



**MINUTES OF THE
GENERAL MEETING OF COUNCIL
27 APRIL 2016**

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**MINUTES OF THE GENERAL COUNCIL MEETING OF
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 27 APRIL 2016
IN THE COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,
64 FITZROY STREET, WARWICK AT 9:00AM**

1. PRAYER & CONDOLENCES

Rev Darren Muller offered a Prayer for the meeting and acknowledged those residents from the region that had recently passed away with a Minutes silence

2. ATTENDANCE

Present: Crs Dobie (Chair), Gow, Kelly, McNally, McNichol, Meiklejohn, Pennisi, Stocks and Windle

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

3. APOLOGIES

Nil

4. READING AND CONFIRMATION OF MINUTES

4.1 General Council Meeting - 16 March 2016

Resolution

Moved Cr C Gow

Seconded Cr J McNally

THAT the minutes of the General Council Meeting held on Wednesday 16 March 2016 be adopted.

Carried

4.2 Special Council Meeting - 6 April 2016

Resolution

Moved Cr N Meiklejohn

Seconded Cr V Pennisi

THAT the minutes of the Special Council Meeting held on Wednesday 6 April 2016 be adopted.

Carried

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Previous Council Meeting

Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

THAT Council receive the report and note the contents.

Carried

6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precs	Nature of Conflict
12.6	Major Amendment of the Southern Downs Planning Scheme – Specialised Centre Zone, Warwick	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 residence being located adjacent to the Specialised Centre Zone and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
16.3	Proposed Sale of Council Owned Land	Cr Pennisi declared a perceived conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>) as he was a on a Committee of a Tenderer and dealt with the perceived conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.

7. MAYORAL MINUTE

7.1 Mayoral Minute April 2016

Resolution

Moved Cr V Pennisi

Seconded Cr Y Stocks

THAT Council receive the report and note the contents.

Carried

8. READING AND CONSIDERATION OF CORRESPONDENCE

8.1 Correspondence

Resolution

Moved Cr J McNally

Seconded Cr C Gow

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

Carried

9. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

Nil

10. EXECUTIVE

10.1 Local Government Remuneration & Discipline Tribunal Report 2015

Resolution

Moved Cr N Meiklejohn

Seconded Cr V Pennisi

THAT Council:-

1. Accept the Remuneration Schedule set by the Local Government Remuneration Tribunal effective from 1 July 2016 for the Mayor, Deputy Mayor and Councillors that was adopted by the former Council on 16 December 2016.
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.

Carried

10.2 Election of LGAQ Policy Executive District Representatives 2016-2020

Resolution

Moved Cr N Meiklejohn

Seconded Cr V Pennisi

THAT Council nominate Cr McNally as a District Representative to the LGAQ's Policy Executive for the period 2016-2020.

Carried

10.3 Quarterly Human Resources Report

Resolution

Moved Cr V Pennisi

Seconded Cr S Windle

THAT Council receive the report and note its contents.

Carried

10.4 Financial Report as at 31 March 2016

Resolution

Moved Cr S Windle

Seconded Cr J McNally

THAT Council receive and note the Financial Report as at 31 March 2016.

Carried

10.5 Third Quarter Budget Review 2015/2016

Resolution

Moved Cr N Meiklejohn

Seconded Cr R Kelly

THAT Council adopt the third quarter budget review 2015/2016 adjustments as per Attachment 1.

Carried

Attachments

1. Attachment 1 - Third Quarter Budget Review 2015/2016

10.6 Legal Costs Expended by SDRC to Date

Resolution

Moved Cr V Pennisi

Seconded Cr S Windle

THAT Council receive and note the contents of this report.

Carried

10.7 Code of Meeting Practice Policy Review

Resolution

Moved Cr V Pennisi

Seconded Cr Y Stocks

THAT Council:-

1. Adopt the amended PL-EX036 Code of Meeting Practice Policy as attached.
2. Review the Policy by end of 2016. addressing any concerns through the free service available by LGAQ.

Carried

Attachments

1. PL-EX036 Code of Meeting Practice Policy

10.8 Councillors Code of Conduct Policy Review

Resolution

Moved Cr V Pennisi

Seconded Cr J McNally

THAT:-

1. Council adopt the amended PL-EX067 Councillors Code of Conduct Policy as attached.
2. The Policy reflect any changes made to Code of Meeting Practice review.

