



**MINUTES OF THE
GENERAL MEETING OF COUNCIL
26 OCTOBER 2016**

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**MINUTES OF THE GENERAL COUNCIL MEETING OF
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 26 OCTOBER 2016
IN THE COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,
64 FITZROY STREET, WARWICK AT 9.00AM**

1. PRAYERS & CONDOLENCES

Fr Franco Filipetto from St Mary's Catholic Church 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 Corporate Services), Marion Seymour (Minute Secretary)

3. APOLOGIES

Nil

4. READING AND CONFIRMATION OF MINUTES

4.1 General Council Meeting - 28 September 2016

Resolution

Moved Cr N Meiklejohn

Seconded Cr R Kelly

THAT the minutes of the General Council Meeting held on Wednesday 28 September 2016 be adopted.

Carried

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Previous Council Meeting

Resolution

Moved Cr Y Stocks

Seconded Cr S Windle

THAT Council receive the report and note the contents.

Carried

6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precs	Nature of Conflict
11.2	Naming of Recently Constructed Bridges on Lyndhurst Lane, Warwick, Bellinghams Road, Elbow Valley, Sandy Creek Road, Leslie and Mullins Road, Warwick	Cr Kelly 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 as one of the names suggested was a relative. Cr Kelly 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 Kelly participated in the discussion and voting on this matter.
12.1	Material Change of Use – Bunnings Group Limited, Cnr Condamine & Canning Street, Warwick	Cr Meiklejohn declared a real conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>) due to his son's employment at Bunnings Warwick and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
12.1	Material Change of Use – Bunnings Group Limited, Cnr Condamine & Canning Street, Warwick	Cr Kelly declared a real conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>) due to his shareholding in Wesfarmers, parent company of Bunnings, and relatives employed at Bunnings Toowoomba and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
12.1	Material Change of Use – Bunnings Group Limited, Cnr Condamine & Canning Street, Warwick	Cr Pennisi declared a perceived conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>) due to one of the submitters being a related party and dealt with the perceived conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
12.1	Material Change of Use – Bunnings Group Limited, Cnr Condamine & Canning Street, Warwick	Cr McNally 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 her husband's business having accounts with Bunnings and with two submitters. Cr McNally dealt with the perceived conflict of interest by stating that it was her determination that her personal interest is not of sufficient significance that it would lead to her making a decision on this matter that is contrary to the public interest. Cr McNally participated in the discussion and voting on this matter.
12.1	Material Change of Use – Bunnings Group Limited, Cnr Condamine & Canning Street, Warwick	Cr Windle 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 her involvement with the building of the levee bank for the Warwick Hockey Association after the 2011 floods. Cr Windle dealt with the perceived conflict of interest by stating that it was her determination that her personal interest is not of sufficient significance that it would lead to her making a decision on this matter that is contrary to the public interest. Cr Windle participated in the discussion and voting on this matter.
16.6	Equitable Wastewater Septic Tank Pump Outs	Cr Windle 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 ownership of a

		property which is connected to the CED system and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
16.7	Sporting and Community Leases	Cr Windle 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 as she is a Life Member of the Warwick Hockey Association with currently has a Lease with Council. Cr Windle dealt with the perceived conflict of interest by stating that it was her determination that her personal interest is not of sufficient significance that it would lead to her making a decision on this matter that is contrary to the public interest. Cr Windle participated in the discussion and voting on this matter.
16.7	Sporting and Community Leases	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 as he is a Life Member of one of the sporting clubs. 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.
16.12	Review of Regional Development Australia	Cr Pennisi 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 RDA Darling Downs & South West 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 October 2016

Resolution

Moved Cr V Pennisi

Seconded Cr J McNally

THAT Council receive the Mayoral Minute report and its contents, and recognised the recent presentation of SES Awards to residents from Southern Downs.

Carried

8. READING AND CONSIDERATION OF CORRESPONDENCE

8.1 Correspondence

Resolution

Moved Cr R Kelly

Seconded Cr Y Stocks

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

Carried

9. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

9.1 Petition in Opposition to the Closure of the Ballandean Dump in 2018

Resolution

Moved Cr N Meiklejohn

Seconded Cr S Windle

THAT Council receive and consider the Petition in conjunction with the Review of Waste Reduction & Recycling Plan 2016-2026.

Carried

Cr Pennisi declared a perceived conflict of interest in Agenda Item 12.1 (as defined in section 173 of the Local Government Act 2009) due to one of the submitters being a related party 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 V Pennisi left the meeting at 9.19am.

Cr Meiklejohn declared a real conflict of interest in Agenda Item 12.1 (as defined in section 173 of the Local Government Act 2009) due to his son's employment at Bunnings Warwick and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter. Cr N Meiklejohn left the meeting at 9.19am.

Cr Kelly declared a real conflict of interest in Agenda Item 12.1 (as defined in section 173 of the Local Government Act 2009) due to his shareholding in Wesfarmers, parent company of Bunnings, and relatives employed at Bunnings Toowoomba and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter. Cr R Kelly left the meeting at 9.19am.

Cr McNally declared that a perceived conflict of interest in Agenda Item 12.1 (as defined in section 173 of the Local Government Act 2009), may exist due to her husband's business having accounts with Bunnings and with two submitters. Cr McNally dealt with the perceived conflict of interest by stating that it was her determination that her personal interest is not of sufficient significance that it would lead to her making a decision on this matter that is contrary to the public interest. Cr McNally participated in the discussion and voting on this matter.

Cr Windle declared that a perceived conflict of interest in Agenda Item 12.1 (as defined in section 173 of the Local Government Act 2009), may exist due to her involvement with the building of the levee bank for the Warwick Hockey Association after the 2011 floods. Cr Windle dealt with the perceived conflict of interest by stating that it was her determination that her personal interest is not of sufficient significance that it would lead to her making a decision on this matter that is contrary to the public interest. Cr Windle participated in the discussion and voting on this matter.

