



**MINUTES OF THE
GENERAL MEETING OF COUNCIL
25 JANUARY 2017**

ORDER OF BUSINESS:

1. **PRAYERS & CONDOLENCES**.....ERROR! BOOKMARK NOT DEFINED.
2. **ATTENDANCE**ERROR! BOOKMARK NOT DEFINED.
3. **APOLOGIES**.....ERROR! BOOKMARK NOT DEFINED.
4. **READING AND CONFIRMATION OF MINUTES**..... ERROR! BOOKMARK NOT DEFINED.
 - 4.1 General Council Meeting - 16 December 2016**Error! Bookmark not defined.**
5. **ACTIONS FROM COUNCIL MEETINGS**ERROR! BOOKMARK NOT DEFINED.
 - 5.1 Actions from Previous Council Meeting.....**Error! Bookmark not defined.**
6. **DECLARATIONS OF CONFLICTS OF INTEREST** ERROR! BOOKMARK NOT DEFINED.
7. **MAYORAL MINUTE**ERROR! BOOKMARK NOT DEFINED.
 - 7.1 Mayoral Minute January 2017.....**Error! Bookmark not defined.**
8. **READING AND CONSIDERATION OF CORRESPONDENCE** ERROR! BOOKMARK NOT DEFINED.
 - 8.1 Correspondence**Error! Bookmark not defined.**
9. **RECEPTION AND READING OF PETITIONS AND JOINT LETTERS**..... ERROR! BOOKMARK NOT DEFINED.

Nil
10. **EXECUTIVE**.....ERROR! BOOKMARK NOT DEFINED.
 - 10.1 Financial Report as at 31 December 2016.**Error! Bookmark not defined.**
 - 10.2 Quarterly Human Resources Report.....**Error! Bookmark not defined.**
11. **ENGINEERING SERVICES DEPARTMENT REPORTS**ERROR! BOOKMARK NOT DEFINED.
 - 11.1 Engineering Services Department Monthly Report**Error! Bookmark not defined.**
 - 11.2 Nomination to Key Stakeholder Group - Legume to Woodenbong Road Alliance.....**Error! Bookmark not defined.**
 - 11.3 Community Drought Support Funding.....**Error! Bookmark not defined.**
 - 11.4.1 Relocation of Water Services - 3 Bell Place, Warwick**Error! Bookmark not defined.**
12. **PLANNING, ENVIRONMENT & CORPORATE SERVICES DEPARTMENT REPORTS**.....ERROR! BOOKMARK NOT DEFINED.
 - 12.2 Operational Plan Quarterly Review - October to December 2016**Error! Bookmark not defined.**
 - 12.5 Quarterly Report on Development Approvals for the October to December quarter 2016.....**Error! Bookmark not defined.**
 - 12.6 Invasive Pest Action Plan**Error! Bookmark not defined.**

- 12.7 Material Change of Use - Bunnings Group Limited, Corner Condamine Street and Canning Street, Warwick **Error! Bookmark not defined.**
- 12.8 Material Change of Use - 5 Acre Rock Pty Ltd, 2142 Pyramids Road, Wyberba **Error! Bookmark not defined.**
- 12.9 Material Change of Use - Owen & Janella Lawrance, 1541 Inverramsay Road, Goomburra **Error! Bookmark not defined.**
- 12.10 Material Change of Use - QCroft Pty Ltd T/as GJ Gardner, 50 Oak Street, Tannymorel **Error! Bookmark not defined.**
- 12.11 Material Change of Use - TFT Hoe Hire Pty Ltd, 347 Limberlost Road, Fletcher **Error! Bookmark not defined.**
- 12.1 Corporate Performance Report - December 2016 **Error! Bookmark not defined.**
- 12.3 Submission on Review of Right To Information Act 2009 and Information Privacy Act 2009 **Error! Bookmark not defined.**
- 12.4 Local Government Electoral (Transparency and Accountability in Local Government) and Other Legislation Amendment Bill 2016 **Error! Bookmark not defined.**
- 10.3 Amendment to 2016/2017 SDRC Fees & Charges **Error! Bookmark not defined.**

13. REPORTS OF DEPUTATION OR CONFERENCE & REPORTS FROM DELEGATES APPOINTED BY COUNCIL TO OTHER BODIES ERROR! BOOKMARK NOT DEFINED.

Nil

14. NOTICES OF MOTION ERROR! BOOKMARK NOT DEFINED.

Nil

15. GENERAL BUSINESS ERROR! BOOKMARK NOT DEFINED.

Meeting In Camera

Meeting Out Of Camera

- 11.4 Relocation of Water Services - 3 Bell Place, Warwick **Error! Bookmark not defined.**
- 16.1 Quarterly Capital Assistance Loans **Error! Bookmark not defined.**
- 16.2 Outstanding Rates & Other Debtors Report - January 2017 **Error! Bookmark not defined.**
- 16.3 Light Vehicle Fleet Review **Error! Bookmark not defined.**
- 16.4 Proposed Changes to the Consumption Charge for the Effluent from the Stanthorpe Recycled Water Scheme **Error! Bookmark not defined.**
- 16.5 Proposed Sale of Land - Yankee Gully Road, Deuchar **Error! Bookmark not defined.**
- 16.6 Contract No. 17/026 - Tender for the Supply & Delivery of Two (2) Multi-Tyre Rollers **Error! Bookmark not defined.**
- 16.7 Contract No. 17-027 - Tender for the Supply & Delivery of Two (2) Tandem Drive Tip Trucks **Error! Bookmark not defined.**

**MINUTES OF THE GENERAL COUNCIL MEETING OF SOUTHERN DOWNS
REGIONAL COUNCIL HELD ON 25 JANUARY 2017 IN THE COUNCIL CHAMBERS,
SOUTHERN DOWNS REGIONAL COUNCIL, 61 MARSH STREET, STANTHORPE
AT 9.00AM**

1. PRAYERS & CONDOLENCES

Rev Kaye Ronlads from Stanthorpe Uniting Church offered a prayer and 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), Marion Seymour (Minute Secretary)

3. APOLOGIES

Nil

4. READING AND CONFIRMATION OF MINUTES

4.1 General Council Meeting - 16 December 2016

Resolution

Moved Cr M McNichol

Seconded Cr S Windle

THAT the minutes of the General Council Meeting held on Friday 16 December 2016 be adopted.

Carried

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Previous Council Meeting

Resolution

Moved Cr Y Stocks

Seconded Cr V Pennisi

THAT Council receive the report and note the contents.