Carried

Attachments

1. PL-EX067 Councillors Code of Conduct Policy

10.9 Reimbursement of Expenses & Provision of Facilities for Councillors Policy Review

Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

THAT Council adopt the amended PL-GV024 Reimbursement of Expenses and Provision of Facilities for Councillors Policy as attached.

Carried

Attachments

1. PL-GV024 Reimbursement of Expenses and Provisions of Facilities for Councillors

10.10 Policies to be Rescinded Review

Resolution

Moved Cr C Gow

Seconded Cr R Kelly

THAT Council rescind the following policies to become procedures:

- PL-GV069 Guideline for the formation and review of Policies
- PL-HR031 Parental Leave Policy
- PL-HR032 Study Assistance Policy
- PL-HR033 Motor Vehicle Policy
- PL-HR034 Long Service Leave Policy
- PL-HR002 Recruitment & Selection Policy
- PL-HR037 Military Service Leave Policy
- PL-HR038 Volunteer Emergency Service Leave Policy
- PL-HR039 Volunteer Policy
- PL-HR040 Corporate Uniform Policy
- PL-HR050 Immunisation Policy
- PL-HR051 Wellness Program Policy
- PL-HR063 Natural Disaster Leave Policy
- PL-HR025 Conference & Training Attendance Policy
- PL-HR026 Field Staff Uniform Policy
- PL-HR027 Recognition of Service Policy

Carried

10.11 SDRC Operational Plan Quarterly Review - January to March 2016

Resolution

Moved Cr V Pennisi

Seconded Cr J McNally

THAT Council receive and note the contents of this report.

Carried

10.12 Trustee Lease - Warwick Bridge Club Inc.

Resolution

Moved Cr S Windle

Seconded Cr N Meiklejohn

THAT Council offer a ten year Trustee Lease from 1 July 2016 to the Warwick Bridge Club Inc. for the occupation of part of Lot 1 on SP254626, including the following special condition:

- a. In lieu of an annual lease fee, Warwick Bridge Club Inc. will pay the electricity costs of the Victoria Park amenities block, which is metered, in conjunction with the clubhouse.

Carried

10.13 Executive Performance Report - March 2016

Resolution

Moved Cr J McNally

Seconded Cr M McNichol

THAT Council receive and note the contents of this report.

Carried

11. ENGINEERING SERVICES DEPARTMENT REPORTS

11.1 Engineering Services Department Monthly Report

Resolution

Moved Cr J McNally

Seconded Cr R Kelly

THAT Council receive the Engineering Services Department Monthly Report

Carried

NM Option 3 from report - lapsed

11.2 Culverts on Allora-Clifton Road

Resolution

Moved Cr V Pennisi

Seconded Cr J McNally

THAT Council:-

1. Immediately prepare an alternate route for heavy vehicles around the culverts on Allora-Clifton Road.
2. Apply load limits to the culverts on Allora-Clifton Road as per Instrada report February 2016 (Level 3 bridge inspection).
3. Repair the existing culverts on Allora-Clifton Road as per the recommendations in Instrada report March 2016 to remove the load limits.
4. Funds for the repair to be used from 2015/2016 Roads Budget.

Carried

11.3 Alum Rock Road

Resolution

Moved Cr J McNally

Seconded Cr R Kelly

THAT Council:-

1. Apply a consistent approach with regards to the maintenance of all vehicle accesses to private property.
2. Advise the property owner of Lot 4 B34291 that Council will no longer maintain a privately owned property access.

Carried

12. PLANNING & ENVIRONMENT DEPARTMENT REPORTS

12.1 Portable Cinema Equipment

Resolution

Moved Cr N Meiklejohn

Seconded Cr S Windle

THAT Council:-

1. Retain the portable cinema for use by Council and have it placed on the asset register for depreciation purposes.
2. Designate the portable cinema to be a resource for the Community Services Department to use in running Civic Events or when collaborating with community groups on projects which could benefit from access to the cinema.
3. Withdraw the portable cinema from general public hire.