12.1 Material Change of Use - Bunnings Group Limited, Corner Condamine Street and Canning Street, Warwick

Resolution

Moved Cr J McNally

Seconded Cr C Gow

THAT the application for Business activities - Garden centre, Shop and Showroom on land on the corner of Condamine Street and Canning Street, Warwick, described as Lots 46 and 47 W13468 and Lot 8 SP207890, Parish of Warwick, County of Merivale, be approved subject to the following conditions:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

- The development of the site is to be generally in accordance with the following proposal plans submitted with the application, **EXCEPT THE BUILDING AND RETAINING WALL SETBACKS ARE TO BE INCREASED TO 6.0 METRES TO THE CONDAMINE STREET FRONTAGE AND 3.0 METRES TO THE CANNING STREET FRONTAGE**, and subject to the final development being amended in accordance with the conditions of this approval.

Plan Name	Plan No.	Date
Site Plan of Layout – Ground Floor Plan	15019 – DA02	15 July 2016
Site Plan of Layout – Roof Plan	15019 – DA03	15 July 2016
Elevations	15019 – DA04	15 July 2016
Sections	15019 – DA05	3 June 2016
Signage – Site Plan of Layout – Roof Plan	15019 – SD01	15 July 2016
Signage Elevations	15019 – SD02	15 July 2016

- 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.

Reconfiguration of a Lot

- The existing allotments are to be amalgamated into one allotment and a new Certificate of Title issued to cover the newly created allotment prior to the use of the site commencing.

Dedications

- A 6.0 metre x 3 chord truncation on the corner of Condamine Street and Canning Street is to be dedicated for road purposes at no cost to Council. Any fencing or other private infrastructure is to be removed from within the dedicated area.

Land Use and Planning Controls

- This approval allows for the use of the site for a Garden centre, Shop and Showroom only. The Shop is to be ancillary to the use of the site for a Garden centre and Showroom.
The building is not to be occupied by a supermarket or general retail business.
- The material change of use the subject of this development permit must be completed within a period of six (6) years starting the day this development permit takes effect. The development permit will lapse in respect of each aspect of the material change of use that has not been completed within this period.
- Deliveries are generally to occur only between the hours of 6.00am to 9.00pm, seven days a week. It is encouraged that deliveries do not occur between the hours of 8.00am and 9.00am, and 2.30pm and 3.30pm, school days, so as to avoid school drop-off and pick-up times.

Building and Site Design

- The building height is to be reduced to a maximum of 9.5 metres above the finished floor

level.

9. All aspects of the building and structures (unless the retaining wall is proposed to be stepped) are to be set back at least 6.0 metres from the Condamine Street property boundary and 3.0 metres from the Canning Street property boundary.
10. The design, colours and materials of the building and pavement are to be in accordance with the character of the area. The final design and construction of the buildings must provide for larger variation in appearance than that shown in the plans submitted with the application. Variation is to be achieved through the use of colours, materials, architectural treatments, and changes to roof lines. **Details of the design, colours and materials of the building and pavement are to be submitted to and approved by the Director Planning, Environment and Corporate Services 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.
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.)

Amenity and Environmental Controls

13. 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.
14. Any fixed noise emitting device (e.g. air conditioning/refrigeration units, compressors, generators etc.) located outside the building must be placed within an appropriate acoustic enclosure.
15. Machinery (e.g. forklifts, scissor lifts etc.) that are fitted with audible warning devices, must be fitted with a broadband alarm. A broadband alarm is a pulsed signal that has a range of frequencies and is sometimes referred to as a quacker or woosher.
16. A sufficient number of suitable waste and recycling receptacles must be provided on site at all times. Waste and recycling receptacles must be regularly serviced to prevent unsightly accumulations of waste and recycling being caused.
17. All regulated waste must be removed from the site by a regulated waste removal contractor authorised under the Environmental Protection Act 1994. The records for this disposal must be kept on site and be available for viewing by an authorised officer.
18. Advertising Devices relating to the Business activity may **only** be erected on the subject land, i.e. Lots 46 and 47 W13468 and Lot 8 SP207890. The location, size, type and content of any advertising sign or device located on the land is to be compatible with the 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.
19. All equipment, goods and materials must be located in a building or screened from view from all roads, other public places and adjoining land by fencing and/or dense landscaping.
20. Install and maintain the lighting fixtures so that they do not emit glare or light above the levels stated in *Australian Standard 4282-1997 Control of Obtrusive Effects of Outdoor Lighting*.
21. Lighting is to be provided within the development including adjacent to the internal driveways. Any lighting is to be located such that there is no interference with any residences. Details of the proposed lighting are to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the issuing of any Development Permit for Building Works. Lighting is to be provided in accordance with the

approved plan.