Carried

6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precise	Nature of Conflict
11.4	Relocation of Water Services – 3 Bell Place, 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 personal association with the builder and dealt with the perceived conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
11.4	Relocation of Water Services – 3 Bell Place, Warwick	Cr Stocks 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 past dealings with the property owners. Cr Stocks 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 Stocks participated in the discussion and voting on this matter.
12.7	Material Change of Use – Bunnings Group Limited, Corner Condamine Street & 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.
12.7	Material Change of Use – Bunnings Group Limited, Corner Condamine Street & 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.
12.7	Material Change of Use – Bunnings Group Limited, Corner Condamine Street & 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.
12.7	Material Change of Use – Bunnings Group Limited, Corner Condamine Street & 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.
16.1	Quarterly Capital Assistance Loans	Cr Dobie 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 is on the Committee of one of the Clubs referred to in the report. Cr Dobie 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 Dobie participated

		in the discussion and voting on this matter.
16.3	Light Vehicle Fleet Review	Cr Dobie 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 drives a Council vehicle and has family members who are employed by Council that drive Council vehicles. Cr Dobie 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 Dobie participated in the discussion and voting on this matter.

7. MAYORAL MINUTE

7.1 Mayoral Minute January 2017

Resolution

Moved Cr M McNichol

Seconded Cr V Pennisi

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

Carried

8. READING AND CONSIDERATION OF CORRESPONDENCE

8.1 Correspondence

Resolution

Moved Cr N Meiklejohn

Seconded Cr M McNichol

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 Financial Report as at 31 December 2016

Resolution

Moved Cr R Kelly

Seconded Cr J McNally

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

Carried

10.2 Quarterly Human Resources Report

Resolution

Moved Cr S Windle

Seconded Cr C Gow

THAT Council receive the report and note the contents.

Carried

11. ENGINEERING SERVICES DEPARTMENT REPORTS

11.1 Engineering Services Department Monthly Report

Resolution

Moved Cr M McNichol

Seconded Cr S Windle

THAT Council receive the Engineering Services Department Monthly Report.

Carried

11.2 Nomination to Key Stakeholder Group - Legume to Woodenbong Road Alliance

Resolution

Moved Cr V Pennisi

Seconded Cr N Meiklejohn

THAT Council resolve to nominate Cr Marika McNichol as a member of the Key Stakeholder Group that will oversee that upgrade of the section of the Mt Lindsay Road from Legume to Woodenbong.

Carried

11.3 Community Drought Support Funding

Resolution

Moved Cr S Windle

Seconded Cr R Kelly

THAT Council note the actions completed by Council officers in the development and delivery of Resilient and Thriving Communities Project through the Community Drought Support Funding 2015/16.

Carried

Cr Stocks declared that a perceived conflict of interest in Agenda Item 11.4 (as defined in section 173 of the Local Government Act 2009), may exist due to past dealings with the property owners. Cr Stocks 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 Stocks participated in the discussion and voting on this matter.

Cr McNally declared a perceived conflict of interest in Agenda Item 11.4 (as defined in section 173 of the Local Government Act 2009) due to her personal association with the builder and dealt with the perceived conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.

Cr J McNally left the meeting at 9.39am.

11.4.1 Relocation of Water Services - 3 Bell Place, Warwick

Resolution

Moved Cr R Kelly

Seconded Cr V Pennisi

THAT Agenda Item 11.4 move into camera due to privacy concerns.

Carried

09:41 AM Cr J McNally rejoined the meeting.

12. PLANNING, ENVIRONMENT & CORPORATE SERVICES DEPARTMENT REPORTS

12.2 Operational Plan Quarterly Review - October to December 2016

Resolution

Moved Cr J McNally

Seconded Cr V Pennisi

THAT Council receive the contents of the Operational Plan Quarterly Review – October to December 2016.

Carried

12.5 Quarterly Report on Development Approvals for the October to December quarter 2016

Resolution

Moved Cr N Meiklejohn

Seconded Cr S Windle

THAT Council receive the report and notes its contents.

Carried

12.6 Invasive Pest Action Plan

Resolution

Moved Cr C Gow

Seconded Cr M McNichol

THAT Council authorise the dates and areas as set out in Appendix 4 of the adopted Invasive Pests Strategic Plan 2016 – 2020.

Carried

Attachments

1. Appendix 4 - **Attached to the Minutes Under Separate Cover**

Cr Kelly declared a real conflict of interest in this Agenda Item 12.7 (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 9.51am.

Cr Meiklejohn declared a real conflict of interest in Agenda Item 12.7 (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 9.51am.

Cr Pennisi declared a perceived conflict of interest in Agenda Item 12.7 (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 9.51am.

Cr McNally declared that a perceived conflict of interest in this matter (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.

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

Resolution

Moved Cr J McNally

Seconded Cr Y Stocks

- A. THAT the request for a Negotiated Decision in relation to the Development Approval dated 26 October 2016 for a Garden centre, Shop and Showroom on land at the corner 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 in part only and:

Condition 26

The amended plans indicate that columnar trees at 4.0 metre centres (except where in front of Bunnings signage), a 2.0 metre high hedge with 600mm ground cover is proposed along the Condamine Street and Canning Street frontages, in front of the retaining wall.

No specific detail has been provided of the retaining wall treatment.

It is considered that painted or coloured blockwork behind the landscaping would be more appropriate, to ensure a reduction in the bulk and scale.

Condition 30

This condition doesn't only relate to the landscaping within the Canning Street and Condamine Street setbacks. It also refers to the landscaping within the site, as shown within the carpark. As the plans have been amended the condition should be amended to include the new plan reference details.

Condition 49

The Traffic Engineering Report does recommend a splitter island in the Canning Street north approach to Fitzroy Street. However, the traffic report does not include details of the existing pavement at the intersection of Fitzroy Street and Canning Street. Therefore it is not considered appropriate to remove the condition.

- B. THAT the conditions of approval for a Garden centre, Shop and Showroom on land at the corner Condamine Street and Canning Street, Warwick, described as Lots 46 and 47 W13468 and Lot 8 SP207890, Parish of Warwick, County of Merivale, be amended such that Conditions 8, 9, 10, 27 and 37 are deleted, and Conditions 1, 18, 19, 26, 28, 30, 35, 45, 46 47, 48, 49, 52 and 60 and the Infrastructure Charges Notice are amended as follows:

- 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 Floor Plan	15019 – DA02 - B	6 December 15 July 2016
Site Plan of Layout – Roof Plan	15019 – DA03 - A	2 December 15 July 2016
Elevations	15019 – DA04 - B	5 December 15 July 2016
Typical Sections and Pylon Sign Details	15019 – DA05 - B	6 December 3 June 2016
Signage – Site Plan of Layout – Roof Plan	15019 – SD01 - A	2 December 15 July 2016
Signage Elevations	15019 – SD02 - A	2 December 15 July 2016

Document Name	Reference	Date
Site Based Stormwater Management Plan	BR 160159	31 May 2016
Traffic Engineering Report	TPS78Rep1	13 July 2016

The approved documents are subject to detailed design and assessment as part of any operational works application.

