



**MINUTES OF THE
GENERAL MEETING OF COUNCIL
26 APRIL 2017**

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**MINUTES OF THE GENERAL COUNCIL MEETING OF
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 26 APRIL 2017
IN THE COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,
64 FITZROY STREET, WARWICK AT 9.00AM**

1. PRAYERS & CONDOLENCES

Graeme Eldridge from Baha'i Community offered a Prayer and acknowledged Condolences

2. ATTENDANCE

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

Officers: David Keenan (Chief Executive Officer), Michael Bell (Acting Director Engineering Services), Ken Harris (Director Planning, Environment and Corporate Services), Marion Seymour (Minute Secretary)

3. APOLOGIES

3.1 Apology - Cr Gow

Resolution

Moved Cr M McNichol

Seconded Cr V Pennisi

THAT the apology of Cr Gow be received and leave of absence granted.

Carried

4. READING AND CONFIRMATION OF MINUTES

4.1 General Council Meeting - 22 March 2017

Resolution

Moved Cr V Pennisi

Seconded Cr Y Stocks

THAT the minutes of the General Council Meeting held on Wednesday 22 March 2017 be adopted.

Carried

4.2 Special Council Meeting - 5 April 2017

Resolution

Moved Cr S Windle

Seconded Cr R Kelly

THAT the minutes of the Special Council Meeting held on Wednesday 5 April 2017 be adopted.

Carried

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Previous Council Meeting

Resolution

Moved Cr S Windle

Seconded Cr Y Stocks

THAT Council receive the report and note the contents.

Carried

6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precise	Nature of Conflict
12.4	Negotiated Decision – Gary Hayes & Partners Pty Ltd, 13123 Cunningham Highway, Womina	Cr McNally declared a real conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>) due to her residence being in close proximity to the proposed development and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
12.5	Negotiated Decision – TFT Hoe Hire Pty Ltd ATF Townsend Family Trust, 347 Limberlost Road, Fletcher	Cr Pennisi declared that a perceived conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>), may exist due to Cr Pennisi's wife and the Applicant's wife being related. Cr Pennisi dealt with the perceived conflict of interest by stating that it was his determination that his personal interest is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest. Cr Pennisi participated in the discussion and voting on this matter.

7. MAYORAL MINUTE

7.1 Mayoral Minute April 2017

Resolution

Moved Cr M McNichol

Seconded Cr J McNally

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

Carried

8. READING AND CONSIDERATION OF CORRESPONDENCE

8.1 Correspondence

Resolution

Moved Cr J McNally

Seconded Cr V Pennisi

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 Finance Report as at 31 March 2017

Resolution

Moved Cr S Windle

Seconded Cr R Kelly

THAT Council receive and note the Financial Report as at 31 March 2017.

Carried

10.2 Warwick Shire River Improvement Trust - Appointment of Replacement Councillor Representative

Resolution

Moved Cr V Pennisi

Seconded Cr J McNally

THAT Council appoint Cr Rod Kelly as Council's replacement representative for Cr McNichol on the Warwick Shire River Improvement Trust.

Carried

10.3 Quarterly Human Resources Report

Resolution

Moved Cr J McNally

Seconded Cr N Meiklejohn

THAT Council receive the report and note the contents.

Carried

10.4 Third Quarter Budget Review

Resolution

Moved Cr M McNichol

Seconded Cr V Pennisi

THAT Council adopt the revised Budget following the Third Quarter Budget Review 2016/17 as per Attachment 1.

Carried

Attachments

1. Operating Budget after Third Quarter Review - **Attached to the Minutes Under Separate Cover**

11. ENGINEERING SERVICES DEPARTMENT REPORTS

11.2 Consultation on Pioneer Park Picnic Shelter, Swanfels

Resolution

Moved Cr J McNally

Seconded Cr S Windle

THAT Council:-

1. Accept the offer of Mr Anstey to design the shelter that is in keeping with the park environment, is termite resistant and requires minimal future maintenance.
2. Increase the level of funding allocated towards the Contingency Grants Budget to accommodate the potential construction costs of the Swanfels Shelter Shed in the 17/18 Budget.
3. Following receipt of the design, liaise with the Swanfels community and relevant stakeholders as to the next stage.

