



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

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**MINUTES OF THE GENERAL COUNCIL MEETING OF
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 27 JULY 2016 IN
THE COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,
61 MARSH STREET, STANTHORPE AT 9.00AM**

1. PRAYER & CONDOLENCES

Rev Kaye Ronalds from the Uniting Church Stanthorpe offered a prayer and acknowledged condolences

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), Andrew Page (Manager Finance & Information Technology), Marion Seymour (Minute Secretary)

3. APOLOGIES

Nil

4. READING AND CONFIRMATION OF MINUTES

4.1 General Council Meeting - 23 June 2016

Resolution

Moved Cr S Windle

Seconded Cr Y Stocks

THAT the minutes of the General Council Meeting held on Thursday, 23 June 2016 be adopted.

Carried

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Previous Council Meeting

Resolution

Moved Cr R Kelly

Seconded Cr C Gow

THAT Council receive the report and note the contents.

Carried

6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precise	Nature of Conflict
10.9	2017 Show Holidays	Cr Gow declared a perceived conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>) due to his role with the Stanthorpe Agricultural Society and dealt with the perceived conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
12.3	Youth Development Officer Report	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 son being a Young Leader. 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.
12.5	Major Amendment to Southern Downs Planning Scheme – Specialised Centre Zone, Warwick	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 property being adjacent to the subject land and dealt with the perceived conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
16.1	Sale of 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>) in relation to a particular block of land included in the list and dealt with the perceived conflict of interest by advising that should that land be discussed, he would be leaving the meeting room, taking no part in the debate or decision on the matter.

7. MAYORAL MINUTE

7.1 Mayoral Minute July 2016

Resolution

Moved Cr V Pennisi

Seconded Cr J McNally

THAT Council receive the Mayoral Minute report and note its contents.

Carried

10.4 SDRC Operational Plan Quarterly Review - April to June 2016

Resolution

Moved Cr J McNally

Seconded Cr R Kelly

THAT Council receive and note the Southern Downs Regional Council Operational Plan Quarterly Review – April to June 2016.

Carried

10.5 Corporate Plan 2014-2019 - Revised Edition

Resolution

Moved Cr J McNally

Seconded Cr Y Stocks

THAT Council adopt the Corporate Plan 2014-2019 Revised Edition as attached to this report.

Carried

Attachments

1. Corporate Plan 2014-2019 Revised Edition - **Attached to the Minutes Under Separate Cover**

10.6 Regional Priorities

Resolution

Moved Cr V Pennisi

Seconded Cr J McNally

THAT Council endorse the following regional priorities, with an annual review to be undertaken in June 2017:-

Council Owned or Controlled

1. Sewer for Allora (State or Federal)
2. Emu Swamp Dam
3. Business Incubator
4. Streetscapes (Stanthorpe, Warwick, Allora and Killarney)
5. Hydro-generation at the two Gravity Fed Dams (Connolly and Storm King)
6. Extension of the Drags Track
7. All weather Facility for Horse and Other Events
8. Kangaroo Paddock returned to Council Trusteeship
9. Combination Clubhouse / Conference Centre
10. Rabbit and Dog Fence Funding

Non Council Owned or Controlled

1. Development of a State-owned Facility (eg Police Academy)
2. Road Safety (8 Mile Turnoff & Accommodation Creek)
3. Upgrade and Maintenance of Rail Links
4. Removal of Backpackers Tax
5. Investment in the Air Cadet Facility at the Warwick Aerodrome
6. Nationally Accredited Shooting Facility
7. Re-seal of the Tracks at Morgan Park and Carnell Raceways
8. Constitutional Recognition for Local Government
9. Funding for Upgrades of Historical Buildings
10. Development of a Federal-Owned Facility (eg: Refugee Welcome Zone or Facility)

Carried

10.7 Establishment of Southern Downs Regional Council Advisory Committees and Adoption of Advisory Committee Policy

Resolution

Moved Cr J McNally

Seconded Cr S Windle

THAT Council:-

1. Adopt the attached Advisory Committees Policy.
2. Appoint the following Advisory Committees:-
 - a. Community Advisory Committee
 - b. Economic Development Advisory Committee
 - c. Events, Sport & Recreation Advisory Committee
 - d. Regional Promotion, Tourism & The Arts Advisory Committee
 - e. Pest Management Advisory Committee
 - f. Southern Downs Road Safety Advisory Committee
 - g. Saleyards Advisory Committee
 - h. Water & Waste Water Advisory Committee
3. Endorse the Terms of Reference for each Advisory Committee.
4. Call for Expressions of Interest for community representation for the Advisory Committees.

Carried

Attachments

1. Advisory Committees Policy - **Attached to the Minutes Under Separate Cover**

10.8.1 Deferred to Confidential Agenda - Delegation in Relation to Land Disposal

Resolution

Moved Cr Y Stocks

Seconded Cr M McNichol

THAT Agenda Item 10.8 be deferred to the Confidential Agenda for discussion.