Lost

12.1.1 Portable Cinema Equipment

Resolution

Moved Cr C Gow

Seconded

THAT Council:-

1. Retain the portable cinema for use by Council and have it placed on the asset register for depreciation purposes.
2. Designate the portable cinema to be a resource for the Community Services Department to use in running Civic Events or when collaborating with community groups on projects which could benefit from access to the cinema.
3. Make the Cinema equipment available for public hire with the exception of the projector

Lapsed

12.1.2 Portable Cinema Equipment

Resolution

Moved Cr V Pennisi

Seconded Cr S Windle

THAT Council dispose of the Portable Cinema Equipment in accordance with the *Local Government Act 2009*.

Carried

12.4 Material Change of Use - Peter W and Terri-Ann Le Page, 590 Ford Road, Rosenthal Heights

Resolution

Moved Cr J McNally

Seconded Cr Y Stocks

THAT the application for Material Change of Use for the purpose of Animal keeping (Boarding kennel & cattery – Over three stages – Stage 1: 48 dogs and 22 cats; Stage 2: 24 dogs; and Stage 3: 24 dogs) on land at 590 Ford Road, Rosenthal Heights, described as Lot 1316 M34576, Parish of Rosenthal, 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 proposal plan submitted with the application, and subject to the final development being amended in accordance with the conditions of this approval.
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.

Staging

3. 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 and Planning Controls

4. The drop-off or pick-up of animals associated with the kennel and cattery is to be generally between 7.00 am and 6.00 pm.
5. The maximum number of dogs and cats kept in the kennel and cattery are generally as follows:
 - Stage 1: 48 dogs and 22 cats;
 - Stage 2: 24 dogs; and
 - Stage 3: 24 dogs.
6. When dogs are present on the site, the dogs are to be supervised by an onsite resident.
7. No materials or goods associated with the development are to be displayed or stored within the car park or landscaped areas, or outside the boundaries of the site.

Building and Site Design

8. The colours and materials of the dog kennel are to be in accordance with the character of the area. **Details of the design, colours and materials of the building 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 is to be constructed in the approved design, colours and materials.
9. The kennels are to be setback at least 200 metres from the northern, eastern and western property boundaries.
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 carrying out of the activity must not result in the release of emissions or contaminants

that cause an environmental nuisance or harm. This includes but is not limited to:

- a) Noise;
- b) Odour;
- c) Dust;
- d) Liquids; and
- e) Light.

13. No effluent is to drain from the site or into any watercourse.
14. Any external light must be installed so that light shines down and away from adjacent premises and roads and does not exceed 8 lux at the property boundary.
15. Noise levels emitted from the premises must not exceed 5dB(A) above the background noise levels in the locality when measured at the boundary of an affected residential dwelling. If barking collars or similar devices are used to control barking, the devices are to be regularly maintained and kept in working order, i.e. batteries charged. If the barking collars are insufficient, then the problem animal is to be kept in a suitable noise attenuated enclosure.
16. If complaints are received about dogs barking whilst located in the runs, and it is determined this part of the activity is creating a noise nuisance, structural changes must be made to the design of the runs. The structural changes must be acoustically designed, by a suitably qualified person, so that the noise level required in Condition 15 can be achieved. The design changes may also incorporate the installation of a noise barrier, of solid and continuous construction with negligible holes and/or gaps, for the perimeter of the facility. The design must be submitted to the Manager Environmental Services for approval prior to construction.
17. When requested by Council, monitoring and/or sampling must be undertaken by a suitably qualified person(s) to investigate any complaint of environmental nuisance (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief), and the results notified within 14 days of receipt to Council. This must be undertaken in accordance with any direction given by Council at the time.
 - (a) address the complaint, including the use of appropriate dispute resolution if required; and
 - (b) immediately implement abatement or control measures so that emissions from site activities do not result in further environmental nuisance.
18. The dogs are to be kept in the kennels between the hours of 6pm and 7am.
19. All buildings, enclosures and other structures and areas used in the animal keeping use must be constructed, maintained and operated in such a manner as to provide for the effective control of flies, rodents, pests, weeds and odour, or other deleterious matter or thing.
20. Provision shall be made for the storage and removal of refuse and recyclables in accordance with the *Waste Reduction and Recycling Regulation 2011* to the satisfaction of the Director Planning and Environment. General waste is to be suitably collected at least once per week and recyclables collected at least once per fortnight and disposed of so as not to adversely impact on the environment. Where collection is not possible, general waste must be removed at least once per week and disposed of as commercial waste, at the Warwick Central Waste Management Facility.
21. All faecal waste is to be collected daily and either composted on the site or stored properly and removed from the site regularly. The composting and/or temporary storage of faecal waste must be managed to ensure it does not create an odour nuisance. Alternatively, any waste removed from the site must be disposed of appropriately as commercial waste, subject to any Council fees or other requirements.

