



SOUTHERN DOWNS REGIONAL COUNCIL GENERAL MEETING OF COUNCIL

Dear Councillors

Your attendance is hereby requested at the General Meeting of Council to be held in the Council Chambers, Southern Downs Regional Council, 61 Marsh Street, Stanthorpe on **Wednesday, 24 May 2017** at **9:00AM**.

Notice is hereby given of the business to be transacted at the meeting.

David Keenan

CHIEF EXECUTIVE OFFICER

19 May 2017

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WEDNESDAY, 24 MAY 2017 General Meeting of Council

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1. PRAYER & CONDOLENCES

2. ATTENDANCE

3. APOLOGIES

4. READING AND CONFIRMATION OF MINUTES

4.1 General Council Meeting - 26 April 2017

Recommendation

THAT the minutes of the General Council Meeting held on Wednesday 26 April 2017 be adopted.

4.2 Special Council Meeting - 22 May 2017

Recommendation

THAT the minutes of the Special Council Meeting held on Monday 22 May 2017 be adopted.

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Previous Council Meeting

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 24 May 2017
	Chief Executive Officer	File Ref: 13.42

Recommendation

THAT Council receive the report and note the contents.

Report

The purpose of this report is to provide a summary of Actions resulting from resolutions from the April 2017 General Council Meeting.

A copy of the Actions report is attached.

Attachments

1. Actions from April 2017 General Meeting [View](#)



ACTIONS FROM PREVIOUS GENERAL COUNCIL MEETING

Date From: 26/04/2017

Date To: 26/04/2017

MEETING DATE	ITEM NUMBER	AGENDA ITEM	ACTION OFFICER	ACTION TO DATE	COMPLETED
26 April 2017	3.1	Apology - Cr Gow	David Keenan	12 May 2017 - 9:02 AM - Marion Seymour Noted	12/05/2017
26 April 2017	5.1	Actions from Previous Council Meeting	David Keenan	12 May 2017 - 9:03 AM - Marion Seymour Noted	12/05/2017
26 April 2017	7.1	Meyoral Minute April 2017	Tracy Dobie	12 May 2017 - 9:03 AM - Marion Seymour Noted	12/05/2017
26 April 2017	8.1	Correspondence	David Keenan	12 May 2017 - 9:04 AM - Marion Seymour Noted	12/05/2017
26 April 2017	10.1	Finance Report as at 31 March 2017	Andrew Page	12 May 2017 - 9:05 AM - Marion Seymour Noted	12/05/2017
26 April 2017	10.2	Warwick Shire River Improvement Trust - Appointment of Replacement Council or Representative	David Keenan	12 May 2017 - 9:05 AM - Marion Seymour Letter sent to Warwick Shire River Improvement Trust to advise of the appointment of Cr Kelly	12/05/2017
26 April 2017	10.3	Quarterly Human Resources Report	Patrick Doyle	12 May 2017 - 9:06 AM - Marion Seymour Noted	12/05/2017
26 April 2017	10.4	Third Quarter Budget Review	Andrew Page	12 May 2017 - 9:09 AM - Marion Seymour Noted	12/05/2017
26 April 2017	11.2	Consultation on Pioneer Park Picnic Shelter, Swanfels	Peter See	11 May 2017 - 12:48 PM - Barb Fagan Correspondence sent advising of Council resolution	4/05/2017
26 April 2017	11.3	Warwick Hospital Pedestrian Crossing	Eric Kraak	12 May 2017 - 9:11 AM - Marion Seymour Meeting scheduled 15 May 2017	12/05/2017
26 April 2017	11.4	Replacement of Trees Grafton Street Warwick	Chris Whitaker	12 May 2017 - 9:18 AM - Barb Fagan Noted	28/04/2017
26 April 2017	11.6	Minutes of the Community Services Advisory Committee (CSAC) Meeting held 14 March 2017	Michael Bell	11 May 2017 - 12:49 PM - Barb Fagan Noted	5/05/2017
26 April 2017	11.1	Engineering Services Department Monthly Report	Peter See	11 May 2017 - 12:50 PM - Barb Fagan	27/04/2017



ACTIONS FROM PREVIOUS GENERAL COUNCIL MEETING

Date From: 26/04/2017

Date To: 26/04/2017

					Noted
26 April 2017	11.5	Proposal to Decommission Public Toilets Behind the Warwick Town Hall	Michael Bell	11 May 2017 - 12:50 PM - Barb Fagan Noted, process for public consultation in place.	28/04/2017
26 April 2017	12.2	Quarterly Report on Development Approvals for the January to March quarter 2017	Tonya Collier	12 May 2017 - 1:25 PM - Alison Bilbrough Council Resolution noted	27/04/2017
26 April 2017	12.3	Concurrence Agency Amenity and Aesthetics	Scott Cobon	12 May 2017 - 1:26 PM - Alison Bilbrough Monthly Memo sent to ESC, PCC, BCO, PCO, DAC, GPO & PTO to action in accordance per Council Resolution.	27/04/2017
26 April 2017	12.4	Negotiated Decision - Gary Hayes & Partners Pty Ltd, 13123 Cunningham Highway, Womina	Tonya Collier	12 May 2017 - 1:27 PM - Alison Bilbrough Negotiated Decision Notice mailed to applicant. Submitter Advice mailed.	1/05/2017
26 April 2017	12.5	Negotiated Decision - TFT Hoe Hire Pty Ltd ATF Townsend Family Trust, 347 Limberlost Road, Fletcher	Tonya Collier	12 May 2017 - 1:28 PM - Alison Bilbrough Council Decision noted.	27/04/2017
26 April 2017	12.6	Negotiated Decision - Travis J Evans and Louise Macpherson C/-Property Projects Australia, 49 Tyrel Street, Stanthorpe	Mandy May	12 May 2017 - 1:29 PM - Alison Bilbrough Decision Notice mailed to applicant	27/04/2017
26 April 2017	12.8	Request to Relocate Gates from Leslie Park to Glengallan Homestead	Annette Doherty	12 May 2017 - 1:30 PM - Alison Bilbrough Monthly Memo sent to PCC to note as per Council Resolution	27/04/2017
26 April 2017	12.1	Operational Plan Quarterly Review - January to March 2017	Jody Collins	12 May 2017 - 1:31 PM - Alison Bilbrough Council Resolution noted	27/04/2017
26 April 2017	12.7	Material Change of Use - Serena Que Estate Pty Ltd, 1498 Eukey Road, Eukey	Clancy Sloan	12 May 2017 - 1:32 PM - Alison Bilbrough Decision Notice mailed to applicant	27/04/2017
26 April 2017	12.9	Material Change of Use - Southern Downs Regional Council, 1010 Connolly Dam Road, Silverwood	Tonya Collier	12 May 2017 - 1:32 PM - Alison Bilbrough Decision Notice mailed to applicant.	27/04/2017
26 April 2017	16.1	Contract No. 17/089 - Tender for the Supply & Delivery of One (1) Twin Engine Suction Type Street Sweeper	Brett Donovan	12 May 2017 - 9:14 AM - Barb Fagan Plant has been placed on order	28/04/2017
26 April 2017	16.2	Regional Arts Development Fund Applications Round One 2016/2017	Michael Bell	12 May 2017 - 9:17 AM - Barb Fagan Correspondence sent advising of Council resolution	9/05/2017
26 April 2017	16.3	February 2017 Monthly Reports from Warwick Indoor Recreation and Aquatic Centre from YMCA Brisbane	Peter See	11 May 2017 - 12:59 PM - Barb Fagan	28/04/2017



ACTIONS FROM PREVIOUS GENERAL COUNCIL MEETING

Date From: 26/04/2017

Date To: 26/04/2017

					Noted
26 April 2017	16.4	Wallangarra Rams Rugby League Football Club Incorporated - Trustee Lease Agreement	Kate Duell	11 May 2017 - 4:22 PM - Kate Duell Action completed by: Kate Duell 11 May - Letter sent to RAMS RE: Resolution and Water charges - KD	11/05/2017
26 April 2017	16.5	Council Trustee - Proposed Revocation of State Forest to Unallocated State Land for the Amiens History Association	Kate Duell	02 May 2017 - 4:06 PM - Kate Duell Action completed by: Kate Duell Action taken and completed as per resolution - KD	2/05/2017
26 April 2017	16.6	Unlawful Use of Land and Road Reserve - Rosenthal Road, First Avenue, Kenilworth Street and North Avenue	Vicki Sawyer	12 May 2017 - 1:35 PM - Alison Billbrough Monthly Memo sent to PCC to action in accordance with Council Resolution.	27/04/2017
26 April 2017	16.7	Tender 17/085 Construction of Warwick Water Treatment Plant Clarifier	Michael Bell	12 May 2017 - 9:13 AM - Barb Fagan Correspondence sent advising of Council Resolution	28/04/2017
26 April 2017	16.8	Tender 17/081 Morgan Park Raw Water and Sewer - Appointment of Contract	Renee Wallace	12 May 2017 - 9:13 AM - Barb Fagan Correspondence sent advising of Council Resolution	28/04/2017

6. DECLARATIONS OF CONFLICTS OF INTEREST

7. MAYORAL MINUTE

7.1 Mayoral Minute April 2017

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 24 May 2017
	Mayor	ECM Function No/s:

Recommendation

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

Report

Over the last four weeks the Council has taken the draft 2017/18 Budget out for consultation. We have had five community sessions in Allora, Killarney, Stanthorpe, Wallangarra and Warwick. There have been 30 submissions received and these will all be considered by Councillors as the Budget is finalised over the next two weeks. Overall there were more people who attended the public sessions this year than last; and while the number of submissions is less than last year, they are comprehensive and well considered.

On the evening of 2 May, myself and Councillors participated in the Youth Action Planning Evening with Young Leaders from the region. It was an interesting evening with discussion focusing on the issues faced by the youth in our region. One of the key points raised was bullying and the impact it has on the lives of not just our young residents, but all residents. While there are government and non-government agencies responsible for addressing solutions to bullying, providing advocacy, delivering training and managing complaints; it is the role of everyone in the community to address this issue. Most concerning is the increase in cyber-bullying. Everyone should have a look at the information available on this site and consider their own situation with regard to bullying.
<https://www.humanrights.gov.au/cyberbullying-what-it-and-how-get-help-violence-harassment-and-bullying-fact-sheet>

The Events, Sports and Recreation Advisory Committee conducted its first Forum this month, and three valuable questions were asked of participants: How will our sporting groups work with other organizations within the community? How can we maximize usage of community venues and assets? How can we maximize progression from junior sports up to senior sports and keep volunteers within our organization? The answers to these questions are crucial to the future of sport and sports management in our region. The results of this first Forum will be issued in a public report in the coming days and will lead further discussion for the second Forum scheduled within the next two months. There are collaborative steps that the Council and the community can take to make the most of the facilities and funding that is available.

The third Mayor's Leadership Forum was conducted this month with Shane Webcke providing his views on how to build a resilient community. Shane was inspirational and afterwards he joined a panel of Granite Belt business people including David Bondfield, Mick Spiller, Leeanne Gangemi and Tim Carnell to address what changes have been seen in the business community of Stanthorpe in the last 5-10 years; what opportunities there are in the future; what a positive region

looks like; and how the business community can work together to address these? The event was positive and a further stepping stone on the route to the invigoration of our region.

Options

1. Council receive the Mayoral Minute report and note its contents.
2. Council not receive the Mayoral Minute report.

Attachments

Nil

8. READING AND CONSIDERATION OF CORRESPONDENCE

8.1 Correspondence

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 24 May 2017
	Chief Executive Officer	ECM Function No/s:

Recommendation

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

Report

1. **Deputy Premier** in response to Council's feedback on the process the Department of Infrastructure, Local Government and Planning has undertaken to date on its review of the regulatory framework for poultry farms (copy attached).

Action: Noted.

2. **The Hon Barnaby Joyce MP** acknowledging Council's submission to the Senate inquiry into the operation, effectiveness and consequences of the Public Governance, Performance and Accountability (Location of Corporate Commonwealth Entities) Order 2016 (copy attached).

Action: Noted.

3. **Somerset Regional Council** in response to Council's letter to ascertain their interest in a proposed grouping of Council, and advising that their preference was to remain in the Council of Mayors SEQ (copy attached).

Action: Noted.

Attachments

1. Letter from Deputy Premier [View](#)
2. Letter from The Hon Barnaby Joyce MP [View](#)
3. Letter from Somerset Regional Council [View](#)



Deputy Premier
Minister for Transport and
Minister for Infrastructure and Planning

Our ref: MC17/380

Your ref: AMD:AMD/14.16.05

1 William Street
PO Box 15009 City East
Queensland 4002 Australia
Telephone +61 7 3719 7100
Email deputy.premier@ministerial.qld.gov.au

ABN 90 856 020 239

10 MAR 2017

Councillor Tracy Dobie
Mayor
Southern Downs Regional Council
PO Box 26
WARWICK QLD 4370

Dear Councillor Dobie

A handwritten signature in blue ink that reads "Tracy,".

Thank you for your letter of 24 January 2017 providing feedback on the process the Department of Infrastructure, Local Government and Planning (DILGP) has undertaken to date on its review of the regulatory framework for poultry farms.

At the outset, let me reassure you that your views will most certainly be sought, and your interests carefully considered, if and when I approve moving forward with any proposals for change to the policy framework for poultry farms. It is the government's position that councils should be able to implement locally-appropriate policies and I will not support any proposal that does not enable local interests to be taken into account.

In response to concerns raised by several councils, DILGP is currently scoping possible regulatory improvements that will resolve issues such as inconsistent odour criteria, overlapping jurisdiction and duplication between state and local government assessments. For the purposes of this scoping work, DILGP has obtained input from selected key stakeholders, including the relevant state government agencies (the Department of Agriculture and Fisheries and the Department of Environment and Heritage Protection), industry representatives, several South East Queensland (SEQ) councils, the Council of Mayors (SEQ) and, following receipt of your letter, from the Southern Downs Regional Council (the council).

I note your disappointment that DILGP's engagement on the scoping work had initially been with councils in SEQ and can reassure you that this approach is due only to the strong representations made by several SEQ councils to initiate this process in late 2016. Should a potential approach emerge from the scoping work, all local governments will be given full opportunity to comment on and influence the final proposal for regulatory change.

I understand Mr Graeme Bolton, Executive Director and Mr Nathan Rule, Director in DILGP met with representatives from the council on 24 January 2017. I also understand that Mr Stuart Moseley, Deputy Director-General, Planning Group met with you on 28 February 2017. At these meetings, DILGP heard about the council's concerns with the regulatory framework and the council's preferred alternative for regulatory reform. Following these meetings and as your letter requests, DILGP will give careful consideration to the council's views and include the council as a key stakeholder in any further consultation.

Additionally, I note that the council has now provided a submission to DILGP in relation to the scoping work, which will be considered by DILGP in developing a preferred option for regulatory change. This preferred regulatory option will be submitted to me to consider approving for statewide consultation with all interested stakeholders.

If you require further information, I encourage you to contact Mr Owen Haslam, Acting Director, Development Assessment in DILGP on 3452 7681 or by email at owen.haslam@dilgp.qld.gov.au.

Yours sincerely



JACKIE TRAD MP
DEPUTY PREMIER
Minister for Transport and
Minister for Infrastructure and Planning



The Hon. Barnaby Joyce MP

**Deputy Prime Minister
Minister for Agriculture and Water Resources
Leader of The Nationals
Federal Member for New England**

Ref: MC17-001966

18 APR 2017

Cr Tracy Dobie
Mayor
Southern Downs Regional Council
PO Box 26
WARWICK QLD 4370

SOUTHERN DOWNS REGIONAL COUNCIL WARWICK BRANCH	
RECEIVED	
27 APR 2017	
Action Officer:	<input checked="" type="checkbox"/> File
Tsk	
Dst	
Fwd	

Dear Mayor *Tracy,*

Thank you for your email of 3 March 2017 providing a copy of the Southern Downs Regional Council's submission to the Senate inquiry into the operation, effectiveness, and consequences of the Public Governance, Performance and Accountability (Location of Corporate Commonwealth Entities) Order 2016. I apologise for the delay in responding.

I appreciate your support for the Australian Government's plans to decentralise government agencies to boost jobs growth and strengthen rural and regional communities across Australia.

I am passionate about developing rural and regional Australia and excited by the prospect of boosting local economies through targeted decentralisation. Regional Australia deserves its fair share of government services and opportunities; and that includes being able to access quality public sector careers just as much as any capital city.

I encourage the Southern Downs Regional Council to continue engaging in the inquiry and ongoing decentralisation conversation. The Senate Finance and Public Administration References Committee is due to report by 9 May 2017.

Thank you again for your correspondence.

Yours sincerely

Barnaby Joyce MP

Southern Downs Regional Council



DOC0239491



28 April 2017

The Chief Executive Officer
Southern Downs Regional Council
Po Box 26
WARWICK Q 4370

email: mail@sdrc.qld.gov.au

Dear Sir,

Proposed grouping of Councils

Ref – Government relations – local and regional government liaison - Regional Local Government Liaison - 2016 - 2020
[Doc 950622]

I refer to the letter from Mayor Dobie dated 4 April 2017.

I advise that this matter was discussed by Councillors at a workshop meeting held on 26 April 2017.

Councillors considered that their preference is to remain in the Council of Mayors SEQ and that is their preferred regional organisation of Councils.

Therefore I advise that Somerset Regional Council does not intend to progress this matter further.

Yours sincerely

A handwritten signature in black ink, appearing to be 'RB', written over a horizontal line.

Robert Bain
Chief Executive Officer

9. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

Nil

10. EXECUTIVE

10.1 Financial Report as at 30 April 2017

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 24 May 2017
	Manager Finance & Information Technology	ECM Function No/s: 12.13

Recommendation

THAT Council receive and note the Financial Report as at 30 April 2017.

Report

A review of Council's operating performance against forecast shows that the net operating position (before capital items) of \$19.4m is \$9.1m over the estimated position for the financial year to date of \$10.4m.

The rates were raised in July for the whole of the financial year, and ten months of expenditure has been spent.

Income Statement

Total operating revenue of \$66.9m is over the year to date estimate of \$65.9m by 1.6%. Capital revenue of \$7.8m has been received for the year.

Overall operating expenditure of \$47.5m is \$7.9m under the year to date estimate of \$55.5m with employee costs being around \$3.8m under budget and materials and services being \$3.3m under the year to date estimate.

Capital Works in Progress

Capital works expenditure to 30 April 2017 is \$19.1m which is 66.2% of the capital works budget of \$28.9m.

Year to date capital expenditure by area is as follows:

	Approved Annual Budget	Carryover & Amendments	Total Budget	YTD Expenditure	% Spent	Committed	Spent & Committed	% Spent & Committed
Land & Land Improvements	100,000	230,000	330,000	87,848	26.6%	312,360	400,208	121.3%
Buildings	188,500	622,200	810,700	1,998,745	246.5%	246,018	2,244,763	276.9%
Plant & Equipment	4,211,000	220,500	4,431,500	1,132,060	25.5%	1,787,951	2,920,011	65.9%
Roads, Drains & Bridges	12,410,900	2,361,516	14,772,416	7,759,193	52.5%	2,141,123	9,900,316	67.0%
Water	3,196,000	3,680,554	6,876,554	1,962,042	28.5%	751,065	2,713,107	39.5%
Wastewater	352,000	199,611	551,611	264,732	48.0%	66,145	330,878	60.0%
Other Assets	2,302,437	(1,206,393)	1,096,045	311,114	28.4%	291,391	602,505	55.0%
Total	22,760,837	6,107,988	28,868,825	13,515,735	46.8%	5,596,053	19,111,788	66.2%

Budget Implications

The third quarter budget review was presented to Council in April 2017.