Carried

11.3 Warwick Hospital Pedestrian Crossing

Resolution

Moved Cr S Windle

Seconded Cr R Kelly

THAT Council review the information provided and seek a meeting with the Health Service Chief Executive Officer of Darling Downs Hospital and Health Services to discuss this matter.

Carried

11.4 Replacement of Trees Grafton Street Warwick

Resolution

Moved Cr Y Stocks

Seconded Cr V Pennisi

THAT Council accept the results of the survey and reinstate the trees on Grafton Street. Reinstatement will include concrete root barriers and the preferred tree species is Scarlet Oak.

Carried

11.6 Minutes of the Community Services Advisory Committee (CSAC) Meeting held 14 March 2017

Resolution

Moved Cr S Windle

Seconded Cr Y Stocks

THAT Council:-

1. Receive the Minutes of the Community Services Advisory Committee Meeting held on 14 March 2017.
2. Acknowledges the recommendation that Council amend the Terms of Reference to allow for an increase in membership of the committee from 8 to 9 members; and that the Chair and Councillors to put forward two recommendations for new committee members from nominations initially received from Council, however does not endorse this recommendation.
3. Acknowledges the recommendation that Council engages with key stakeholders and service providers to assess the skill sets required to service upcoming job opportunities in Stanthorpe and Warwick and develop strategies to address gaps in skill sets.
4. Refer item 3 to its Economic Development Unit for consideration and a report presented to a future Council Briefing Session and the Community Services Advisory Committee.
5. Endorses the draft Community Service Strategic Plan as a framework for the Community Services Advisory Committee.

Carried

11.1 Engineering Services Department Monthly Report

Resolution

Moved Cr J McNally

Seconded Cr M McNichol

THAT Council receive the Engineering Services Department Monthly Report.

Carried

11.5 Proposal to Decommission Public Toilets Behind the Warwick Town Hall

Resolution

Moved Cr J McNally

Seconded Cr M McNichol

THAT Council:-

1. Seek public feedback by 12 May 2017 on the proposed decommissioning of the toilets located behind the Warwick Town Hall.
2. Further consider the proposal following assessment of that feedback.

Carried

12. PLANNING, ENVIRONMENT & CORPORATE SERVICES DEPARTMENT REPORTS

12.2 Quarterly Report on Development Approvals for the January to March quarter 2017

Resolution

Moved Cr N Meiklejohn

Seconded Cr Y Stocks

THAT Council receives the report and notes its contents.

Carried

12.3 Concurrence Agency Amenity and Aesthetics

Resolution

Moved Cr N Meiklejohn

Seconded Cr R Kelly

THAT:-

1. Council repeals resolution 8.1D made on 21 December 2009, and resolution 9.10 made on 24 April 2012; and
2. For the purposes of Schedule 7, Table 1, Item 17 of the *Sustainable Planning Regulation 2009*, Council resolve that the following types of buildings may have an extremely adverse effect on the amenity or likely amenity of the locality, or be in extreme conflict with the character of the locality:
 - (a) all Class 1 and Class 10 removal buildings to be relocated onto a site within the Region;
 - (b) all Class 1 buildings with a gross floor area less than 60m² (*gross floor area* includes only enclosed habitable areas, and excludes areas used for parking, verandahs, and the like);
 - (c) all Class 1 buildings which due to their design or appearance resemble a shed, garage or similar structure;
 - (d) shipping containers to be located in any urban area or Rural residential zone; and
 - (e) shipping containers to be located in the Rural zone where:
 - (i) located within 100 metres of an urban area or Rural residential zone;
 - (ii) the lot has an area of 4000 square metres or less; or
 - (iii) located within 20 metres of a lot boundary.

Carried

Cr McNally declared a real conflict of interest in Agenda Item 12.4 (as defined in section 173 of the Local Government Act 2009) due to her residence being in close proximity to the proposed development 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 McNally left the meeting at 10.12am.

