that stormwater runoff from all or part of the allotment cannot be gravity discharged to the street, an underground drainage line shall be provided to discharge the runoff from the allotment. Where necessary, suitable easements may be required over adjoining properties. The easements shall be provided to Council, at the developer's cost. All drainage works should meet the requirements of the Queensland Urban Drainage Manual (QUDM).

Water Supply and Waste water

32. A reticulated water supply system, up to and including water meters, is to be provided to service all units. This system is to be connected to Council's water supply system.
33. A sewerage reticulation system is to be provided to service all units. This system is to be connected to Council's wastewater sewerage system.
34. The development is to comply with Council's policy *Works Near Water Supply and/or*

Sewerage Infrastructure Policy, or an application is to be submitted to Council for approval, prior to the commencement of the works.

Pedestrian Works

35. A 2.0 metre wide concrete pedestrian footpath is to be constructed along the Hamilton Street frontage of the site, in a location suitable to the Director Engineering Services.

Electricity, Street Lighting and Telecommunications

36. Underground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
37. 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 commencement of the use, written advice is to be provided from Telstra that the pit and pipe network has been installed in accordance with NBN Co's specifications.

Operational Works

38. All operational works are to be accepted on-maintenance prior to the use of the land commencing. (See advisory note below.)

Infrastructure Charges Notice

39. Payment is to be made to Council in accordance with the Infrastructure Charges Notice attached to the decision notice. If the development is staged, the payment of Infrastructure Charges may also be staged.

Advisory Notes

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning and Environment, prior to the use commencing, and then compliance maintained at all times while the use continues.
- (ii) Any proposal to increase the scale or intensity of the use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Sustainable Planning Act 2009* and would have to comply with the requirements of the Planning Scheme.
- (iii) Any demolition and/pr removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Workplace Health and Safety* legislation and *Public Health Act 2005*.
- (iv) An application must be submitted and approved by Council for a permit under Council's Local Laws for rental accommodation.
- (v) **Plumbing and Drainage Approval is to be obtained** in accordance with the *Plumbing and Drainage Act 2002* for the proposed plumbing and drainage works. The application for Plumbing and Drainage approval must be submitted to Council with the appropriate **forms, plans and fees** associated with this application. A **Certificate of Compliance must be issued** for the works prior to the use commencing.
- (vi) **Building Approval is to be obtained** in accordance with the *Sustainable Planning Act 2009* for the proposed building work. The building application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. The building plans are to accord with the plans approved in this approval. The building is to be

constructed in accordance with the Building Approval prior to the commencement of the use. A **Form 21 (Final Inspection Certificate)** must be issued for the building works prior to the use commencing.

- (vii) **Building Approval is to be obtained** in accordance with the *Sustainable Planning Act 2009* for the removal or demolition of the existing dwelling. The building application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application.
- (viii) During the construction phase of the development, all wastes must be separated into recyclables (where possible) and landfill wastes, and disposed of at the Warwick Central Waste Management Facility.
- (ix) A Development Permit for Operational Works associated with the development must be obtained in accordance with the *Sustainable Planning Act 2009*. This application must be submitted with the following:
 - Relevant IDAS Forms;
 - The relevant fee in accordance with Council’s Schedule of General Fees and Charges;
 - Design, schedules and specifications for all Operational Works, certified by a Registered Professional Engineer in Queensland (RPEQ);
 - A car parking plan showing the location and dimension of all parking areas, details of the proposed pavement treatment, and full engineering specifications of layout, construction, sealing, drainage and line marking;
 - A Stormwater Management Plan;
 - An Erosion and Sediment Control Plan;

Operational Works shall be subject to a 12 months Defect Liability Period commencing from the day the works are accepted on-maintenance. A bond will be held by Council as security, and refunded following a defect-free inspection at the end of the Defect Liability Period.

Aboriginal Cultural Heritage

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

Carried

11.4 Material Change of Use - Lake Leslie Tourist Park, 113 Saddledam Road, Leslie Dam Resolution

Moved Cr J McNally

Seconded Cr D Ingram

THAT the application for a Relocatable home park, a Shop and an Extension to an existing Tourist park on land at 113 Saddledam Road, Leslie Dam, described as Lot 2302 RP804594, Parish of Warwick, County of Merivale, be approved subject to the following conditions:

Schedule 1 - Southern Downs Regional Council Conditions of Approval

Approved Plans

1. The development of the site is to be generally in accordance with the following proposal plan submitted with the application, and subject to the final development being amended as follows and in accordance with the conditions of this approval.