Fencing, Landscaping and Buffers

22. A screen fence 1.8 metres high shall be erected to screen the bin storage area, any bin compactor and loading bay, to the satisfaction of the Director Planning and Development and at the full cost to the applicant. The bin storage area is to be a concrete pad and not within the building setbacks to Condamine Street or Canning Street.
23. A screen fence 1.8 metres high shall be erected along the southern and western boundaries, on top of the retaining wall, to provide visual screening. This screen fencing is to be provided at the developer's cost.
24. **Details of the proposed fencing are to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the issue of a Development Permit for Building Work.** Fencing is to be provided and maintained in accordance with the approved details.
25. Retaining structures and their foundations must be wholly contained within private allotments and not be constructed as Council owned infrastructure.
26. The retaining wall is to be treated in one of the following methods:
 - (a) That it is stepped within the setbacks and includes landscaping for its entire height; or
 - (b) Contains an appropriate mural for the region. The mural is to be completed by a suitably qualified person who has demonstrated ability is undertaking such a project. The mural is not to include any advertising logos, etc., except the name of the artist; or
 - (c) That is architectural treated with varying textures, colours and materials; or
 - (d) A suitable alternative which significantly reduces the bulk and scale of the retaining wall.
27. **Details of the proposed retaining wall treatment is to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the issue of a Development Permit for Building Work.** The retaining wall is to be provided and maintained in accordance with the approved details.
28. Dense tree planting is to be provided adjacent to the retaining wall so as to enhance the appearance of the wall and to provide an effective visual screen. A 6.0 metre wide landscaped strip is to be provided adjacent to the Condamine Street frontage of the site. A 3.0 metre wide landscaped strip is to be provided adjacent to the Canning Street frontage of the site.
29. Advanced tree plantings (i.e. minimum height of 3.0 metres at the time of planting) are to be provided at least every five metres within the landscaping setback along the Condamine Street and Canning Street frontages.
30. Landscaped areas are to be provided on the site in accordance with Plan No. 15019, DA02, dated 15 July 2016, prepared by Group 4 Architects.
31. Crepe Myrtle trees (*Lagerstroemia*) are to be planted within the road reserve of both Condamine Street and Canning Street for the frontage of the subject land. 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.
32. **A Landscaping Plan is to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the issue of any Development Permit for Building Work.** The Landscaping Plan is to be prepared by an appropriately qualified person, and 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

33. Concrete industrial crossings are to be constructed at the Condamine Street and Canning Street entrances to the site in accordance with Council's standard. (Council's Engineering Services Department can provide details regarding Council's standard.)
34. The internal driveways are to be designed and constructed to allow an 8.8 metre service vehicle to enter and leave the site in forward gear.
35. At least 97 car parking spaces are to be provided on site. Provision is to be made for disabled parking.
36. At least 5 bicycle parking space are provided in a rack. The bicycle rack is to be provided within proximity to the entrance to main entrance to the building.
37. The car park area is to be set back at least six (6.0) metres from the Condamine Street property boundary and three (3.0) metres from the Canning Street property boundary.
38. All car parking, driveway and loading areas shall be constructed, sealed, line marked, drained, laid out and regularly maintained.
39. All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.
40. Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
41. All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
42. Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.
43. All loading and unloading of goods related to the development must be carried out within the confines of the allotment's boundary. Under no circumstances will the loading or unloading of goods on the public roadway system or footpath be permitted.

Roadworks

44. 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.
45. A full width sealed road, including barrier kerbing and channelling and stormwater drainage, is to be constructed along the Condamine Street frontage of the site, from the access point to the KFC from Condamine Street on the southern side and the entrance to the carwash at 10 Condamine Street. The alignment is to be determined as part of the Operational works application.
46. The construction of the Condamine Street frontage is to include on-street parking, as shown on Plan No. 15019, DA02, dated 15 July 2016, prepared by Group 4 Architects. The carparking is to be constructed and line marked.
47. A $\frac{3}{4}$ sealed road, including barrier kerbing and channelling and stormwater drainage, is to be constructed along the Canning Street frontage of the site. The alignment is to be determined as part of the Operational works application. As part of the design for the works on Canning Street, consideration is to be given to the drop-off zone associated with Warwick East State School.
48. The roadworks are to include the construction of a mountable roundabout at the intersection

of Condamine Street and Canning Street.

49. Prepare an assessment report of the road capacity, pavement condition and traffic movements expected at the intersections of both Fitzroy Street/Canning Street and Canning Street/Condamine Street. The design of the works identified in the report is to be submitted and completed as part of the Operational works associated with the development. The report and any associated plans must be produced under the direct supervision of and signed off by a Registered Professional Engineer, Queensland skilled and experienced in this type of work.

Stormwater Drainage

50. Any filling of the site is to be in accordance with the proposal and the information considered in the Jacobs – Flood Impact Assessment for Bunnings – Canning Street, Warwick correspondence dated 23 March 2016. All filling used is to be certified by a Registered Professional Engineer in Queensland (RPEQ).
51. The design, construction and operation of the stormwater drainage system must comply with the water quality objectives stated in Appendix 3 of the State Planning Policy.
52. 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).

Site stormwater runoff must 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. Where necessary, suitable easements to lawful points of discharge, which may include surrounding properties, shall be provided to Council, at the developer's cost.

Water Supply and Waste water

53. A reticulated water supply system, up to and including water meters, is to be provided to service the building. This system is to be connected to Council's water supply system.
The reticulated water supply system will need to be upgraded and extended to service the subject property.
54. The connection to Council's reticulated water supply must be a combined fire and domestic metered connection located at a point nominated by Council.
55. A sewerage reticulation system is to be provided to service the building. This system is to be connected to Council's wastewater sewerage system.

Pedestrian Works

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

Electricity, Street Lighting and Telecommunications

58. Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
59. LED street lighting shall be provided in accordance with AS/NZS 1158 - Lighting for Roads and Public Spaces.

Operational Works

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

Infrastructure Charges Notice

61. 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, Environment and Corporate Services, 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) Any storage of flammable and/or combustible liquids must comply with the minor storage provision of *Australian Standard AS1940 – The Storage and Handling of Flammable and Combustible Liquids*.
- (v) If required, applications for licence under the *Food Act 2006* are to be submitted to Council prior to the commencement of the use. Applications for Design Approval and Approval to Operate (including applications for licence under the *Food Act 2006*) are to be submitted to and approved by Council for the food premise, prior to the issue of a Development Permit for Building Work.
- (vi) **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.
- (vii) **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**.
- (viii) The disposal of waste classified as Trade Waste under the *Plumbing and Drainage Act 2002* is to be in accordance with Council's Trade Waste Policy.
- (ix) The Flood hazard overlay is based on a 1% Annual Exceedance Probability (AEP) flood event and therefore doesn't guarantee flood immunity.
- (x) 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;

- Detailed design drawings, schedules and specifications for all Operational Works, certified by a Registered Professional Engineer in Queensland (RPEQ);
- A car parking plan showing the location and dimension of all parking areas, details of the proposed pavement treatment, and full engineering specifications of layout, construction, sealing, drainage and line marking;
- A plan showing ingress and egress wheel and swept turning paths, including around the intersection of Condamine Street and Canning Street, and along Canning Street;
- A Stormwater Management Plan;
- Connection to all urban services;
- An Erosion and Sediment Control Plan;
- A geotechnical report addressing the filling of the site, including recommendations as to how it will be possible for such filling to achieve compliance with AS3798-2007 (as amended) "*Guidelines on Earthworks for Commercial and Residential Developments*".