12.4 Negotiated Decision - Gary Hayes & Partners Pty Ltd, 13123 Cunningham Highway, Womina

Resolution

Moved Cr N Meiklejohn

Seconded Cr S Windle

THAT the Request for a Negotiated Decision for a Material Change of Use for the purpose of a Renewable energy facility on land located at 13123 Cunningham Highway, Womina, described as Lot 3 ML1766 and Lot 5 RP206437, Parish of Warwick, County of Merivale as WOMINA QLD 4370, be approved in part, subject to the following amendment to condition 37:

- 37) A sealed road, including mountable kerbing and channelling and stormwater drainage, is to be constructed along the East Street frontage of the site for 240m north from the intersection of East Road & Ogilvie Rd. The remaining East Street Frontage is to be upgraded to 6m of sealed road with table drains.

Carried

10:15 AM Cr J McNally rejoined the meeting.

10.30am Presentation of Casual for a Cause donation to Warwick Animal Welfare Association

The meeting adjourned for morning tea at 10.35am and reconvened at 11.50am at which time there were present Crs Dobie, Stocks, McNally, McNichol, Pennisi, Windle, Kelly and Meiklejohn

Cr Pennisi declared that a perceived conflict of interest in Agenda Item 12.5 (as defined in section 173 of the Local Government Act 2009), may exist due to Cr Pennisi's wife and the Applicant's wife being related. 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.

**12.5 Negotiated Decision - TFT Hoe Hire Pty Ltd ATF Townsend Family Trust, 347
Limberlost Road, Fletcher**

Resolution

Moved Cr N Meiklejohn

Seconded Cr M McNichol

THAT the Request for a Negotiated on land at 347 Limberlost Road, Fletcher, described as Lot 147 BNT673, Parish of Broadwater, County of Bentinck be received and that Council defer consideration to the May 2017 General Council Meeting in accordance with the Applicant's request.

Carried

Cr Pennisi voted against the motion.

12.8 Request to Relocate Gates from Leslie Park to Glengallan Homestead

Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

THAT Council receive the advice from the Department of Environment & Heritage Protection advising of an Application received to list the Gates located at the south-western entrance to Leslie Park, known as the Leslie Centenary Memorial Gates and the Glengallan Gates on the Queensland Heritage Register, and defer further consideration until advice from the Department of Environment & Heritage Protection regarding their decision on the proposed listing of the Gates on the Queensland Heritage Register.

Carried

12.1 Operational Plan Quarterly Review - January to March 2017

Resolution

Moved Cr R Kelly

Seconded Cr Y Stocks

THAT Council receive the contents of the Operational Plan Quarterly Review – January to March 2017.

Carried

12.7 Material Change of Use - Serrena Que Estate Pty Ltd, 1498 Eukey Road, Eukey

Resolution

Moved Cr R Kelly

Seconded Cr Y Stocks

THAT the application for Material Change of Use for a Winery (Vineyard, winery, cellar door and observatory); Food and drink outlet (Café); and Short-term accommodation (**4 cabins – up to 4 people per cabin**) on land at 1498 Eukey Road, Eukey, described as Lot 23 SP212882, Parish of Broadwater, County of Bentinck, be approved subject to the following conditions:

Schedule 1 - Southern Downs Regional Council Conditions applying to all uses

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\01807-1	Received 13 February 2017
Building Layout – Winery and Cellar Door	MCU\01807-2	Received 20 January 2017
Elevations – Winery Shed	MCU\01807-3	Received 20 January 2017

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.
4. The stages are approved as follows:
 - o Stage 1: Winery and cellar door.
 - o Stage 2: Observatory to combine star viewing nights with wine master classes.
 - o Stage 3: Café at the cellar door.
 - o Stage 4: Four (4) Short-term accommodation cabins (for 4 people maximum each)

Stages are not required to be undertaken in any chronological order.

Land Use and Planning Controls

5. All stages of the material change of use the subject of this development permit must be completed within a period of eight (8) 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.
6. The Winery, Cellar door, and Café shall generally operate only between the hours of 8.00am to 6.00pm.
7. The observatory viewing nights will be limited to 10 people at each viewing. The viewings shall not operate after 10pm. Only two (2) viewings are permitted each month.
8. The wine masterclasses will be limited to 10 people at each masterclass. The masterclasses

shall not operate after 10pm. Only two (2) masterclasses are permitted each month.