Plan Name	Plan No.	Date
Contour & Details Survey	M1243 DS 001 B	4 January 2016

- The four sites shown within the northern part of the site adjacent to the sewage treatment area are to be relocated so they are located further from the sewage treatment area.
- The on-site vans and sites located within 40 metres of the eastern boundary are to be relocated.
- The four sites located at the entrance to the site are to be relocated so they are located at least 60 metres from the road boundary.

Staging

2. The development may proceed in stages, provided that any road access and infrastructure services required to service a particular stage are constructed with that stage.

Land Use & Planning Controls

3. Once this approval takes effect and is acted upon, this approval will supersede the previous approvals for the land dated 29 July 2002 and 28 November 2008.
4. Except as allowed by Condition 5, this approval allows for the following accommodation on the site:
 - a dwelling
 - 7 cabins (a cottage, a duplex cabin and five single cabins for tourists only)
 - 14 on-site vans (including one which may be used as a Manager's residence and another which may be used as the Caretaker's residence) - one or more of these on-site vans may be replaced with a cabin in the future
 - 36 camping/caravan sites (a maximum of 10 sites may be used for permanent accommodation for up to a maximum of 12 permanent residents)
5. During the long weekends and holiday periods specified below, the number of camping and/or caravan sites must not exceed 125 sites, and the number of overnight visitors must not exceed 500 people:
 - Christmas/New Year period, i.e. 20 December to 4 January
 - Easter period, i.e. Good Friday to Easter Monday
 - Queen's Birthday long weekend
 - Labour Day long weekend
 - If Australia Day falls on a Monday or Friday, the Australia Day long weekend
 - If ANZAC Day falls on a Monday or Friday, the ANZAC Day long weekend

6. This approval does not allow for the construction of a second dwelling on the land.
7. No person is to reside in any building or site identified for tourist accommodation for more than 45 days consecutively, or more than 90 days in any 12 month period.
8. Only items normally associated with a Tourist park may be sold from the Shop (kiosk). This includes items such as basic food supplies including milk and bread, cold drinks, ice creams, snacks, frozen or fresh packaged meat, bait, fishing tackle, fishing permit, ice and basic first aid supplies.
9. A Disaster Management Plan is to be submitted to and approved by the Director Planning and Environment. The Disaster Management Plan is to address prevention and evacuating procedures for bushfire and flood and to ensure guests are adequately sheltered during emergency situations such as fierce storms.

Building, Health & Development Compliance

10. All camping/caravan sites are to be setback at least 60 metres from the Saddledam Road frontage of the land. No permanent buildings are to be located within the Flood hazard overlay.
11. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)
12. A copy of the Form 11 (Certificate of Classification) issued for the building works is to be provided to Council prior to the use commencing. (See advisory note below.)
13. Written evidence is to be provided to Council stating that the Department of Environment and Heritage Protection is satisfied that the effluent disposal system is satisfactory for the approved use of the land, including during the peak periods listed in Condition 5, and that the appropriate environmental authority has been obtained.
14. No materials or goods associated with the development are to be displayed or stored within the car park or landscaped areas, or outside the boundaries of the site.

Amenity & Environmental Controls

15. Individual sites meet the following minimum requirements:
 - (a) 130 square metres individual site area;
 - (b) 1.5 metre setback from any other site;
 - (c) 3 metre setback from any adjoining building;
 - (d) 2 metre setback from an internal road; and
 - (e) frontage of 10 metre.
16. The applicant is to provide amenities to conform to the requirements of Subordinate Local Law No. 1.8 (Operation of Caravan Parks). The following facilities are required:
 - Male: 5 toilets
1.8 metre urinal
4 showers
1 hand basin in each toilet block
 - Female: 7 toilets
1 sanitary disposal unit in each toilet block
4 showers
1 hand basin in each toilet block
 - Additional toilet and shower facilities are to be provided during the peak periods listed in Condition 5.
 - Unisex facilities may be provided in lieu of gender specific facilities.
 - At least one toilet cubicle must be provided that is accessible by wheel chair users.
 - At least one shower facility must be provided that is accessible by wheel chair users.