Operational Works 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.

- (xi) An Erosion and Sediment Control Plan (ESCP) must be submitted for approval with the application for Operational Works. The ESCP must demonstrate that release of sediment-laden stormwater is avoided for the nominated design storm, and minimised when the nominated design storm is exceeded, by addressing the objectives in Table A (Construction phase - stormwater management design objectives) in Appendix 3 of the State Planning Policy for drainage control, erosion control, sediment control and water quality outcomes.
- (xii) Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- (xiii) All Development Permits for Operational Works and Plumbing and Drainage Works should be obtained prior to the issue of a Development Permit for Building Works.
- (xiv) All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- (xv) Any retaining structures above one metre in height must be separately certified for structural adequacy by a Registered Professional Engineer of Queensland at design submission and also on completion of construction for compliance with the design.

A detailed inspection and as constructed record must be provided to Council by a Registered Professional Engineer of Queensland, prior to acceptance of the works, including certification that the wall's foundation ground conditions nominated in the design were inspected and achieved during construction.

The approved design and/or construction of the retaining walls must not be modified or altered without Council's prior written approval.

Aboriginal Cultural Heritage

- (xvi) 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

Approval Times

- (xvii) In accordance with the *Sustainable Planning Act 2009*, this approval will lapse two years from the day the approval takes effect, or four years where the reconfiguration involves

Operational Works. If an application for a related approval is made within two years of the day this approval takes effect, the relevant period is taken to have started on the day the latest related approval takes effect (*Sustainable Planning Act 2009* s341).

Approval of Plan of Subdivision

- (xviii) The Plan of Subdivision for the reconfiguration must be submitted to Council for Compliance Assessment (*Sustainable Planning Regulation 2009* Sch 19). The Plan of Subdivision must be submitted to Council within the relevant period of the approval, and with the appropriate form (IDAS Form 32) and fees. **Council will NOT issue a Compliance Certificate or approve the plan unless all conditions of this approval have been complied with to the satisfaction of Council and within the relevant period of the approval.**
- (xix) The approved Plan of Subdivision must be lodged for registration in the Office of the Registrar of Titles within six months of the date of Council's Compliance Certificate and approval of the Plan of Subdivision. If the Plan of Subdivision is not registered within this timeframe, Council's approval of the Plan of Subdivision will lapse. Council may reapprove the Plan of Subdivision subject to payment of the applicable fee.

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

Our reference: SDA-0716-032394
Your reference: AMM:AMM/MCU\01759

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Development permit for material change of use		
Schedule 7, Table 3, Item2: Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of 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 condition(s):		
1.	<p>(a) Road works comprising a left in and left out intersection treatment must be provided at the intersection of Condamine/Albert Street and the Cunningham Highway to eliminate cross movements and right turns to the state controlled road from Condamine Street, as shown in:</p> <ul style="list-style-type: none"> • Figure 5.4 of Traffic Impact Assessment prepared by TPS Traffic & Parking Systems (Ref. TPS78Rep1, Version 2, dated 13 July 2016); <p>(b) The road works must be designed and constructed in accordance with the <i>Road Planning and Design Manual</i> and the <i>Manual of Uniform Traffic Control Devices</i>; and</p> <p>(c) Be provided at full cost to the applicant.</p>	Prior to the commencement of use.
2.	<p>(a) Submit to the DTMR (Darling Downs South West) a bank guarantee:</p> <p>(i) for the amount of \$13,626, to cover the shared calculated cost for works required to reconfigure the signalised intersection of Fitzroy Street and the Cunningham Highway. This amount has been calculated to cover:</p> <ul style="list-style-type: none"> • Aspect lanterns; • Labour / traffic control; • Eprom (smarts in the controller); • Traffic Signal Plan; and • Linemarking arrows. <p>(ii) Obtained by the land owner from a financial institution which is unconditional, irrevocable, and in favour of DTMR;</p> <p>(iii) Has an expiry date not earlier than 10 years; and</p> <p>(iv) The guarantee will be held by DTMR for a period</p>	Prior to the commencement of use.

No.	Conditions	Condition timing
	of 3 years after the commencement of the use whilst the operation and level of service of the intersection of Cunningham Highway and Fitzroy Street is monitored.	

Our reference: SDA-0716-032394
Your reference: AMM:AMM/MCU\01759

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the road works, on, or associated with, the state-controlled road network are undertaken in accordance with applicable standards.
- To ensure that a Bank Guarantee secures the value of works to be drawn upon by DTMR for a period no longer than 10 years from the beginning of construction.