Policy Consideration

Operational Plan 2016/17

8.22 Provide and maintain strategies to ensure Council's long term financial sustainability:

Review and update the 10 year Financial Plan.
Annual Review of Debt policy, Procurement Policy, Revenue Policy and Investment Policy

Community Engagement

Nil

Legislation/Local Law

Local Government Act 2009 and Local Government Regulation 2012

Options

1. Receive and note the Financial Report as at 30 April 2017
2. Not receive and note the Financial Report as at 30 April 2017

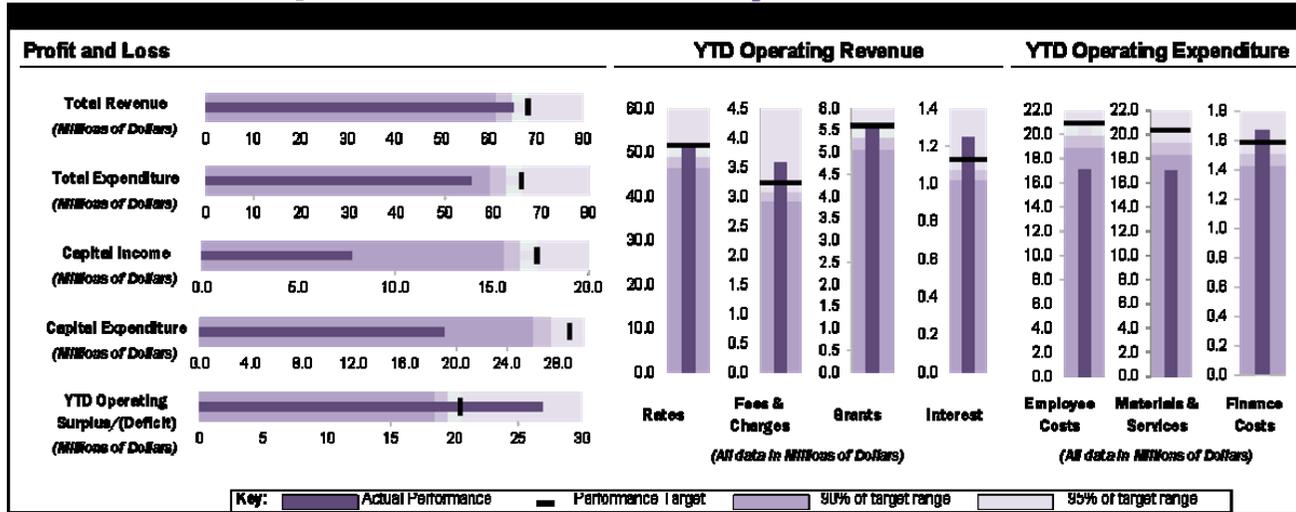
Attachments

1. Finance Report as at 30 April 2017 [View](#)
2. Investments Register April 2017 [View](#)

Southern Downs Regional Council

Summary of Performance

April 2017



Operating Performance Summary

Operating Revenue

Total operating revenue of \$66.9m is over the year to date estimate of \$65.9m with a 1.6% variance. Council has received 11.1% more fees and charges revenue, 10.4% more in interest income and 9.3% more in contract and sales revenue. Capital grants of \$7.8m has been received for the 2016/17 financial year.

Operating Expenditure

Year to date operating expenditure of \$47.5m is \$7.9m under the year to date budget estimate of \$55.5m. Employee costs are around \$3.3m under the year to date estimate and materials and services are \$3.3m under the year to date estimate.

Capital Works

At 30 April 2017, \$13.5m of the \$28.9m budget has been spent on capital works and capital purchases which is 46.8% of the full year budget.

A further \$5.6m in purchase orders has been raised against capital work jobs bringing the total amount spent and committed to \$19.1m or 66.2% of the full year budget.

Major capital works to undertaken this financial year include \$14.8m for roads and bridges and \$7.4m for water and waste water. Council has a budget of \$4.4m for plant replacement.

Balance Sheet

At 30 April 2017 Cash at bank and investments total \$43.6m.

Council has maintained its ability to meet all its current commitments with a working capital ratio of 4.07:1.

Total loans (current and non current) that are outstanding amount to \$24.3m.

Southern Downs Regional Council Income Statement April 2017

Audited 2016 Actual \$		Annual 2017 Budget \$	Phased 2017 YTD Budget \$	Phased 2017 YTD Actual \$
	Revenue from ordinary activities			
28,387,934	General Rates	29,396,930	29,398,480	29,309,832
272,849	Rural fire brigade levy	283,000	283,000	282,557
22,942,164	Utility Rates and Charges	23,831,980	23,805,312	24,164,926
(1,614,595)	Less Discounts	(1,615,000)	(1,615,000)	(1,618,070)
(563,764)	Rates on Council properties	(531,848)	(443,207)	(531,848)
49,624,589		51,565,082	51,628,585	51,807,417
4,138,113	Fees and Charges	3,790,033	3,240,420	3,598,378
1,215,429	Interest	1,343,490	1,131,960	1,250,061
3,023,630	Contract & Sales Revenue	4,001,890	3,544,666	3,873,125
1,018,308	Rent and Other Income	818,118	710,663	733,428
7,837,958	Government Grants and Subsidies	7,427,561	5,615,500	5,670,367
66,878,028	Total Operating Revenue	68,946,194	65,871,795	66,952,977
	Expenses from ordinary activities			
22,456,793	Employee Costs	24,746,067	20,937,706	17,115,303
21,821,557	Materials and Services	24,121,787	20,359,870	17,097,650
14,812,559	Depreciation and Amortisation	15,085,096	12,591,781	11,616,639
2,097,491	Finance Costs	2,031,439	1,583,357	1,673,931
61,188,399	Total Operating Expenses	65,984,409	55,494,714	47,505,543
5,689,629	Operating Surplus/(Deficit) before capital items	2,961,785	10,377,081	19,447,434
	Other Capital Amounts			
8,350,479	Capital Grants, Contributions and Donations	17,120,988	10,266,251	7,844,511
(4,439,624)	Other capital income and (expenses)	220,000	-	(76,315)
9,600,484	Net Result Surplus/(Deficit)	28,302,772	20,643,332	27,215,630

Explanation

Income Statement

This Statement outlines:

- all sources of Council's YTD income (revenue).
- all YTD operating expenses incurred. These expenses relate to operations and do not include capital expenditure.

However the depreciation of assets is included.

The Net Result Surplus/(Deficit) for the reporting period is a good measure of council's financial performance.

This figure is determined by deducting total expenses from total revenue.

Southern Downs Regional Council Balance Sheet April 2017

Audited 2016 Actual \$		Annual 2017 Budget \$	Phased 2017 YTD Actual \$
Current Assets			
25,448,369	Cash assets & Investments	23,697,000	43,573,133
3,203,373	Receivables (includes Rates & Utilities receivable)	6,498,000	9,678,730
697,650	Assets held for sale	113,463	135,000
263,798	Inventories	287,537	371,348
<u>31,617,192</u>		<u>30,596,000</u>	<u>53,758,231</u>
Non-Current Assets			
946,000	Investment Property	794,000	794,000
721,743,783	Property, plant and equipment	724,269,178	707,088,399
275,395	Other Financial Assets	275,000	189,236
19,058,954	Capital works in progress	27,833,822	27,656,136
1,403,290	Intangible Assets	1,436,000	1,176,176
<u>743,427,422</u>		<u>754,608,000</u>	<u>736,903,947</u>
<u>775,044,614</u>	TOTAL ASSETS	<u>785,204,000</u>	<u>790,662,179</u>
Current Liabilities			
3,843,545	Creditors and other payables	6,198,000	4,234,176
7,120,132	Provisions	4,215,400	6,773,254
2,005,578	Interest bearing liabilities	1,812,000	2,199,037
<u>12,969,255</u>		<u>12,225,400</u>	<u>13,206,466</u>
Non-Current Liabilities			
25,878,224	Interest bearing liabilities	23,936,000	22,059,478
3,858,167	Provisions	5,303,600	5,023,939
<u>29,736,391</u>		<u>29,239,600</u>	<u>27,083,416</u>
<u>42,705,646</u>	TOTAL LIABILITIES	<u>41,465,000</u>	<u>40,289,883</u>
<u>732,338,968</u>	NET COMMUNITY ASSETS	<u>743,739,000</u>	<u>750,372,296</u>
Community Equity			
182,723,268	Asset Revaluation Reserve	178,847,000	178,844,545
549,615,700	Retained surplus	564,892,000	571,527,751
<u>732,338,968</u>	TOTAL COMMUNITY EQUITY	<u>743,739,000</u>	<u>750,372,296</u>

Balance Sheet

The Balance Sheet outlines what Council owns (its assets) and what it owes (liabilities) at a point in time. Council's net worth is determined by deducting total liabilities from total assets - the larger the equity, the stronger the financial position.

-

Key Ratios	Budget	YTD Actual	On Target?	Key Ratios	Budget	YTD Actual	On Target?
Working Capital Ratio (Current Assets / Current Liabilities)	2.5 : 1	4.07 : 1	✓	Interest Coverage Ratio (Net Interest Expense / Total Operating Revenue) (%)	1.00%	0.68%	✓
Target Ratio	> 1:1	> 1:1		Target Ratio Upper Limit (%)	10.0%	10.0%	
<p>This is an indicator of the management of working capital (short term financial capital). Measures the extent to which a Council has liquid assets available to meet short term financial obligations.</p>				<p>This ratio indicates the extent to which a Council's operating revenues are committed to interest expenses. As principal repayments are not operating expenses, this ratio demonstrates the extent to which operating revenues are being used to meet the financing charges associated with debt servicing obligations.</p>			
Operating Surplus Ratio (Net Operating Surplus / Total Operating Revenue) (%)	29.4%	40.6%	✓	Asset Sustainability Ratio (Capital Expenditure on the Replacement of Assets (renewals) / Depreciation Expense)	191.4%	164.5%	✓
Target Ratio	0.0% to 15.0%	> 0.0% to 15.0%		Target Ratio Lower Limit (%)	> 90%	> 90%	
<p>This is an indicator of the extent to which revenues raised cover operational expenses only or are available for capital funding purposes.</p> <p>A positive ratio indicates the percentage of total rates available to help fund proposed capital expenditure. If the relevant amount is not required for this purpose in a particular year, it can be held for future capital expenditure needs by either increasing financial assets or preferably, where possible, reducing debt.</p>				<p>This is an approximation of the extent to which the infrastructure assets managed by the Council are being replaced as these reach the end of their useful lives. Depreciation expense represents an estimate of the extent to which the infrastructure assets have been consumed in a period. Capital expenditure on renewals (replacing assets that the Council already has) is an indicator of the extent to which the infrastructure assets are being replaced.</p>			
Net Financial Liabilities Ratio (Total Liabilities - Current Assets) / Total Operating Revenue	16.2%	-20.1%	✓	Comments on Ratio Results.			
Target Ratio Upper Limit (%)	<=60%	<=60%		<p>The reported ratios are taken from the Department of Local Government guidelines on sustainable financial management. When looking at ratios it is important to acknowledge that they represent a snapshot in time and that anomalies in the reported results are not taken in isolation. The targets are those provided by the Department as a preferred range and results outside those ranges will require further consideration.</p> <p>Whilst changes to the legislation have amended the required ratios, the ratios listed will continue to be reported on.</p> <p>The Asset Sustainability Ratio is under the target lower limit as there has not been a full year of activity for assets.</p>			
<p>This is an indicator of the extent to which the net financial liabilities of a Council can be serviced by its operating revenues.</p> <p>A positive value of less than 60 per cent is the benchmark as determined by the Department of Local Government. It indicates that Council has the capacity to fund liabilities and to have the capacity to increase its loan borrowings. A positive value greater than 60 per cent but less than a 100% indicates that Council has the capacity to fund liabilities but has limited capacity to increase its loan borrowings.</p> <p>A ratio less than zero (negative) indicates that current assets exceed total liabilities and; therefore, Council has the capacity to increase its loan borrowings.</p>							

INVESTMENTS REGISTER

as at 30 April 2017

CASH MANAGEMENT

10.30am CALL ACCOUNT

LAST MONTH
(31 March 2017)

\$ 5,606,864.68

GENERAL	QTC SDRC Acct
TOTAL	QTC

PRINCIPAL **INTEREST RATE**

\$ 4,925,454.77 2.36%

\$ 4,925,454.77

BANK BILLS AND IBD

<u>DATE</u>	<u>DESCRIPTION</u>	<u>PRINCIPAL</u>	<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>DAYS</u>
1-Dec-16	SUNCORP	\$ 3,000,000.00	2.81%	1-Jun-17	182
20-Dec-16	QCCU	\$ 2,000,000.00	2.70%	28-Jun-17	190
20-Dec-16	QCCU	\$ 3,000,000.00	2.70%	28-Jun-17	190
21-Jun-16	BANK OF QLD	\$ 3,000,000.00	2.85%	20-Jun-17	184
18-Jan-17	QCCU	\$ 3,000,000.00	2.70%	23-May-17	125
19-Jan-17	BANK OF QLD	\$ 3,000,000.00	2.80%	18-Jul-17	180
25-Jan-17	BANK OF QLD	\$ 3,000,000.00	2.85%	28-Jun-17	154
10-Feb-17	WESTPAC	\$ 3,000,000.00	2.50%	10-May-17	89
15-Feb-17	QCCU	\$ 3,000,000.00	2.70%	12-Jul-17	147
16-Feb-17	WESTPAC	\$ 3,000,000.00	2.60%	15-Aug-17	180
22-Feb-17	BANK OF QLD	\$ 3,000,000.00	2.65%	17-Aug-17	175
23-Mar-17	NAB	\$ 3,000,000.00	2.53%	22-Jun-17	91
26-Apr-17	NAB	\$ 3,000,000.00	2.55%	24-Aug-17	120
<u>\$ 41,000,000.00</u>	TOTAL	<u>\$ 38,000,000.00</u>			
<u>\$ 46,606,864.68</u>	GRAND TOTAL			<u>\$ 42,925,454.77</u>	
		Weighted Average	2.66%		
		BESW 90 day rate	1.75%		

FUNDS BREAKDOWN

<u>FUND</u>	<u>PRINCIPAL</u>
\$ 46,606,864.68	\$ 42,925,454.77
\$ -	\$ -
\$ -	\$ -
<u>\$ 46,606,864.68</u>	<u>\$ 42,925,454.77</u>

INSTITUTION BREAKDOWN

(30% MAXIMUM AT ANY ONE INSTITUTION EXCLUDING QTC)

<u>INSTITUTION</u>	<u>PRINCIPAL</u>
\$ -	\$ -
\$ -	\$ -
\$ 6,000,000.00	\$ 6,000,000.00
\$ 3,000,000.00	\$ 3,000,000.00
\$ 14,000,000.00	\$ 11,000,000.00
\$ -	\$ -
\$ 12,000,000.00	\$ 12,000,000.00
\$ 5,606,864.68	\$ 4,925,454.77
\$ 6,000,000.00	\$ 6,000,000.00
\$ -	\$ -
\$ -	\$ -
\$ -	\$ -
	\$ 42,925,454.77
	100%
<u>\$ 46,606,864.68</u>	<u>\$ 42,925,454.77</u>

11. ENGINEERING SERVICES DEPARTMENT REPORTS

11.1 Engineering Services Department Monthly Report

Document Information

 Southern Downs <small>REGIONAL COUNCIL</small>	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 24 May 2017
	Director Engineering Services	ECM Function No/s: 04.15.01

Recommendation

THAT Council receive the Engineering Services Department Monthly Report.

Report

The following is provided for the information of Councillors.

COMMUNITY FUNDING

Community Funding Report as at 30 April 2017

Number		Task Description	Project
100683	- In-Kind Assistance		
Program			
0002403		Killarney Bonfire Night Committee C/KMAC	661.81
0003100		Warwick Polocrosse Club Inc.	4,136.07
0003099		Australian Stock Horse Society Inc	167.49
0003301		Gene Corbett, Total Driver	1,130.30
0000836		Granite Belt Bowmen Inc.	120.00
0003399		Girl Guides Warwick	358.29
0003423		Warwick Bridge Club Inc.	224.16
0003098		Granite Belt Bowmen Inc.	1,368.40
0003398		Allora Show Society	744.91
0003116		Warwick Lure Coursing Club Inc	370.36
0003512		Leyburn and District Historical Society	1,000.41
0003815		Warwick Aero Modellers	2,133.92
0003851		Warwick Cowboys Rugby League Football Cl	2,393.15
0003860		Morgan Park Raceway	1,503.38
0004014		Karara Campdraft Association	831.01
0004046		Warwick Horse Trials	2,016.97
0004210		Lions Club of Killarney	540.76
0004000		Cunningham Polocrosse Club	1,195.74
0004474		Allora Community Circle	75.00
Grand Total			20,972.13

Invoice requests will be sent to the Warwick Polocrosse Club Inc for reimbursement of \$2,136.07 and Warwick Aero Modellers for reimbursement of \$133.92 for excess of the \$2,000 approved for their 2016/16 In-kind Plant & Equipment Assistance Grant.

2016/17 PROJECT STATUS REPORT

Community Services & Major Projects

Community Services Projects	Status	Next Milestone Target Date	PM
Community Health & Wellbeing	Working group met on 19th April. Phase 1 – That Sugar FilmQuotes have been received for movie screenings for the week, and also nutrition facilitator who will MC each screening and also present information at each session. Proposed Date for screenings of the week 12-15 June. Phase 2 – Winter is Coming Campaign – 10 week physical activity program - David (WIRAC) has provided a draft proposal to extend other organisations and personal trainers etc Include cooking lesson (fee for service) to learn how to cook some of the meals proposed in the e-recipe book that will be offered as part of the presentations	<ul style="list-style-type: none"> Follow up small communities regarding possible venues and local interest/support Distribute information to external stakeholders regarding Winter Is Coming Campaign and how they could be involved 	HMCR and PJB
Grant Application	Status	Next Milestone Target Date	PM
Stanthorpe Aerodrome Runway Reseal	Grant application submitted	Notification regarding success or otherwise of grant mid-year 2017	AJ
Warwick Aerodrome Taxiway Realignment	Grant application submitted	Notification regarding success or otherwise of grant mid-year 2017	AJ
Initiation/Procurement Phase	Status	Next Milestone Target Date	PM
Allora Streetscape	Out to market, no attendees to Tender briefing on 04/05/17	Tender closes 18/05/17	AJ
Connolly Dam Toilets	DA approved RFQ closed 27/04/17 – no responses received after inviting eleven (11) contractors to quote	Contacting LocalBuy contractors directly	MB
Construction Phase	Status	Next Milestone Target Date	PM
Civic Centre Fire Repairs	Awaiting Certificate of Classification after rectification of defects	Practical Completion achieved, awaiting Certifier inspection	AJ
Emu Swamp Dam Feasibility	Inception meetings held. Contractor formally requested an Extension of Time (EoT). In response, request put to DEWS to vary milestone 2 from 31 May, with DEWS approving EoT for Milestone 2 to 16 June 2017	Strategic Assessment 16 June 2017	MB
Flood Mitigation Gauges	Equipment ordered	Stanthorpe site selection booked for May 2017 Equipment estimated to be dispatched 31/05/2017	AJ
Outdoor Burial Wall – Stage 2, Block E	Burial Wall construction complete	Minor curbing works to be done	ZD
Short Street Depot Relocation	Works progressing. Cost variation incurred due to Manager Works Maintenance and Openspace advising of overland flow issues.	Completion 15/06/2017	ZD
Stanthorpe Library/Art Gallery Under Floor Drainage	Drainage works commenced, down pipes replaced and realigned into existing storm water boxes	Completion 19/05/2017	ZD
Town Hall Asbestos Removal	Asbestos removed, resheeting with Colorbond commenced	Completion 10/05/2017	ZD
Warwick Water Treatment Plant Water Clarifier	Contract awarded	Onsite meeting 10/05/17	AJ
Completed Projects			
Allora Community Hall Improvements			
Equipotential Bonding at Seasonal Pools			
Maryvale Cemetery Improvements			
Pioneer Park Swanfels Shelter			
Stanthorpe SES Shed Extension			
Warwick Admin CCC Alterations			
Warwick Saleyards Upgrade Walkways & Stairs - Stage 3			
Mitchner Shelter Conservation Management Plan			
Cemetery Beams			

Works Construction

Initiation/Procurement Phase	Status	Next Milestone Target Date	PM
Resheeting Stage 3	Will be carried out in mid-June 17		
R2R Old Stanthorpe safety improvements (CH 15.44-16.48 km)	Work commenced on 5/5/17.	Completion of work by 30/6/17	PC
Kenilworth St Upgrade	Design & all procurements completed except for asphalt works.	Procurement of asphalt to be completed by mid-May 17.	PC
Schnitzerling St Upgrade	Survey completed. Intersection design completed.	Power pole & Telstra pit at McEvoy St/ Schnitzerling St intersection have to be relocated. Electrical consultant will provide design in order to send plans to Ergon for design review. Thereafter application for relocation of Powerpole will be made.	NK
Killarney Streetscapes	Plans available for scoping	Consultation with land owners & the community to be held separately. Tentative date for consultation will be in June 17.	RB
Blackspot 16/17 - Various jobs	Sugarloaf Rd/ Mt Tully Rd/ Eukey Rd Intersections and Connolly Dam Rd design in progress	Complete all design works by Mid-May 17.	NK/ HT/ BW
Thanes Ck culvert reconstruction	Design consultant to be engaged for contract works	Complete design & tender documents by late mid-June 17	NK/RB
Construction Phase	Status	Next Milestone Target Date	PM
Connells Rd Bridge Replacement	Piling & abutment works completed.	Beam installation will take place in mid-May 17.	NK
Boxes Rd Bridge Replacement	Piling & abutment works completed.	Beam installation will take place in mid-May 17.	NK
Kenilworth St Upgrade	Storm water works in progress. Sealing completed for LHS lane (7m) of CH 620 - 760 m. Pavement works in progress to LHS side.	Complete sealing LHS side by June 17.	PC
Reseal - Stage 1 & 2	Works completed.	There is a possibility asphalt works can be carried out to some intersections.	RB
TIDS Amiens Rd (CH 0.0 - 4.2 km)	Sealing completed to CH 0.00 - 4.3 km	Another 200 m road works has to be completed by late May 17.	HT
Blackspot 16/17 - Various jobs	Old Stanthorpe Rd, Dragon Street/ Pratten Street, Wallace Street/ Percy Street intersection works in progress.	Few roads scheduled to carry out by Maintenance Dept can't be completed in the current financial year due to flood damage works and extension of time to be sent to TMR. Complete all other black spot works by 30/6/17.	NK/ HT
Completed Projects			
TIDs Eukey Rd			
TIDs Inverramsay Rd – CH 8.5 – 11.8 km (Additional scope: Sealing middle section can be carried out in late May as \$90,000 savings available from this project).			
R2R Goomburra Rd (CH 15.15 – 16.19 km)			
R2R Elphinstone Rd			
R2R Nundubbermere Rd			
R2R Goldfields Rd Floodway			
Warwick CBD tree surrounding rehabilitation			
Resheeting - Stage 1 & 2			
Resealing - Stage 1 & 2			
Blackspot - Eukey Rd, Amiens Rd/ Glenlyon Drive & Amiens Rd/ Cannon Ck Rd intersections			
Cancelled Projects			
R2R Sycamore St, Killarney – Design almost finalised. This project will be carried out in 17/18 due to new projects funded by State Govt.			
R2R Rangers Rd/ Oxenham ST intersection – Land resumption finalised, Works by Ergon to be finalised. This project will not be carried out in 16/17 due to new projects funded by State Govt.			
R2R Jack Smith Gully Rd - This project will be carried out in 17/18 due to new projects funded by State Govt.			
Allora-Clifton Rd Culverts Temporary Remediation - This project will be carried out in 17/18 due to new projects funded by State Govt.			
Aldred/ Miller St storm water extension – Ergon agreed for easement. TMR requested stormwater study to consider SDRC proposal. Andrew completed survey. TMR approval to divert storm water along Wood St to be finalised this financial year. This project will be carried out in 17/18 due to new projects funded by State Govt.			