8. Deleted. The building height is to be reduced to a maximum of 9.5 metres above the finished floor level.
9. Deleted. 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. Deleted. 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.
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 the signage is generally in accordance with the approved plans ~~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, which are not being displayed for sale or hire within the designated display areas shown on Plan No. 15019 - DA03, dated 2 December 2016, prepared by Group 4 Architects, 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.
26. The retaining wall is to be painted or coloured in a colour complementary to the landscaping. ~~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. Deleted. **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.~~
30. Landscaped areas are to be provided on the site in accordance with Plan No. 15019, DA02, dated ~~6 December 15 July~~ 2016, prepared by Group 4 Architects.
35. At least ~~85~~ 97 car parking spaces are to be provided on site. Provision is to be made for disabled parking.
37. ~~Deleted. 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.~~
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 (Lot 49 SP238614) and the entrance to the carwash at 10 Condamine Street on the northern side (Lot 2 W13468). The alignment is to be determined as part of the Operational works application, however consideration will be given to the Traffic Engineering Report, prepared by TPS Group and dated 13 July 2016.
46. Unless otherwise agreed to in writing by the Director Planning, Environment and Corporate Services, the construction of the Condamine Street frontage is to include on-street parking, as shown on Plan No. 15019, DA02, dated ~~6 December 15 July~~ 2016, prepared by Group 4 Architects. The configuration and cross-section is to be determined as part of the operational works application, however consideration will be given to the Traffic Engineering Report, prepared by TPS Group and dated 13 July 2016. The carparking is to be constructed and line marked prior to the commencement of the use.
47. A ~~¾~~ constructed sealed road, including barrier kerbing and channelling and stormwater drainage on the western side only, is to be constructed along the Canning Street frontage of the site. The alignment and cross-section is to be determined as part of the Operational works application to ensure all vehicular movements associated with the development occur on a sealed roadway, however consideration will be given to the Traffic Engineering Report, prepared by TPS Group and dated 13 July 2016. 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. Turning circles of delivery vehicles to and from the site must meet all legal movement requirements.
48. The roadworks are to include the construction of ~~a mountable roundabout at the intersection~~ two splitter islands in the of Condamine Street approaches to the intersection of Condamine Street and Canning Street. The design is to be determined as part of an Operational Works application, however consideration will be given to Figure 8.1 of the Traffic Engineering Report, prepared by TPS Group, dated 13 July 2016.”
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. Details provided in the Traffic Engineering Report, prepared by TPS Group, dated 13 July 2016 can be used in this further assessment. 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.

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), ~~however consideration will be given to the Site Based Stormwater Management Plan, prepared by ACOR Consultants (QLD) Pty Ltd, dated 31 May 2016.~~ 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.~~

Note: easements may be required to ensure the motel at 32 Albion Street (i.e. Lot 1 RP184533 and Lot 12 W3043) retains the ability to appropriately discharge stormwater.

60. ~~All~~ Operational works for external roadworks, stormwater, water infrastructure and sewerage infrastructure are to be accepted on-maintenance prior to the use of the land commencing. (See advisory note below.)

Infrastructure Charges Notice

Development Type	Network	Rate	Proposed	Credit	Charge
Commercial Entertainment Indoor sport and rec, Essential services	Stormwater	\$5/impervious m ²	11,999.3m ²	12,114.9m ²	\$0
	Other	\$70/m ² GFA	7,001m ²	5,384.4m ²	\$113,162
TOTAL:					\$113,162

Office use only			
Network	Proportion of Charge	Charge/Network	Receipt Code
Roads	20%	\$22,632.40	RC241
Parks	10%	\$11,316.20	RC243
Water	35%	\$39,606.70	RC244
Sewerage	35%	\$39,606.70	RC245
Stormwater	\$5/m ²	\$0	RC242

Carried

Cr McNally voted for the motion.

10:10 AM Cr R Kelly rejoined the meeting.

10:10 AM Cr N Meiklejohn rejoined the meeting.

10:10 AM Cr V Pennisi rejoined the meeting.

12.8 Material Change of Use - 5 Acre Rock Pty Ltd, 2142 Pyramids Road, Wyberba

Resolution

Moved Cr Y Stocks

Seconded Cr N Meiklejohn

THAT the application for Material Change of Use for the purpose of Food and drink outlet (On-site ice-cream van), Low impact industry (Party Ice manufacturing), and Shop (Sale of tourist, camping and hiking related goods, food and drink supplies) on Lot 2 RP201314, Parish of Tenterfield, County of Bentinck located at 2142 Pyramids Road, Wyberba, be approved subject to the following conditions:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

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

Plan Name	Plan No.	Date
Site Plan	MCU01783-1	Received 25 October 2016
Shop – Floor Plan	MCU01783-2	Received 25 October 2016

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 stages are approved as follows:

Stage 1 – On-site Ice cream van as a Food and drink outlet.

Stage 2 - Shop and Party ice manufacturing and Food and drink outlet.

Land Use and Planning Controls

4. The material change of use the subject of this development permit must be completed within a period of five (5) 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.
5. The development shall generally operate only between the hours of 7.00am to 6.00pm.

Building and Site Design

6. The on-site ice-cream van is to be set back at least 10 metres from the Pyramid Road frontage.
7. A copy of the Form 11 (Certificate of Classification) issued for the building is to be provided to Council prior to the use commencing. (See advisory note below.)

Amenity and Environmental Controls

8. A Drinking Water Management Plan is to be prepared and provided to Council's Environmental Services Department. Council can provide a template to use for the plan.
9. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
10. Any rubbish and litter resulting from the use must be collected daily and disposed of

immediately following the event at either the Stanthorpe Waste Management facility or the Wallangarra Transfer Station.

11. Advertising Devices relating to the Shop and Food and Drink outlet may **only** be erected on the subject land, i.e. Lot 2 RP201314. 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.
12. Any external lighting must be installed so that light shines down and away from adjacent properties and roads, and does not exceed 1 lux at the property boundary.