Our reference: SDA-0716-032394
Your reference: AMM:AMM/MCU\01759

Attachment 3—Further advice

General advice

1. **Road works approval:** Under section 33 of the *Transport Infrastructure Act 1994*, written approval is required from the Department of Transport and Main Roads to carry out road works on a state-controlled road. Please contact the Department of Transport and Main Roads on 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. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). **The road works approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.**

Our reference: SDA-0716-032394
Your reference: AMM:AMM/MCU\01759

Attachment 4—Approved plans and specifications

sda

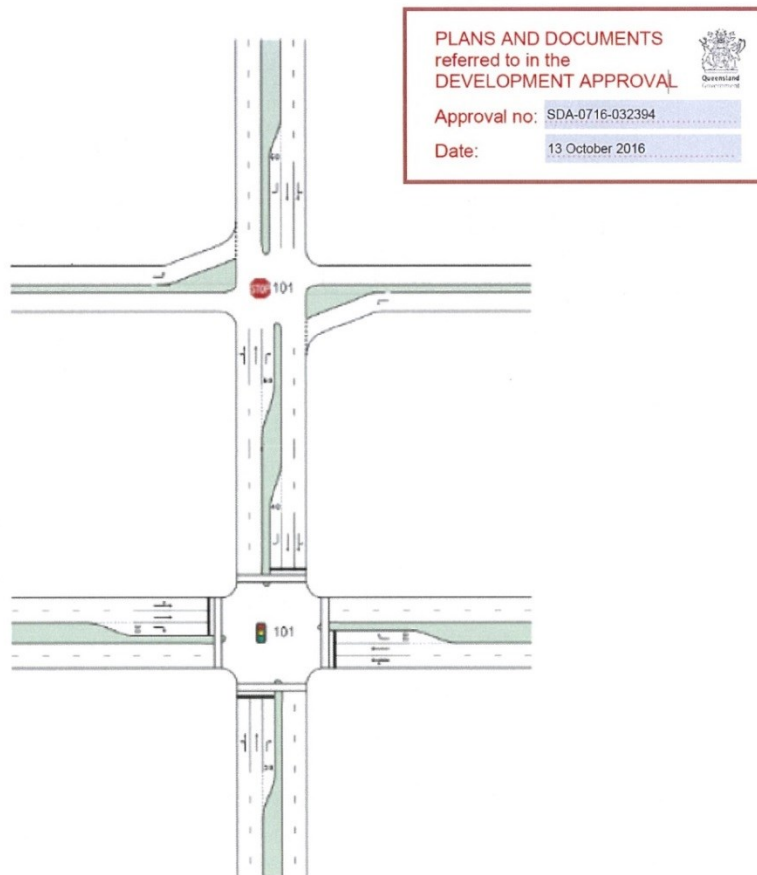


Fig 5.4 Road Network Scenario with Highway Median Closure at Condamine Street

Carried

Cr McNally and Cr Windle voted for the motion.

09:32 AM Cr R Kelly rejoined the meeting.

09:32 AM Cr N Meiklejohn rejoined the meeting.

09:32 AM Cr V Pennisi rejoined the meeting.

09:33 AM Cr M McNichol left the meeting.

10. EXECUTIVE

10.5 2016 Christmas Closure

Resolution

Moved Cr J McNally

Seconded Cr R Kelly

THAT:

1. Council Offices will close at 12.00noon on Friday 23 December 2016 and reopen on Tuesday 3 January 2017.
2. Appropriate advertisements be placed in the local newspapers advising the community of the Christmas closedown.
3. A review be done of the Christmas Closure period for 2017/2018.

Carried

10.1 Financial Report as at 30 September 2016

Resolution

Moved Cr Y Stocks

Seconded Cr N Meiklejohn

THAT Council receive and note the Financial Report as at 30 September 2016.

Carried

10.2 First Quarter Budget Review 2016/2017

Resolution

Moved Cr Y Stocks

Seconded Cr N Meiklejohn

THAT Council adopt the First Quarter Budget Review for the financial year 2016/2017.

Carried

10.3 Quarterly Human Resources Report

Resolution

Moved Cr Y Stocks

Seconded Cr N Meiklejohn

THAT Council receive the report and note the contents.

Carried

10.4 Nomination to Board of Southern Queensland Country Tourism

Resolution

Moved Cr Y Stocks

Seconded Cr N Meiklejohn

THAT Council resolve to nominate Cr Rod Kelly to the Board of Southern Queensland Country Tourism for the 2016-2018 term.

Carried

09:37 AM Cr M McNichol rejoined the meeting.

11. ENGINEERING SERVICES DEPARTMENT REPORTS

Cr Kelly declared that a perceived conflict of interest in this matter (as defined in section 173 of the Local Government Act 2009), may exist as one of the names suggested was a relative. Cr Kelly 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 Kelly participated in the discussion and voting on this matter.

11.2 Naming of Recently Constructed Bridges on Lyndhurst Lane, Warwick, Bellinghams Road, Elbow Valley, Sandy Creek Road, Leslie and Mullins Road, Warwick

Resolution

Moved Cr J McNally

Seconded Cr M McNichol

THAT Council name for the following recently constructed bridges:

- Lyndhurst Lane Bridge; Warwick: Charlie Fraser Bridge
- Bellinghams Road Bridge; Elbow Valley: Bellingham Bridge
- Sandy Creek Road Bridge; Leslie: Jacob Benz Bridge
- Mullins Road Bridge, Warwick: Tom Dunn Bridge

Carried

Cr Kelly voted for the motion.

11.4 Southern Downs Road Safety Advisory Committee Minutes

Resolution

Moved Cr M McNichol

Seconded Cr N Meiklejohn

THAT Council receive the minutes of the Southern Downs Road Safety Advisory Committee Meeting held on 11 October 2016.

Carried

11.1 Engineering Services Department Monthly Report

Resolution

Moved Cr J McNally

Seconded Cr S Windle

THAT Council receive the Engineering Services Department Monthly Report.

Carried

11.3 Youth Development Report - Southern Downs Youth Housing and Homeless Report October 2016

Resolution

Moved Cr J McNally

Seconded Cr S Windle

THAT Council endorse the Southern Downs Youth Homelessness, Housing and Support Services Report 2016.

Carried

12. PLANNING & ENVIRONMENT DEPARTMENT REPORTS

12.2 Removal of a place from the Local Heritage Register

Resolution

Moved Cr C Gow

Seconded Cr N Meiklejohn

THAT Council considers the request from the QCWA Cunningham Branch and adopt not to remove the Cunningham Hall from the Local Heritage Register.