17. Potable water supply points are provided within a convenient walking distance of every camping and caravan site.
18. Any water supply point which provides water not suitable for drinking is labelled '**UNSUITABLE FOR DRINKING**' and provided with a **symbol** which is easily recognisable by non-English speaking people.
19. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment. The industrial bin must be serviced on a weekly basis, and records of waste services are maintained and available for Council officers to inspect.
20. A sufficient number of suitable waste bins must be provided throughout the site, at least 10 metres from children's play areas, cooking facilities and camp sites. Waste bins must be regularly serviced to prevent unsightly accumulations of waste or environmental harm being caused.
21. Any storage area is to be aesthetically screened so as not to be visible from any roads or from adjoining properties.
22. Domestic animals, other than dogs and small caged birds, are not permitted to be brought onto the land by any person staying at the Tourist park. Any dog brought onto the site by a person staying at the Tourist park is to be kept under effective control. Any dogs kept on site by the operator/manager/caretaker must be kept in accordance with Council's *Subordinate Local Law No. 2 (Animal Management) 2011*, and must be kept under effective control at all times.
23. Firewood must be supplied for campers/caravaners by the operator to minimise the potential destruction of native vegetation by guests of the Tourist park.
24. Advertising Devices relating to the Relocatable home park, Tourist Park and Shop may **only** be erected on the subject land, i.e. Lot 2302 RP804594. The location, size, type and content of any advertising sign or device located on the land is to be compatible with the rural character of the surrounding area. No advertising signs or devices are to be located on any other land, unless all applicable approvals are obtained under the Planning Scheme and the relevant local laws. No advertising signs or devices are to be located within the road reserve.
25. Any lighting device is to be so positioned and shielded so as not to cause any glare nuisance to any nearby residential property or passing motorist, or to shine upwards into the night sky.
26. Lighting is to be provided within the development site, including adjacent to the internal driveways.

Landscaping and Buffers

27. The application is to plant shade trees in the vicinity of the cabins and camping/caravan sites at a minimum rate of one tree per cabin or site.
28. A fence shall be constructed along the eastern property boundary of the lot at the applicant's full cost. The fence shall be a minimum of 1.4 metres high and shall be sufficient to delineate the boundary so that guests at the development are fully aware of the location of the boundary. The fence shall be signposted at 100 metre intervals with signage indicating that the adjoining is "Private Property - No Access Permitted".
29. The applicant is to provide a suitably planted buffer strip of 40 metres in width adjacent to the eastern property boundary for a distance of 200 metres commencing 50 metres from the north east corner of the lot (as shown in green on the plan below). All storage areas and caravans within this area are to be relocated. The applicant is to manage the buffer area so as to encourage natural revegetation so that a visual buffer is created between the use and the adjoining rural land.



30. **A Landscaping Plan is to be submitted to and approved by the Director Planning and Environment within one month of this approval commencing.** The Landscaping Plan must include details of the location and species of plants, the irrigation system and the height and material of fencing. Plants are to be generally frost resistant and drought hardy, and must not include weed species. The site is to be landscaped and maintained in accordance with the approved Landscaping Plan.

Carparking and Vehicle Access

31. A bitumen sealed access, including appropriate drainage works, is to be provided to the site from the Saddledam Road carriageway to the entrance to the site.
32. All-weather gravelled access driveways are to be provided from the entrance to the land to the camping and caravan sites.
33. At least one (1) car park per cabin, camping and caravan site is to be provided onsite.
34. An all-weather gravelled parking area is to be provided adjacent to the office to provide three (3) parking spaces for visitors and customers of the Shop.

Roadworks, Drainage and Stormwater

35. Site stormwater run-off shall be collected, detained and discharged where appropriate in a manner that does not increase the quantity or concentration of stormwater flow in comparison to the pre-development condition.