22. Any area designated for composting faecal matter must be of a size suitable to accommodate the different stages of the composting process. The composting area must be constructed so that it has a 0.5 metre high bund to prevent stormwater entering the area and becoming contaminated.
23. Dog and cat foods are to be stored in vermin proof receptacles.
24. The operation of the use and the disposal of waste are to be carried out so as to ensure that any odour generated by the development does not cause nuisance or disturbance to persons or property not connected with the development.
25. Any containers used to capture and store rainwater for on-site activities associated with the use must be fitted with mosquito proof screens. The screens are to be made of brass, copper, aluminium or stainless steel gauze with a mesh size of not more than 1 mm and fitted with flap valves, that when closed, stop mosquitoes passing through.

Animal housing and welfare

26. All kennels and catteries are to provide protection from rain and wind, direct sunlight, extreme temperatures or other adverse weather conditions, and must be provided with a clean and dry dedicated sleeping area.
27. Animal housing areas must be provided with ventilation which is sufficient to maintain the health of the animals, whilst minimising undue draughts, odours and moisture condensation.
28. All sleeping areas for the dogs and cats must have clean, hygienic, dry and soft bedding, appropriate to the breed, and sufficient to insulate them from the floor.
29. All dogs and cats must have access to a continuous clean water supply, adequate to meet the daily requirements of each dog or cat.
30. Food preparation and storage areas, food and water containers, and utensils and equipment used in the preparation and provision of food, must be maintained to a hygienic standard.
31. Uneaten, spoiled or stale food must be removed and disposed of promptly.
32. Food and water containers must be removed, cleaned and replaced daily, and immediately if noticed to be contaminated by urine, faeces, vomitus and the like.
33. All areas of the boarding kennels and cattery, including the exercise area, must be cleaned at least once daily.
34. Animal enclosures must be disinfected at least once weekly, whilst the dog or cat is not located in the area.
35. Bedding must be cleaned daily or before new dogs or cats are introduced to the area.

Landscaping and fencing

36. A fence is to be provided surrounding the kennel enclosure. The fence is to be of a suitable height to ensure the dogs cannot escape.

Car Parking and Vehicle Access

37. Vehicle access is to be constructed to the site in accordance with Council's standard. (Council's Engineering Services Department can provide details regarding Council's standard.) The access must be constructed along Ford Road at a location which provides adequate sight distance in either direction. If necessary, the property access gateway must be located within a setback such that all vehicles proposed to enter and/or exit the land are able to stand clear of the carriageway whilst the property gateway is being opened and/or closed.
38. At least two (2) car parking spaces are to be provided on site, adjacent to the boarding kennel and cattery building.
39. The car park area shall be constructed in gravel or similar material, is to be signed and

defined by a low physical barrier along the edge of the car parking area.

40. A 3.0 metre wide all-weather gravel driveway is to be constructed from the entrance to the car park.

Roadworks

41. 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.
42. Ford Road is to be upgraded to achieve a minimum sealed width of 6.0 metres from the intersection with the New England Highway, prior to the commencement of Stage two. These works are to include appropriate drainage works and line marking.

Prior to the commencement of Stage two, following the operation of Stage one for a minimum of six months, the applicant may apply to Council, free of charge, to change the approval to allow the use to continue without sealing Ford Road. In deciding this request and reviewing the conditions of approval, Council will consider the standard of the road, and the impact and number of vehicles travelling on the road per day in association with the use.

Water Supply and Waste water

43. Any wastewater used for hosing out the kennels must be collected via a drainage system and contained in a holding tank. A waste removalist licensed with the Department of Environment and Heritage Protection must dispose of the waste.

Alternatively, an onsite wastewater disposal system must be provided with a sufficient capacity to allow for the treatment of the wastewater to the satisfaction of the Manager Environmental Services.