Building and Site Design

9. The Winery and Cellar door building is to be set back at least 15 metres from the eastern property boundary, and at least 20 metres from any road frontage.
10. The observatory must be set back at least 20 metres from any road frontage.
11. The design, colours and materials of the Cellar door and Café building are to be in accordance with the rural 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 to be constructed in the approved design, colours and materials.
12. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)
13. 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 each building commencing. (See advisory note below.)

Amenity and Environmental Controls

14. During the construction phase of the development, all wastes must be separated into recyclables (where possible) and landfill wastes, and disposed of at the Stanthorpe Waste facility.
15. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
16. Advertising Devices relating to the approved uses may **only** be erected on the subject land, i.e. Lot 23 SP212882. 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.
17. 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.
18. Any water supply point which provides water not suitable for drinking is labelled 'UNSUITABLE FOR DRINKING' and provided with a symbol which is easily recognisable by non-English speaking people.
19. An adequate supply of potable water, compliant with the National Health and Medical Research Council's Australian Drinking Water Guidelines 2011, must be made available on site. 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.

Fencing, Landscaping and Buffers

20. Landscaping is to be provided for a width of at least 10 metres within the building setback of any building or car parking area for a distance of 10 metres either side of the building or car parking area.
21. **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 must be prepared by a suitably qualified person, and include details of the location and species of plants, the irrigation system and the height and material of fencing. Plants are to be generally frost resistant and drought hardy, and must not include weed species. The site is to be landscaped and maintained in accordance with the

approved Landscaping Plan.

Car Parking and Vehicle Access

22. All vehicular access to and from the site must be via Mt Tully Road only. Any vehicle access must be constructed at least 30 metres from the intersection with Eukey Road.

ALTERNATIVELY

A report certified by a Registered Professional Engineer of Queensland (RPEQ) stating that an access from a specific location on Eukey Road complies with all relevant standards must be submitted for approval by the Director Planning, Environment and Corporate Services prior to any access being constructed from Eukey Road.

23. 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.) 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.
24. A 3.0 metre wide all-weather driveway is to be constructed from Mt Tully Road to the car parking areas for the Cellar door, Café, and Short-term accommodation cabins. The driveways may remain gravel, 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 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 driveways shall be sealed to Council's standards.
25. At least eight (8) car parking spaces and one (1) bus parking bay are to be provided for the Cellar door and Café. Provision is to be made for disabled parking. The carpark may remain gravel, 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 parking area becomes eroded with material becoming deposited outside of the site or potholes form that would increase noise associated with vehicle movements, the carpark shall be sealed to Council's standards.
26. The car park area is to be set back 15 metres from any property boundary.
27. 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

28. 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.

Stormwater Drainage

29. 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

30. 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*.

31. 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 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.

Infrastructure Charges Notice

32. 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) Applications for licence under the *Food Act 2006* are to be submitted to Council prior to the commencement of operation of the Café.
- (v) An application must be submitted and approved by Council for a permit under Local Law for rental accommodation prior to the operation of any Short-term accommodation at the site.
- (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) 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).
- (x) 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.

Aboriginal Cultural Heritage

- (xi) 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 – Additional Southern Downs Regional Council Conditions applying to the Short-term accommodation

Approved Plans

1. **An amended site layout plan, floor plans, and elevations for the proposed Short-term accommodation cabins are provided to, and approved by, the Director Planning and Environment prior to Building approval being issued for the Short-term accommodation cabins**

Land Use and Planning Controls

2. The maximum Gross Floor Area (GFA) for each cabin is 150 square metres.
3. No more than four (4) guests are permitted to stay in each cabin at any one time. The maximum number of guests accommodated in the Short-term accommodation cabins at any one time must not exceed 16 persons.
4. 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.

5. Prior to any Short-term accommodation use commencing, 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 include emergency contact information. A copy of the Disaster Management Plan is to be located in each cabin.
6. Each short term accommodation building is to be rented as a whole, not as individual rooms.