Electricity and Telecommunications

36. An appropriate system of power supply is to be provided to service the development. The applicant is to demonstrate that each building or part of the development has adequate power supply prior to the issue of any building application.
37. A 24 hour emergency telecommunications system, that can be accessed at any time should the need arise, is to be provided in a central location.

Water Supply and Waste water

38. All sewage generated from this property must be disposed of by means of an on-site sewage facility (OSSF) in accordance with the AS/NZS 1547:2012 - *On-site Domestic Wastewater Management, Queensland Plumbing and Wastewater Code* and the *Standard Plumbing and*

Drainage Regulation 2003.

39. There is to be no wastewater from caravans or motorhomes disposed of onto the ground. All wastewater must only be disposed of at the designated sullage and/or sewerage dump points on-site.
- (a) **All on-site caravans and motorhomes, and caravans and motorhomes used by permanent residents**, must be provided with a wastewater (sullage) disposal point located not more than 10 metres from the caravan site. The waste water disposal point must be:
- (i) provided with a water stand pipe; and
 - (ii) provided with an impervious paved area graded to a central drainage inlet which is connected to a sewerage system.
- (b) **For all other caravan sites**, if complaints are received regarding the disposal of wastewater from caravans or motorhomes, or non-compliance is identified during future inspections, the operator may be required to install sullage points at a distance of not more than 10 metres from any site that can accommodate a caravan or motorhome.
40. Dedicated effluent irrigation areas, as defined by the Environmental Protection Agency approval dated 31 May 2002, which are within the 400 metre buffer zone from full supply level of Leslie Dam are to be completely bunded with a minimum of 0.5 metre high embankment.
41. Only effluent that meets the release limits as defined by the Environmental Protection Agency in the Environmental Protection Agency approval dated 31 May 2002 should be disposed of within the 400 metre buffer zone from full supply level of Leslie Dam.

Infrastructure Charges Notice

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

Advisory Notes

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning and Environment, prior to the use commencing, and then compliance maintained at all times while the use continues.
- (ii) Any proposal to increase the scale or intensity of the use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Sustainable Planning Act 2009* and would have to comply with the requirements of the Planning Scheme.
- (iii) An application must be submitted and approved by Council for a permit under Local Law No. 1 (Administration) and Subordinate Local Law No. 1.8 (Operation of Caravan Parks).
- (iv) **The sale of alcohol from the shop is prohibited unless a liquor licence is obtained.**
- (v) **Plumbing and Drainage Approval is to be obtained** in accordance with the *Plumbing and Drainage Act 2002* for the proposed plumbing and drainage works. The application for Plumbing and Drainage approval must be submitted to Council with the appropriate **forms, plans and fees** associated with this application. A **Certificate of Compliance must be issued** for the works prior to the use commencing.
- (vi) **Building Approval is to be obtained** in accordance with the *Sustainable Planning Act 2009* for the proposed building work. The building application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. The building plans are to accord with the plans approved in this approval. The building is to be constructed in accordance with the Building Approval prior to the commencement of the use.

A Form 11 (Certificate of Classification) must be issued for the building works prior to the use commencing.

- (vii) The supply of water for human consumption, food preparation, food utensil washing or personal hygiene, including the supply of water for drinking water, showers, baths, hand basin and kitchen sinks, must be connected to a drinking water supply, in accordance with the *Plumbing Code of Australia* and the *Australian Drinking Water Quality Guidelines* produced by the *National Health and Medical Research*.
- (viii) An Environmental Authority for Environmentally Relevant Activity No. 63 (1)(a)(i) (operating sewage treatment works, other than no-release works, with a total daily peak design capacity of 21 to 100EP) is to be maintained in accordance with the *Environmental Protection Act 1994* prior to the commencement of any Environmentally Relevant Activity. If there is any increase in daily peak design capacity over 100EP an amendment to the existing environmental authority must be obtained.

Aboriginal Cultural Heritage

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

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

Nil

Carried

Cr McNally declared a perceived conflict of interest in Agenda Item 11.5 (as defined in section 173 of the Local Government Act 2009) due to her membership of the Warwick Dirt Bike Club and dealt with the perceived conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter. Cr J McNally left the meeting at 10.00am.

The meeting adjourned for morning tea at 10.37am and reconvened at 11.09am at which time there were present Crs Blundell, Gow, Rees, Pennisi, Bartley, Ingram and Meiklejohn.