Operational Works

44. In accordance with Condition 42, where road upgrades are required, all operational works are to be accepted on-maintenance prior to the use of the land commencing for stage three. (See advisory note below.)

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) The General Environmental Duty under the *Environmental Protection Act* prohibits unlawful environmental nuisance caused by noise, aerosols, particles dust, ash, fumes, light, odour or smoke, beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.
- (iv) **Plumbing and Drainage Approval is to be obtained** in accordance with the *Plumbing and Drainage Act 2002* for the proposed plumbing and drainage works. The application for Plumbing and Drainage approval must be submitted to Council with the appropriate **forms, plans and fees** associated with this application. A **Certificate of Compliance must be issued** for the works prior to the use commencing.
- (v) **Building Approval is to be obtained** in accordance with the *Sustainable Planning Act 2009* for the proposed building work and the shipping container. 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.**

- (vi) **Building Approval is to be obtained** in accordance with the *Sustainable Planning Act*
- (vii) Council will not be sealing Ford Road as a result of any dust complaints received.
- (viii) 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);
 - Details of the road construction, including pavement details and alignment;
 - 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.
- (ix) All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works for stage three.

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

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

SDA-0715-022585

Our reference: SDA-0715-022585
Your reference: AMM:AMM/MCU/01664

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Development Permit for a Material Change of Use (Animal Keeping – Boarding Kennel and Cattery)		
Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Transport and Main Roads (DTMR) to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	The use of the road access for the approved use is to be restricted to between the hours of 7am and 6pm.	As indicated
2.	(a) Road works comprising a 2 metre wide bitumen protection strip must be provided at the Ford Road intersection off the New England Highway; and (b) The road works must be designed and constructed in accordance with the relevant DTMR standards and requirements.	Prior to the commencement of use
3.	The development must be generally in accordance with the <i>Traffic Impact Assessment Report</i> prepared by TTM Consulting, dated 23 December 2015 reference number 15BRT0649.	Prior to the commencement of use and to be maintained at all times

Our reference: SDA-0715-022585
Your reference: AMM:AMM/MCU/01664

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure access to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road the use is to be restricted to the indicated times;
- To ensure the road works on, or associated with, the state-controlled road network are undertaken in accordance with the applicable standards; and
- To ensure the development is carried out generally in accordance with the Traffic Impact Assessment report submitted with the application.

Our reference: SDA-0715-022585
Your reference: AMM:AMM/MCU/01664

Attachment 3—Further advice

General advice

- | | |
|----|--|
| 1. | <p>Road Access Works Approval: Under sections 62 and 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the DTMR to carry out road works that are road access works (including driveways) on a state-controlled road. Please contact the DTMR on 07 4639 0828 to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve.</p> <p>The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>The road access works approval process takes time – <i>please contact the DTMR as soon as possible to ensure that gaining approval does not delay construction.</i></p> |
| 2. | <p>DTMR Development Control will advise the relevant Area Engineer regarding the identified issues raised in the submitted safety audit relating the New England Highway/Ford Road intersection.</p> |

Carried

10:32 AM Cr J McNally left the meeting.

10:34 AM Cr J McNally rejoined the meeting.

12.5 Request for Negotiated Decision - Lake Leslie Tourist Park, 113 Saddledam Road, Leslie Dam

Resolution

Moved Cr N Meiklejohn

Seconded Cr R Kelly

- A. THAT Lot 2302 RP804594, 113 Saddledam Road, Leslie Dam, be included in the Defined Refuse Collection Area (DRCA), and all permanent dwellings and permanent camping/caravan sites be provided with a domestic refuse collection service; and
- B. THAT the request for a Negotiated Decision in relation to the Development Approval dated 17 March 2016 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 in part only and:

- Condition 10 retain the requirement for all sites and buildings to be located at least 60 metres from the Saddledam Road boundary for the following reasons:

The Rural zone code requires all buildings to be located at least 60 metres from the road boundary to ensure development is sensitive and responsive to the scenic amenity of the area, and the appearance of buildings and infrastructure is compatible with the scenic character of the area. The approval was therefore conditioned to require all camping/caravan sites to be located at least 60 metres from the Saddledam Road frontage of the site. This requirement is considered reasonable, particularly as further changes to the conditions allow an additional area 30 metres wide along the eastern boundary of the site to be used for camping/caravan sites.