Fencing, Landscaping and Buffers

13. Landscaping at the site is to be retained and maintained.

Car Parking and Vehicle Access

14. Car parking shall be provided on site in accordance with the Site Plan in Schedule 2 of the approval, prepared by Rod Pearce, and amended in red by the Department of Transport and Main Roads. All car parking, driveway and loading areas shall be drained, laid out and regularly maintained. The carpark may remain grass, provided it is appropriately maintained and does not cause a dust nuisance. If complaints are received (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief) or the vehicle entrance and driveway become eroded with material becoming deposited outside of the site or potholes form that would increase noise associated with vehicle movements, the carpark shall be constructed in gravel to Council's standards. The car park area is to be defined by a low physical barrier along the edge of the car parking area and driveways.

Note: No car parking associated with the business is to occur within the road reserve of Pyramids Road.

15. 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 be permitted.

Roadworks

16. Any footpaths, kerbing and channelling, roadworks and drainage works damaged during construction of the development are to be reinstated to the pre-existing condition, unless otherwise required by the Director Engineering Services.

Stormwater Drainage

17. 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

18. The site must be provided with a water storage reservoir having a minimum of 5000 litres of water for emergency fire fighting purposes. Such storage must be provided in addition to the water supply capacity required for the use and must be provided in the form of either an accessible dam, swimming pool or rainwater tank. If storage is to be provided in a rainwater tank, water storage for fire fighting purposes must be provided either in a separate rainwater tank or a reserve section in the main water supply tank on which:
 - (a) the domestic take off from the tank is at or above the 5000 litre point; and
 - (b) standard rural fire brigade fittings are fitted to the tank outlet for access by rural fire

services vehicles.

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) It is encouraged that you arrange for a free compliance inspection to be carried out prior to the use commencing. This will involve a physical inspection of the premises along with an internal audit of Council's records. Written advice will be provided for your records advising if compliance with the conditions has been achieved.
- (iv) Applications for licence under the *Food Act 2006* are to be submitted to Council prior to the commencement of the Food and drink outlet and Party ice manufacturing.

Note that your existing food business licence may meet this requirement, however if you start selling additional foods that are not included in your current licence, you must inform Council to update your current licence. This includes party ice manufacturing.

- (v) **Building Approval is to be obtained** in accordance with the *Sustainable Planning Act 2009* for a Change of Classification of Building to allow the use of the existing building for shop purposes. The application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. **Building works and modification of the existing building may be required to be undertaken** as part of the approval so as to accord with the requirements of the *Building Act 1975*.
- (vi) The supply of water for human consumption, food preparation, food utensil washing or personal hygiene, including the supply of water for drinking water, hand basin and kitchen sinks, must be connected to a drinking water supply, in accordance with the *Plumbing Code of Australia* and the *Australian Drinking Water Quality Guidelines* produced by the *National Health and Medical Research*.
- (vii) Under sections 62 and 33 of the *Transport Infrastructure Act 1994*, written approval is required from the Department of Transport and Main Roads to carry out road works that are road access works (including driveways) on a state-controlled road. Please contact the Department of Transport and Main Roads 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. 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 access works approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.**

Aboriginal Cultural Heritage

- (viii) 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

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Material Change of Use – Food and Drink Outlet, Shop (Ice and Firewood) and Low Impact Industry (Party Ice Manufacturing)		
Vehicular access to the state-controlled road		
7.3.1—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 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) The road access location, is to be located generally in accordance with the site plan, prepared by Rod Pearce, date received 3 November 2016.</p> <p>(b) Road access works comprising of the following must be provided:</p> <ul style="list-style-type: none"> • Widening the access to 6m at the road/property boundary; and • Bitumen coat sealing of the access between the road shoulder and road/property boundary. <p>(c) The road access works must be designed and constructed in accordance with DTMR's Road Planning and Design Manual, Road Access Design (MR037) and any other standards/technical publications referenced therein.</p>	<p>(a) At all times.</p> <p>(b) and (c): Prior to the commencement of use and to be maintained at all times.</p>
In accordance with approved plans		
2.	<p>The development must be carried out generally in accordance with the following plans:</p> <p>- Site Plan, prepared by Rod Pearce, date received 3 November 2016, as amended in red to relocate part of the car parking area.</p>	<p>Prior to the commencement of use and to be maintained at all times</p>

Carried

12.9 Material Change of Use - Owen & Janella Lawrance, 1541 Inverramsay Road, Goomburra

Resolution

Moved Cr N Meiklejohn

Seconded Cr S Windle

THAT the application for Material Change of Use for a Tourist Park (25 additional permanent camping sites, 20 additional temporary camping sites, change location of 5 cabin sites, allow dogs, and an extension of function area to include kiosk and office) on land at 1541 Inverramsay Road, Goomburra, described as Lot 2 RP153772 and Lot 3 RP22025, Parish of Gladfield, County of Merivale, be approved subject to the following conditions:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

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

Plan Name	Plan No.	Date
Site Plan	MCU\01745-1	undated
Plan for Campgrounds 1 and 4	MCU\01745-2	undated
Plan for Campground 3	MCU\01745-3	undated
Function Area and Kiosk	MCU\01745-4	undated

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. Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.

Land Use and Planning Controls

4. The material change of use the subject of this development permit must be completed within a period of 10 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.
5. The kiosk is only permitted to sell tourist, camping and hiking related goods, and food and drink supplies.
6. The function centre is only to be used by people using the 4WD Park and people camping on site.
7. Functions are only permitted to occur within the proposed function structure.
8. There is to be no camping outside of the approved camping ground areas shown on the approved plans.
9. This approval allows 25 additional permanent sites (creating a total of 45 permanent sites), and 20 additional temporary sites (creating a total of 35 temporary sites).
10. The maximum number of guests accommodated at the camping sites at during peak time must not exceed 320 persons. This includes all permanent and temporary camping sites on the property.

11. The use of the twenty (20) temporary sites is limited to 20 days per calendar year. The days must occur during the following periods:
 - Christmas/New Year period, i.e. 22 December to 4 January
 - Easter period, i.e. Good Friday to Easter Monday
 - Queen's Birthday long weekend
 - Labour Day long weekend
 - If Australia Day falls on a Monday or Friday, the Australia Day long weekend
 - If ANZAC Day falls on a Monday or Friday, the ANZAC Day long weekend

Alternatively, written approval can be gained from the Director Planning, Environment and Corporate Services to use the temporary camping sites outside of the periods listed above.

12. No person is to reside in any building identified for short term accommodation for more than 45 days consecutively, or more than 90 days in any 12 month period. The approved accommodation must not be occupied by persons for the purpose of permanent accommodation, excluding those persons in a manager's residence for the premises.
13. A Disaster Management Plan is to be submitted to and approved by the Director Planning, Environment and Corporate Services. The Disaster Management Plan is to address prevention and evacuating procedures for bushfire and flood and to ensure guests are adequately sheltered during emergency situations such as fierce storms.