11.5 Material Change of Use - Haworth Park Pty Ltd, 6266 Toowoomba-Karara Road, Leyburn

Resolution

Moved Cr D Ingram

Seconded Cr V Pennisi

THAT the application for a Material Change of Use for the purpose of a Motor sport facility – Extension to existing use (Motorcycle Racing, Training & Coaching) increase from five to 80 riders, up to six events per year, ancillary sale of spare parts for bikes, and camping by patrons (up to 100 people) on land at 6266 Toowoomba - Karara Road, Leyburn, described as Lot 226 ML1449, Parish of Leyburn, County of Merivale, be refused for the following reasons:

1. There is potential for unacceptable noise impacts on sensitive receptors, being the dwellings located in proximity to the subject site.
2. There are areas of non-compliance with the Southern Downs Planning Scheme.
3. There are a number of submissions which raise valid concerns in relation to the proposal.

Carried

11:12am Cr J McNally rejoined the meeting

11.6 Preliminary Approval for Building Works (Shed, Storage Container and Caravan in Sugarloaf Forestry) - Raymond P Ireland and Kathryn P Herd, South Drive, Sugarloaf

Resolution

Moved Cr D Ingram

Seconded Cr R Bartley

THAT the application for Preliminary Approval for Building Works (Shed, Storage Container and Caravan) on land at South Drive, Sugarloaf, described as Lot 167 RP147228, Parish of Folkestone, County of Bentinck, be refused for the following reasons:

1. The proposed shed has all the facilities and the appearance of a dwelling and does not resemble a rural shed. The proposed development therefore cannot comply with the following provisions of the Southern Downs Planning Scheme.
 - Section 3.3.6, Strategic framework, Settlement pattern, Element: Historic subdivisions:

The historic subdivision of Mt Sugarloaf Forestry is not an urban or rural residential area but is an area for forestry and rural activity.
 - Section 3.3.6.1, Strategic framework, Settlement pattern, Element: Historic subdivisions, Specific outcomes:
 - (1) *Development is directed away from areas of historic subdivision where residential or rural residential development would result in fragmentation of the urban fabric, uneconomic extension of services and infrastructure and social isolation from community and other urban facilities.*
 - Section 3.3.6.2, Strategic framework, Settlement pattern, Element: Historic subdivisions, Land use strategies:
 - (1) *The Mt Sugarloaf Forestry is an historic forestry subdivision that is constrained for future residential or rural residential development because it has limited infrastructure, is remote from services and community facilities and is not an in an area which would be suitable for future residential or rural residential growth.*
 - (2) *Residential development on the small lots located at Mt Sugarloaf is restricted as such development would result in a fragmented development pattern, uneconomic extension of services and infrastructure and social isolation from community and other urban facilities. Amalgamation of the small lots will result in small rural holdings of about 20 ha.*
 - Section 6.2.5.2(2) and (3), Limited development (constrained lane) zone code, Purpose:
 - (2) *The local government purpose of the zone code is to ensure that areas of historic subdivision without urban services or basic community facilities are not used for urban purposes. Areas of historic subdivision may be used for rural purposes.*
 - (3) *The purpose of the code will be achieved through the following outcomes.*
 - (a) *The land is conserved for sustainable rural use.*
 - (b) *Development is reflective and responsive to the constraints of the land.*
 - (c) *The density of residential development reflects the primary use of the land for rural or open space purposes and the lack of urban services and basic community facilities.*
 - Section 6.2.5.3, Limited development (constrained lane) zone code, Assessment Criteria (for self-assessable and assessable development):
 - Performance outcomes (Use)
 - PO1 (a) The areas of historic subdivision maintain a rural rather than urban character with large holdings being used for rural activities or outdoor sport

and recreation.

(b) No ... accommodation activities are established on any lot with an area of less than 20 ha.

o Performance outcomes (Roads and infrastructure)

PO5 All uses, other than rural activities or outdoor sport and recreation, constructed on a lot with an area of less than 20 ha have access to the Region's road network via fully constructed sealed roads from the property boundary.

PO6 Where development is proposed on a lot with an area of less than 20 ha that development is provided with urban services similar to those in the Rural residential zone.