Condition 10 has been amended to prevent buildings being constructed within the 60 metre setback from the road boundary. Currently, the Flood hazard overlay prevents buildings being located within this area; however, as the Flood hazard overlay may be amended in the future, it is considered reasonable that this condition also specifically prohibits buildings within the 60 metre setback.

- Condition 19 retains the requirement for an industrial bin to be serviced weekly for the following reason:

As this is also a commercial premises (Shop and Tourist park), an industrial bin is required to be retained on the site for the collection and disposal of commercial waste.

- Condition 19A has been included for the following reasons:

The applicant states that as approval has been granted for 10 permanent sites, a caretaker's accommodation and a manager's residence, that they should be allowed to dispose of the equivalent of 12 wheelie bins of rubbish each week, and 12 wheelie bins of recyclables each fortnight, free of charge. This is based on residents within a Defined Refuse Collection Area (DRCA) having a weekly refuse collection, and fortnightly collection of recyclables. The applicant suggests that the permanent residents should also be allowed to take their own rubbish to the waste facility.

The collection of wheelie bins within a DRCA is not a free service, but is levied with the rates on each property. The disposal of rubbish from the equivalent of 12 households (plus the applicant's household) free of charge is not appropriate. Inevitably, rubbish from the Tourist park and Shop would be disposed of at the same time, and again without payment.

A number of existing properties in the Leslie Dam locality are currently included in the

DRCA. As this approval will result in a further 12 permanent residences on Lot 2302 RP804594, in addition to the property owner's dwelling, this property should be included in the DRCA. Each permanent residence, including the property owner's dwelling, is required to have one waste and one recycling wheelie bin each, which will be collected weekly and fortnightly respectively.

C. THAT the conditions of approval for a Relocatable home park, a Shop and an Extension to existing Tourist park on land at 113 Saddledam Road, Leslie Dam, described as Lot 2302 RP804594, Parish of Warwick, County of Merivale, be amended such that Conditions 1, 4, 19, 22, 27 and 29 are amended, and Condition 19A is included as follows:

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

– In accordance with the *Queensland Plumbing and Wastewater Code*, no camping/caravans sites (for either permanent or tourist accommodation) are to be located within 10 metres of ~~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 buffer strip required along~~ the eastern boundary (*see Condition 29*) 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.

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~~)

Two of the on-site vans or camping/caravan sites may be used as a Manager's residence and a Caretaker's residence.

A maximum of 10 sites (being on-site vans or camping/caravan sites), in addition to the Manager's residence and Caretaker's residence, may be used for permanent accommodation for up to a maximum of 12 permanent residents.

10. All camping/caravan sites **and buildings** 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.

19. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment. ~~The~~ An industrial bin must be **provided on the site and serviced on a weekly basis, and records of waste services are to be kept maintained and made available for Council officers to inspect.**

19A. All permanent dwellings and sites are to be provided with a waste wheelie bin and a recycling bin, which are to be collected by Council's waste collection contractor.

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~~ ~~guest~~ staying at the Tourist park is to be kept under effective control.

Any dogs kept on site by ~~permanent residents of the Relocatable home park (including the operator, manager and caretaker)~~ must be kept in accordance with the ~~Animal Management (Cats and Dogs) Act 2008 (this includes the registering of the dogs with Council) and Council's Subordinate Local Law No. 2 (Animal Management) 2011~~, and must be kept under effective control at all times. ~~The total number of dogs kept on the site by permanent residents (including the operator, manager and caretaker) must not exceed four, unless the keeping of additional dogs is approved in accordance with Subordinate Local Law No. 1.5 (Keeping of Animals) or the Planning Scheme.~~

27. A fence ~~of at least 1.2 metres in height is to be maintained shall be constructed~~ along the eastern property boundary of the lot at the ~~developer's applicant's~~ full cost. The fence ~~shall be a minimum of 1.4 metres high and shall~~ must 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 land is ~~private property and no access is permitted "Private Property- No Access Permitted"~~.
29. The applicant is to provide a suitably planted buffer strip of ~~40~~ 10 metres in width adjacent to the eastern property boundary for a distance of ~~200~~ 400 metres commencing ~~50 metres~~ from the north east corner of the lot ~~(as shown in green on the plan below)~~. ~~All~~No storage areas, ~~camping/caravan sites or and~~ caravans are to be located within this area ~~are to be relocated~~. The ~~applicant is to manage the~~ buffer area is to be managed so as to encourage ~~the growth of the trees and shrubs planted within this area natural revegetation~~ so that a visual buffer is created between the use and the adjoining rural land.