Building and Site Design

7. The Short-term accommodation buildings are to be set back at least 25 metres from any property boundary.
8. Any Short-term accommodation building located within 50 metres of the sites northern or eastern boundaries must be situated so that the building faces away from the property boundary.
9. The design, colours and materials of the Short-term accommodation buildings are to be in accordance with the rural 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 to be constructed in the approved design, colours and materials.

Fencing, Landscaping and Buffers

10. Tree planted buffer strips of five (5) metres width are to be provided adjacent to the eastern property boundary within in the location shown below as to minimise the visual impact of the development from adjoining properties. The buffer strips are to include a variety of plant

species and heights.



11. **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 for Short-term accommodation.** 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. The site is to be landscaped and maintained in accordance with the approved Landscaping Plan.

Car Parking and Vehicle Access

12. At least two (2) car parking spaces must be provided for each Short-term accommodation cabin. The carpark may remain gravel, 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 parking area becomes eroded with material becoming deposited outside of the site or potholes form that would increase noise associated with vehicle movements, the carpark shall be sealed to Council's standards.

Water Supply and Waste water

13. Prior to the issue of building approval for any Short-term accommodation building, 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.

Advisory Notes

- (i) An application must be submitted and approved by Council for a permit under Council's Local Law for rental accommodation.
- (ii) 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*.
- (iii) This area is expressly identified as being potentially impacted by lawful non-residential uses. In commencing a residential 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 dwelling 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).

Carried

12.9 Material Change of Use - Southern Downs Regional Council, 1010 Connolly Dam Road, Silverwood

Resolution

Moved Cr R Kelly

Seconded Cr Y Stocks

THAT the application for a Tourist Park and Caretaker's Residence on land at 1010 Connolly Dam Road, Silverwood, described as Lot 1 RP47924 and Lot 1 RP47928, Parish of Rosenthal, County of Merivale, be approved subject to the following conditions:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

1. The development of the site is to be generally in accordance with the 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	Sheet 1 of 2	20 February 2017 (received)
Camping Area Plan	Sheet 2 of 2	20 February 2017 (received)

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.
4. The stages are approved as follows:
Stage 1 is to consist of 12 Caravan Sites only and each caravan is to be self-contained with its own toilet, shower and portable water.
Stage 2 is to consist of an amenities block and one dump point.
Stage 3 is to consist of 8 additional camping sites for Caravans and Tents, with the total number of camping sites on-site being 20. Stage 2 must be completed prior to any Tent Sites being made available.

Land Use and Planning Controls

5. This approval allows for the use of 20 sites (Caravans and Tents) and a Caretakers Residents.
6. The material change of use the subject of this development permit must be completed within a period of 4 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.
7. 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.
8. The amenities block must be within 200m walking distance of all camping sites.
9. Each camping site is to be a minimum of 3m away from each other.

10. No person is to stay at the site for more than seven (7) days, unless the amenities block has been constructed and is operational.

Building and Site Design

11. The amenities block/building is to be set back at least 60m metres from all common boundaries.
12. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)

Amenity and Environmental Controls

13. A sufficient number of suitable waste receptacles must be provided on site at all times. Waste receptacles must be regularly serviced to prevent unsightly accumulations of waste or environmental harm being caused.
14. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
15. A Bushfire Management Plan and an Evacuation Plan is to be submitted to and approved by the Director of Planning and Environment. Recommendations of the approved Bushfire Management Plan are to be implemented and the Evacuation Plan is to be made available on-site at all times.
16. Advertising Devices relating to the development may **only** be erected on the subject land, i.e. Lot 1 RP47924 and Lot 1 RP47928. 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.
17. 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.
18. All cleared or lopped timber and vegetation must be processed on site by wood chipping, mulching or similar method. Any processing of trees or vegetation must be carried out in a safe manner and without any adverse environmental impacts from noise or dust emissions, and in accordance with any requirements under the *Environmental Protection Act 1994*.

Car Parking and Vehicle Access

19. All vehicular access to and from the site must be via Connolly Dam Road only.
20. The internal driveway leading up to the Caretaker's Residence and the entrance gate to the camping area is to be designed and constructed to allow for two way traffic for vehicles to enter and leave the site in forward gear.
21. A 3.0 metre wide all-weather driveway is to be constructed from the gate entrance (near the Caretaker's Residence) to the camping sites.
22. At least one (1) car parking spaces are to be provided on site for each camping site. The car park location needs to be adjacent to the camping site.