Lost

12.2.1 Deferral - Removal of a place from the Local Heritage Register

Resolution

Moved Cr J McNally

Seconded Cr C Gow

THAT Council defer the request from the QCWA Cunningham Branch to remove the Cunningham Hall from the Local Heritage Register to allow further consultation with the Cunningham community.

Carried

12.4 Quarterly Report on Development Approvals for the July to September quarter 2016

Resolution

Moved Cr N Meiklejohn

Seconded Cr S Windle

THAT Council receives the report and notes its contents.

Carried

12.6 Fees & Charges - Discount to Non-Profit Organisations

Resolution

Moved Cr N Meiklejohn

Seconded Cr V Pennisi

THAT Council approve a 50 percent discount for non – profit organisations as determined by the Director Planning, Environment and Corporate Services in relation to Application and Permit fees for Planning, Operational Works, Building, Plumbing and Drainage, Environmental Protection Act and Local Law and Acts, under the jurisdiction of the Planning and Development and Environmental Services Departments. (Excluding the Local Law Fees for Animals and Advertising Devices).

Carried

12.7 Review of Waste Reduction and Recycling Plan 2016-2026

Resolution

Moved Cr C Gow

Seconded Cr N Meiklejohn

THAT Council:-

1. Adopts the revised Waste Reduction and Recycling Plan 2016-2026 to replace the Waste Reduction and Recycling Plan 2014-2024.
2. Conduct a community consultation program with the residents of Ballandean to establish the interest of establishing a Memorandum of Understanding for the community supervising the operation of the Ballandean Waste Facility for a trial period of two years.
3. Send responses to all submitters to the public consultation on the Waste Reduction and Recycling Plan 2016-2026.

Carried

Attachments

1. Waste Reduction and Recycling Plan 2016-2026 - **Attached to the Minutes Under Separate Cover**

12.11 Proposed utilisation of Council facilities

Resolution

Moved Cr M McNichol

Seconded Cr N Meiklejohn

THAT Council approve the implementation of camping at:-

1. Lions Park, Wallangarra - Lots 703, 704, 707, 708 and 709 on BNT1725.
2. The following sites, subject to approval from the Department of Natural Resources and Mines:-
 - Jim Mitchell Park, Dalveen – Lot 1 on SP131686;
 - Dalrymple Park, Allora – Lot 120 on ML1118 and part of Lot 113 on CP905810;
 - Leyburn Sports Ground and Leyburn Reserve – Lots 184 and 185 on ML2119.

Carried

12.3 Temporary Local Planning Instrument 01/2016 (Amendment of the Flood hazard overlay)

Resolution

Moved Cr N Meiklejohn

Seconded Cr Y Stocks

THAT Council grant authority to the Chief Executive Officer to make *Temporary Local Planning Instrument 01/2016 (Amendment of the Flood hazard overlay)* following advice being received from the Minister that Council may make the Temporary Local Planning Instrument in accordance with Section 105 of the *Sustainable Planning Act 2009*.

Carried

12.5 Department of Natural Resources and Mines - Conversion over Term Lease - Lot 111 on BNT1272

Resolution

Moved Cr N Meiklejohn

Seconded Cr Y Stocks

THAT Council advise the Department of Natural Resources and Mines the following:

Council has no objection to the conversion of Term Lease 208844 being Lot 111 on BNT1272, to freehold tenure, when the current Term Lease expires on 31 May 2017.

Carried

12.8 Operational Plan Quarterly Review - July to September 2016

Resolution

Moved Cr N Meiklejohn

Seconded Cr Y Stocks

THAT Council receive the contents of the Operational Plan Quarterly Review – July to September 2016.

Carried

12.9 Executive Performance Report - September 2016

Resolution

Moved Cr N Meiklejohn

Seconded Cr Y Stocks

THAT Council receive and note the Executive Performance Statistics for September 2016.

Carried

12.10 Policies Review - October 2016

Resolution

Moved Cr N Meiklejohn

Seconded Cr Y Stocks

THAT Council:

1. Adopt the changes to the following policies as attached:
 - Advertising Expenditure Policy (PL-GV012)
 - Non-Current Asset Accounting Policy (PL-FS015)
 - Entertainment and Hospitality Expenditure Policy (PL-GV011)
 - Complaints Management Policy (PL-GV029)
 - Works Near Water Supply and/or Wastewater Infrastructure (PL-ES023)
 - Council Lease Policy (PL-RP001)
2. Retain the Trade Waste Management Policy (PL-ES070) with no changes.
3. Rescind the following policies:
 - Grants to Community Organisations Policy (PL-CM017)
 - Park Memorial Policy (PL-ES056)
 - Privacy Policy (PL-GV012)
 - Internal Audit Policy (PL-GV006)

Carried

Attachments

1. Advertising Expenditure Policy - **Attached to the Minutes Under Separate Cover**
2. Non-Current Asset Accounting Policy - **Attached to the Minutes Under Separate Cover**
3. Entertainment and Hospitality Expenditure Policy - **Attached to the Minutes Under Separate Cover**
4. Complaints Management Policy - **Attached to the Minutes Under Separate Cover**
5. Works Near Water Supply and/or Wastewater Infrastructure - **Attached to the Minutes Under Separate Cover**
6. Council Lease Policy - **Attached to the Minutes Under Separate Cover**

12.12 Local Government Remuneration and Discipline Tribunal annual review

Resolution

Moved Cr N Meiklejohn

Seconded Cr Y Stocks

THAT Council write to the Local Government Remuneration and Discipline Tribunal indicating that Southern Downs Regional Council should remain a Category 3 local government authority and make no comment in relation to the allowances for Mayor, Deputy Mayor and Councillors.

Carried

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

13.1 Reports of Conferences

Resolution

Moved Cr R Kelly

Seconded Cr Y Stocks

THAT the attached report from Cr McNally on her attendance at the LGAQ Annual Conference held on 19-21 October 2016 be received.