Building and Site Design

14. The cabins and camping ground are to be located a minimum of 50 metres from any property boundary and Dalrymple Creek.
15. The design, colours and materials of the Function building are to be in accordance with the character of the area. **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 is to be constructed in the approved design, colours and materials.
16. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)
17. A copy of the Form 11 (Certificate of Classification) issued for the building works is to be provided to Council prior to the use of the Function area commencing. (See advisory note below.)

Amenity and Environmental Controls

18. Declared pest plants on **all** the land subject to this application must be destroyed to the satisfaction of the Manager Environmental Services, prior to Council signing the Plan of Subdivision.
19. Domestic animals, other than dogs, are not permitted to be brought onto the land by any person staying at the Tourist park. Any dog brought onto the site by a person staying at the Tourist park is to be kept under effective control. Any dogs kept on site by the operator/manager/caretaker must be kept in accordance with *Council's Subordinate Local Law No. 2 (Animal Management) 2011*, and must be kept under effective control at all times.
20. Amplified music shall not be permitted at the function area or any campsite between 10:00pm and 10:00am.
21. Any speakers must be oriented away from the boundaries of neighbouring properties.
22. Noise associated with the use of the function area:
 - (i) between 10:00pm and 8:00am must not be 'audible noise' as that term is defined in the *Environmental Protection Act 1994*; and
 - (ii) between the hours of 8:00am and 10:00pm, must not exceed 5dB(A) above

background noise levels in the locality when measured at the boundary of an affected residential dwelling. This may include the need to use noise attenuating materials in the building.

23. Individual camp sites are to meet the following minimum requirements:
 - (a) 130 square metres individual site area;
 - (b) 1.5 metre setback from any other site;
 - (c) 3 metre setback from any adjoining building;
 - (d) 2 metre setback from an internal road; and
 - (e) frontage of 10 metres.
24. Potable water supply points are provided within a convenient walking distance of every camping site.
25. Any water supply point which provides water not suitable for drinking is labelled '**UNSUITABLE FOR DRINKING**' and provided with a symbol which is easily recognisable by non-English speaking people.
26. A sufficient number of suitable waste receptacles must be provided on site at all times. Bins must be available to all Campgrounds and cabins within the site, and located at least 10 metres from children's play areas, cooking facilities and camp sites. Waste receptacles must be regularly serviced, including disinfecting weekly, to prevent unsightly accumulations of waste or environmental harm being caused.
27. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
28. Any rubbish and litter resulting from the use of the Function area must be collected daily and disposed of immediately following the event. The site is to be left in a clean and tidy condition. All waste is to be disposed of at either the Warwick Central Waste Management facility or the Allora Waste Transfer Station.
29. Firewood must be supplied for campers by the operator to minimise the potential destruction of native vegetation by patrons of the camping grounds.
30. Advertising Devices relating to the Tourist Park may **only** be erected on the subject land, i.e. Lot 2 RP153772 and Lot 3 RP22025. 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.
31. 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.
32. There must be no release that has been in contact with any contaminants at the site to any waters or watercourse.
33. The applicant is to provide amenities that comply with the requirements of the *Subordinate Local Law No.1.8 (Operation of Caravan Parks)*. This is to include the provision of temporary amenities during the periods where the temporary sites are utilised.
34. At least two (2) laundries are to be provided on site. The laundries must comply with the requirements of the *Subordinate Local Law No.1.8 (Operation of Caravan Parks)*.

Fencing, Landscaping and Buffers

35. The applicant is to plant shade trees in the vicinity of the camping/caravan sites at a minimum rate of one tree per site.

36. Existing landscaping, including shade trees, are to be retained and maintained.
37. A buffer strip of 50 metres in width must be maintained along the Dalrymple Creek frontage of the site. The applicant is to manage the buffer area so as to encourage natural revegetation.

Car Parking and Vehicle Access

38. The vehicle accesses from Inverramsay Road to Campgrounds 1 and 3 on Lot 2 RP153772 is to be upgraded in accordance with Council's standard. (Council's Engineering Services Department can provide details regarding Council's standard.)
39. Vehicle access from Inverramsay Road to Campground 3 on Lot 3 RP22025 is to be constructed in accordance with Council's standard. (Council's Engineering Services Department can provide details regarding Council's standard.) The access must be at least seven (7) metres wide. 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.
40. A 4.0 metre wide all-weather gravel driveway is to be constructed from Inverramsay Road to each of the Campgrounds.
41. Trafficable areas within the approved place must be maintained using all reasonable and practicable measures necessary to minimise the release of windblown dust or traffic generated dust to the atmosphere.
42. At least one (1) car parking space is to be provided at each campsite and for each cabin. The parking spaces and driveways within each campground may remain grass, provided they are appropriately maintained and do not cause a dust nuisance. If complaints are received (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief) or the vehicle parking spaces and driveway become eroded with material becoming deposited outside of the site or potholes form that would increase dust and noise associated with vehicle movements, the carpark shall be constructed in gravel to Council's standards.
43. At least five (5) car parking spaces are to be provided at the office/kiosk area. The car park area is to be constructed in gravel or similar materials, drained, laid out and regularly maintained, and shall be defined by a low physical barrier along the edge of the car parking area.

Stormwater Drainage

44. 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.

Roadworks

45. Any 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.

Water Supply and Waste water

46. All sewage generated from this property must be disposed of by means of an on-site sewage facility (OSSF) in accordance with the AS/NZS 1547:2012 - *On-site Domestic Wastewater Management, Queensland Plumbing and Wastewater Code* and the *Standard Plumbing and Drainage Regulation 2003*.
47. An Environmental Authority for Environmentally Relevant Activity No. 63 (Sewerage treatment) is to be obtained in accordance with the *Environmental Protection Act 1994* prior

to the commencement of any Environmentally Relevant Activity, or written advice is provided by the Department of Environment and Heritage Protection that an ERA is not required.

48. Prior to the commencement of the use, a report demonstrating that adequate provision has been made for the supply of water, including a drinking water supply, is to be submitted to and approved by the Director Planning, Environment and Corporate Services. If water is to be supplied for the development from a spring/bore/dam on the site, written advice must be supplied from the Department of Natural Resources and Mines that water may be lawfully supplied from that source. A water supply is to be provided in accordance with the approved report.
49. The applicant is to ensure that water usage is minimised and that all water fixtures and fittings including landscape watering systems, are to be water efficient devices and the applicant is to implement water reduction strategies as part of the development.
50. The site must be provided with a water storage reservoir having a minimum of 5000 litres of water for emergency fire fighting purposes. Such storage must be provided in addition to the water supply capacity required for the use and must be provided in the form of either an accessible dam, creek, or rainwater tank.