Carried

Cr McNally declared a real conflict of interest in this matter (as defined in section 173 of the Local Government Act 2009) due to her residence being located adjacent to the Specialised Centre Zone and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.

10:38 AM Cr J McNally left the meeting.

12.6 Major Amendment of the Southern Downs Planning Scheme - Specialised Centre Zone, Warwick

Resolution

Moved Cr C Gow

Seconded Cr N Meiklejohn

1. THAT Council decides to proceed with the major amendment to the Southern Downs Planning Scheme to include allotments located in the north of Warwick and listed below in the Specialised centre zone, and advises the Minister accordingly:
 - Lot 5 RP206437, Lot 260 W303, Lots 27-39 RP36353, Lot 2 RP151197, Lot 2 RP123467, Lot 1 RP127991, Lot 7 SP192909, Lots 2 & 3 RP36344, Lot 5 RP805185 and Lot 557 ML2163;
2. THAT Council decides not to include Lot 560 ML2195 in the major amendment of the planning scheme, and that the zoning of this land remain unchanged; and
3. THAT Council decides that the major amendment to the planning scheme, as described in 1 above, is not a significant change to the version of the proposed major amendment that underwent public notification.

Carried

10:38 AM Cr J McNally rejoined the meeting.

12.2 Mobile Black Spot Programme Funding Round 2

Resolution

Moved Cr C Gow

Seconded Cr S Windle

THAT Council receive the report.

Carried

12.3 Quarterly Report - Development Approvals since January 2016

Resolution

Moved Cr C Gow

Seconded Cr S Windle

THAT Council receive the report and note its contents.

Carried

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

Nil

14. NOTICES OF MOTION

Nil

15. GENERAL BUSINESS

15.1 Presentation of Book "Keeping their Memory Alive"

Resolution

Moved Cr S Windle

Seconded Cr Y Stocks

THAT Council acknowledge receipt of two books titled "Keeping their Memory Alive" presented to Cr Windle by the Allora & District Historical Society at the Allora ANZAC Day Service on 25 April 2016 for the Warwick and Allora Libraries.

Carried

15.2 Presentation of Book "Returned Servicemen"

Resolution

Moved Cr V Pennisi

Seconded Cr C Gow

THAT Council acknowledge receipt of the book titled "Returned Servicemen" presented to Cr Pennisi by Jan Friar at the Wallangarra ANZAC Day Service on 25 April 2016 for Council Libraries.

Carried

The meeting adjourned for morning tea 10.40am and reconvened at 10.58am at which time there were present Crs Dobie, McNally, Gow, Stocks, McNichol, Pennisi, Windle, Pennisi and Meiklejohn

16. 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:

16.1 Draft 2016/2017 Adoption of Draft 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.

16.2 Building Our Regions (BOR): Regional Infrastructure Fund - Round 2

Reason for Confidentiality

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

16.3 Proposed Sale of Council Owned Land

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.

16.4 January, February and March 2016 Monthly Reports for Warwick Indoor Recreation and Aquatic Centre from YMCA Brisbane

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.

16.5 Request for Exemption from Paying Water Access Charges for the Proposed New Water Connection at the Polocrosse Club at Morgan Park

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.

16.6 Mobile Library Update

Reason for Confidentiality

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

16.7 Planning and Environmental Appeal No. 2176 of 2012 - Joyful View Garden Real Estate Development Resort Co. Pty Ltd, Cherribah Cherry Gully Road, Elbow Valley

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.

16.8 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.

16.9 2016/2017 Major Events and Festivals Program

Reason for Confidentiality

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

Meeting In Camera

Resolution

Moved Cr V Pennisi

Seconded Cr C Gow

THAT the meeting move into closed session.

Carried

The Meeting moved into closed session at 10.58am.

11:37 AM Cr V Pennisi left the meeting during discussion on Agenda Item 16.3

11:45 AM Cr V Pennisi rejoined the meeting.