The carpark may remain grass/gravel, provided it is appropriately maintained and does not cause a dust nuisance.

Roadworks

23. 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

24. 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*.

25. In Stage 2, a potable water supply is to be provided in conjunction with the Amenities Building.

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) An application must be submitted and approved by Council for a permit under Subordinate Local Law No.1.8 (Operation of Caravan Park) 2011.
- (iv) **Plumbing and Drainage Approval is to be obtained** in accordance with the *Plumbing and Drainage Act 2002* for the proposed plumbing and drainage works. The application for Plumbing and Drainage approval must be submitted to Council with the appropriate **forms, plans and fees** associated with this application. A **Certificate of Compliance must be issued** for the works prior to the use commencing.
- (v) **Building Approval is to be obtained** in accordance with the *Sustainable Planning Act 2009* for the proposed building work. 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)/Form 11 (Certificate of Classification)/Form 17 must be issued for the building works prior to the use commencing.**
- (vi) 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*.
- (vii) An Environmental Authority for Environmentally Relevant Activity No. 63 (Sewage Treatment) 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*
- (ix) 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.
- (x) 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.
- (xi) 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.

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

Approval Times

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).

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

Cr Kelly presented Council with the following LGMA Awards for Excellence Certificates received at the recent LGMA Awards Dinner:

- Excellence in Collaboration Finalist: Backpacker Initiative
- Excellence in Innovation Finalist: Wild Dog Control
- Above and Beyond Category Finalist: Brodie Ellery

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 Contract No. 17/089 - Tender for the Supply & Delivery of One (1) Twin Engine Suction Type Street Sweeper

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 Regional Arts Development Fund Applications Round One 2016/2017

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 February 2017 Monthly Reports from 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.

16.4 Wallangarra Rams Rugby League Football Club Incorporated - Trustee Lease Agreement

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.

16.5 Council Trustee - Proposed Revocation of State Forest to Unallocated State Land for the Amiens History Association

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 Unlawful Use of Land and Road Reserve - Rosenthal Road, First Avenue, Kenilworth Street and North Avenue

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.

16.7 Tender 17/085 Construction of Warwick Water Treatment Plant Clarifier

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.

16.8 Tender 17/081 Morgan Park Raw Water and Sewer - Appointment of Contract

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 J McNally

THAT the meeting move into closed session.

Carried

The Meeting moved into closed session at 11.30am.

11:33 AM Cr M McNichol left the meeting.

11:35 AM Cr M McNichol rejoined the meeting.

12:10 PM Cr Y Stocks left the meeting.

12:14 PM Cr Y Stocks rejoined the meeting.

Meeting Out Of Camera

Resolved

THAT the meeting resume in open session at 12.19pm.

Carried

16.1 Contract No. 17/089 - Tender for the Supply & Delivery of One (1) Twin Engine Suction Type Street Sweeper

Resolution

Moved Cr V Pennisi

Seconded Cr R Kelly

THAT Council:-

1. Award Tender 17/089 for the supply and delivery of one (1) only Rosmech Scarab Mistral Street Sweeper to Rosmech Sales and Service for the lump sum tender price of \$330,718; and
2. Send the existing Schwarze Street Sweeper to Auction.

Carried

16.2 Regional Arts Development Fund Applications Round One 2016/2017

Resolution

Moved Cr R Kelly

Seconded Cr V Pennisi

THAT Council endorses the Regional Arts Development Fund (RADF) Reference Group recommendation to fund one RADF 2016/2017 Round One re-submitted application from Stanthorpe & Granite Belt Chamber of Commerce, for a total of \$7,911.

Carried

16.3 February 2017 Monthly Reports from Warwick Indoor Recreation and Aquatic Centre from YMCA Brisbane

Resolution

Moved Cr R Kelly

Seconded Cr Y Stocks

THAT Council receive the February 2017 monthly report from Brisbane YMCA in relation to the operation of the Warwick Indoor Recreation and Aquatic Centre.