Infrastructure Charges Notice

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

Advisory Notes

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning, 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) It is encouraged that you arrange for a free compliance inspection to be carried out prior to the use commencing. This will involve a physical inspection of the premises along with an internal audit of Council's records. Written advice will be provided for your records advising if compliance with the conditions has been achieved.
- (iv) An application must be submitted and approved by Council to amend the approval to operate under *Local Law No. 1.8 (Operation of Caravan Parks) 2011* before the commencement of each stage that increases the number of sites.
- (v) **Plumbing and Drainage Approval is to be obtained** in accordance with the *Plumbing and Drainage Act 2002* for the proposed plumbing and drainage works. The application for Plumbing and Drainage approval must be submitted to Council with the appropriate **forms, plans and fees** associated with this application. A **Certificate of Compliance must be issued** for the works prior to the use commencing.
- (vi) **Building Approval is to be obtained** in accordance with the *Sustainable Planning Act 2009* for the proposed building work. The building application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. The building plans are to accord with the plans approved in this approval. The building is to be constructed in accordance with the Building Approval prior to the commencement of the use. A **Form 11 (Certificate of Classification) must be issued for the building works prior to the use commencing.**
- (vii) The applicant is to permit Council officers access to the site in accordance with the powers of

entry provisions of the *Local Government Act 2009*, subject to 48 hours notice and reasonable security and health restrictions on access, so as to ensure the use is being conducted in accordance with the conditions of the approval.

- (viii) The supply of water for human consumption, food preparation, food utensil washing or personal hygiene, including the supply of water for drinking water, showers, baths, hand basin and kitchen sinks, must be connected to a drinking water supply, in accordance with the *Plumbing Code of Australia* and the *Australian Drinking Water Quality Guidelines* produced by the *National Health and Medical Research*.
- (ix) Council does not have accurate flood information for this property and therefore cannot determine the height of a Defined Flood Event (DFE). Therefore there is no guarantee of flood immunity.
- (x) This area is potentially impacted by lawful non-residential uses. In commencing a tourist accommodation use, the owner(s) acknowledges and accepts that the use may be potentially impacted by emissions from the lawful non-residential use.

It is the responsibility of the property owner(s) to take all measures necessary to ensure that the proposed accommodation is developed and maintained in such a way as to mitigate impacts from the surrounding lawful non-residential use. These measures must be undertaken at the expense of the property owner(s).

- (xi) An application must be submitted and approved by Council for a permit under Southern Downs Regional Council's Subordinate Local Law No. 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation).

Aboriginal Cultural Heritage

- (xii) 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

12.10 Material Change of Use - QCroft Pty Ltd T/as GJ Gardner, 50 Oak Street, Tannymorel Resolution

Moved Cr N Meiklejohn

Seconded Cr R Kelly

THAT the application for Material Change of Use for the purpose of a Dwelling house (not in accordance with the building setbacks and within the Flood hazard overlay), located at 50 Oak Street, Tannymorel, described as on Lot 84 SP182428, Parish of Cunningham, County of Merivale, be approved subject to 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, and subject to the final development being amended in accordance with the conditions of this approval.

Plan Name	Plan No.	Date
Bell Proposed Dwelling Lot 84 Oak Street, Tannymorel (Site Plan)	Sheet No. 1 of 10	23 September 2016
A1 Sewerage Designs Lot 84 Oak Street Tannymorel (Site Plan – Drainage Plan)	Job No: 16/211	11 October 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.

Building and Site Design

- The building is to be set back at least 7.0 metres from the northern property boundary.
- The minimum floor level of the dwelling is to be at least 300 millimetres above the height of the Defined Flood Event (DFE).

Please note that the minimum floor level required is 518.54 AHD.

- Battening must not be provided to the area underneath the building.
- The area underneath the building must not be used for storage.
- A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)
- 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.)

Car Parking and Vehicle Access

- 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.)

Water Supply and Waste water

- The proposed new dwelling is to be supplied with drinking water as follows:
 - if two bedrooms or less – 45,000 litres ; or
 - if more than two bedrooms - 67,500 litres.

On site water supply may include the provision of a bore, dams, water storage tanks or a combination of these.

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

Drainage Regulation 2003.

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) **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.
- (iv) **Building Approval is to be obtained** in accordance with the *Sustainable Planning Act 2009* for the proposed building work. The building application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. The building plans are to accord with the plans approved in this approval. The building is to be constructed in accordance with the Building Approval prior to the commencement of the use. **A Form 21 (Final Inspection Certificate) must be issued for the building works prior to the use commencing.**
- (v) The Flood hazard overlay is based on a 1% Annual Exceedance Probability (AEP) flood event and therefore doesn't guarantee flood immunity.
- (vi) An application must be submitted and approved by Council for a permit under Southern Downs Regional Council's Subordinate Local Law No. 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation).

Aboriginal Cultural Heritage

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

12.11 Material Change of Use - TFT Hoe Hire Pty Ltd, 347 Limberlost Road, Fletcher

Resolution

Moved Cr M McNichol

Seconded Cr N Meiklejohn

THAT the application for Material Change of Use for the purpose of a High impact industry (Compost manufacturing) and Environmentally Relevant Activity No. 53 (Compost and soil conditioner manufacturing) on land at 347 Limberlost Road, Fletcher, described as Lot 147 BNT673 (to be Lot 6 SP285676), Parish of Broadwater, 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.

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. Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.

Land Use and Planning Controls

4. This approval allows for the use of the site for compost and soil manufacturing only.

Amenity and Environmental Controls

5. Deliveries of materials to the site and the collection of compost from the site shall generally only be between the hours of 6.00am to 6.00pm, Mondays to Saturdays, and not at all on Sundays and public holidays. No heavy vehicles must enter the development site outside these times.
6. All loads entering and exiting the site must be covered.
7. All material shall be stored so as not to:
 - i. Provide any harbourage or attraction for pests and vermin; or
 - ii. Provide a breeding place for mosquitoes; or
 - iii. Be unsightly.
8. All equipment, goods and materials must be screened from view from all roads, other public places and adjoining land by fencing and/or dense landscaping.
9. Any hazardous materials (e.g. oil and fuel) must be stored in a covered and bunded area.
10. 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.
11. Advertising Devices relating to the compost manufacturing may **only** be erected on the subject land, i.e. Lot 147 BNT673 (to be Lot 6 SP285676). 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.