Carried

Cr Gow declared a perceived conflict of interest in Agenda Item 10.9 (as defined in section 173 of the Local Government Act 2009) due to his role with the Stanthorpe Agricultural Society and dealt with the perceived conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter

09:54 AM Cr C Gow left the meeting.

09:54 AM Cr M McNichol left the meeting.

09:55 AM Cr M McNichol rejoined the meeting.

10.9 2017 Show Holidays

Resolution

Moved Cr N Meiklejohn

Seconded Cr V Pennisi

THAT Council nominate the following Show Holidays for 2017:

- (a) **Stanthorpe Show Holiday - Friday, 3 February 2017** - for the area of the former Stanthorpe Shire and the area of the village of Dalveen for the purpose of the Stanthorpe Annual Show.
- (b) **Allora Show Holiday - Friday, 10 February 2017** – for the area of the former Warwick Shire Division 1, for the purpose of the Allora Annual Show.
- (c) **Killarney Show Holiday - Friday, 24 February 2017** – for the area of the former Warwick Shire Division 3 (excluding the urban area of Warwick City and the locality of Murray's Bridge), for the purpose of the Killarney Annual Show.
- (d) **Warwick Show Holiday - Friday, 24 March 2017** – for the former Warwick Shire Division 2, Division 3 (being the urban area of Warwick City and the locality of Murray's Bridge), Division 4 (excluding the village of Dalveen), Division 5 and Division 6 for the purpose of the Warwick Annual Show.

Carried

10:00 AM Cr C Gow rejoined the meeting.

11. ENGINEERING SERVICES DEPARTMENT REPORTS

11.1 Engineering Services Department Monthly Report

Resolution

Moved Cr M McNichol

Seconded Cr N Meiklejohn

THAT Council receive the Engineering Services Department Monthly Report.

Carried

12. PLANNING & ENVIRONMENT DEPARTMENT REPORTS

12.1 Pest Management Working Group

Resolution

Moved Cr C Gow

Seconded Cr J McNally

THAT Council receive and note the minutes of the Pest Management Working Group Meeting held 17 May 2016.

Carried

10:11 AM Cr R Kelly left the meeting.

10:12 AM Cr R Kelly rejoined the meeting.

12.2 Quarterly Report on Development Approvals for the April to June quarter 2016

Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

THAT Council receive the report and notes its contents.

Carried

Cr Meiklejohn declared that a perceived conflict of interest in Agenda Item 12.3 (as defined in section 173 of the Local Government Act 2009), may exist due to his son being a Young Leader. 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.

12.3 Youth Development Officer Report - Youth Action Plan 2016/2017

Resolution

Moved Cr S Windle

Seconded Cr M McNichol

THAT Council adopt the attached Youth Action Plan 2016/2017.

Carried

Attachments

1. Youth Action Plan 2016/2017 - **Attached to the Minutes Under Separate Cover**

Cr Meiklejohn voted for the motion.

12.4.1 Consideration: Material Change of Use - Jenkinson, 129 Ricca Road, Ballandean

Resolution

Moved Cr C Gow

Seconded Cr S Windle

THAT Council consider whether the requirements to seal Ricca Road for a distance of 100 metres either side of the entrance to 78 Ricca Road is reasonable and relevant to the proposed development.

Carried

12.4.2 Amendment: Material Change of Use - Jenkinson, 129 Ricca Road, Ballandean

Resolution

Moved Cr V Pennisi

Seconded Cr Y Stocks

THAT in relation to the application for Material Change of Use for the purpose of Outdoor sport and recreation (Golf driving range and gardens) on land at 129 Ricca Road, Ballandean, described as Lot 21 SP176702, Parish of Ballandean, County of Bentinck, Council remove Conditions 14 and 17 and Advisory notes (iv), (v) and (vi) from the Schedule 1 – Southern Downs Regional Council Conditions.

Carried

12.4 Material Change of Use - Neal & Theresa Jenkinson, 129 Ricca Road, Ballandean

Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

THAT the application for Material Change of Use for the purpose of Outdoor sport and recreation (Golf driving range and gardens) on land at 129 Ricca Road, Ballandean, described as Lot 21 SP176702, Parish of Ballandean, County of Bentinck, 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.
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.

Land Use and Planning Controls

3. This approval allows for the use of the site for a golf driving range (ten tee-off sites) and gardens.
4. The development shall generally operate only between the hours of 9.00am to 4.00pm, seven days a week.