Carried

Attachments

1. Report from Cr McNally on LGAQ Annual Conference - **Attached to the Minutes Under Separate Cover**

The meeting adjourned for the Citizenship Ceremony at 10.17am

The meeting then adjourned for Morning Tea 10.45am and reconvened at 11.12am at which time there were present Crs Dobie, Stocks, Gow, McNally, McNichol, Pennisi, Windle, Kelly and Meiklejohn

14. NOTICES OF MOTION

Nil

15. GENERAL BUSINESS

15.1 UPGRADE OF OO MADSEN BRIDGE & MCCAHERN BRIDGE

RESOLUTION

MOVED CR S WINDLE

SECONDED CR M MCNICHOL

THAT COUNCIL LOBBY THE DEPARTMENT OF TRANSPORT AND MAIN ROADS AND THE FEDERAL GOVERNMENT TO CARRY OUT THE NECESSARY UPGRADE TO THE OO MADSEN BRIDGE AND MCCAHERN BRIDGE TO RECTIFY THE ISSUE WITH IT HOLDING BACK THE FLOOD WATERS. THIS PROBLEM WAS RECOGNISED IN THE FLOOD MAPPING (3D FLUID MODELLING) WHICH WAS COMMISSIONED BY COUNCIL. THE REPORT LOOKED AT THE IMPACTS OF DEBRIS BLOCKAGES IN THE GUARD RAILS ON THE OO MADSEN BRIDGE.

CARRIED

15.2 FLOOD MITIGATION MEASURES

RESOLUTION

MOVED CR C GOW

SECONDED CR M MCNICHOL

THAT A BRIEFING SESSION BE ORGANISED FOR COUNCILLORS IN RELATION TO FLOOD MITIGATION MEASURES AS OUTLINED WITHIN THE PLANNING SCHEME AND DIRECTLY RELATED TO INFRASTRUCTURE MANAGED BY ALL THREE TIERS OF GOVERNMENT.

CARRIED

15.3 FORMATION OF TASK FORCE FOR UPGRADE OF NEW ENGLAND HIGHWAY AND CUNNINGHAM HIGHWAY

RESOLUTION

MOVED CR J MCNALLY

SECONDED CR C GOW

THAT COUNCIL FORM A TASK FORCE COMPRISING TOOWOOMBA REGIONAL COUNCIL, GOONDIWINDI REGIONAL COUNCIL, SCENIC RIM REGIONAL COUNCIL, SOUTHERN DOWNS REGIONAL COUNCIL AND ASSOCIATED STATE & FEDERAL GOVERNMENT DEPARTMENTS AS A SINGLE ISSUE LOBBY GROUP FOR THE UPGRADE OF THE NEW ENGLAND HIGHWAY AND CUNNINGHAM HIGHWAY.

CARRIED

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 Chief Executive Officer Performance Review

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(a) of the *Local Government Regulation 2012*, as it contains information relating to the appointment, dismissal or discipline of employees.

16.2 Quarterly Capital Assistance Loans Report

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.

16.3 Outstanding Rates & Debtors Report at 5 October 2016

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.

16.4 Concession for Outstanding Water Account

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 Rebate for Installation of Water Tank

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.

16.6 Equitable Wastewater Septic Tank Pump Outs

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.

16.7 Sporting and Community Leasing

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.

16.8 CSMP - Regional Arts Development Fund 2016/17 - Out of Round Application - Andrew Chambers and Deborah Crawford

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.

16.9 Business Plan for Council Facility

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.

16.10 September 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.

16.11 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.

16.12 Review of Regional Development Australia

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 C Gow

Seconded Cr J McNally

THAT the meeting move into closed session.

Carried

The meeting moved into closed session at 11.39am.

11:55 AM Cr M McNichol left the meeting.

11:57 AM Cr M McNichol rejoined the meeting.

The Mayor and Councillors welcomed the following Rodeo Queens to Warwick for the 2016 Warwick National Finals Rodeo: Miss Rodeo America 2016 Katherine Merck, Miss Rodeo Canada 2016 Samantha Stokes, Miss Rodeo Australia 2016 Katy Scott and Miss Rodeo Warwick 2016 Ashleigh Grant

The meeting adjourned for lunch at 12.30pm and reconvened at 1.08pm at which time there were present Crs Dobie, Stocks, Gow, McNally, McNichol, Pennisi, Windle, Kelly and Meiklejohn

01:09 PM Cr S Windle left the meeting during discussion on Agenda Item 16.6

01:16 PM Cr S Windle rejoined the meeting

01:46 PM Cr V Pennisi left the meeting during discussion on Agenda Item 16.12

01:54 PM Cr V Pennisi rejoined the meeting

Meeting Out Of Camera

Resolved

THAT the meeting resume in open session at 2.00pm.

Carried

16.1 Chief Executive Officer Performance Review

Resolution

Moved Cr N Meiklejohn

Seconded Cr R Kelly

THAT Council receive and note the update on the Chief Executive Officer's key performance measures.

Carried

16.2 Quarterly Capital Assistance Loans Report

Resolution

Moved Cr R Kelly

Seconded Cr J McNally

THAT Council receive the report and note its contents.

Carried

16.3 Outstanding Rates & Debtors Report at 5 October 2016

Resolution

Moved Cr N Meiklejohn

Seconded Cr V Pennisi

THAT Council receive the report and note the contents.

Carried

16.4 Concession for Outstanding Water Account

Resolution

Moved Cr V Pennisi

Seconded Cr C Gow

THAT Council resolve to allow a concession from paying the current outstanding water consumption account.