12. 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.

Noise Control

13. Noise levels emitted from the premises must not exceed 5dB(A) above the background noise levels in the locality for affected residential dwellings, when measured at the boundary. Noise levels emitted from the premises must not exceed 10dB(A) above the background noise levels in the locality for affected commercial premises when measured at the boundary. The applicant is to note that this may include the need to implement noise attenuating measures where required.

Water

14. No effluent is to drain from the site or into any watercourse.
15. Stormwater must be diverted around and prevented from entering the site to limit the risk of stormwater becoming contaminated.

Fencing, Landscaping and Buffers

16. The existing tree buffer along the Limberlost Road frontage, as shown on the approved plan, is to be retained and continually maintained. The buffer is to have a mature tree height of at least 3.0 metres. The buffers are to be maintained so they form an effective buffer.

Car Parking and Vehicle Access

17. All vehicular access to and from the site must be via Limberlost Road only.
There is to be no delivery of materials or pick up of compost product via the fire trail.
18. A 3.0 metre wide all-weather driveway is to be constructed from the access point on Limberlost Road to the loading area.
19. A 3.0 metre wide all-weather lay-by area is to be constructed near the front of the property. The area is to be of sufficient length to allow a vehicle to pull up and gain directions for drop-off or pick-up of material.
20. At least two (2) car parking spaces are to be provided on site. The car park area 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.

The area for additional carparking, as the operation expands, may remain grass, provided it is appropriately maintained and does not cause a dust nuisance. If complaints are received (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief) or the carparks become eroded or potholes form, the carpark shall be constructed in gravel to Council's standards.
21. 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

22. Within one month of this approval taking effect, the applicant is to contact Council's Engineering Services department to arrange a site inspection of Limberlost Road. The site inspection is to ascertain if any works or signage are required at any of the existing driveways along Limberlost Road. Identified works may include the removal of vegetation to improve site distances and/or the installation of concealed entrance signage. Any identified works are to be completed at the full cost of the developer, within an agreed timeframe.

Water Supply and Waste water

23. All sewage generated from this property must be disposed of by means of an on-site sewage

facility (OSSF) in accordance with the AS/NZS 1547:2012 - *On-site Domestic Wastewater Management, Queensland Plumbing and Wastewater Code* and the *Standard Plumbing and Drainage Regulation 2003*.

24. The site must be provided with a water storage reservoir having a minimum of 5000 litres of water for emergency fire fighting purposes. Such storage must be provided in addition to the water supply capacity required for the use and must be provided in the form of either an accessible dam, swimming pool or rainwater tank. If storage is to be provided in a rainwater tank, water storage for fire fighting purposes must be provided either in a separate rainwater tank or a reserve section in the main water supply tank on which:
- (a) the domestic take off from the tank is at or above the 5000 litre point; and
 - (b) standard rural fire brigade fittings are fitted to the tank outlet for access by rural fire services vehicles.

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) It is encouraged that you arrange for a free compliance inspection to be carried out prior to the use commencing. This will involve a physical inspection of the premises along with an internal audit of Council's records. Written advice will be provided for your records advising if compliance with the conditions has been achieved.
- (iv) 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.
- (v) 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*.
- (vi) The applicant is to permit Council officers access to the site in accordance with the powers of entry provisions of the *Local Government Act 2009*, subject to 48 hours notice and reasonable security and health restrictions on access, so as to ensure the use is being conducted in accordance with the conditions of the approval.
- (vii) An Environmental Authority for Environmentally Relevant Activity No. 53 (Compost and soil conditioner manufacturing) is to be obtained in accordance with the *Environmental Protection Act 1994* prior to the commencement of any Environmentally Relevant Activity.
- (viii) No clearing of remnant vegetation or regulated regrowth vegetation is to occur under this approval. A Development Permit for Operational Works must be obtained from the Department of Infrastructure, Local Government and Planning for the clearing of any remnant vegetation, unless exempt under Schedule 24 of the *Sustainable Planning Regulation 2009*.

Aboriginal Cultural Heritage

- (ix) All reasonable and practicable measures must be taken to ensure that no harm is caused to Aboriginal cultural heritage (the "cultural heritage duty of care"). The cultural heritage duty of care is met if the development is conducted in accordance with gazetted cultural heritage duty of care guidelines. Further information on cultural heritage, together with a copy of the

duty of care guidelines and cultural heritage search forms, may be obtained from
www.datsima.qld.gov.au

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

Nil.

Carried

12.1 Corporate Performance Report - December 2016

Resolution

Moved Cr S Windle

Seconded Cr Y Stocks

THAT Council receive and note the Corporate Performance Statistics for December 2016.

Carried

12.3 Submission on Review of Right To Information Act 2009 and Information Privacy Act 2009

Resolution

Moved Cr S Windle

Seconded Cr Y Stocks

THAT Council resolve to submit the attached submission to the State Government in relation to the 2016 consultation on the review of the current Right to Information and Information Privacy legislation.

Carried

Attachments

1. Council Submission on Review of Right to Information Act 2009 - **Attached to the Minutes Under Separate Cover**

12.4 Local Government Electoral (Transparency and Accountability in Local Government) and Other Legislation Amendment Bill 2016

Resolution

Moved Cr S Windle

Seconded Cr Y Stocks

THAT Council approve the proposed submission regarding the *Local Government Electoral (Transparency and Accountability in Local Government) and Other Legislation Bill 2016* and forward to the Queensland Parliamentary Service's Infrastructure, Planning and Natural Resources Committee for consideration.

Carried

Attachments

1. Council Submission on Electoral Act Review - **Attached to the Minutes Under Separate Cover**

10.3 Amendment to 2016/2017 SDRC Fees & Charges

Resolution

Moved Cr J McNally

Seconded Cr S Windle

THAT Council amend the Saleyards' section of the 2016/17 SDRC Fees and Charges as follows:-

1. The following statement to be inserted after the Application fees:

Any individual / agent who receives any type of commission from the sale of livestock will be required to pay agent selling permit fees. These fees will be payable even where sales are made through contracted auctioneers and commissions are earned by a third party, then that third party will be liable to pay the agent selling permit fees.