WORKS CONSTRUCTION, WORKSHOPS & ASSETS

Design

Works Section

Kenilworth Street, Warwick

Some control points were re-established after being removed during construction. A request was received to prepare TGS for revised work staging. This was completed.

Blackspot Treatments, Warwick & Stanthorpe

Consultant has been engaged to prepare streetlight design for Wallace & Percy Street intersection. The lighting at this intersection will need to be improved for the alterations at this intersection. Streetlight layout plan has been submitted to Ergon.

Scope of work requiring design for Connolly Dam Road has been confirmed during on site meeting with the maintenance section. Survey will be carried out next week.

Plans for safety improvements at the Britannia & Railway Street, Sugarloaf & Mt. Tully Road as well as Sugarloaf & Eukey Road intersections have been completed. Setting out will be carried out this week.

Rogers Street Carpark/Fromes Lane, Stanthorpe

Additional survey was carried out in Fromes Lane and Maryland Street for extension of scope of works associated with the Rogers Street Carpark. Existing services were physically located to confirm depths and location. Data was supplied to consultants for design. A request was received to review draft plans and provide some additional level information for Fromes Lane.

Schnitzerling Street Reconstruction

Meeting held with consultant to discuss proposed treatments. Further investigation required to physically locate existing services so that proposed stormwater infrastructure alignments can be confirmed.

Water and Wastewater Section

Rose Street to Anzac Street Water Main Extension

A request was received to set out the alignment of proposed extension of the above water main. This will be carried out next week.

Rifle Range Road to Hale Haven Drive Water Main Extension

A request was received to set out the alignment of proposed extension of the above water main. This will be carried out next week.

Derwent to Stanton Street Water Main Extension

A request was received to set out the alignment of proposed extension of the above water main. This will be carried out next week.

Other

Truck Turning Path Recka Lane, Severlea

A request was received to check the turning path of a 19m semi-trailer when entering Recka Lane from the New England Highway. This was carried out.

TRAFFIC MANAGEMENT PLANS

Kenilworth St Reconstruction

Preparation of traffic guidance scheme for revised staging of works completed

Sugarloaf, Mt Tully & Eukey Rd Intersection Improvements

A request was received to prepare a TMP for this project. Work is due to commence this month and TMP is required prior to this.

Asset Management/Geographical Information System

Geographic Information Systems

- GIS Officer created leasing maps for the corporate services.
- Rural address allocation and Stanthorpe Aerodrome reporting is ongoing
- Stormwater investigation of Warwick and preparation of a GIS layer of pipes & Pits of interest for contractual works has been completed.
- Negotiations for the stormwater investigations by consultant services under local buy have commenced.
- Stormwater database and GIS layer updates are ongoing.
- Aerial photography for internal and public has been updated

As Constructed Information 2014-15-16-17 Project Componentization

- Little progress was achieved processing capital projects as constructed information for 2014-15-16-17 into its component to meet the new financial format for Tech1. Due to have only one GIS /Asset Management officer in April, the road processing had to wait – whilst other work had priority.

Water & Waste Water Management support

- AM staff continued assistance with Water and Wastewater Grant funding applications and project commencements.
- Building our Regions Grant funding Application for the replacement of Storm King Dam Pipeline.
- Stanthorpe Waste Water Treatment Plant location of historical information of existing infrastructure
- Research and provide Effluent reuse scheme background information.
- Provide Support & Technical assistance in 10 – 15 year Water and Wastewater capital works planning.

Street Landscape Design Stanthorpe

- Provided assistance with the Landscaping design for Frommes Lane.

Asset Management Plans

- The Buildings Asset Management consultant submitted the first draft review of the Buildings AM Plan and AM officers commented throughout the document and submitted these to the Manager / Consultant.

Plant

Passenger Vehicles Due for Replacement for Next Three Months

Nil

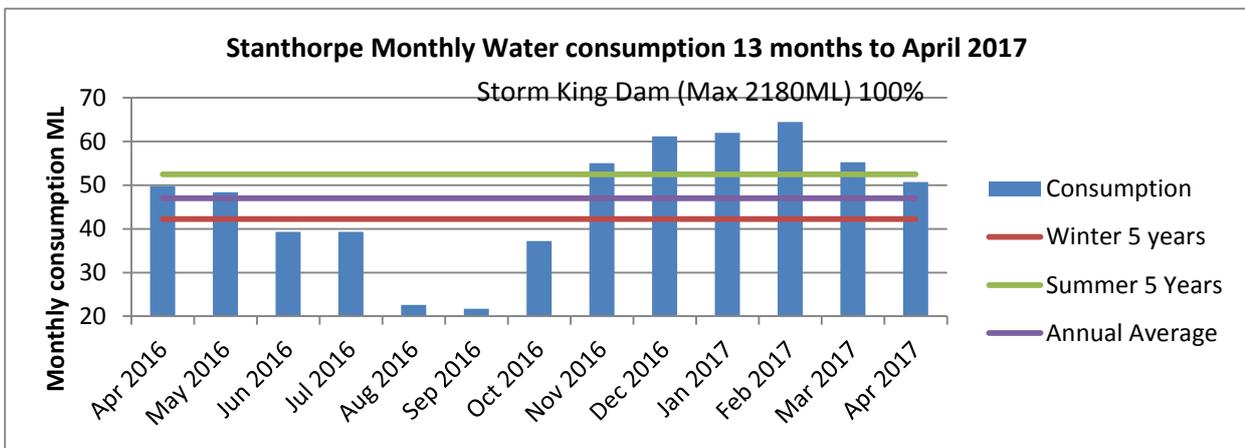
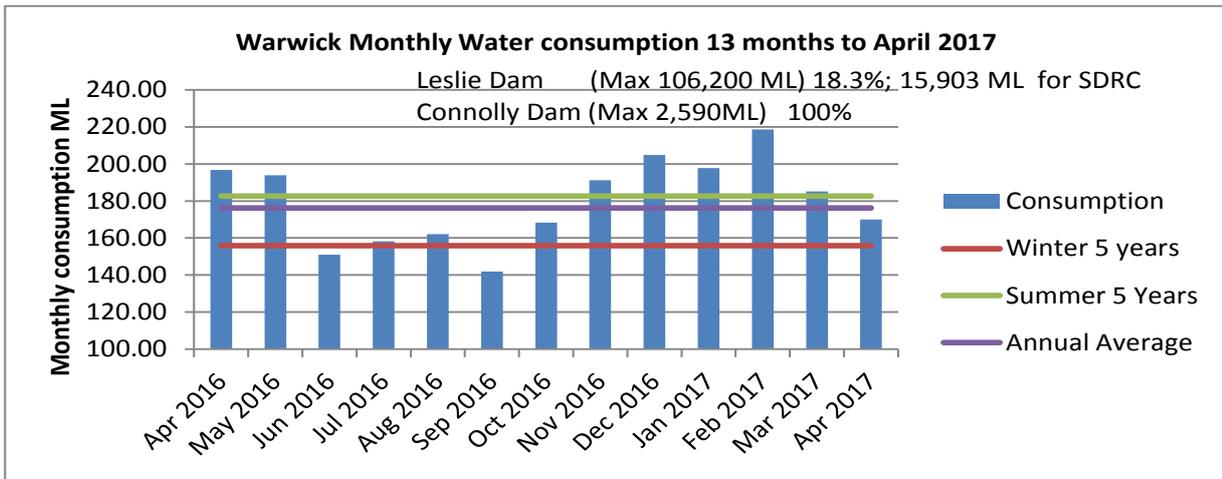
Passenger Vehicles Replace this Month

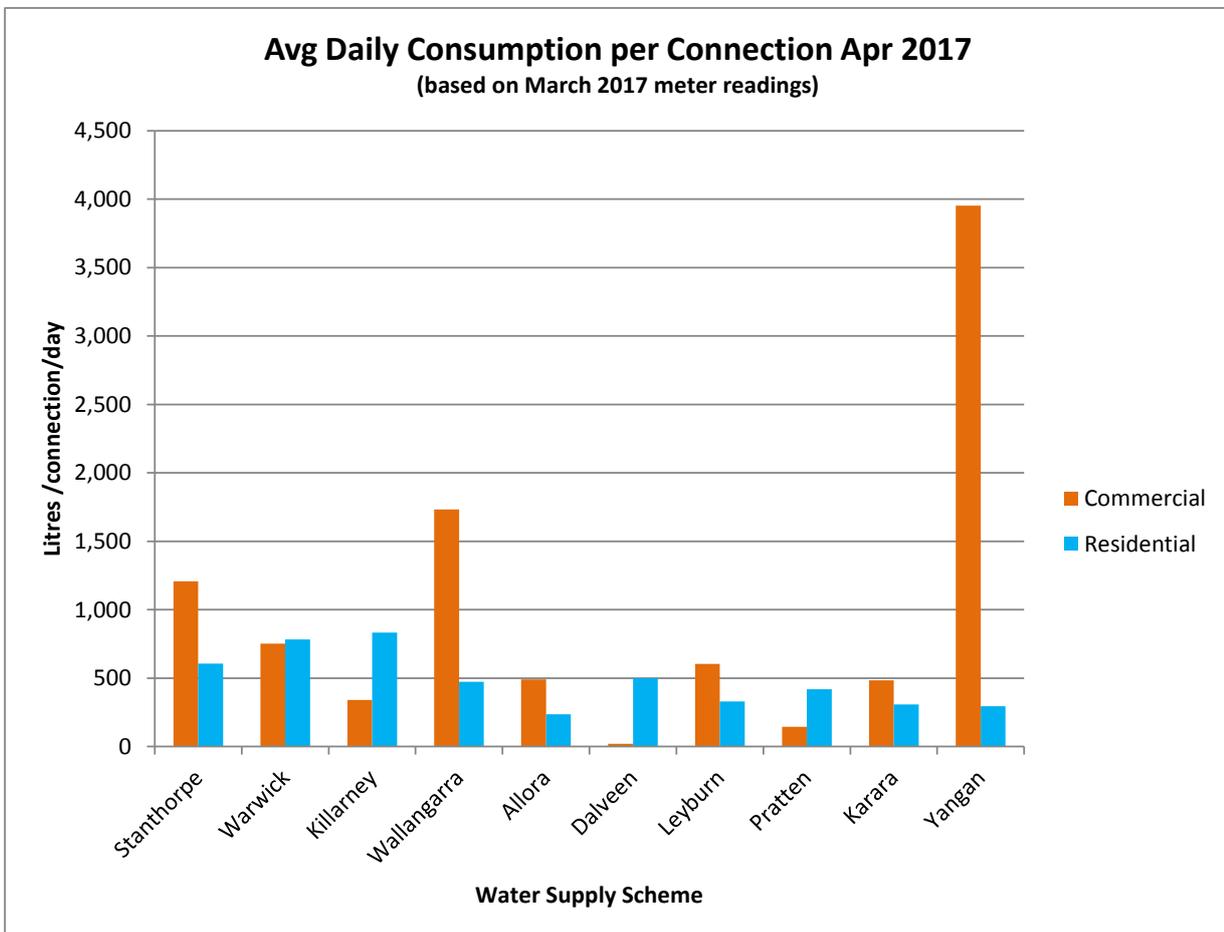
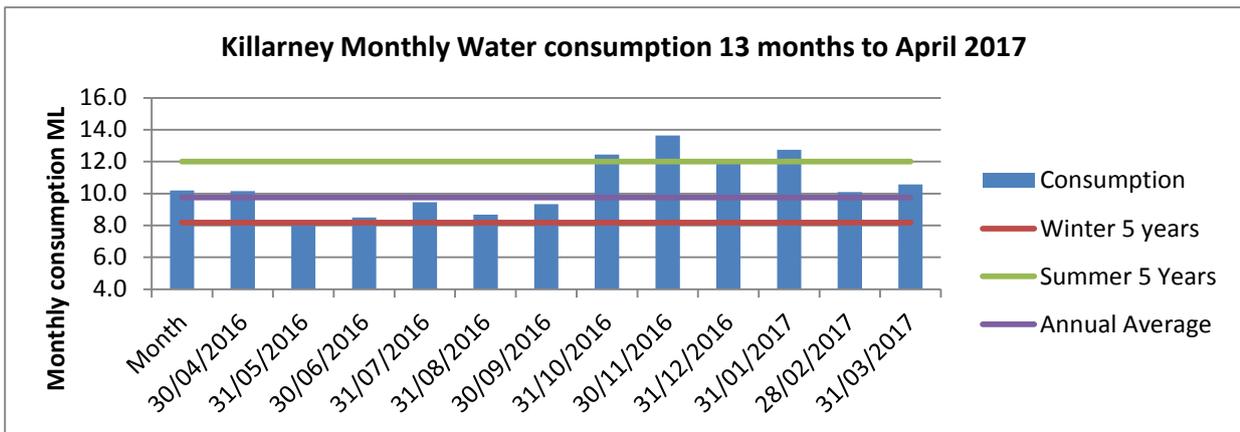
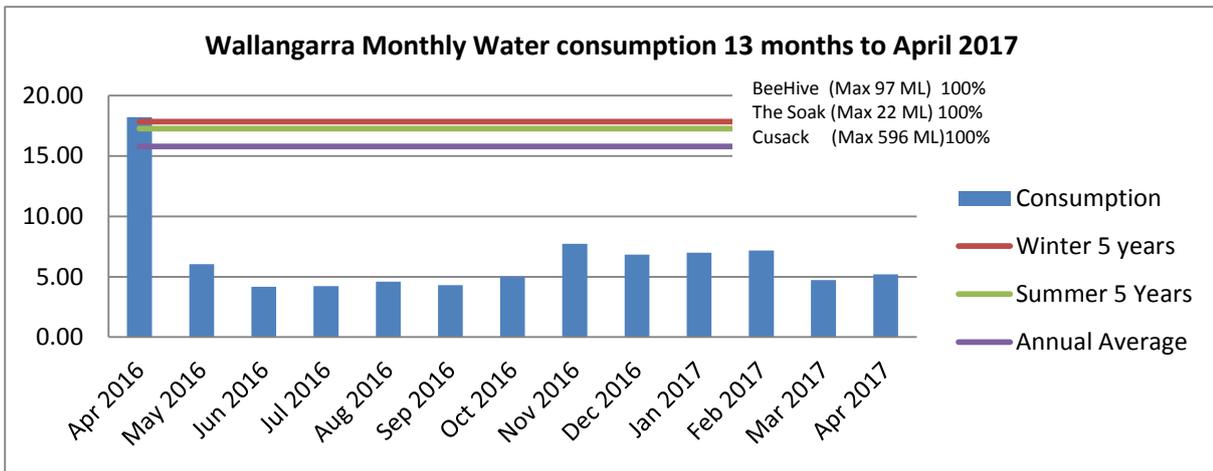
Nil

WATER & WASTEWATER

Water & Wastewater Report as at 30 April 2017

Monthly Water Consumptions Graphs





Budget Implications

Nil

Policy Consideration

Nil

Community Engagement

Nil

Legislation/Local Law

Nil

Options

1. Accept the report; or
2. Not accept the report.

Attachments

Nil

11.2 Proposal to Decommission Public Toilets Behind Warwick Town Hall

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer: Manager Community Services and Major Projects	Meeting Date: 24 May 2017
	ECM Function No/s: 05.59	

Recommendation

THAT Council resolve to decommission the public toilet block located behind the Warwick Town Hall and replace it with additional car parking spaces for utilisation by customers of the Visitor Information Centre.

Report

Located behind the Warwick Town Hall is an ageing brick public toilet block which has been the subject of recent vandalism, complaints regarding its condition and aesthetics. The age of the toilet block is unknown, although the building materials suggest that it is circa 1960s. The Warwick Town Hall Conservation Management Plan Policy 46 states "The brick toilets at the rear of the building have no cultural heritage significance and can be removed, replaced or renovated as required."

Council has received two (2) complaints so far this year in relation to maintenance issues and a total of eleven (11) complaints in the past four (4) years. Of these complaints, two (2) mentioned the aesthetics of the building, and other complaints were in relation to maintenance or issues caused by vandals.

The design of the toilets is not in accordance with Crime Prevention through Environmental Design (CPTED) strategies and is unable to be locked at night, leaving opportunity for crime and vandalism. If this building were to be removed, it may allow for more productive use of the space while reducing the opportunity of crime.

The toilet facilities are not compliant for people with disabilities and the fact that there is a disabled car parking space located directly outside the toilet block is misleading to the public.

In 2014 an Asset Condition Inspection was conducted by Council's Facilities Maintenance Officers and the report identified that the estimated remaining useful life of the building was five (5) years due to signs of old age and increases in maintenance requirements. In general, a building will have a useful life of forty (40) years and as this toilet block is estimated to be in the vicinity of sixty (60) years old, it is well past its useful life and has been completely depreciated financially. The toilet does not have disabled access. The women's toilet in particular is very poor in relation to crime prevention layout.

As the maintenance requirements will continue to increase as the toilet block ages, it is recommended to decommission the toilet block and replace with an estimated three (3) additional car parking spaces which can be utilised by people attending the Visitor Information Centre as parking is at a premium in this area.

There are a number of other toilet facilities located within close proximity, namely the amenities in Grafton Street which are located approximately 135 metres from the Town Hall toilet block.

Amenities are also available within Town Hall during business hours, approximately 100 metres across the Council carpark near the Art Gallery, within Rose City Shopping world and at Leslie Park (distance from Town Hall toilet block approximately 300 metres).

Budget Implications

Early costings for the disconnection of services, demolition and car park reinstatement amount to \$15,000. To construct a new toilet will cost in the order of \$200,000.00.

Policy Consideration

The Conservation Management Plan dated 14 August 2001 Policy 46 allows for the removal of the brick toilet block behind the Town Hall as it does not form part of the Heritage listing for the building.

Community Engagement

In April 2017, Council resolved to seek public feedback on the proposed decommissioning of the facility. In response, Council received thirty-nine (39) submissions, with 87% of the respondents suggesting that the facility should remain. However, this represents an extremely small proportion of the public.

Legislation/Local Law

The toilet building behind the Warwick Town Hall is not part of the Heritage Listing. Demolition will require building approval prior to works.

Options

Council:

1. Decommission the toilet block and replace with car parking spaces; or
2. Do not decommission the toilet block and consider allocating funds in a future budget to replace the toilet block.