Carried

16.4 Wallangarra Rams Rugby League Football Club Incorporated - Trustee Lease Agreement

Resolution

Moved Cr R Kelly

Seconded Cr S Windle

THAT Council:

1. Grant delegated authority to Council's Chief Executive Officer to negotiate a payment plan with the Wallangarra Rams Rugby League Football Club Inc, in relation to their water consumption and utility charges, including the Emergency Management Levy. Should the payment plan not be strictly adhered to the Trustee Lease will be terminated and the water access disconnected.
2. Restrict the flow of potable water to Lot 381 on BNT1725, for the purposes of the fundraising activities of the Wallangarra Rams Rugby League Football Club. The flow of potable water will be restricted to a maximum of 0.9l/second.
3. Supports the installation of a private water line from Cusack's Dam i.e. at zero cost to Council and advise the Club of the necessity to obtain all relevant approvals for these works.

Carried

16.5 Council Trustee - Proposed Revocation of State Forest to Unallocated State Land for the Amiens History Association

Resolution

Moved Cr V Pennisi

Seconded Cr S Windle

THAT Council:

1. Advise the Amiens History Association that Council will support the proposed revocation of State Forest to Unallocated State Land (Lot 263 on FTY1498) and accepts Trusteeship, 'In Principle', of this Unallocated Land from the Department of Natural Resources and Mines, subject to approval from the Department of Natural Resources and Mines and the Queensland Parks and Wildlife Service for the Amiens History Association to conduct the proposed activities on the land.
2. Advise the Queensland Parks and Wildlife Service (QPWS) and DNR&M that Council has approved 'In Principle', becoming Trustee over part of Lot 263 on FTY1498, subject to approval from the Department of Natural Resources and Mines and the Queensland Parks and Wildlife Service for the Amiens History Association to conduct the proposed activities on this land.

Carried

16.6 Unlawful Use of Land and Road Reserve - Rosenthal Road, First Avenue, Kenilworth Street and North Avenue

Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

THAT:

1. Unless the offences are rectified, Council commence legal action against the owner of land located at 28 Rosenthal Road, Rosenthal Heights, described as Lot 1 RP815365, Parish of Rosenthal, in respect of offences under the *Sustainable Planning Act* and Council's Local Laws.
2. Unless the offences are rectified, Council commence legal action against the owner of land located at North Avenue, Kenilworth Street and First Avenue described as Lots 6-8 and 12-21 RP31029 in respect of offences under the *Sustainable Planning Act 2009*.
3. Unless the offences are rectified, Council commence legal action against the owner of land located at First Avenue described as Lots 32-42 RP31029 in respect of offences under the *Sustainable Planning Act 2009* and Council's Local Laws.
4. Council appoints the Chief Executive Officer its delegate in the matters stated in Recommendations 1, 2 and 3. The delegate is to have authority to commence, prosecute, negotiate, mediate, settle or cease these actions upon such terms as Council's legal advisors may recommend or approve and to appoint expert witnesses as necessary.

Carried

16.7 Tender 17/085 Construction of Warwick Water Treatment Plant Clarifier

Resolution

Moved Cr V Pennisi

Seconded Cr J McNally

THAT Council:-

1. Allocate sufficient funding in the 2017/18 Capital Budget to complete the construction of the Warwick Water Treatment Plant Clarifier; and
2. Enter into a contract with Alder Constructions Pty Ltd ABN 14456100925 to construct the Warwick Water Treatment Plant Clarifier.

Carried

16.8 Tender 17/081 Morgan Park Raw Water and Sewer - Appointment of Contract

Resolution

Moved Cr R Kelly

Seconded Cr Y Stocks

THAT Council:-

1. Receive the Tender evaluation for the Morgan Park Raw Water and Sewer Construction;
2. Authorise the negotiation process with NTS Group Pty Ltd; and
3. Authorise the Chief Executive Officer to enter into a Contract with NTS Group Pty Ltd to design and construct the Morgan Park Raw Water and Sewer.

Carried

MEETING CLOSURE

There being no further business, the meeting closed at 12.24pm.