2. The Advertising Space fees be reduced by \$500 per site across all spaces available as follows:-

Advertising Space per year

Space 1	900mm x 600mm x 4,800mm	DEBTOR	GST	\$990.00
Space 2 – 7	1,200mm x 2,400mm	DEBTOR	GST	\$740.00
Space 8 - 12	900mm x 2,700mm	DEBTOR	GST	\$495.00

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

Nil

- 10.30am Presentation of My SDRC App Promo 4 Prize to Brooke Summerville
Presentation to Council of bags from Brooke Summerville of Boomerang Bags for use by Council staff

The meeting adjourned for morning tea at 10.35am and reconvened at 10.59am at which time there were present Crs Dobie, McNally, Kelly, Stocks, Gow, Pennisi, Windle, McNichol 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 Quarterly Capital Assistance Loans

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.

16.2 Outstanding Rates & Other Debtors Report - January 2017

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 Light Vehicle Fleet Review

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(b) of the *Local Government Regulation 2012*, as it contains information relating to industrial matters affecting employees.

16.4 Proposed Changes to the Consumption Charge for the Effluent from the Stanthorpe Recycled Water Scheme

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 Proposed Sale of Land - Yankee Gully Road, Deuchar

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.

16.6 Contract No. 17/026 - Tender for the Supply & Delivery of Two (2) Multi-Tyre Rollers

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 Contract No. 17-027 - Tender for the Supply & Delivery of Two (2) Tandem Drive Tip Trucks

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.

Meeting In Camera

Resolution

Moved Cr V Pennisi

Seconded Cr N Meiklejohn

THAT the meeting move into closed session.

Carried

The Meeting moved into closed session at 11.00am.

11:03 AM Cr C Gow left the meeting.

11:07 AM Cr C Gow rejoined the meeting.

11:48 AM Cr J McNally left the meeting during discussion on Agenda Item 11.4.

Meeting Out Of Camera

Recommendation

THAT the meeting resume in open session.

Cr McNally had declared a perceived conflict of interest in Agenda Item 11.4 (as defined in section 173 of the Local Government Act 2009) due to her personal association with the builder 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 Stocks declared that a perceived conflict of interest in Agenda Item 11.4 (as defined in section 173 of the Local Government Act 2009), may exist due to past dealings with the property owners. Cr Stocks 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 Stocks participated in the discussion and voting on this matter.

11.4 Relocation of Water Services - 3 Bell Place, Warwick

Resolution

Moved Cr R Kelly

Seconded Cr V Pennisi

THAT Council write to the property owner advising that Council will relocate the water service at a shared cost with the property owner.

Carried

Cr Stocks voted against the motion.

12:21 PM Cr J McNally rejoined the meeting.

Cr Dobie declared that a perceived conflict of interest in Agenda Item 16.1 (as defined in section 173 of the Local Government Act 2009), may exist due to her husband is on the Committee of one of the Clubs referred to in the report. Cr Dobie 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 Dobie participated in the discussion and voting on this matter.

16.1 Quarterly Capital Assistance Loans

Resolution

Moved Cr R Kelly

Seconded Cr S Windle

THAT Council receive and note the Quarterly Capital Assistance Loans Report.

Carried

Cr Dobie voted for the motion.

16.2 Outstanding Rates & Other Debtors Report - January 2017

Resolution

Moved Cr V Pennisi

Seconded Cr N Meiklejohn

THAT Council receive the Outstanding Rates & Other Debtors Report – January 2017.

Carried

Cr Dobie declared that a perceived conflict of interest in Agenda Item 16.3 (as defined in section 173 of the Local Government Act 2009), may exist as she drives a Council vehicle and has family members who are employed by Council that drive Council vehicles. Cr Dobie 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 Dobie participated in the discussion and voting on this matter.

16.3 Light Vehicle Fleet Review

Resolution

Moved Cr V Pennisi

Seconded Cr Y Stocks

THAT Council adopt the following recommendations:

1. Reduce the total number of Council Vehicles by no more than 15 vehicles as determined by operational requirement – to be determined by operational staff and management.
2. Management and tracking of vehicles to be devolved to the area managers.
3. Redefine the vehicle use policy to a two tier system of Unlimited Private Use or Limited Private Use. End the practice of commuter use as a standard.
4. Investigate and implement cost effective vehicle storage.
5. Develop a vehicle retention and replacement policy to reflect operational requirement and best value.
6. Continue GPS implementation into vehicles and investigate ongoing improvement through tracking and identification.
7. Update motor vehicle policy documentation.
8. Update pool car booking system with current vehicle details. Pool car system administrator to be appropriately resourced and held accountable for pool system maintenance.
9. Enforce correct use of the pool booking system.
10. End the practice of booking cars out for RDOs.

Carried

Cr Dobie voted for the motion.

16.4 Proposed Changes to the Consumption Charge for the Effluent from the Stanthorpe Recycled Water Scheme

Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

THAT Council approves the proposed increase of the consumption charge for the effluent from Stanthorpe Recycled Water scheme from \$108 / ML to \$190.14 / ML with effect from 1 July 2017 and delegates the Chief Executive Officer to write to all irrigators on the scheme advising them of this decision.

Carried

16.5 Proposed Sale of Land - Yankee Gully Road, Deuchar

Resolution

Moved Cr N Meiklejohn

Seconded Cr V Pennisi

THAT Council approve the sale of the abandoned quarry, Lot 9 on RP184529, situated at Yankee Gully Road, Deuchar as per the valuation received, upon the condition that the land is amalgamated with adjoining land.

Carried

16.6 Contract No. 17/026 - Tender for the Supply & Delivery of Two (2) Multi-Tyre Rollers

Resolution

Moved Cr R Kelly

Seconded Cr S Windle

THAT Council:-

1. Award Tender 17-026 for the supply and delivery of two (2) only Multi-Tyred Rollers to Hastings Deering for the lump sum tender price of \$330,000 (\$165,000 each).
2. Accept the offered trade price for P00103, a Caterpillar PF300C Multi-Tyred Roller for \$35,000 from Hastings Deering and send the other Caterpillar PF300C, P00101 to auction. (All prices quoted in this report are excluding GST).

Carried

16.7 Contract No. 17-027 - Tender for the Supply & Delivery of Two (2) Tandem Drive Tip Trucks

Resolution

Moved Cr R Kelly

Seconded Cr S Windle

THAT Council:-

1. Award Tender 17/027 for the supply and delivery of two (2) only Tandem Drive Tip Trucks to Brown and Hurley for the lump sum tender price of \$473,192; and
2. Council send the existing Volvo FM440 tip truck and Hino FS2848 Tip truck to auction for sale.

Carried

Council acknowledged the presentation of a QFES Australia Day Achievement Award to Council's Manager Community Services & Major Projects at a ceremony in Toowoomba that day.

MEETING CLOSURE

There being no further business, the meeting closed at 12.27pm.