Attachments

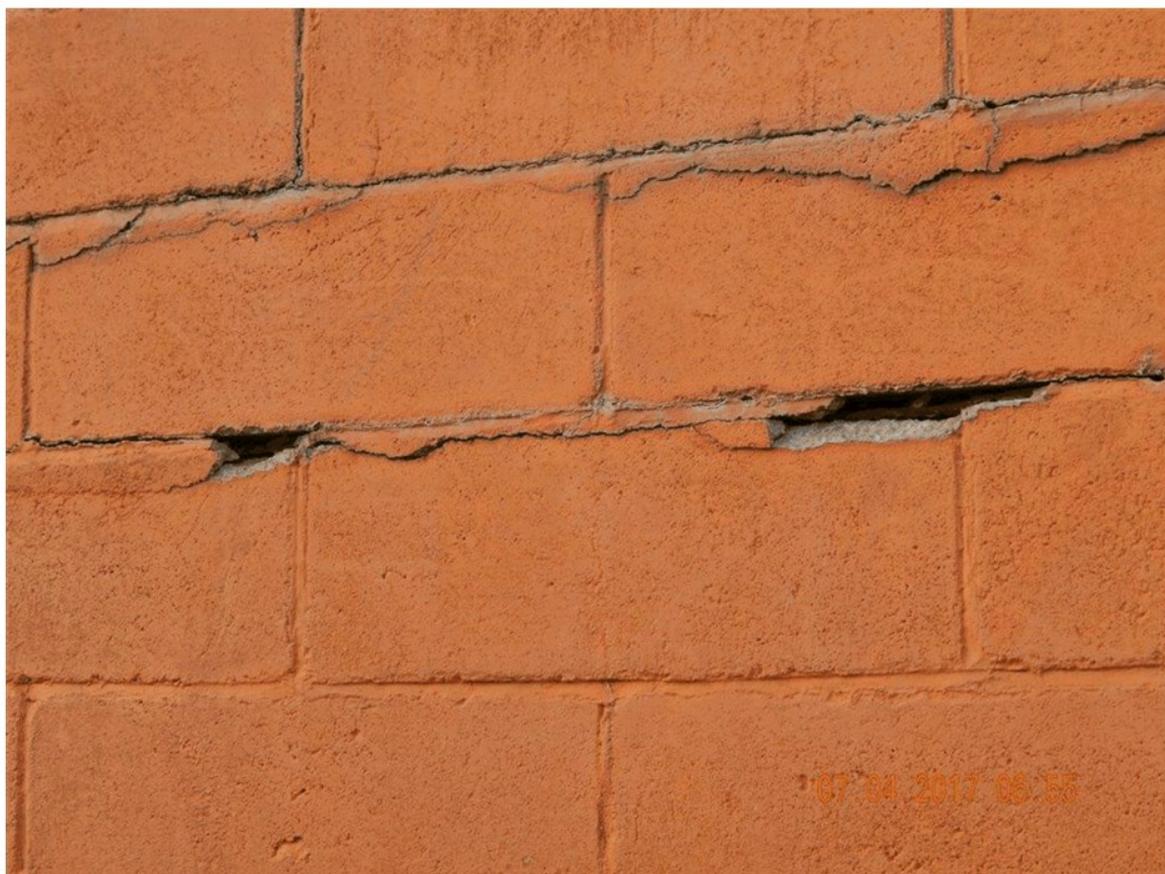
1. Location of Toilet Block [View](#)
2. Photos of the Toilet Block [View](#)
3. Location of alternative facilities in the area [View](#)

Attachment 1

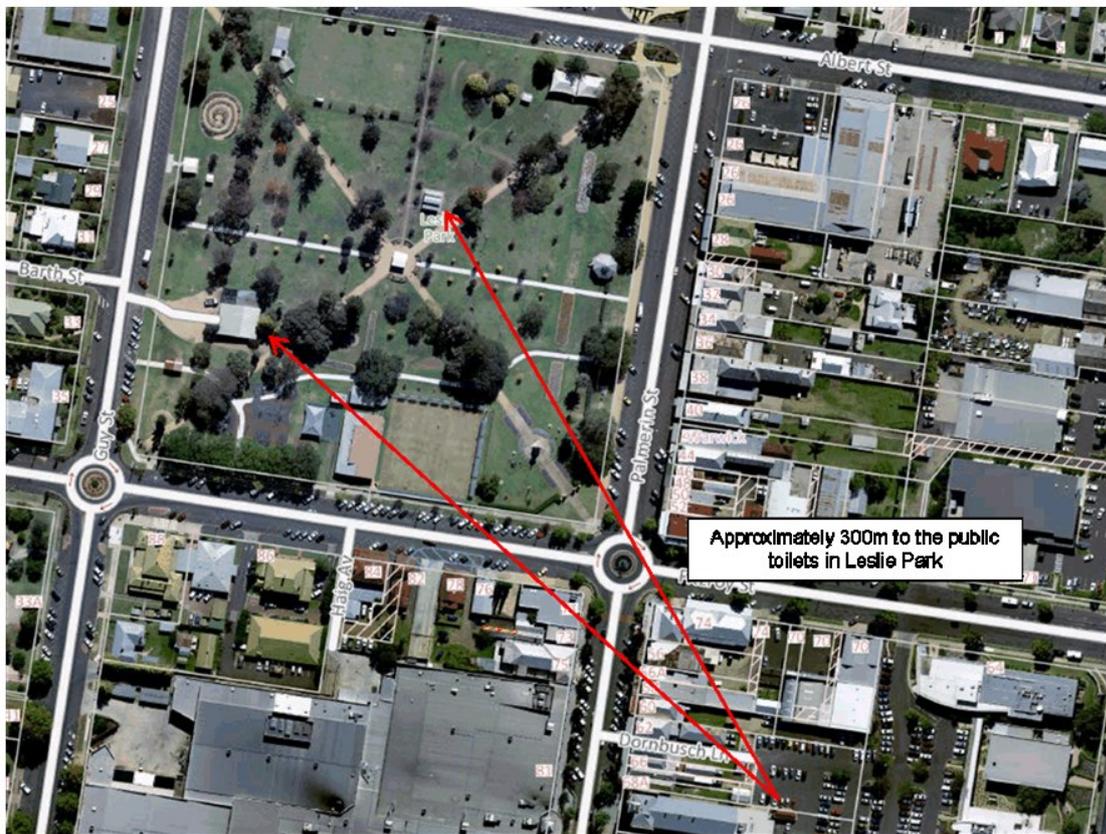


Attachment 2





Attachment 3



11.3 Community Services Advisory Committee (CSAC) Meeting Held 10 May 2017

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 24 May 2017
	Manager Community Services and Major Projects	ECM Function No/s: 13.52.01

Recommendation

THAT Council:

1. Receive the minutes of the Community Services Advisory Committee Meeting held on 10 May 2017; and
2. Endorse the following recommendations made by the Community Services Advisory Committee:

- a. *Cr Windle to approach Ann Bourke to see if she would still be interested in being on the Community Services Advisory Committee.*

If Ann Bourke is willing to be appointed to the Community Services Advisory Committee that Council endorse the recommendation and appoint Ms Bourke to the Committee.

- b. *That the Community Services Advisory Committee Action Plan be tabled for consideration, with Council to indicate against each any action that may be currently being undertaken.*

Report

The Community Services Advisory Committee (CSAC) met on 10 May 2017.

Attached to this report are the minutes of that meeting and the draft Community Services Advisory Committee Action Plan.

Budget Implications

Nil.

Policy Consideration

Advisory Committees Policy

Community Engagement

Nil.

Legislation/Local Law

Local Government Act 2009

Options

1. Receive the Minutes of the Community Services Advisory Committee Meeting held on 10 May 2017, including the recommendations.
2. Do not receive the Minutes of the Community Services Advisory Committee Meeting held on 10 May 2017, including the recommendations.

Attachments

1. Minutes of the Community Advisory Committee Meeting held on 10 May 2017 [View](#)
2. Draft Community Services Advisory Committee Action Plan [View](#)



MINUTES OF THE COMMUNITY SERVICES ADVISORY COMMITTEE (CSAC)

Held in the Council Chambers, Warwick on

Wednesday, 10 May 2017 at 10:30am

ORDER OF BUSINESS:

1. PRESENT.....	3
2. APOLOGIES	3
3. READING AND CONFIRMATION OF MINUTES	3
4. DECLARATION OF CONFLICT OF INTEREST.....	3
5. INCOMING CORRESPONDENCE	3
6. OUTGOING CORRESPONDENCE	3
7. CSAC RECOMMENDATIONS & COUNCIL RESOLUTIONS	3
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9. RESIGNATION OF COMMITTEE MEMBER.....	4
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1. PRESENT

Cr Sheryl Windle, Cr Neil Meiklejohn, Gary Kelly, Fiori Cruz, Anthony Rixon, Thomas Upton.

Observers

Cr Jo McNally, Michael Bell (Manager Community Services and Major Projects), Sue Harrold (Minute Secretary).

2. APOLOGIES

Mayor Tracy Doble, David Keenan (Chief Executive Officer), Peter See (Director Engineering Services), John Bylicki, Kerry Marsden (Community Services Co-Ordinator), Zoë Dunlop (Community Services Officer and Minute Secretary).

3. READING AND CONFIRMATION OF MINUTES

3.1 CSAC Meeting – 14 March 2017

Recommendation

THAT the minutes of the CSAC Meeting held on Wednesday, 14 March 2017 be adopted.

Moved: Thomas Upton

Seconded: Cr Sheryl Windle
Carried

4. DECLARATION OF CONFLICT OF INTEREST

Nil.

5. INCOMING CORRESPONDENCE

Nil.

6. OUTGOING CORRESPONDENCE

Nil.

7. CSAC RECOMMENDATIONS & COUNCIL RESOLUTIONS

5.1 At the CSAC Meeting held on 14 March 2017 a number of recommendations were made to Council, as follows:

“THAT Council:

- 1. Receive the minutes of the Community Services Advisory Committee Meeting held on 14 March 2017; and*
- 2. Endorse the following recommendations made by the Community Services Advisory Committee:*
 - a. Council amend the Terms of Reference to allow for an increase in membership of the committee from 8 to 9 members; and that that Chair*

- and Councillors to put forward two recommendations for new committee members from nominations initially received by Council.*
- b. 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.*
 - c. Council endorses the draft Community Service Strategic Plan as a framework for the Community Services Advisory Committee.”*

5.2 At its meeting held on 26 April 2017 Council resolved as follows:

“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”

8. SKILL SETS FOR JOB OPPORTUNITIES

Gary Kelly advised that he had met with Council’s Manager Economic Development & Tourism. Initially a meeting will be convened with employment providers in the latter part of May 2017 followed by a Jobs Market Meeting in July 2017 with the major Southern Downs employers to talk about their strategies surrounding skill sets.

9. RESIGNATION OF COMMITTEE MEMBER

The CSAC discussed a replacement for a committee position that recently became vacant.

Recommendation

- 1. That Cr Sheryl Windle approach Ann Bourke to see if she would still be interested in being on the Community Services Advisory Committee.**
- 2. If Ann Bourke is willing to be appointed to the Community Services Advisory Committee that Council endorse the recommendation and appoint Ms Bourke to the committee.**

Moved: Cr Sheryl Windle	Seconded: Fiori Cruz	<u>Carried</u>
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10. COMMUNITY SERVICES DRAFT STRATEGIC PLAN & ACTION PLAN

Thomas Upton presented the meeting with a copy of his detailed CSAC Action Plan and the group commenced working through it and discussing the actions noted therein.

Thomas Upton highlighted two potential problems with the CSAC Strategic Plan –

1. A lot of the strategies are outside the Terms of Reference for the CSAC; and
2. The strategies need to be aligned with Council's Corporate and Community Plans.

It was noted that at this time the purpose of the Action Plan was to provide Council with the CSAC's suggested actions which will provide Council information to take on board, it gives the CSAC traction and it may be that other advisory committees or groups will get involved.

Due to time restraints, the review of the Action Plan could not be completed and it was agreed to arrange an after-hours meeting in one month's time for the CSAC members to specifically go through the document in detail.

Accordingly, all the CSAC members are to provide their input to Council as outlined in the Actions below in readiness for this meeting.

Recommendation		
That the Community Services Advisory Committee Action Plan be tabled for consideration, with Council to indicate against each any action that may be currently being undertaken.		
Moved: Thomas Upton	Seconded: Anthony Rixon	<u>Carried</u>

11. GENERAL BUSINESS

On behalf of St Vincent de Paul ("SVDP"), Fiori Cruz raised concerns about the number of homeless men, women and youth in the region, specifically, about the lack of accommodation available for them and if Council is able to assist in that regard. She was advised Council could not assist and discussion ensued providing historical examples of what has been done in the past for homeless people in the region. She also wanted to group to be aware that SVDP is able to offer people clothes and toiletries to help them present better for any job opportunities.

12. ACTIONS

1. The Manager Community Services & Major Projects to arrange for an email to be sent to the CSAC members concerning the Sport & Recreation Forum, which will have Mr Shane Webcke as a key note speaker.
2. Each CSAC member to review the attached Action Plan prepared by Thomas Upton, and either –

- a. enter their input into the Action Plan and email it to the committee secretary, or
 - b. Email the committee secretary with the relevant headings and their input.
 - c. **To be done by Wednesday, 24 May 2017**
3. The committee secretary to update the Action Plan and distribute it to the CSAC members to read before the Discussion Group meeting. **To be done by Wednesday, 31 May 2017.**

13. NEXT MEETING

Discussion Group Meeting – CSAC Action Plan

Tuesday, 6 June 2017 – Warwick Council Chambers – from 5:30pm.

CSAC Meeting

Wednesday, 21 June 2017 – Civic Centre Large Meeting Room Stanthorpe – 10am to 12noon.

14. CLOSURE

The meeting closed at 11:30am

Southern Downs Regional Council
Community Services Advisory Committee (CSAC) – Action Plan

Strategy	Objective	Actions
Leadership & Skill Development	Provide opportunities for Aboriginal and Torres Strait Islander people and communities to share and celebrate their cultural identity with the wider community	<ul style="list-style-type: none"> ▪ Reconciliation Action Plan ▪ Indigenous Accord ▪ Participation in NAIDOC
	Develop programs for life skills learning including communication, networking, people skills, leadership, budgeting, first aid, volunteering, health and nutrition.	<ul style="list-style-type: none"> ▪ Role of NGO's not Council, possible advocacy role for Council, maybe work with schools.
	Build governance capacity in volunteers and community organisations by providing professional development opportunities in funding management, grant and submission writing and up-skilling of community volunteers to share this knowledge.	<ul style="list-style-type: none"> ▪ Possible role for Council in running skills classes through libraries or CD staff on roles in community organisations <ul style="list-style-type: none"> • Accounting/Book Keeping • Effective Meetings • Record Keeping • Risk • Succession Planning
	Provide opportunities for the community to learn about Council processes to increase understanding.	<ul style="list-style-type: none"> ▪ Youth Council?
Community Action	Encourage intergenerational mentoring opportunities for the sharing of knowledge and skills between people of all ages and interests.	<ul style="list-style-type: none"> ▪ Promote linkages between schools and organisations such as Senior Citizens Groups and Men's Shed. ▪ Encourage Groups to do the same.
	Ensure community facilities, infrastructure, information and engagement activities are accessible, equitable, inclusive and safe for all.	<ul style="list-style-type: none"> ▪ Accessibility Audit of Council facilities (physical and cultural). ▪ Consider Multicultural Morning Teas
	Promote the use of a range of mobile services that provide for people in smaller townships.	<ul style="list-style-type: none"> ▪ Consider Mobile Libraries and partnership with school in small communities
Strengthening Community Connectedness	Develop community hubs as central meeting places that are driven by the community and used for community activities where a sense of community is fostered.	<ul style="list-style-type: none"> ▪ IS this development of Community Halls?
	Increase the sustainability of sporting organisations by building capacity of support volunteers and maximising their skills.	<ul style="list-style-type: none"> ▪ Leverage off above skills classes for community organisations.
	Develop stronger connections between the community and our schools	<ul style="list-style-type: none"> ▪ Leverage off mobile libraries. ▪ My History/Our History – an Art Gallery/ Library project where senior students pick an elder

Southern Downs Regional Council
Community Services Advisory Committee (CSAC) – Action Plan

Strategy	Objective	Actions
		from the community and write a short history on them – possible partnership with the Chronicle.
	Create seamless processes between Southern Downs Regional Council and the community	
	Build partnerships with all levels of government. Increase the involvement of state and federal government projects.	
Building Service Networks and Organisational Infrastructure	Strengthen communication networks within communities and across the region	<ul style="list-style-type: none"> ▪ Consider the establishment of a Programming Committee for Community events to avoid program clashes and provide opportunity for events to leverage off each other
	Encourage mentoring and the sharing of knowledge and skills between generations of the community by developing stronger supportive social connections	<ul style="list-style-type: none"> ▪ Leverage off My History/Our History ▪ Develop a visiting program for schools to senior citizens centres, old age homes
	Encourage reuse and recycling in residential, commercial and industrial settings including the implementation of innovative recycling practices.	<ul style="list-style-type: none"> ▪ Outside the ambit of this Committee
Community Building through Community Services Partnerships	Improve disaster preparation, planning, response and recovery practices of Southern Downs Regional Council, community organisations, landowners, industry and the wider community.	<ul style="list-style-type: none"> ▪ Possible role in Recovery Community?
	Create and sustain community learning hubs that share resources and skills.	<ul style="list-style-type: none"> ▪ Consider a Library based program on learning how to use the Internet, different applications and programs. ▪ Consider using school children or youth as tutors.
	Support existing events and festivals and attract new events to cater for a wider range of interests.	<ul style="list-style-type: none"> ▪ Perhaps refer to Economic Development Committee
Economic Development	Assess potential risks to the economy from outside influences and develop strategies to minimise the adverse impacts of a downturn.	<ul style="list-style-type: none"> ▪ Outside the ambit of CSAC
	Provide support and assistance to developers and business owners to	<ul style="list-style-type: none"> ▪ Outside the ambit of the CSAC

Southern Downs Regional Council
Community Services Advisory Committee (CSAC) – Action Plan

Strategy	Objective	Actions
	streamline application processes, outlining costs and requirements for the whole application process.	
	Promote the advantages of the Southern Downs as a place to work and live.	<ul style="list-style-type: none"> ▪ Local ambassadors/welcomers program to introduce new people to the community.
	Encourage local business and industry to develop co-ordinated approaches for the grow of the economy.	<ul style="list-style-type: none"> ▪ Outside the ambit of this committee
	Plan to maintain and encourage agricultural land use, enterprise, business and industry growth.	<ul style="list-style-type: none"> ▪ Outside the ambit of this committee
	Ensure a variety of affordable and accessible tourism opportunities are available for all including: people with disabilities, families, pet-friendly experiences.	<ul style="list-style-type: none"> ▪ Access and Equity audit
Social Planning	Recognise and respond to the different social needs and influences on various communities within the Southern Downs.	<ul style="list-style-type: none"> ▪ Multicultural Morning teas for developing LOTE community ▪ Needs assessments
	Address social issues of equity and access, bullying, domestic violence, social isolation, mental health, disability and homelessness through education programs, policy debate and targeted services.	<ul style="list-style-type: none"> ▪ Access and Equity Audit ▪ RUOK Day ▪ Visiting program
	Promote the value of physical and social well-being by increasing provision of preventative health programs for target groups and diseases.	<ul style="list-style-type: none"> ▪ Consider the appointment of a Sport and Recreation Co-ordinator to promote physical activity ▪ Sport and Recreation Plan to review facilities based on future likely demand. ▪ Biggest Loser Warwick??
	Promote an increase in physical activity, social connectedness and education about nutritional eating through programs such as the establishment of community gardens.	<ul style="list-style-type: none"> ▪ Same as Above
Service Planning & Development	Establish collaborative health service planning and provision that is responsive to the needs of the community.	<ul style="list-style-type: none"> ▪ Encourage Council to set up a Community Health Network involving NGO's, Council and Qld Health – Should be one already?
	Build the capacity of existing community care service providers to increase efficiency in the delivery of	<ul style="list-style-type: none"> ▪ Outside the ambit of this committee

Southern Downs Regional Council
Community Services Advisory Committee (CSAC) – Action Plan

Strategy	Objective	Actions
	services.	
	Considering industry standards and input from the community, develop appropriate levels of service ensuring the Southern Downs “lives within its means.”	
Building Service Networks	Improve partnerships between local government, community providers, state agencies and funding bodies to support better health outcomes for the community.	
Infrastructure Planning & Development	Encourage consolidation and planned growth of existing towns and villages to avoid suburban sprawl and maximise efficient use of infrastructure and facilities	<ul style="list-style-type: none"> ▪ Outside the Ambit of this committee
	Maximise facility use and development for continued growth in sports tourism	<ul style="list-style-type: none"> ▪ Economic Development/ Community Facilities Committee
	Upgrade town centres including streetscapes to provide a sense of place, a focus for community pride, attraction for visitors and increased retail activity	<ul style="list-style-type: none"> ▪ Outside the ambit of this Committee
	Develop an extensive network of walking and cycling infrastructure to support alternative, sustainable and accessible transport methods	<ul style="list-style-type: none"> ▪ Outside the ambit of this committee
	Plan for future road networks and parking provision in main centres to support growth in population and industry	<ul style="list-style-type: none"> ▪ Possible role in ensure accessibility and appropriate signage
Policy Development & Advocacy	Increase awareness of environmentally sustainable practice through community education campaigns	
	Promote a community that is active and engaged in governance and able to influence change.	
Community Consultation & Engagement	Explore transport options for moving visitors throughout the region	<ul style="list-style-type: none"> ▪ Possible audit of available transport options and alignment with existing and likely future demand.
	Continue community participation and engagement as a genuine, ongoing process to assist with Southern Downs	<ul style="list-style-type: none"> ▪ Have we remain engaged with the groups that put together the Community Plan? ▪ Public Meetings

Southern Downs Regional Council
Community Services Advisory Committee (CSAC) – Action Plan

Strategy	Objective	Actions
	Regional Council's decision making.	
	Establish an ongoing mechanism for community engagement to strengthen the partnership between local government and the community.	<ul style="list-style-type: none">▪ Programming Team▪ Community Facility User Groups

DRAFT

11.4 Water & Wastewater Advisory Committee Minutes

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 24 May 2017
	Director Engineering Services	ECM Function No/s: 13.52.01

Recommendation

THAT Council

1. Receive the minutes of the Water & Wastewater Advisory Committee Meeting held on 5 May 2017, and
2. Endorse the follow recommendation made by the Water & Wastewater Advisory Committee.
 - The Water & Wastewater Advisory Committee review and have input into how water and wastewater is charged in the 2018/19 budget.