All uses, other than rural activities or outdoor sport and recreation, constructed on a lot with an area of less than 20 ha are connected to urban water services and reticulated electricity.

Carried

Cr Pennisi declared that a perceived conflict of interest in Agenda Item 15.5 (as defined in section 173 of the *Local Government Act 2009*), may exist due to his role as Chairman of Regional Development Australia. 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.

15.5 National Stronger Regions Round 3

Resolution

Moved Cr N Meiklejohn

Seconded Cr D Ingram

THAT Council :

1. Endorse the submission of the following funding applications to the National Stronger Regions Fund - Round 3:

- Morgan Park Effluent Reuse Pipe Project.
- Stanthorpe and Warwick Aerodrome Safety Improvements.

Carried

Cr Pennisi voted for the motion

15.7 Bushfire Mitigation Options for Council Owned and Managed Land

Resolution

Moved Cr C Gow

Seconded Cr G Rees

THAT:-

1. Council resolve to consider funding a Bushfire Hazard Mitigation program for Council owned and managed land in order to reduce Council's exposure to financial liability for bushfires that start on its owned/managed land in the 2016/2017 Budget.
2. Any Bushfire Hazard Mitigation Program is to include community consultation in sensitive areas and, where appropriate, a mosaic burn is undertaken.

Carried

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

Nil

13. NOTICES OF MOTION

13.1 Notice of Motion - Allora-Clifton Road Load Limit

Resolution

Moved Cr R Bartley

Seconded Cr G Rees

THAT Council rescind the following resolution made at the February 2016 General Council Meeting:

10.5 Allora-Clifton Road Load Limit

That Council:-

1. *Note the implementation of a 10 tonne load limit and proceed with upgrade of the detour route.*
2. *Highlight the replacement cost of the culvert as a priority project for the new Council.*

Carried

Cr Bartley tabled a map of a proposed alternate route for Agenda Item 14.2

14.2 Allora-Clifton Road Limit

Resolution

Moved Cr R Bartley

Seconded Cr G Rees

THAT Council:-

1. Approve an alternate route as set out in the attached map, as tabled.

2. Engage the Structural Engineers be engaged to provided remedial solutions to the culverts on Allora-Clifton Road to be funded from Council's Maintenance Budget.
3. Undertake consultation with property owners of the process Council is undertaking to remedy the culvert load limit.

Carried

Attachments

1. Map - Alternate Route

14. GENERAL BUSINESS

14.2 Presentation of Name Block to Cr Denise Ingram

Resolution

Moved Cr R Bartley

Seconded Cr V Pennisi

THAT Council donate to Cr Ingram her name block from the Stanthorpe Chambers on her retirement as a Councillor for Southern Downs Region.

Carried

Presentation to Cr Ingram of "Ingram's Stride" sign on her retirement as a Councillor and in recognition of her years of service as a Councillor. The sign will be installed at the start of the walkway to the railway in Tyrel Street, Stanthorpe.

Presentation of Certificates of Recognition to the Mayor and Councillors for their contribution and dedication as Councillors to the Southern Downs Region for the 2012 – 2016 Term of Council.

14.3 Presentation of Name Block to Deputy Mayor Cr Ross Bartley

Resolution

Moved Cr V Pennisi

Seconded Cr D Ingram

THAT Council donate to Cr Bartley his "Deputy Mayor" name block from the Stanthorpe Chambers.

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 Draft 2016/2017 Operational Budget

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.

15.2 Rates Exemption Request

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(d) of the *Local Government Regulation 2012*, as it contains information relating to rating concessions.

15.3 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.

15.4 Audit & Risk Management Committee (ARMC) Meeting - 3 March 2016

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 National Stronger Regions Round 3

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 Request for Relief from Higher Water Consumption Charges - 36 Herbert Street, Allora

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(h) of the *Local Government Regulation 2012*, as it contains information relating to business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

15.7 Bushfire Mitigation Options for Council Owned and Managed Land

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.

15.8 Environmental Nuisance Complaints from the Operation of Transport Depot in Killarney

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.