Carried

16.5 Rebate for Installation of Water Tank

Resolution

Moved Cr V Pennisi

Seconded Cr R Kelly

THAT Council adopt the following recommendations:

1. Implement a set of water rates rebates for installation of reticulated tank water plumbed for any degree of household usage, i.e. toilet, laundry or general household usage. This is to apply to residential dwellings only and can only be applied once per dwelling. The rebate comprises waiving the annual access fee of \$534.20 for a set period. The extent of the rebate is based on the size of the installation as outlined in the following scales:
 - 1.1. Tanks with capacity greater than or equal to 5 Kilolitres up to 22.7 Kilolitres plumbed to household usage, have the access fee waived for 3 years.
 - 1.2. Tanks with capacity greater than or equal to 22.7 Kilolitres plumbed to household usage, have the access fee waived for 5 years
 - 1.3. Tanks less than 5 Kilolitres capacity do not attract a rebate.
 - 1.3. Where a body corporate of a group of strata title residences installs a communal tank, the capacity requirement is on a pro rata basis for the number of dwellings connected to the tank, i.e. individual dwelling rate is assessed based on communal tank capacity divided by the number of dwellings plumbed to it for household use.
2. Increase the connection fee for new dwellings only and waive this where a suitable tank is plumbed in for household use:
 - 2.1. New dwellings to be defined as any dwelling completed after the 30 June 2017.
 - 2.2. Connection fee to be increased by \$1000 per new dwelling.
 - 2.3. -\$1000 discount to be applied if a tank of 5 Kilolitres or more is plumbed in for household use.
 - 2.4. The annual access fee rebate should apply in conjunction with the connection fee rebate for new dwellings.
 - 2.5. Existing residences to be connected under the current connection charges.
3. Existing tank owners are to be exempted from rebate proposal until impacts are known:
 - 3.1. Home owners should not receive a rebate for plumbing in an existing tank on the basis of this rebate program.
 - 3.2. The effectiveness and cost of the program should be assessed after 12 months to determine whether or not home owners with existing tanks should qualify for a rebate in future programs if they then plumb that tank in for household use.
 - 3.3. Existing tanks already plumbed to the house should not receive a rebate.

Carried

Cr Windle declared a real conflict of interest in Agenda Item 16.6 (as defined in section 173 of the Local Government Act 2009) due to her ownership of a property which is connected to the CED system and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter. Cr Windle left the room at 2.01pm.

16.6 Equitable Wastewater Septic Tank Pump Outs

Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

THAT Council removes the septic pump outs available for Stanthorpe and Wallangarra with effect from the next financial year (2017/18) and advises house holders affected as soon as possible.

Carried

2.02pm Cr Windle rejoined the meeting

Cr Windle declared that a perceived conflict of interest in Agenda Item 16.7 (as defined in section 173 of the Local Government Act 2009), may exist as she is a Life Member of the Warwick Hockey Association with currently has a Lease with Council. Cr Windle dealt with the perceived conflict of interest by stating that it was her determination that her personal interest is not of sufficient significance that it would lead to her making a decision on this matter that is contrary to the public interest. Cr Windle participated in the discussion and voting on this matter.

Cr Pennisi declared that a perceived conflict of interest in Agenda Item 16.7 (as defined in section 173 of the Local Government Act 2009), may exist as he is a Life Member of one of the sporting clubs. 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.

16.7 Sporting and Community Leasing

Resolution

Moved Cr Y Stocks

Seconded Cr N Meiklejohn

THAT Council:

1. Receive and note the financial contributions made to a number of sporting organisations for the period from July 2008 through to June 2014.
2. Maintain all Council owned/controlled land and reserves, not subject to a lease agreement, in accordance with the Open Space Maintenance Service Level Manual (2012), Version 1.0, as amended.
3. Only maintain those Council owned/controlled land and reserves leased to sporting and community groups, where:
 - a. A legal lease exists and has been executed with Council; and
 - b. The lease prescribes that Council has responsibility for maintenance.

Where Council is responsible for maintenance under a lease, the maintenance will be subject to and accord to the Open Space Maintenance Service Level Manual (2012), Version 1.0, as amended.

4. Ensure that all future leases to sporting and community groups over Council owned/Controlled land and reserves, contain conditions that prescribe the responsibility of the lessee around land maintenance.

Carried

Cr Pennisi voted against the motion.

Cr Windle voted for the motion

16.8 CSMP - Regional Arts Development Fund 2016/17 - Out of Round Application - Andrew Chambers and Deborah Crawford

Resolution

Moved Cr J McNally

Seconded Cr R Kelly

THAT Council not approve the out of round RADF funding request and refer the application back to the RADF Committee.

Carried

16.9 Business Plan for Council Facility

Resolution

Moved Cr R Kelly

Seconded Cr S Windle

THAT Council:

1. Receive and note the Business Plan;
2. Receive an updated Business Plan in May 2017;
3. Approve the proposed fees and charges for camping at Connolly Dam as follows:

\$10.00 gst inc. Per site, per night;

\$50.00 gst inc. Per site, 5 to 7 day booking (self-contained vehicles only).

Carried

16.10 September 2016 Monthly Report for Warwick Indoor Recreation and Aquatic Centre from YMCA Brisbane

Resolution

Moved Cr V Pennisi

Seconded Cr N Meiklejohn

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

Carried

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

Resolution

Moved Cr N Meiklejohn

Seconded Cr Y Stocks

THAT the report in relation the Planning and Environment Appeal No. 4575 of 2013 – Urban Potentials Pty Ltd, Rabbit Fence Road, Dalveen is received and that Council's legal advisers are requested to negotiate an outcome and suitable conditions, in accordance with the delegation.

Carried

Cr Pennisi declared a perceived conflict of interest in Agenda Item 16.12 (as defined in section 173 of the Local Government Act 2009) due to his role with RDA Darling Downs & South West 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 Pennisi left the room at 2.04pm.

16.12 Review of Regional Development Australia

Resolution

Moved Cr J McNally

Seconded Cr R Kelly

THAT Council resolve to send a written submission to the Independent Review of Regional Development Australia and associated Committees.

Carried

2.05PM Cr Pennisi rejoined the meeting.

MEETING CLOSURE

There being no further business, the meeting closed at 2.05pm.