Report

The Water & Wastewater Advisory Committee held their meeting on the 5 May 2017. Attached to this report are the minutes of that meeting

Budget Implications

Nil

Policy Consideration

Nil

Community Engagement

Nil

Legislation/Local Law

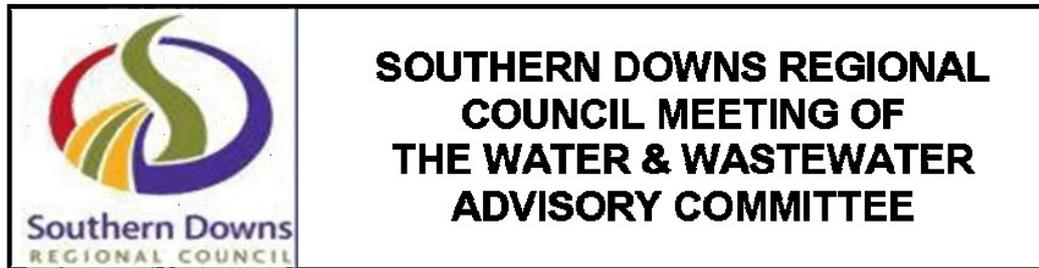
Nil

Options

1. Receive the minutes of the Water & Wastewater Advisory Committee Meeting held on the 5 May 2017; or
2. Do not receive the minutes of the Water & Wastewater Advisory Committee Meeting held on the 5 May 2017.

Attachments

1. Water & Wastewater Advisory Committee Minutes 5 May 2017 [View](#)



MINUTES OF THE WATER & WASTEWATER ADVISORY COMMITTEE

HELD AT THE MACKENZIE STREET DEPOT ON

FRIDAY 5 MAY 2017 AT 8AM

TUESDAY 17 FEBRUARY 2017

ORDER OF BUSINESS:

1. PRESENT.....	3
2. APOLOGIES	3
3. DECLARATION OF CONFLICT OF INTEREST.....	3
4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING	3
5. BUSINESS ARISING FROM THE PREVIOUS MINUTES	3
6. ADVISORY COMMITTEE'S REPORTS	3
7. PRESENTATIONS	3
8. GENERAL BUSINESS	4
9. CLOSURE.....	4

1. PRESENT

Max Hunter (Chairperson), Cr Vic Pennisi, Cr Marika McNicol, Ian Henderson, Michael Read, Lewis Perkins

Observers

Peter See (Director Engineering Services), Belinda Watts (Technical Officer – Assets), Barbara Fagan (Minute Secretary)

2. APOLOGIES

Russell Brodrick, Mayor Tracey Dobie, Justin Hitchener, Cr Rod Kelly, Cr Jo McNally, Cr Neil Meiklejohn, Renee Wallace

3. DECLARATION OF CONFLICT OF INTEREST

Nil

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved: Ian Henderson Seconded Peter See

THAT the minutes of the Water & Wastewater Advisory Committee held on the 17 February 2017 be adopted.

5. BUSINESS ARISING FROM THE PREVIOUS MINUTES

Peter See advised that the Contracts for the Construction of the Warwick Water Treatment Plant Clarifier and Morgan Park Raw Water and Sewer have gone through Council and will be awarded soon. The works should be completed by the end of November 2017. Council will commence negotiations with Queensland Rail & Main Roads with regard to crossing their infrastructure.

Ian Henderson asked for an update on the prospect of Allora being connected to the sewer. Peter See advised that there is nothing in place for sewerage for Allora at this time.

6. ADVISORY COMMITTEE'S REPORTS

Max Hunter provided the committee with a Chairman's report (copy of the report is attached).

7. PRESENTATIONS

The Committee had a tour of the Stanthorpe Sewage Treatment Plant prior to the commencement of the meeting to get insight on the process for treating the sewer.

Asset Management Plans

Belinda Watts provided an overview of the Asset Management Plans for Water and Water & Wastewater. The purpose and objective are as follows:

1. Implementation
2. Support decision making process

3. Deliver asset based services

Copies of the Asset Management Plans will be e-mailed to the Committee members for their information.

8. GENERAL BUSINESS

Review of Policy for Works Near Water Supply and/or Sewerage Infrastructure

Ian Henderson requested a review of the Policy for Works Near Water Supply and/or Sewerage Infrastructure with regard to requirements for easements and clarification on who can carry out CCTV scans of the pipes.

Peter See advised that the policy would need to be reviewed by key Council staff and brought back to the Committee for discussion and then submitted to Council for approval.

Water Charges

Ian Henderson moved a motion for the Committee to have input on how water and wastewater is charged in the next budget process.

Motion

That the Water & Wastewater Advisory Committee review and have input into how water and wastewater is charged in the 2018/19 budget.

Moved: Ian Henderson Seconded: Max Hunter

At the next meeting to be held on the 4th August 2017, the Committee will meet at the Warwick Council Chambers prior to commencing tours of the Warwick Water Treatment Plant and Morgan Park.

9. CLOSURE

As there was no further business the meeting closed at 10.00am

**Water and Wastewater Advisory Committee
Chairperson's Report
5 May 2017
Location - Stanthorpe Waste Water Treatment Plant**

Fellow Committee Members/ Councilors/ SDRC Staff

Since our inaugural meeting of the WWAC, 29 November 2016, we have been exposed to, what I believe to be the inner sanctum of what local government infrastructure is all about, Water and Wastewater operations, maintenance, procedures, capital works, asset management, so on and so on.

It is all here for us to take in and absorb, the history and the future, of what is an essential component of today's lifestyle and public expectations.

Imagine a populated community without the conveniences of treated potable water and managed waste disposal of used water facilities.

All local authorities throughout the world are challenged with the inherent costs associated with hidden assets, that users cannot see and often question as to why it costs so much to maintain. Would we as committee members allow our houses and vehicles to fall into disrepair and beyond reach of suitability? How much finance would we be prepared to revive our personal assets?

It can be quite confronting to take in all the components of water and wastewater infrastructure, in a short period of time, but we do have access to council personnel who are willing to guide us in and around the areas and issues of interest and concern, that can and will be addressed in the coming months.

As time moves on these months become years and in between all this, is a terminology called a budget, it rears its teeth and everyone starts to get a knee jerk reaction and get a bit defensive. I have made time over the last week or so to attend a Draft Budget public meeting and taken a copy of the figures to challenge myself to appreciate the options and input that water and waste water do attract, in the overall scheme of Southern Downs Regional Council projection for the next decade.

As an advisory committee, we have an interesting period ahead, with challenges and optimism being placed before us to consider and digest going forward.

Our visit here today, at the Stanthorpe Wastewater Treatment Plant, has history and memories for some, but with lifestyle changes, it will have future considerations and abundant decisions to be addressed by council and stakeholders alike.

I encourage all committee members to maintain a vested interest in the future of water and waste water issues within our communities.

Yours Sincerely



Max Hunter / Chairperson WWAC / SDRC

11.5 Southern Downs Road Safety Advisory Committee Minutes

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 24 May 2017
	Manager Work Maintenance & Open Space	ECM Function No/s: 28.45

Recommendation

THAT Council:-

1. Receive the Minutes of the Southern Downs Road Safety Advisory Committee Meeting held on the 9 May 2017.
2. Note that the motion from the Advisory Committee should be referred for future Budget considerations.

Report

The Southern Downs Road Safety Advisory Committee met on the 9 May 2017. Attached to this report are the minutes of that meeting.

The Committee put forward the following motion for Council's consideration:

"Following the Heavy Vehicle Access Workshop that Council identify those roads in the Region that meet B-Double access criteria and formalize them in the 2017/18 year and further develop a master plan for addressing issues in the interconnector framework of roads to be considered in the 2018/19 budget".

Budget Implications

Nil

Policy Consideration

Nil

Community Engagement

Nil

Legislation/Local Law

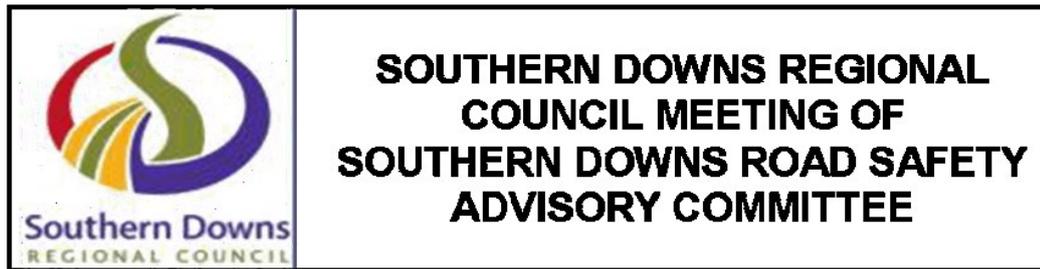
Nil

Options

1. Receive the Minutes of the Road Safety Advisory Committee Meeting held on 9 May 2017.
2. Do not receive the Minutes of the Road Safety Advisory Committee Meeting held on 9 May 2017.
- 1.

Attachments

1. Minutes of the Southern Downs Road Safety Advisory Committee - 9 May 2017 [View](#)



MINUTES OF THE SOUTHERN DOWNS ROAD SAFETY ADVISORY COMMITTEE

Held in the Council Chamber, Warwick on

Tuesday 9 May 2017 at 10am

8 MAY 2017

ORDER OF BUSINESS:

1. PRESENT.....	3
2. APOLOGIES	3
3. DECLARATION OF CONFLICT OF INTEREST.....	3
4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING	3
5. BUSINESS ARISING FROM THE PREVIOUS MINUTES	3
6. ADVISORY COMMITTEE'S REPORTS	3
7. PRESENTATIONS	3
8. GENERAL BUSINESS	4
9. CLOSURE	4

1. PRESENT

Cr Marika McNichol (Chairperson), Cr Vic Pennisi, Anthony Rixon, Sgt Daniel O'Dea (Stanthorpe Police)

Observers

Chris Whitaker (Manager Works Maintenance and Open Space), Mike Holeszko (Principal Engineer Maintenance), Barbara Fagan (Minute Secretary), Cr Jo McNally, Cr Cheryl Windle

2. APOLOGIES

Lyndall McCormack, Andrew Gale, Sgt Ross Waugh (Warwick Police), Mark Pierce (Department Transport & Main Roads)

3. DECLARATION OF CONFLICT OF INTEREST

Nil

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved: Sgt Daniel O'Dea **Seconded:** Anthony Rixon

THAT the minutes of the Southern Downs Road Safety Advisory Committee held on 8 February 2017 be adopted.

Carried

5. BUSINESS ARISING FROM THE PREVIOUS MINUTES

Chris Whitaker advised that Council had previously engaged a consultant to develop a 10 Year Master Plan for Footpaths within the SDRC area, there were issues with the consultant. Council is looking at engaging a new consultant to do a report. When report is completed a copy could be sent to the Committee to review.

Chris Whitaker advised that Council is still to hear back from the State Government if they were successful with their 3 applications in the second round of funding for the Principal Cycle Network.

6. ADVISORY COMMITTEE'S REPORTS

Sgt O'Dea advised that the Police traffic reports for the region were unavailable due to computer issues. Sgt O'Dea also advised there were no fatalities in the Stanthorpe area and only 1 fatality in the Warwick area

7. PRESENTATIONS

Mike Holeszko tabled a report on the Heavy Vehicle Access Workshop on the 15 February 2017 at the Warwick Town Hall. (Copy of the report attached)

Cr Pennisi recommended that Council develops a strategic plan to identify what roads in the region meet B-double access criteria.

Motion

Following the Heavy Vehicle Access Workshop that Council identify those roads in the region that meet B-double access criteria and formalise them in the 2017/18 year and further develop a master plan for addressing issues in the interconnector framework of roads to be considered in the 2018/19 budget

Moved: Cr Vic Pennisi Seconded: Cr Marika McNichol

8. GENERAL BUSINESS

Cr McNichol advised that she had received a request for a speed zone reduction from 100km to 80km along Freestone Road from Freestone Creek Road to Paynes Road especially near Freestone School.

Chris Whitaker advised that the Director of Engineering Services had approved the installation of 60km signage for Freestone Village. Electronic board will also be in place advising of changed traffic conditions.

Cr McNichol advised that some of the rest areas along the highway have rubbish bin stands but are missing bins. At the Cottonvale layby there are no bins. Accommodation Creek has no bins.

Cr Pennisi would like the Committee to develop an action plan to identify what is the next step for backpackers, Accommodation Creek, The Eight Mile.

9. CLOSURE

Meeting closed 11.05am

11.6 Proposed Walking Track between Greenup Street and Lock Street, Stanthorpe

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 24 May 2017
	Manager Work Maintenance & Open Space	ECM Function No/s: 15.19.03

Recommendation

THAT Council allow the construction of a walking track by Rotary Stanthorpe Branch between Greenup Street and Lock Street on Council freehold land Lot 147 & Lot150 on RP31667.

Report

Council received a letter from Rotary – Stanthorpe Branch seeking permission to construct a walking track over council freehold land Lots 147 and 150 on RP 31667 as shown on the attached plan. Part of the water treatment plant and the evaporation pads are contained on Lot 150 however the proposed location of the walking track would not interfere with Council's operations.

The proposed walking track would provide a link between the existing walking tracks at Red Bridge via Finneys Lane to Alice Street via Mt Marley.

The construction of the track would be deemed low impact utilising any natural clearings including granite outcrops. At most, the removal of some minor shrubs or the placement of decomposed granite fill maybe required.

As the proposed walking tracks are low impact they would have little or no impact to the proposed mountain bike trails. However, depending on the number of participants of a mountain bike event, the event organisers would need to conduct a risk analysis and either temporarily close the walking track or place cautionary signs warning pedestrians that mountain bikes are in use.

Budget Implications

Rotary will apply for in-kind assistance in the 2017-2018 financial year.

Policy Consideration

The Community Plan 2.18 -- Develop an extensive network of walking and cycling infrastructure to support alternative, sustainable and accessible transport methods.

Community Engagement

Nil

Legislation/Local Law

Nil

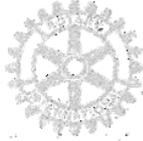
Options

1. Approve the construction of a walking track on Council's freehold land Lot 147 & 150 on RP31667 by Rotary Stanthorpe.
2. Do not approve the construction of the walking track.

Attachments

1. Letter from Rotary - Stanthorpe [View](#)
2. Plan showing location of proposed walking track [View](#)

Rotary
Stanthorpe



2728682
President : Stephen Tancred
Secretary : Tony Heading
Postal Address: PO Box 139, Stanthorpe Q4380
Email: stanthorperotary@gmail.com
Web: www.stanthorperotary.org
Facebook: www.facebook.com/stanthorperotary/

3rd April 2017.

Mr C. Whittaker
Southern Downs Regional Council
PO Box 26
Warwick, QLD 4370.

Stanthorpe Walking Tracks

Dear Chris,

Thank you for meeting with my Community Service Director, Alec Harslett, and myself last month to discuss the extension of the walking tracks around Stanthorpe town.

We are specifically interested in developing a track from Greenup Street to Lock Street through Council owned land (Lots 147 and 150 on RP 31667).

Can we receive permission to progress this project, in a similar manner as how we developed Sean's Path as a walking track last year?

We would also like to apply for an "In-Kind" grant from SDRC for any minor works required. The works would most likely be some minor clearing or small timber and bushes, placement of some decomposed granite fill, and marking of the trail. A completed application is also attached.

Best regards,

STEPHEN TANCRED
Rotary Club President 2016-2017

Telephone: (Stephen Mobile) 0407 762 888
(Tony Mobile) 0488 769 119



ROTARY
SERVING
COMMUNITY

Item 11.6 Proposed Walking Track between Greenup Street and Lock Street, Stanthorpe
 Attachment 2: Plan showing location of proposed walking track



12. PLANNING, ENVIRONMENT & CORPORATE SERVICES DEPARTMENT REPORTS

12.1 Council Lease Policy Review

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 24 May 2017
	Manager Corporate Services Leasing Compliance Officer	ECM Function No/s: 04.12

Recommendation

THAT Council adopt the reviewed and amended Policy as attached.

Report

A review of the Council Leasing Policy was undertaken to ensure the content and intention of the Policy is relevant.

Further discussions were addressed at the Council Briefing Sessions held on 10 April and 8 May 2017, and the following is proposed.

Proposed amendments are as follows:

Policy Content Update

- Senior Citizen organisations will no longer be excluded from this Policy;
- The Policy will encompass all Leases, Licences, Permits and Agreements to Occupy;
- \$20,000,000 public liability for sporting and community organisations;
- Registration, stamp duty etc. will be the responsibility of the Lessee;
- If requested by the Lessor, the Lessee will provide Council annually with a 'Financial Viability Report'.

Budget Implications

Nil

Policy Consideration

Corporate Plan 2014-2019

Direction 8: The Well-Governed Southern Downs

Community Engagement

Nil

Legislation/Local Law

Local Government Legislation 2012

Options

Council:

1. Adopt the proposed Policy Content Update; or
2. Do not adopt the Policy Content Update.

Attachments

1. PL-RP001 Council Lease Policy including tracked changes [View](#)



Council Lease Policy

Policy Number:	PL-RP001
Department:	Corporate Services
Section:	Property, Leases and Land Management
Responsible Manager:	Manager Corporate Services
Date Adopted:	21 April 2008
Date to be Reviewed:	September 2017 <u>March 2018</u>
Date Reviewed:	28 October 2016 <u>22 March 2017</u>
Date Rescinded:	n/a

REVISION RECORD

Date	Version	Revision description
25/03/2014		Review of Policy
28/10/2015	1	Review of Policy
29/09/2016	2	Major review of Policy
<u>02/03/2017</u>	<u>3</u>	<u>Update Policy</u>

Council Lease Policy

Policy no: PL-RP001

Updated: ~~29 September~~

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1 Policy Background

n/a

2 Purpose

The purpose of this Policy is to set criteria for the issue of Southern Downs Regional Council (Council) Leases (excluding Senior Citizen organisations), where Council is the Lessor. ~~Land tenure for Senior Citizen organisations will be determined by Council resolution on a case-by-case basis.~~

To ensure the equitable and consistent approach in providing tenure over Council owned or controlled land and facilities.

The policy describes Council's Intent to formalise tenure arrangements, who can hold leases together with the terms and conditions of the lease which are captured in a standard format to ensure consistent application across Southern Downs.

3 Scope

~~This Policy will apply to Council's Trustee Leases (including Trustee Licences) and Council's Freehold Land (including Freehold Licences). This Policy will apply to Council's Trust and Freehold Leases (Including Licenses, Permits and Agreements to Occupy)~~

4 Legislative Context

- Leases will be issued in accordance with sections 227 and 236 of the *Local Government Regulation 2012*.