15.9 Appeal to the Planning and Environment Court, Crompton v Southern Downs Regional Council - Gladfield Back Road, Gladfield

Reason for Confidentiality

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

Meeting In Camera

Resolution

Moved Cr D Ingram

Seconded Cr G Rees

THAT the meeting move into closed session.

Carried

The Meeting moved into closed session at 11.43pm.

12:00pm Cr J McNally left the meeting

12:05pm Cr J McNally rejoined the meeting

12.15pm Council's Managers joined the meeting to discuss Agenda Item 15.1 – Draft 2016/2017 Operational Budget

12:38pm Cr J McNally left the meeting

12:40pm Cr J McNally rejoined the meeting

The meeting adjourned for lunch at 1.00pm and reconvened at 1.41pm at which time there were present Crs Blundell, McNally, Gow, Rees, Pennisi, Bartley, Ingram and Meiklejohn

1.41pm Discussions continued with Managers on Draft 2016/2017 Operational Budget

02:47pm Cr C Gow left the meeting

03:10pm Cr C Gow rejoined the meeting

03:18pm Cr R Bartley left the meeting

03:38pm Cr R Bartley rejoined the meeting

03:47pm Cr V Pennisi left the meeting

03:48pm Cr N Meiklejohn left the meeting

03:48pm Cr V Pennisi rejoined the meeting

03:50pm Cr N Meiklejohn rejoined the meeting

Meeting Out Of Camera

Resolved

THAT the meeting resume in open session at 3.50pm.

Carried

15.1 Draft 2016/2017 Operational Budget

Resolution

Moved Cr C Gow

Seconded Cr R Bartley

THAT Council discuss the draft Operational Budget for 2016/17 for inclusion in the 2016/17 Draft Budget of which is to be adopted at a later Council Meeting.

Carried

Cr Meiklejohn declared that a perceived conflict of interest in Agenda Item 15.2 (as defined in section 173 of the *Local Government Act 2009*), may exist due to his wife being a member of the applicant. Cr Meiklejohn 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 Meiklejohn participated in the discussion and voting on this matter.

15.2 Rates Exemption Request

Resolution

Moved Cr V Pennisi

Seconded Cr G Rees

THAT Council defer consideration of the rating concession to property number 74510 until the review of Council's Policies which will be undertaken in the first 6 months of the new Council's term.

Carried

Cr Meiklejohn voted against the motion

15.3 Sale of Land for Unpaid Rates

Resolution

Moved Cr N Meiklejohn

Seconded Cr G Rees

THAT Council:

1. Receive and note the contents of this report.
2. Resolve to set the auction date for the sale of land for unpaid rates as Friday, 6 May 2016, with the auction being held in the Council Chambers at the Warwick Administration Building.

Carried

15.4 Audit & Risk Management Committee (ARMC) Meeting - 3 March 2016

Resolution

Moved Cr G Rees

Seconded Cr R Bartley

THAT Council :

1. Adopt the minutes of the Audit & Risk Management Committee meeting held on 3 March 2016.
2. Endorse the recommendations as listed in the minutes.
3. Adopt the Business Arising from the ARMC meeting held on 3 March 2016.

Carried

15.6 Request for Relief from Higher Water Consumption Charges - 36 Herbert Street, Allora

Resolution

Moved Cr N Meiklejohn

Seconded Cr D Ingram

THAT Council insists on full payment as Council is not responsible.

Carried

15.8 Environmental Nuisance Complaints from the Operation of Transport Depot in Killarney

Resolution

Moved Cr N Meiklejohn

Seconded Cr G Rees

THAT Council re-commence the Transitional Environmental Program (TEP) for Brown's Transport, for a further six months, to allow for completion of their new transport depot.

Carried

15.9 Appeal to the Planning and Environment Court, Crompton v Southern Downs Regional Council - Gladfield Back Road, Gladfield

Resolution

Moved Cr D Ingram

Seconded Cr J McNally

THAT in regards to the Realignment of Boundaries involving land at Gladfield Back Road, Gladfield, no acceptable outcome could be negotiated and Council does not pursue the bushfire aspect further based on information received from the Department of Infrastructure, Local Government and Planning and the bushfire mapping undertaken.

Carried

MEETING CLOSURE

There being no further business, the meeting closed at 3.55pm.