Meeting Out Of Camera

Recommendation

THAT the meeting resume in open session at 12.41pm.

12:42 PM Cr Y Stocks left the meeting.

16.1 Draft 2016/2017 Adoption of Draft Budget

Resolution

Moved Cr N Meiklejohn

Seconded Cr C Gow

THAT Council:-

1. Receive the Draft Budget for 2016/17.
2. Place the Draft Budget on public exhibition for 28 days to receive feedback from the community.

Carried

16.2 Building Our Regions (BOR): Regional Infrastructure Fund - Round 2

Resolution

Moved Cr V Pennisi

Seconded Cr J McNally

THAT Council supports submission of expressions of interest to the Building Our Regions Regional Infrastructure Fund Round 2 for the following projects:

1. Morgan Park Effluent Reuse Scheme
2. Sewer Mains Extension to Warwick Industrial Estate

Carried

Cr Pennisi declared a perceived conflict of interest in this matter (as defined in section 173 of the Local Government Act 2009) as he was on a Committee of a Tenderer and dealt with the perceived conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.

12.42pm Cr Pennisi left the meeting

16.3 Proposed Sale of Council Owned Land

Resolution

Moved Cr J McNally

Seconded Cr C Gow

THAT Council delegate authority to the Chief Executive Officer to enter into negotiations with the highest Tenderer for the sale of land and dwelling situated at 17 Corundum Street, Stanthorpe, Lot 1 on RP88794, and provide a report back to the May 2016 General Council Meeting.

Carried

12.43pm Cr Pennisi rejoined the meeting

16.4 January, February and March 2016 Monthly Reports for Warwick Indoor Recreation and Aquatic Centre from YMCA Brisbane

Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

THAT Council receive the January, February and March 2016 monthly reports from Brisbane YMCA in relation to the operation of the Warwick Indoor Recreation and Aquatic Centre.

Carried

16.5 Request for Exemption from Paying Water Access Charges for the Proposed New Water Connection at the Polocrosse Club at Morgan Park

Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

THAT Council approves the request for exemption from paying water access charges for a new 40mm or 50mm connection for a limited period up to 30 June 2019.

Carried

16.6 Mobile Library Update

Resolution

Moved Cr V Pennisi

Seconded Cr R Kelly

THAT Council extend the life of the current vehicle for a further period of one year while taking into consideration potential staffing issues and the servicing of villages throughout the region.

Carried

12:43 PM Cr Y Stocks rejoined the meeting.

16.7 Planning and Environmental Appeal No. 2176 of 2012 - Joyful View Garden Real Estate Development Resort Co. Pty Ltd, Cherribah Cherry Gully Road, Elbow Valley

Resolution

Moved Cr N Meiklejohn

Seconded Cr C Gow

THAT the report in relation to Planning and Environment Appeal No. 2176 of 2012 – Joyful View Garden Real Estate Development Resort Co. Pty Ltd, Cherribah Cherry Gully Road, Elbow Valley is received, and Council delegate to the Chief Executive Officer the power to engage legal counsel and expert witnesses as necessary in determining this development application, to participate in any formal mediation or without prejudice proceedings, and to negotiate, mediate or settle this action and make an agreement as a result of without prejudice discussions, legal advice or mediation upon such terms as Council's legal advisors may recommend or approve.

Carried

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

Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

THAT the report in relation to Planning and Environment Appeal No. 4575 of 2013 - Urban Potentials Pty Ltd, Rabbit Fence Road, Dalveen is received and that Council's solicitors request the Appellants, Urban Potentials, to provide any additional information required by Council's legal advisers to enable consideration of the revised proposal in detail and to provide advice for a report back to Council.

Carried

16.9 2016/2017 Major Events and Festivals Program

Resolution

Moved Cr V Pennisi

Seconded Cr J McNally

THAT Council:-

1. Note advice that the Mardi Gras event will not be conducted in 2016/17 or into the future. Note advice that the Street Parade event will not be conducted in 2016/17, but has support to be conducted in 2017/18. Redirect \$9,000.00 from the 2016/17 draft budget for Major Events & Festivals Program to other organisations.
2. Note funding information for \$15,000.00 has been forwarded to Destination Southern Downs for the Jumpers & Jazz in July event.

Carried

MEETING CLOSURE

There being no further business, the meeting closed at 12.44pm.