5 Policy Details

5.1 Trustee Lease of Trust Land (including Trustee Permits, Licenses and Agreements to Occupy) shall have:

- a term up to a maximum of ten (10) years;
- an annual lease fee which is dependent on the Tender supplied by the Lessee or negotiated with Council;
- an annual fee will apply, (as resolved by Council) for community and sporting organisations and will be reviewed every five (5) years. The fee is currently \$223.74 gst inc;
- the Lessee must hold Public Liability Insurance (minimum \$20,000,000);
- the actual cost of lodgment for registration, stamp duty and associated postage fees will be passed on to all Lessees. These fees and duties will be increased in line with the Department

of Natural Resources and Mines notification;

- all associated Lease fees, including the initial annual rental will be invoiced and collected at the commencement of the Lease term.
- all costs associated with surveying of any lease area over part of a Lot are the Lessees responsibility.
- ~~all costs associated with surveying of any lease areas over part of a Lot are the Lessees responsibility.~~

5.2 Lease of Freehold Land (including Freehold Licences, Permits and Agreements to Occupy) shall have:

- a term up to a maximum of ten (10) years, except by Council resolution;
- an annual rental fee which is dependent on the Tender supplied by the Lessee or negotiated with Council;
- an annual fee will apply, (as resolved by Council) for community and sporting organisations and will be reviewed every five (5) years. The fee is currently \$223.74 gst inc;
- the Lessee must hold Public Liability Insurance (minimum \$10,000,000); this minimum amount may be increased to \$20,000,000 in accordance with any risk assessment undertaken by Council in relation to the leased property. In relation to Sporting & Community Leases the minimum amount is \$20,000,000;
 - the actual cost of lodgement for registration, stamp duty and associated postage fees will be passed on to all Lessees. These fees and duties will be increased in line with the Department of Natural Resources and Mines notification;
- all associated Lease fees, including the initial annual rental will be invoiced and collected at the commencement of the Lease term.

5.3 Eligibility Criteria

- Organisations seeking a community lease from Council should be non-profit and incorporated pursuant to the *Associations Incorporation Act (1981)* or any other Act of Parliament.
- Each Lease is to be approved by Council resolution or by delegated authority.

5.4 Terms and Conditions of Lease

- All leases will be reviewed six (6) months prior to expiration;
- The annual rental charge for community and sporting organisations will be reviewed every five (5) years;
- The Lessee will provide the Lessor with a copy of their current Public Liability Insurance Certificate of Currency, on an annual basis;
- Sporting and community organisations will provide evidence of non-profit status and incorporation;
- If requested by the Lessor, the Lessee will provide Council annually with a 'Financial

Council Lease Policy

Policy no: PL-RP001

Updated: ~~20-September-~~

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Viability Report including profit and loss, cash flows and balance sheets prepared by competent and appropriately qualified persons. If following examination of the Financial Viability Report, the Lessor finds that the Lessee cannot demonstrate the ability to meet financial viability, the Lessee will be required to give a written submission as to why the agreement should not be terminated.

- A standard lease will be developed reflecting the contents of this policy and relevant legislation for use as the basis of all sporting and community leases

5.4.1 Utility Charges

- The Lessee will be responsible for all utility charges where the premises are separately metered and solely occupied by the Lessee;
- Where the leased premises are not separately metered, the Lessee will pay an agreed contribution for utility charges;

5.4.2 Insurance

- The Lessee will be responsible for building and contents insurance where the premises are stand-alone buildings;
- The Lessee will be responsible for contents insurance where the leased premises form part of Council occupied building/s.

5.4.3 Third Party Hire of Facilities

All leases will include a statement recognising Council's policy of maximising community use and a commitment by the Lessee to support shared and multiple use of the facility by community-based organisations.

Wherever possible, facilities should also be made available by the Lessee for casual hire where this does not interfere with the primary purpose of the facility or adversely affect the amenity of the local community. Hiring guidelines including fees will be referred to Council for approval and will be publicised by Council to the community. Fees from casual hire are payable to the Lessee, and should be used to cover costs associated with maintaining the facility.

Any use by a third party must be in accordance with the Planning Scheme and Council Local Laws, and where required permits for the use must be obtained.

5.4.4 Termination of Lease

Council requires that Lessees undertake their permitted activities without adversely impacting on other groups and individuals. Council reserves the right to terminate the tenancy or to restrict the use of premises by the Lessee if this requirement is not adhered to.

Council also reserves the right to terminate the tenancy or restrict the use of premises to community groups who operate outside the terms of their lease or fail to meet governance and constitutional requirements of their organisation.

Council reserves the right to terminate the lease with the provision of the appropriate notice.

5.5 Maintenance Responsibilities

All leases will require Lessees to undertake routine cleaning, maintain the facility in good condition and perform incidental maintenance not requiring a skilled tradesperson. Council will determine a maintenance responsibility category that shall be applicable to the lease. Each Lessee is required to maintain the facility in accordance with the assessed category contained within the Maintenance Responsibility Matrix (Attachment A). Licensed and qualified trades people must be engaged to undertake works other than routine maintenance.

Council will provide access to Council controlled facilities with maintenance responsibilities being defined as per the following categories:

1. Lessee operated all or part of a Council owned facility

Facilities that are operated by lessees to deliver community or sporting outcomes.

2. Lessee owned and operated facilities on Council controlled land

Lessee operated facilities on Council land to deliver community or sporting outcomes.

Council will consider on a case by case basis **(by resolution)**, requests made by Lessees for repairs and upgrades outside the Maintenance Responsibility Matrix. Requests will be subject to budget constraints.

5.5.1 Maintenance Inspection

Council reserves the right to inspect leased premises at any reasonable time after giving the Lessee reasonable notice.

6 Definitions

Term	Meaning
Utility charges	Electricity, water access, sewerage access, water consumption, fire levy.
Council controlled land	Freehold and Trustee land

7 Related Documents

- n/a

8 References

- n/a

Council Lease Policy

Policy no: PL-RP001

Updated: ~~20-September-~~

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ATTACHMENT A: Maintenance Responsibility Matrix

	Facility Category	Purpose	Capital Expenditure	Maintenance Expenditure	Operational Expenditure	Indicative Tenure
1	<i>Council owned land and building assets</i> <i>Lessee operated</i>	Community or sporting outcomes	Council: limited to planned capital upgrades by Council Lessee*	Lessee	Lessee	Maximum 10 year Lease
2	<i>Council owned land</i> <i>Lessee owned building assets</i> <i>Lessee operated</i>	Community or sporting outcomes	Lessee*	Lessee	Lessee	Maximum 10 year Lease

** Written permission must be gained from Council in addition to any regulatory approval prior to any construction work being undertaken. The first stage in gaining such approval shall be for the Lessee to submit a proposal to Council in accordance with Council's Community Project Works on Council Land Policy.*

ATTACHMENT B: Service Level Definitions

Capital Expenditure	Capital Expenditure includes expenditure on fixed items such as buildings, park structures and equipment and other infrastructure that is used to provide service levels. It includes new assets, upgrades to assets and rehabilitation.
Maintenance Expenditure	All actions necessary for retaining an asset as near as practicable to its original condition in order to deliver a required level of service, including regular ongoing day-to-day work necessary to keep assets operating. Maintenance does not increase the service potential of the asset nor keep it in its original condition; it slows down deterioration and delays when rehabilitation or replacement is necessary. It also includes required annual inspections.
Operating Expenditure	Includes recurrent expenditure that is continuously required to provide a service. In common use, the term typically includes items such as repairs to plant and equipment and consumables and associated service charges for example water, sewage, electricity, gas and waste collection.

12.2 Policies Review - May 2017

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 24 May 2017
	Governance and Risk Officer	ECM Function No/s: 04.12

Recommendation

THAT Council rescind the following policies:

- Roads & Street Naming Policy (PL-ES016)
- Roadside Memorials Policy (PL-ES042)
- Property Access & Access Crossings Design, Construction & Maintenance Policy
- Road Service Crossings Policy (PL-ES064)

Report

Council officers have undertaken a review of the above mentioned policies in order to ensure their appropriateness to Council's operations and currency, particularly relating to legislation.

Due to their operational nature, it is proposed to rescind the following policies and replace them with procedures:

- Roads & Street Naming Policy (PL-ES016)
- Roadside Memorials Policy (PL-ES042)
- Property Access & Access Crossings Design, Construction & Maintenance Policy
- Road Service Crossings Policy (PL-ES064)

Budget Implications

Nil.

Policy Consideration

Corporate Plan 2014-2019 (revised edition) 'The Well-Governed Southern Downs'.

Community Engagement

Nil.

Legislation/Local Law

The policies listed are not required under legislation to be policies and can therefore be rescinded and converted to procedures.

Options

1. Rescind the following policies:
 - Roads & Street Naming Policy (PL-ES016)
 - Roadside Memorials Policy (PL-ES042)

- Property Access & Access Crossings Design, Construction & Maintenance Policy
- Road Service Crossings Policy (PL-ES064)

2. Do not rescind the following policies:

- Roads & Street Naming Policy (PL-ES016)
- Roadside Memorials Policy (PL-ES042)
- Property Access & Access Crossings Design, Construction & Maintenance Policy
- Road Service Crossings Policy (PL-ES064)

Attachments

Nil

12.3 Building Our Regions Funding Program

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 24 May 2017
	Manager Corporate Services Governance and Grants Officer	ECM Function No/s: 0013048

Recommendation

THAT Council:-

1. Supports submission of the detailed applications under Building Our Regions Round 3 Program for the following projects and amends the order of priority as follows:
 - a. Storm King Dam Pipeline/Stanthorpe Water Supply;
 - b. Warwick Recycled Water Storage/Stage 2 of Warwick Effluent Reuse;
 - c. Warwick Aerodrome Taxiway Realignment;
 - d. Stanthorpe Aerodrome (Resealing runway and upgrading of lighting).
2. Commits to delivering the projects and approves any Council financial contributions and/or in-kind contribution.
3. Commits to the management and costs associated with the ongoing operation and maintenance of the infrastructure.

Report

Council has received a request from the Department of State Development in relation to applications submitted by Council under the Building Our Regions Round 3 Program funding scheme.

Council's resolution from the General Meeting held on 16 February 2017 was as follows:

That Council:

Selects the following projects for submission under the Building Our Regions program in order of priority:

- a. *Storm King Dam Pipeline;*
- b. *Stanthorpe Aerodrome;*
- c. *Warwick Aerodrome Taxiway Realignment;*
- d. *Warwick Recycled Water Storage.*

The Department has requested that Council commit to the following in relation to the proposed projects

- Council supports submission of the detailed application for each project;

- Council is committed to delivering the projects and approves any applicant financial and/or in-kind contribution; and
- Council is committed to the management and costs associated with the ongoing operation and maintenance of the infrastructure.

Any construction and maintenance costs for these projects will be reflected within Council's Asset Management Plans.

Budget Implications

Capital and maintenance costs as forecasted in future budgets.

Policy Consideration

Engineering – Asset Management Policy PL-ES070

Corporate Plan 2014-2019 (Revised Edition)

4. The Economically Strong, Sustainable and Diverse Southern Downs:
 - 4.1 Identify new external revenue sources, including grants, to fund regional infrastructure and services
 - 4.8 Maximise private and government funding opportunities to foster both community and business growth throughout the region.

Community Engagement

Nil

Legislation/Local Law

All projects must be completed in accordance with applicable laws, including normal procurement practices.

Options

Council:

1. Supports submission of the detailed applications for the following projects:
 - a. Storm King Dam Pipeline/Stanthorpe Water Supply;
 - b. Warwick Recycled Water Storage/Stage 2 of Warwick Effluent Reuse;
 - c. Warwick Aerodrome Taxiway Realignment;
 - d. Stanthorpe Aerodrome (Resealing runway and upgrading of lighting).

Commits to delivering the projects and approves any Council financial contributions and/or in-kind contribution.

Commits to the management and costs associated with the ongoing operation and maintenance of the infrastructure.

2. Does not support submission of the detailed applications for the following projects:
 - a. Storm King Dam Pipeline/Stanthorpe Water Supply;
 - b. Warwick Recycled Water Storage/Stage 2 of Warwick Effluent Reuse;
 - c. Warwick Aerodrome Taxiway Realignment;
 - d. Stanthorpe Aerodrome (Resealing runway and upgrading of lighting).

Stanthorpe Aerodrome (Resealing runway and upgrading of lighting);

Does not commit to delivering the projects nor approves any Council financial contributions and/or in-kind contribution.

Does not commit to the management and costs associated with the ongoing operation and maintenance of the infrastructure.

Attachments

1. Email from Department of State Development [View](#)

From: Chloe Rodgers-Bell [<mailto:Chloe.Rodgers-Bell@dsd.qld.gov.au>]
Sent: Tuesday, 16 May 2017 11:28 AM
To: Jason Aspinall
Subject: Amended council resolution

Jason

As discussed, the amended resolution needs to say Council:

- Supports submission of the detailed application for...<project name>.
- Is committed to delivering the project and approves any applicant financial and/or in-kind contribution; and
- Is committed to the management and costs associated with the ongoing operation and maintenance of the infrastructure

If you could forward that to me after the council meeting that would be most appreciated.

If you have any questions regarding this request, please call me on 0418677901 or email me.

Thanks very much.

Regards

Chloe



Chloe Rodgers-Bell
Regional Programs
Department of State Development

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12.4 Alignment Amendment of the Southern Downs Planning Scheme

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 24 May 2017
	Planning and Compliance Coordinator	ECM Function No/s: 18.15.11

Recommendation

THAT Council decides to propose to make an alignment amendment to the Southern Downs Planning Scheme under the Alignment Amendment Rules made by the Planning Minister under section 293 of the *Planning Act 2016*, for the purpose of making the planning scheme consistent with the *Planning Act 2016*.

Report

The *Planning Act 2016* (the Act) will commence on 3 July 2017, repealing the *Sustainable Planning Act 2009*.

The Act introduces new concepts and terminology to the development assessment processes. While the Act provides transition provisions that ensure current planning schemes can continue to be used, local governments can amend their planning schemes to incorporate the new concepts terminology of the Act (i.e. an alignment amendment).

Section 293 of the Act enables the Minister to make rules about the making of amendments to local planning instruments if the amendments are consistent with the Act and do not substantially change the effect of the instrument. The rules made under this section of the *Planning Act* took effect on 25 November 2016.

The rules provide the process for a local government to make certain non-substantial changes (i.e. alignment amendments) to a local planning instrument to reflect the new terminology. The scope of alignment amendments does not allow for changes to:

- matters of state interest
- categories of development or assessment
- policy positions
- a person's or entity's development rights

Due to the limited scope of amendment alignments, the process to make an alignment amendment does not include the usual steps for amending a local planning instrument such as State interest review, public consultation and Minister's approval.

The stages of the process for making an amendment alignment are as follows:

1. Council decides to propose to make an alignment amendment under the Minister's rules;
2. After preparing the alignment amendment, Council decides to make the alignment amendment and to commence the alignment amendment (either upon commencement of the Act or after the commencement of the Act);
3. Council publishes a public notice about the alignment amendment;

4. A copy of the alignment amendment, the public notice and the amended instrument (if requested) are to be provided to the Chief Executive of the Department of Local Government, Infrastructure and Planning.

Council officers have prepared a draft alignment amendment to the Southern Downs Planning Scheme in accordance with the template provided by the Department of Infrastructure, Local Government and Planning (DILGP). The DILGP has advised that minor changes may be made to the template in order to align with the Planning Regulation 2017, which is still to be made, therefore the final version of the alignment amendment will not be available for adoption until the General Meeting in June 2017.

A copy of the draft alignment amendment was forwarded to Councillors on 8 May 2017 and was referred to in the Briefing Session on 8 May 2017 by the Director Planning, Environment and Corporate Services.

Budget Implications

Nil

Policy Consideration

Nil

Community Engagement

Nil

Legislation/Local Law

Planning Act 2016

Southern Downs Planning Scheme

Options

Council:

1. Decides to propose to make an alignment amendment to the planning scheme.
2. Does not make an alignment amendment to the planning scheme, and relies instead on the transition provisions of the Act.

Attachments

Nil

12.5 Proposed Amendments to Southern Downs Planning Scheme - Consideration of Submissions

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 24 May 2017
	Planning and Compliance Coordinator	ECM Function No/s: 18.15.11

Recommendation

THAT Council:

1. Decides to proceed with the major amendment to the Southern Downs Planning Scheme, as publicly notified, except as follows:
 - (a) Council defers consideration of the proposed Carnell Raceway Overlay and the zoning of Lots 1 and 2 SP267727, pending further information from Council's environmental consultant.
 - (b) Council does not proceed with the following proposed amendments:
 - Rezoning of 20 Herbert Street and 22 South Street, Allora
 - Proposal to prevent residential uses within 1 kilometre of an Intensive animal industry
 - Proposal for Intensive animal industry and Special industry to be code assessable development in an area identified to the south-east of Warwick
 - Proposal for Motor sport facility to be Self-Assessable Development at Carnell Raceway
 - Rezoning of Lots 31, 32 and 33 BNT1732, Lots 1 and 2 RP898602, Lots 1 and 2 RP803941, Lot 2 RP94359 and Lot 153 BNT1494, Wallangarra
 - (c) Council refuses the following requests to amend the planning scheme:
 - To identify a future Principal centre zone in Warwick
 - To amend Section 3.9.5.1(3) – Tourism and Events - Strategic outcomes
 - To change formatting of Table 5.5.2 – Level of Assessment for District centre zone, and Table 5.5.13 Level of Assessment for Township zone
 - To amend Table 5.5.6 - Levels of Assessment for Low density residential zone - Home based business
 - To amend Table 5.5.10 - Level of Assessment for Rural zone - Home based business
 - To amend Table 5.5.10 - Level of Assessment for Rural zone - Short term accommodation
 - To amend Table 5.5.11 - Level of Assessment for Rural residential zone -Home based business
 - To amend Table 5.5.13 - Level of Assessment for Township zone - Dwelling house
 - To amend section 6.2.2.2 - District centre zone code - Purpose
 - To rezone part of Lot 82 SP215201, Mount Tabor
 - To allow subdivision of 526 and 622 South Branch Road, Maryvale
 - To remove the Rosehill Road Abattoir Overlay from Lot 8 RP78173, Lot 1 RP36283, Lot 3 RP36285, Lot 3 RP36361 and Lots 105-108 W134622, Lot 9 W13467, Lot 10 RP844569, Lot 4 RP106922 and Lot 21 SP144651
 - (d) Council agrees to the following requests to amend the planning scheme:
 - To amend Section 3.3.7.2(2) - Industrial areas - Land use strategies
 - Amendment to Table 5.5.6 - Levels of Assessment for Low density residential zone - Home based business (request approved in part)
 - Amendment to the Community facilities zone code (request approved in part)
 - Amendment to the Home based business code (request approved in part)
 - Increase the area of land in the southern part of Lot 29 RP31808, 43 Caulley Lane, The Summit, that is rezoned to Township zone

- (e) Council agrees to make the following additional amendments to the planning scheme:
- Amendment to Table 5.5.3, Levels of Assessment - Environmental management and conservation zone – Park (i.e. exempt development)
 - Amendment to Table 5.7.1, Levels of Assessment for Building Work (i.e. Local heritage places)
 - Amendment to Table 6.2.12.3, Assessment Criteria for Specialised centre zone code (i.e. maximum site coverage)
 - Amendment to Table 9.3.7.3, Assessment Criteria of Residential uses code (i.e. deletion of separation distance from extractive industry haul route)
- (f) That future review of the planning scheme includes consideration of rezoning of 34 Teale Road, The Summit, from Rural to Township zone.

Report

At the February 2015 General Meeting, Council resolved to make major amendments to the Southern Downs Planning Scheme.

The *Statutory guideline 04/14 - Making and amending local planning instruments* outlines the processes involved in undertaking major amendments to the planning scheme. The stages in the amendments process are as follows:

1. Council decides to make major amendments to the planning scheme;
2. Council advises the Minister of its decision to make major amendments;
3. When the proposed major amendments have been prepared, Council must request a State interest review;
4. The Minister considers the proposed amendments and decides how to proceed, i.e. whether any conditions are imposed by the Minister;
5. Public consultation is undertaken for a period of at least 30 business days;
6. Council reviews any submissions received, decides how to proceed with the proposed amendments, and advises the Minister accordingly;
7. The Minister advises whether Council may adopt the amendments, with or without conditions; and
8. Council decides whether to adopt the amendments.

The major amendments to the planning scheme were drafted and in March 2016 were referred to the Department of Infrastructure, Local Government and Planning (DILGP) for State interest review.

Following the State interest review public consultation of the proposed amendments commenced on 10 February 2017. The public consultation period ended on 31 March 2017.

Prior to Council considering the submissions, and deciding whether to proceed with the amendments, it is considered appropriate that the matters of superseded planning scheme and compensation be addressed.

Superseded planning scheme

Within 12 months of amendments to a planning scheme taking effect, a request can be made to a local government to accept, assess and decide a development application under the superseded planning scheme (i.e. a superseded planning scheme application). If the local government agrees to the request, the superseded planning scheme application must be made within six months of the local government's decision. The local government must then assess the application as if the superseded planning scheme was still in effect without any regard to the planning changes.

Compensation

The *Planning Act 2016* will commence on 3 July 2017. The compensation provisions of the Act are similar to those under the *Sustainable Planning Act 2009*.