Amenity and Environmental Controls

5. The netting used along each side of the fairway is to be of a type that is less likely to result in injury and death to birds and micro bats. Mortality among birds and micro bats is to be monitored and additional measures adopted, if required, to reduce these incidences, for example by the use of reflective bird deterrents adhered to the netting.
6. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment. A suitable number of waste receptacles must be provided on site and emptied regularly, with disposal at either the Stanthorpe Waste Management Facility or the Wallangarra Waste Transfer Station. Signage is to be erected on site encouraging the use of the waste receptacles and not to litter.
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.
8. Advertising Devices relating to the Golf driving range and gardens may **only** be erected on the subject land, i.e. Lot 21 SP176702. 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.
9. Any external lighting must be installed so that light shines down and away from adjacent properties and roads, and does not exceed 8 lux at the property boundary.

Fencing, Landscaping and Buffers

10. The existing landscaping within the setback to Ricca Road is generally to be retained and continually maintained.
11. A pathway is to be provided linking the car parking area, the golf shed and the driving range, generally as shown on the approved plans.

Car Parking and Vehicle Access

12. A 3.0 metre wide all-weather driveway is to be constructed from Ricca Road to the on-site carpark.

Please note that the existing driveway from Ricca Road would be appropriate.

13. Car parking shall be provided on site in accordance with the approved plan and is to be defined by a low physical barrier along the edge of the car parking area. All car parking, driveway and loading areas shall be constructed in gravel or similar materials, drained, laid out and regularly maintained.

Roadworks

14. Deleted.
15. Signage must be provided along the internal driveway so that it can be easily read when exiting the property via motor vehicle. This signage is to clearly indicate that animals may be crossing the road and to take care.

Water Supply and Waste water

16. Potable water is to be available for patrons of the use. The sale of bottled water is considered appropriate.

Operational Works

17. Deleted.

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) **Building Approval is to be obtained** in accordance with the *Sustainable Planning Act 2009* for any proposed building work, including netting. 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.**
- (iv) Deleted.
- (v) Deleted.
- (vi) Deleted.

Aboriginal Cultural Heritage

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

Carried

10:56 AM Cr M McNichol left the meeting.

Cr McNally declared a perceived conflict of interest in Agenda Item 12.5 (as defined in section 173 of the Local Government Act 2009) due to her property being adjacent to the subject land and dealt with the perceived conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.

10:56 AM Cr J McNally left the meeting.

10:58 AM Cr M McNichol rejoined the meeting.

12.5 Major Amendment to Southern Downs Planning Scheme - Specialised Centre Zone, Warwick

Resolution

Moved Cr N Meiklejohn

Seconded Cr C Gow

THAT Council adopts a 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:

- 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.

Carried

10:58 AM Cr J McNally rejoined the meeting.

The meeting adjourned for morning tea at 10.59am and reconvened at 11.38am at which time there were present Crs Dobie, Gow, Kelly, McNally, McNichol, Meiklejohn, Pennisi, Stocks and Windle

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

Nil

14. NOTICES OF MOTION

Nil

15. GENERAL BUSINESS

Nil

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 Sale of 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.

16.2 Relief of Water Consumption Charges

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.

16.3 May 2016 Monthly Report 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.

Meeting In Camera

Resolution

Moved Cr J McNally

Seconded Cr R Kelly

THAT the meeting move into closed session.

Carried

The Meeting moved into closed session at 11.49am.

Meeting Out Of Camera

Resolution

THAT the meeting resume in open session at 12.19pm.

Carried

16.1 Sale of Land

Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

THAT Council defer consideration to a future Briefing Session.

Carried

16.2 Relief of Water Consumption Charges

Resolution

Moved Cr N Meiklejohn

Seconded Cr Y Stocks

THAT Council does not offer relief of water consumption charges to property number 96700 as per Option 1 in this report. This is the second application for relief at this property and in accordance with Section 5.3 of the Partial Relief from the Payment of Water Consumption Charges policy, no evidence has been provided to Council to indicate that this water meter has been monitored monthly since the last unapparent plumbing failure in October 2013.

Carried

16.3 May 2016 Monthly Report for Warwick Indoor Recreation and Aquatic Centre from YMCA Brisbane

Resolution

Moved Cr N Meiklejohn

Seconded Cr V Pennisi

THAT Council receive the May 2016 monthly report from Brisbane YMCA in relation to the operation of the Warwick Indoor Recreation and Aquatic Centre.

Carried

10.8 Delegation in Relation to Land Disposal

Resolution

Moved Cr J McNally

Seconded Cr S Windle

THAT Council grant delegated authority to the Chief Executive Officer to approve the disposal of land, with exemption from tendering or auction, in the following instances where the land was:

1. Previously offered for sale by tender or auction but was not sold;
2. Disposed of to:
 - i. a government agency; or
 - ii. a community organisation;
3. For the purpose of renewing the lease of land to the existing tenant of the land;
4. For the purpose of a lease for a telecommunication tower;
5. To be utilised as an airport or for related purposes; and
6. For the purpose of a lease where the lease had been previously offered by tender or auction, but a lease has not been entered into.

Carried

MEETING CLOSURE

There being no further business, the meeting closed at 12.21pm.