A landowner may claim compensation under the Act because of an 'adverse planning change', which is a planning change that reduces the value of an interest in premises. If a claim for compensation is approved, the amount of compensation payable is the difference between the market value of the owner's interest in premises immediately before, and immediately after, the adverse planning change.

A claim for compensation may only be made if:

1. the local government refuses a superseded planning scheme request in relation to the development;
2. a development application is made (unless the development is prohibited development) and the local government decides to refuse the application, approve the application with conditions, or approve the application in part; and
3. the claim is made within six months of the local government deciding the development application.

A claim for compensation is made to the local government. If the local government refuses a claim, the decision may be appealed in the Planning and Environment Court.

Submissions

215 submissions were received in relation to the proposed amendments. **Copies of the submissions, and summaries of each submission, have been forwarded to Councillors.**

The submissions received in relation to the proposed Carnell Raceway overlay are not addressed in this report. Council's environmental consultant has undertaken further noise monitoring for the Carnell Raceway to confirm the modelling used for preparing the overlay, and the results of that monitoring are not yet available. All other proposed amendments and all other matters raised in submissions are addressed in this report.

The submissions have been address under the following topics:

1. Proposed Rezoning of 20 Herbert Street and 22 South Street, Allora
2. The Rosehill Road Abattoir Overlay
3. Proposal to Prevent Residential Uses within 1 Kilometre of an Intensive Animal Industry
4. Proposed Area South-West of Warwick for Intensive Animal Industry and Special Industry
5. Proposal for Motor sport facility to be Self-Assessable Development at Carnell Raceway
6. Rezoning - General
7. Other Matters Raised in Submissions
8. Further Amendments

1. PROPOSED REZONING OF 20 HERBERT STREET AND 22 SOUTH STREET, ALLORA

There are five allotments involved in the proposed rezoning. These are:

- Lot 2 RP51378 and Lot 1 RP114992 located at 20 Herbert Street, i.e. the GrainX site; and
- Lot 2 RP114992 and Lots 1 & 2 RP171158 located at 22 South Street, i.e. Denny's Engineering and Welding Pty Ltd.

The land is currently in the Low density residential zone, as is much of the land in this area. It is proposed that the land be included in the Industry zone.

Rezoning of the land would mean that there would be fewer requirements for industrial activities to commence on the land.

There was strong community objection to the proposed rezoning with thirty-five (35) submissions were received objecting to the proposed rezoning. No submissions were received in support of the proposal. Almost all submissions referenced the operations at the GrainX site and the adverse

impacts associated with this business. Examples of matters raised in submissions are listed below.

- No need for additional industrial land – Allora has in industrial estate
- The land is unsuitable for industrial zoning
- The rezoning would further devalue surrounding residential land. Residents are unable to sell their properties currently due to GrainX's operations.
- The environmental impacts associated with GrainX are unacceptable and are detrimental to the health and wellbeing of residents. Rezoning the land could result in GrainX further expanding their operations and creating more impacts.
- There is no benefit to the community in rezoning this land.
- There is no need to rezoning the site of Denny's Engineering and Welding Pty Ltd as they already have an additional facility where they conduct industrial activities.
- The roads in this area are unsuitable for industrial uses.
- Industrial use of this land should be subject to public notification.
- The proposed rezoning is Council acceding to GrainX and favouring GrainX.
- Denny's Engineering was forced to relocate outside of Allora because they were located on land that was not zoned industry. GrainX should also be encouraged to move. GrainX has been given preferential treatment.

COMMENT: *Council did not require Denny's Engineering to relocate any of their activities from their South Street site.*

- Residents feel the proposed rezoning is an attempt to deceive them and give GrainX the ability to run their business 24 hours a day. Rezoning the land will not silence those complaining about GrainX.
- GrainX consistently fails to meet approval conditions and timeframes for compliance. Council fails to regulate and enforce conditions. Rezoning will cause greater complacency further impacting on the quality of life for residents. Rezoning the land to Industry relinquishes Council from all accountability and responsibility.
- In 2013 there were close to 100 objections by residents to the GrainX business operating in Allora. These residents were totally ignored by Council and now suffer detrimental effects on a daily basis.

COMMENT: *GrainX operations at 20 Herbert Street have never been subject to public notification. The development application submitted for an Intermodal Agricultural Hub at Hendon was subject to public notification and received 102 submissions.*

Discussion

Although this zoning does not correlate with the current use of the land for industrial purposes, this land is generally located within a residential area. The land to the north, east and west (notwithstanding the rail corridor) is located within the Low density residential zone. The land to the south is included in the Rural zone, but there are several smaller allotments in this location used for residential purposes. It is appropriate that industrial use of this land be subject to impact assessment.

Due to the strong community objection to the proposed rezoning, and as a small extension to the Industry zoned land has been proposed on Forest Plain Road, is considered appropriate that the land at 20 Herbert Street and 22 South Street remain in the Low density residential zone.

2. THE ROSEHILL ROAD ABATTOIR OVERLAY

The Planning Scheme identified the Warwick Bacon Factory Overlay which is an area surrounding the factory Warwick Bacon Factory is located on the north western outskirts of the built up area of Warwick. The current overlay is shown on the plan below.

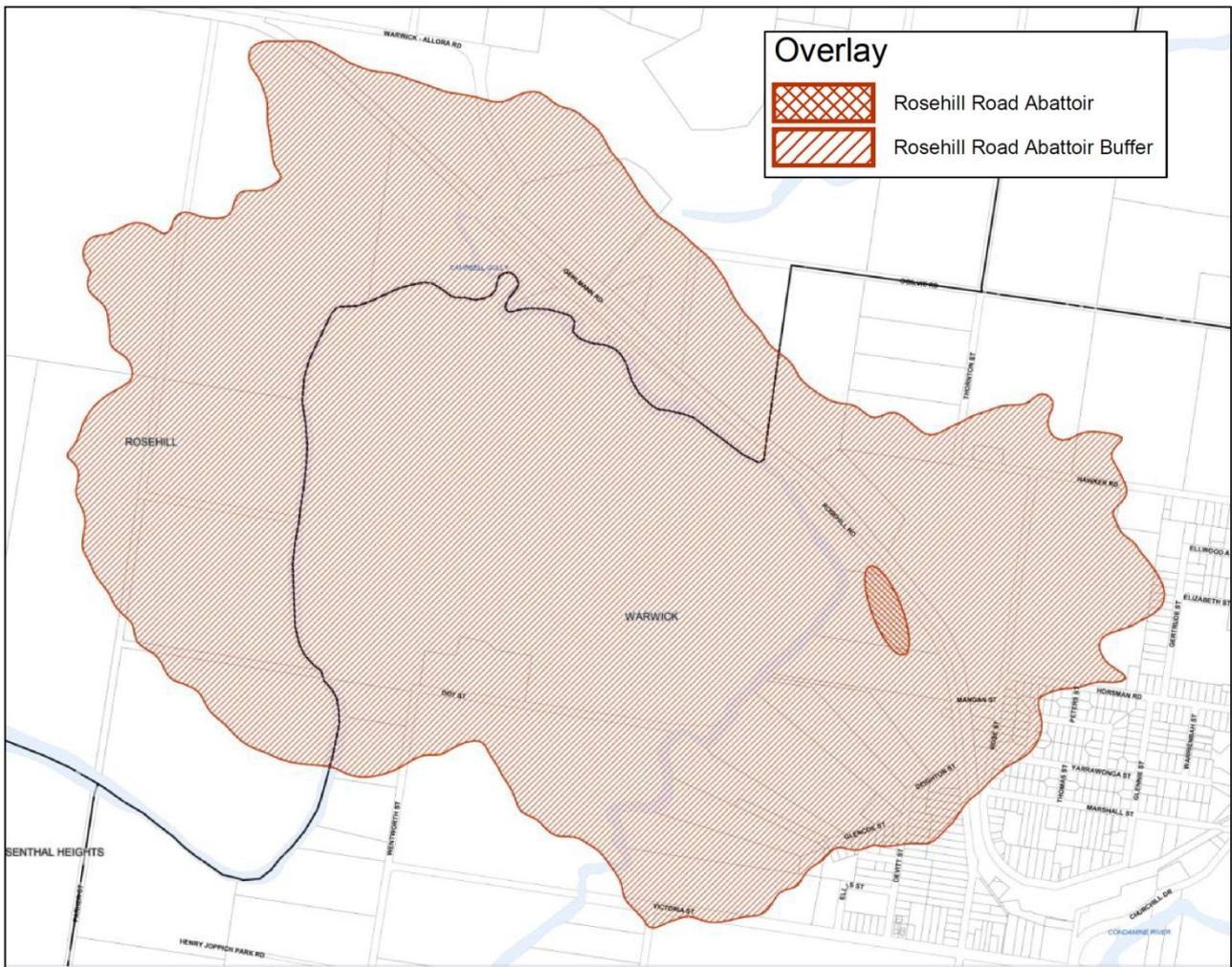


Warwick Bacon Factory Overlay

The purpose of the overlay code is to ensure that development within the overlay is compatible with the impacts of the abattoir. The code achieves this by restricting subdivision of land within the overlay for residential or rural residential purposes, and also by restricting use of land within the overlay for Dual occupancies, Community residences, Multiple dwellings, Residential care facilities, Relocatable home parks and Retirement facilities.

There are three proposed amendments relating to this overlay:

1. It is proposed to change the title of the overlay to the **Rosehill Road Abattoir Overlay**.
2. Based on modelling undertaken by an environmental consultant, significant changes are proposed to the area covered by the overlay. It is proposed that the overlay will extend further to the west of the abattoir and cover a larger area than it currently does, however less of the urban area will be included within the overlay.
3. Currently the overlay code states that there will be no Multiple dwellings, Residential care facilities, Relocatable home parks or Retirement facilities for permanent occupation established in the overlay. It is proposed to amend the overlay code to also restrict the use of land within the overlay for Dual occupancies and Community residences.



Proposed Rosehill Road Abattoir Overlay

Six submissions were received in relation to this proposed rezoning. The matters raised in the submissions are addressed below.

- Request to remove the overlay from Lot 8 RP78173, located at 3 Ingle Street. The overlay covers a 54m² area within the north-western corner of the land only. The overlay would prevent this land being used for a second dwelling.



COMMENT: Currently the whole of this allotment is included within the Rosehill Road Abattoir Overlay. As there is land available outside the overlay for the siting of a small second dwelling, the overlay code does not need to be a consideration.

- The proposed changes will have negative impacts on houses in the area that are of lower values, disadvantaging people considered on low to middle incomes, and affecting their investment in Warwick. This could have a negative social and economic effect on people in the area.

COMMENT: *The proposed change to the overlay means that many residential allotments will be removed from the overlay.*

- Potential buyers of our land will be made aware of the limitations imposed by the overlay. We are already paying very expensive rates in Warwick and the value of our Warwick investment has not risen in years. Now Council will further impede our investment in Warwick, with the probability the value of our asset will reduce. The Rosehill Road abattoir is not the only entity with investments in Warwick. This change will impact on homeowners and landlords.

- We are concerned about the loss of earning potential of our property at 15 Gertrude Street, lowering the home and land value. There will be additional costs for any changes we may make, such as placing a shed or structure on our land.

COMMENT: *The land at 15 Gertrude Street is not currently within the Warwick Bacon Factory Overlay. The proposed Rosehill Road Abattoir Overlay will include the western half the allotment. While the overlay will prevent a second dwelling being built on the land, the overlay does not prevent sheds being built.*

- The land at 12 Glencoe Street is included in the existing overlay. I ask that the overlay be revised to provide exemptions in this area so that I may apply to construct a duplex on the land that may cater for the increased workforce at the abattoir. This sort of development would be consistent with existing and recent development in the area.

COMMENT: *The proposed amendment to the overlay means that many residential allotments will be removed from the overlay. While currently the overlay code does not restrict the use of land for Dual occupancies, it does restrict the construction of multiple dwellings. Therefore, the proposed change to the overlay will make more residential land available for residential development.*

- The land at 83 Rosehill Road is included in the existing overlay, and the proposed overlay now shows only part of the land in the overlay with the front section not being affected. I ask that the overlay be revised to allow me to construct a small one bedroom unit to cater for the increase workforce at the abattoir. These will be mainly 451 visa holders who would not be deemed 'permanent residents'. The majority of these workers do not have transport so low cost housing the immediate area would be a huge advantage to these works and the abattoir. I would expect that planning conditions would include insulation and air-conditioned to negate any odour issues or concerns Council may have. I realise the overlay is based on modelling, but would hope that this could be relaxed to enable this type of development to complement rather than conflict with the abattoir expansion.

COMMENT: *There is ample area available on this allotment outside of the proposed overlay to allow for a 'small one bedroom unit'. Council cannot restrict the use of a dwelling to abattoir workers.*

Discussion

It is recommended that Council proceed with the amendments relating to the Rosehill Road Abattoir as proposed.

3. PROPOSAL TO PREVENT RESIDENTIAL USES WITHIN 1 KILOMETRE OF AN INTENSIVE ANIMAL INDUSTRY

This proposed amendment includes changes that will prevent new residential uses, including Dwelling houses, being established in the Rural zone within 1 kilometre of an Intensive animal industry (IAI).

Currently, any proposal to construct a dwelling within a specified distance of an IAI (ranging from 200 metres to 1.5 kilometres depending on the type and scale of the IAI) triggers a code assessable application to Council. Usually, such an application is approved subject to measures being implemented to mitigate potential impacts, e.g. installing air conditioning and planting tree buffers.

The proposed amendment would mean that any of the following uses will be subject to impact assessment when being established in the Rural zone within 1 kilometre of an IAI:

- Caretaker's accommodation*
- Community residence
- Dual occupancy*
- Dwelling house*
- Home based business (bed and breakfast)
- Multiple dwelling
- Non-resident workforce accommodation*
- Relocatable home park
- Retirement facilities
- Rooming accommodation
- Rural workers accommodation*
- Short-term accommodation
- Tourist park

*when not on the same lot as the IAI

Furthermore, the proposed amended provisions of the planning scheme will prevent an approval being issued for these uses.

Fifteen (15) submissions were received in relation to this proposed amendment. Examples of the matters raised in the submissions are listed below.

- I fully support the principle of protecting existing IAIs, however the 1 kilometre separation distance is overzealous and does not take into account wind direction, topography and other land uses between the IAI and the proposed dwelling. The [Residential uses] code should have information for the prospective home builder on what needs to be achieved such as orientation, mechanical ventilation, filtering systems, etc.

COMMENT: *The intent of the amended provisions is to prevent to the construction of dwellings and other residential uses, therefore, there is no need to provide construction specifications.*

- There should be more controls over some developments that could occur near IAIs, but this needs to be tempered to ensure the planning scheme does not unfairly favour particular uses to the detriment of others.
- If houses cannot be built within 1 kilometre of an IAI, then IAIs should not be allowed to be built within 1 kilometre of an existing dwelling. A specific clause should be introduced that would prevent IAIs being approved within 1 kilometre of tourist accommodation.

COMMENT: *Development applications for IAIs would continue to be assessed as they are currently, i.e. applicants would need to demonstrate that the IAI will not create a nuisance for any*

existing use. This could mean that an IAI is approved within 1 kilometre to an existing dwelling or Short term accommodation.

- The current requirements are fair and reasonable and should remain unchanged.
- Selling a rural lot would become more difficult if this amendment proceeds. The only winner will be the owner of the IAI who would be able to expand their operation by cheaply purchasing surrounding lots. This would extend the problem to other surrounding rural lots.
- IAIs that are not currently in operation will create problems to neighbouring landowners who have purchased land to build on and are not aware of the restriction until they lodge a building application.
- Council should require buffer zones for IAIs to be completely contained within the boundary of their property. The size of the landholding must be large enough to allow for this.
- As a cattle farmer, I can't use someone else's land for my business, and yet I am expected to supply an odour buffer zone for an Intensive animal industry without my consent.
- The part approval of the large poultry farm on Cullendore Road was appealed to the Planning and Environment Court. Evidence given in that case relied heavily on the injustice of requiring neighbouring landholders to provide buffer zones for the IAI. The prospect of this is now being raised by Council. It seems Council has had a change of heart since defending in Court the rights of landholders in relation to the use of their land.
- The rights of individual landholders are being taken away. To freely provide IAI operators with a 1 kilometre separation or buffer zone outside of their own property, allowing the use of that land for their business, is to transfer the landholder's rights to the IAI operator.
- Council should be protecting residents and rural producers, not putting the wants of large scale developers ahead of others.
- Why were brochures regarding this proposed amendment not made available from Council's office?

COMMENT: *This particular proposed amendment was highlighted in the public notices placed in the local newspapers and on Council's website. Media releases were provided about the proposed amendments, including a specific media release regarding this particular proposal. Fact sheets were made available in Council's offices and also on Council's website.*

- The planning should find a balance between all uses and protecting resident's lifestyles.
- Landholders must be protected from IAIs; not the other way around.
- This amendment would significantly devalue land. The current value of land is almost completely dependent on it being suitable for residential purposes. Similarly, the reality of having to work and run a property within the buffer zone of an IAI is also not appealing. The landholder's asset has been taken away.
- The current scheme provisions require Code Assessment for a Dwelling House and Dual Occupancy that do not meet various separation distances set out in the Residential Uses Code. This provides for various distances that increase depending on the size of the IAI. This measure should progressively mitigate potential impacts as it is expected that the larger the industry, the greater the potential for offsite emissions such as noise, odour, traffic etc. The proposed change requires the same assessment for a residential use if it is within 1 km of an IAI regardless of the size of the use. The current code assessment regime takes the scale of the IAI into consideration and is therefore more appropriate. The current schedule impacts on dwellings proposed at a greater distance than 1 km if the industry is of a large scale, which is also more appropriate for larger scale operations.
- I have some concern that this proposed change is to alleviate problems that have been caused by approval of IAIs in inappropriate areas.

- This proposal suggests that impacts associated with IAIs are not being appropriately managed, and the solution is to impose restrictions on others.
- The purpose of the Rural Uses Code also states that it is to minimize the conflict between rural uses and other uses. Some additional provisions should be considered and I recommend the following rather than a blanket approach:
 - Dwelling houses, caretakers accommodation and Rural workers accommodation should be code assessable when located within the separation distances set out in the planning scheme for Dwelling houses
 - Community residence, Dual occupancy, Home based business (bed & breakfast), Multiple dwelling, Non-resident workforce accommodation, Relocatable home park, Retirement facilities, Rooming accommodation, Short term accommodation, and Tourist parks should be subject to impact assessment within the separation distances set out in the planning scheme for Dwelling houses

Discussion

This proposed amendment would have significant consequences for many landowners, over large areas of land.

The proposed amendment is problematic due to the uncertainty as to where IAIs will establish. As new IAIs are approved, additional landowners will be prevented from using their land for residential purposes.

Currently, in limited circumstances, some IAIs are subject to code assessment only. This means that an IAI could be approved without other landowners being aware of the proposal and the potential impact on their future plans to construct a dwelling, and the potential loss of land value. As another of the proposed amendments is to allow poultry farms of up to 400,000 birds to be subject to code assessment, the potential impact on landowners would be further compounded.

There is potentially a further consequence of this proposed amendment, in that it may make it more difficult to obtain development approval for an IAI. Currently, while neighbouring landowners may require planning approval to construct a dwelling on their land due to proximity to an IAI, obtaining planning approval is possible. If the amendment was to proceed, it would no longer be possible to build a dwelling (or other residential use), which could provide substantial grounds for an appeal against approval of an IAI.

For example, the first stage of the Carr Farming Poultry Farm at Cullendore Road, Murrays Bridge, was appealed in the Planning and Environment Court. One of the matters relevant to that appeal was the future construction of a dwelling on adjacent land, and whether the poultry farm would prevent that from occurring. The Court considered that while the establishment of the poultry farm may trigger the requirement for planning approval for a dwelling (due to non-compliance with the minimum setback requirements), it was still possible for a dwelling to be approved, and therefore this did not provide sufficient grounds for refusal of the application.

Should the amendment proceed, the inability to construct a dwelling on land within 1 kilometre of an IAI may be a determinative factor should an appeal be made against approval of the IAI. The impact on other landowners, and the sterilisation of their land for a dwelling, would be relevant considerations. In which case the amendment, which seeks to protect and encourage IAIs, would be counterproductive.

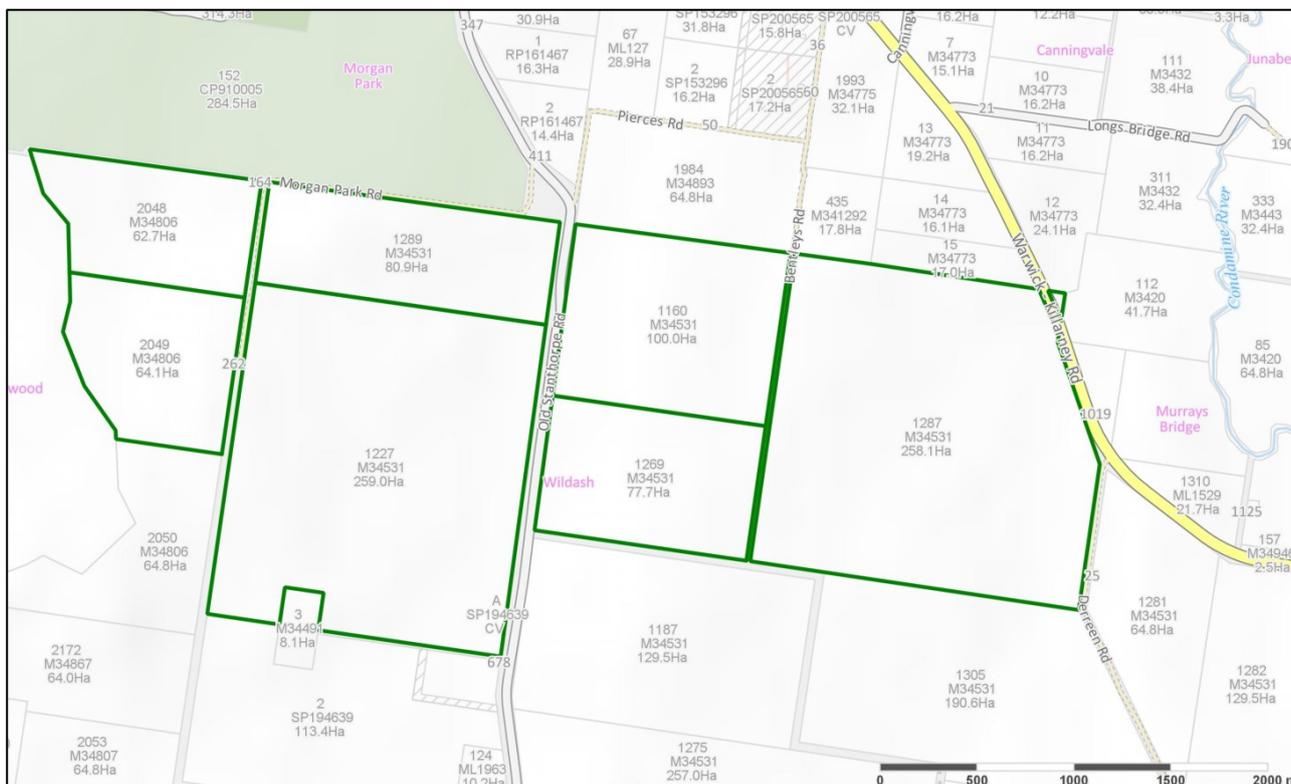
It is considered that the existing provisions relating to dwellings within proximity to an IAI are sufficient. These provisions take into consideration various types and scales of IAIs, and do not prevent the construction of dwellings in these areas, but allow Council to assess each application on its merits and the conditioning of an approval to mitigate environmental impacts.

4. PROPOSED AREA SOUTH-WEST OF WARWICK FOR INTENSIVE ANIMAL INDUSTRY AND SPECIAL INDUSTRY

This proposed amendment includes the identification of an area to the south-east of Warwick, where Intensive animal industries and Special industries would be code assessable development.

The identified area consists of seven allotments located to the south of Morgan Park with frontage to the Warwick-Killarney Road, Bentleys Road, Old Stanthorpe Road and Morgan Park Road.

The land is described as Lots 2048 & 2049 M34806, and Lots 1160, 1227, 1269, 1287 & 1289 M34531. The map below shows these lots outlined in red.



Currently, Special industry is impact assessable development throughout the Region, and an Intensive animal industry is subject to impact assessment in most circumstances. (Currently, small scale Intensive animal industries can be code assessable depending on their location and separation to boundaries.)

If the amendment proceeds as proposed, it will mean that a development application for a Special industry or Intensive animal industry on this land will be subject to code assessment.

Sixty-five (65) submissions were received in relation to this proposed amendment. All submissions were in objection to the proposal. Examples of matter raised in the submissions are listed below. Due to the large number of submissions, the comments have been categorised under the following headings:

- 4.1 Unacceptable Environmental Impacts
- 4.2 Impact on Morgan Park Recreational Grounds
- 4.3 Impact on above ground and underground water
- 4.4 Insufficient water supply
- 4.5 Impact on roads
- 4.6 Impact on land valuations
- 4.7 Impact on rural uses
- 4.8 Availability of more suitable areas

4.9 Need for public notification of developments

4.10 Political comments

4.1 Unacceptable Environmental Impacts

- These industries will result in smoke, odour and noise, and extreme offsite impacts in the event of fire, explosion or toxic release to waterways. This could have ongoing health impacts.
- The types of industry proposed would greatly impact on the enjoyment of rural lifestyle because of noise, odour and pollutants.
- There will be visual pollution.
- Hazards such as fire, explosions, toxic waste and fumes would have adverse effects on local residents.
- There will be contamination of drinking water and airborne pollutants from pesticides and other chemicals.
- The potential impact area of odours, dust, noise and other fugitive emissions from feedlots can extend to 4 kilometres. This does not take into account the cumulative impact effects of other more highly pollutant-producing industries in the zone such as piggeries, rendering plants and those listed under the Special industry heading. It is conceivable that the entire community of Warwick may be affected.
- Intensive animal industries and/or Special industries on this land will impact upon Regency Park, the TAFE college, and the new high dependency unit being built by Churches of Christ. It is foolish to spoil existing developments that are drawing people and business to Warwick.
- My husband and I have endeavoured to make our small rural block a viable and sustainable place to retire. I fear that a toxic or smelly industry so close will leave us with a business that will be unused. I certainly wouldn't entertain the idea of staying where the air was polluted.
- There have been feedlots to the south and south-east of Warwick (three along Cullendore Road and one on the Old Stanthorpe Road). The odour emitted from these was a continuous source of complaint, and the noise was continuous and unabated creating much unhappiness for the residents.
- This proposed amendment would cause gross affects to Morgan Park, the showgrounds, Regency Park retirement village, two caravan parks, a motel and the hospital. Ratepayers live in the area also.
- During the 1980's Warwick was base for a specialised industry namely the Warwick Woollen Mills (wool scour plant) which was located on Kenilworth Street. The processing of the wool created dust and a strong odour which drifted across the southern area of the city carried by Warwick's predominantly south-easterly breeze. Having this in mind any Intensive animal or Special industry to the south, south east and eastern side of the city and Morgan Park area should be avoided.
- This is contrary to section 6.2.4.2(c) of the planning scheme with state 'Industrial uses are located, designed and managed to maintain safety to people, avoid significant effects on the environment and minimise impact on adjacent non-industrial land'.
- If an accident was to occur at a Special industry, highly harmful fumes, emissions and pollution would impact on the immediate area as well as Warwick. There is limited water supply available for control a fire.

- I researched the airborne pollutants in a number of the "special industries" mentioned and am concerned about the safety of the rain water that runs off our roof. Baringa Gardens is a venue for weddings and special occasions and high tea. The Little Kimmy's business is based at Baringa Gardens. As the wind is mainly from the south-west, our business will be directly affected by the smell of any intensive animal industry or special industry located so close to our property.
- The proposed area begins approximately 4 kilometres from the town limits. At present the smell from chook farms more than 15 kilometres away can be smelt on a regular basis and can be considered offensive. A chook farm is of much less concern than the Special industries that could locate in this area. The air currents from this area feed directly along the valley and straight over Morgan Park within the residential areas of Warwick. Noise from motor racing at Morgan Park can be heard clearly in residential areas throughout Warwick. If sound can be regularly heard from Morgan Park, any offensive odours would travel over Warwick leading to increased medical conditions.
- The sickening smell of intensive animal industries is uncontrollable and will affect not only near neighbours but the city of Warwick. The quality of life for Warwick residents, visitors and tourists will be greatly affected. The amount of effluent with any intensive animal farming is enormous. This waste cannot be contained or disposed of on this land due to the amount of waste generated versus the size of the land area. On site storage will exacerbate the odour problem and must therefore be transported off site. Careful management and removal of this waste is crucial to environmental and human health. Surface runoff and leaching from intensive animal farming into our waterways and groundwater would have dire results for water quality. Any large concentration of animals in one area will at times create noise pollution. This is another uncontrollable pollutant. Animal feeding operations produce several types of air emissions all of which have varying human health risks. An increase in flies and mosquitoes breeding in standing and stagnate water can also be expected.
- To have a designated area where intensive farming or special industries can be based concentrates all the negative aspects of each and every industry. By spreading the industries, especially intensive animal farming, the impact of each is reduced.
- The long term effect on health and environment is unknown but obviously there is a risk otherwise these industries would not be classed as "Special" and the industries would be operating within city limits and closer to built up residential areas.
- In Chinchilla the Linc Energy Plant was responsible for the toxic chemicals and explosive gases that have caused "irreversible" damage to valuable farming land. In Oakey chemicals used as part of fire-fighting drills had leached into the ground and contaminated surrounding land and as well as part of the ground water supply. Similar contamination could occur if Special industries are allowed to operate on our lands.
- Section 3.6.1(8) of the planning scheme states 'The value of the landscape for primary production, cultural heritage, outdoor recreation, quality of life and scenic amenity is recognised and protected in all planning and development activities'. With the location so close to Warwick, the landscape, cultural heritage, outdoor recreation and the quality of life for Warwick residents would be compromised. Intensive Animal and Special Industries all create some kind of offensive or toxic odour which would permeate the surrounding area.
- Section 3.4.1 states: "The natural environment of the Southern Downs Region is highly valued by residents and visitors for its scenic beauty, intricate and fascinating ecosystems and for the provision of the life giving and life enhancing ecosystem services of clean air, clean water and habitat. The natural environment with its own inherent values significantly contributes to the identified character and sense of place of the Southern Downs and contributes to the economy through tourism activities". Approving such industries in this area would contradict these provisions.
- Warwick's industrial growth is so very small, less than 1%, that I find it difficult to understand the need to create industrial areas on the southern side of town within a less than 10 kilometre

zone of recreational, residential and commercial areas, where air currents would create the greatest impact to health, lifestyle and comfort of those living, working and visiting here.

4.2 Impact on Morgan Park Recreational Grounds

- Morgan Park is our largest local tourist attraction which is in very close proximity to this area. Do we want tourists to Morgan Park experiencing odour and noise nuisance? No amount of development conditions will be able to control odour or noise emissions.
- As per 3.3.10.1 & 3.3.10.2 of the planning scheme it states that "Morgan Park is maintained as a significant sport and recreational facility of regional, state, and national significance and potential conflict with sensitive uses is reduced by limiting potentially incompatible development in the vicinity" and "the ongoing use of Morgan Park is protected by limiting uses within the environs of Morgan park to rural uses and other compatible uses". This proposed amendment would be a great detriment to Morgan Park, the competitors and the visitors. Intensive animal industries and Special industries do not qualify as compatible uses given the close proximity and the prevailing south-east winds. This proposed amendment would jeopardise the many clubs operating at Morgan Park, and the local businesses and accommodation facilities supported by these club events.
- As a small business owner in the Morgan Park area offering temporary accommodation to travellers, tourists and event officials, participants and spectators, these proposed amendments will certainly affect our quality of life both financially and environmentally.
- Morgan Park is the jewel in the crown of Warwick and should not, in anyway, be threatened by feedlots, piggeries or "special industries" (unspecified) but, which have the potential to be harmful to visitors, events and the general populace within at least, a 10+ kilometre area.
- The jobs created will be minimal so I can't see the relevance in locating special industries close to a large tourist attraction like Morgan Park. I think the tourist dollar is paramount to our economic growth.
- The Morgan Park Users Group strongly recommends that this amendment does not proceed.
- Council would be ruining 40 years of volunteers' work to build such a great facility as Morgan Park.
- Council needs to support Morgan Park as the financial benefits that this facility brings to the area are immense and it would have a huge detrimental effect on the Southern Downs Region should the rezoning be allowed.
- The Morgan Park Plan and Management Strategy 2010 recommends 'not to allow industrial activities to occur in the norther industrial area of proposed industrial area to the east that may compromise the function of Morgan Park as a place where many residents and visitors may congregate during events. This is particularly so in terms of heavy or noxious and hazardous industry'.

4.3 Impact on above ground and underground water

- The water courses running through this land run directly into Allman Creek which feeds into the Condamine River which is part of the Murray Darling Basin. Under these properties is the Marburg Sandstone Aquifer which flows for hundreds of kilometres. Intensive animal industries and Special industries could result in contamination of both above ground and underground water sources.
- In the Southern Downs Non-Urban Land Study 2009, it states: 'Water is one of the critical natural assets in the Southern Downs area. The Condamine Alliance NRM Plan identifies that threats to water can also have significant impact on other natural resources assets'. With these proposed Intensive Animal Industries and Special Industries, contaminated water is

likely to enter into the underground Marburg Aquifer or by the overland flow into the Condamine River and then the Murray Darling system with catastrophic effect.

- To allow special industries and/or animal intensive industries to establish in this area would highly increase the risk of having polluted water flowing directly into the water catchment then the polluted water would infect the Condamine River which flows through Warwick.
- Any contaminated water could affect a large area of grazing and agricultural land.
- The risk of contamination is high and potentially detrimental to thousands of water users, livestock and natural resources and habitants along the waterway.
- In the past, industry operating near the river has resulted in accidental pollution of the above and below ground water systems. We cannot compromise or risk our environment and waterways with further noxious industries in catchment areas. While there are supposed to be controls in place to prevent this from happening, there are numerous documented cases of the control measures failing in other areas and such an event could not be absolutely guaranteed.

4.4 Insufficient water supply

- There is insufficient water available in this area for these industries to operate without having a major impact on Warwick's water supply.
- Warwick has experienced severe water restrictions in the past without intensive and special industries drawing on Connolly and Leslie Dams.
- The national guidelines for beef cattle feedlots recommend water requirements for 1000 cattle units equates to 24 mega litres per annum. Using this calculation, a single moderately sized 10,000 SCU feedlot would require almost 10% of the total capacity of our water source, Connolly Dam.
- The quality of the underground water in this area is very brackish and would not be suitable for any Intensive Animal or Special Industries.
- Section 3.6.3.2 (Land use strategies) states: "Intensive animal industries require an adequate water supply, good road access and larger lots on which to deal with land management requirements and incorporate buffering". The area does not currently meet these requirements.

4.5 Impact on roads

- This amendment would result in an increase in traffic on the Old Stanthorpe Road, which in its present state would not be suitable at all. If upgrades were required it would be a further expense for Council that would be passed onto rate payers.
- The current proposal is on a road with poor drainage in rain periods and the road (which is only designed for two narrow vehicles to pass each other safely when both move half-way off the road), floods quickly. Traffic is a high risk due to the narrow road as it is. This is a reasonably quiet area, and feedlotting or industry would bring an unknown number of heavily loaded semi-trailers along this road causing damage to the surface. The road is not designed to have a constant stream of heavy vehicles and a feedlot or industry, which require multiple deliveries and transport of stock in heavy vehicles. This will pose a risk to road users.
- Traffic on the Warwick-Killarney Road has increased significantly since the establishment of the poultry industries on Cullendore Road. Traffic has likely doubled since those industries established. Noise and air pollution from large vehicles exhausts impact on the quiet amenity. This proposal will create more traffic and create greater noise and air pollution and further interfere with our quiet enjoyment of our home and land.

- Section 3.6.2 of the Planning Scheme states 'The uses of land for industrial purposes is only acceptable if the land has adequate sealed access and is flat, free from flooding and otherwise suitable for industrial development'. When Allman Creek floods it causes traffic problems for kilometres along the Old Stanthorpe Road.
- The increase in traffic on Old Stanthorpe Road would also impact on the recreational use of this area as it is used daily by cyclists.
- Bentleys Road is too narrow for two-way heavy vehicular traffic.
- Sandy Gully to the north and Oakey Creek to the south both cause traffic problems in flood times.

4.6 Impact on land valuations

- These industries would be less than 8 kilometre to the CBD and even closer to the residential outskirts and schools. This will adversely affect property and business values due to the stigma of being close to an industry that produces smell, noise and air pollution.
- I would also like the security of knowing that if we had to sell for any reason, we would be paid a fair price for our business and land. If the land is rezoned our land would not be viewed as a desirable place to purchase.
- There are so many established houses throughout this area. There are six families on Bentleys Road alone. Residents purchased land based on the current zoning. These residents enjoy a quieter lifestyle with the safety of their families as priority. The value of their land will decrease.
- This proposal would have a significant negative impact on the value of our land, our financial position and our future retirement plans.

4.7 Impact on rural uses

- Section 3.6.1(8) of the Planning Scheme states 'The value of the landscape for primary production, cultural heritage, outdoor recreation, quality of life and scenic amenity is recognised and protected in all planning and development activities'. The land is used for rural purposes and is a source of outdoor recreation for family and friends. The proposed change would have a catastrophic effect on our quality of life, future plans and legacy.
- If the amendment proceeds, it is possible that rates would increase. Rural land would have to be sold, as the change would be inconsistent with the 'clean green' image of produce.
- The residue/contamination risk puts in jeopardy accreditation audits for Cattlecare and the European (EU) Market, making livestock suspect. If rezoning as suggested goes ahead it risks taking the heart out of a viable business of 125 years and will prevent use of a registered road crossing for Lot 1287 and adjoining lots on both north and south.
- A small portion of Lot 1287 M34531 is located on the north-eastern side of Warwick-Killarney Road. If this lot is rezoned, the impact of the rezoning will not only occur on the western side of the Warwick-Killarney Road, but also on the eastern side. This land is part of our family's grazing operation, an integral and necessary part of our holding enabling us to remove stock from the eastern side of the Warwick-Killarney Road when the land is too wet or flooded or forms part of our cell/rotational grazing management practice.
- All of the land operated by the Cory family has undergone all necessary requirements for it to be EU and Cattlecare accredited. It is run using best management practices cell and/or rotational grazing. In the event the proposal proceeds, contamination are more likely than not to interfere with and/or cause the loss of accreditation for EU Cattlecare because of contamination of air, water, dust and odour. Noise from development could seriously impact on the reproductive capacity of our breeding herd.

- The land in question is viable agricultural land that is currently being used to produce sustainable agricultural income by the landowners and this has a flow on effect for the businesses in the town of Warwick. To change the usage of this land would yet be another nail in the coffin for agricultural industry in a highly productive agricultural area of Queensland.
- If the land is sold, the market will be restricted to those buying for the purpose of Intensive animal industries or Special industries, thereby eliminated another piece of production agricultural land.
- As stated in 3.6.1: "Agriculture and pastoral activity underpins the economy of the Southern Downs and is strengthened and supported by protecting rural land and production areas, innovation, diversification and value adding'. I am requesting that you continue to support your farming community and not approve this proposed amendment to the planning scheme in respect of our properties. None of these proposed changes will be of any benefit to me or my family or the surrounding property owners. The land has, and always will be, only suitable for pastoral activities. In 3.9.3.2(7) it states: "The use of land for industrial purposes is only acceptable if the land adequate sealed access and is flat, free from flooding and otherwise suitable for industrial development'. My farm has hilly areas in half the property and a watercourse runs through the flat land which is also a flood plain. By your own definition the land would not be suitable for industrial use.

4.8 Availability of more suitable areas

- There are substantive areas of industrial zoned land which should more than adequately cater for industrial development. Large tracks of land are available on Kenilworth Street.
- There are hectares of crown land to the west of Warwick which remains virtually unused which would be suitable for Intensive animal industries and Special industries. Water is available from Leslie Dam and this area is less populated then the area proposed.
- There is a large portion of crown land triangled by Karara, Leyburn and Pratten which has only produced a small amount of timber in bygone days. Industries in this area would be well away from residential and sporting areas. The villages of Karara, Leyburn and Pratten, along with Warwick and Clifton would also benefit greatly from this site. Other sites of use could be the Killarney Abattoir site or the Warwick Butter Factory site in Victoria Street, both lying idle. Establishment of compatible industries for these sites and the already zoned industrial areas not occupied would be great assets.

4.9 Need for Public Notification of developments

- By making these uses code assessable, Council is taking away the rights of landowners and the general public to voice their objections to any future development which could have a massive impact on their lifestyle and quality of life.
- This amendment would result in Council abdicating its responsibility to accept or decline any plans for industrial development in this area.
- Each application for intensive farming or special industries should be assessed on an individual application and the public consulted accordingly. It is our constitutional right to have our say where our quality of life and the value of our properties are at stake.
- Intensive animal industries and Special industries should always be subject to public scrutiny, so that affected residents have the opportunity to assess the likely impact of the development.
- The proposal removes the right for the public to be notified and/or object to any proposed development on land near us. This is a very significant diminution of our common law right to have quiet enjoyment of our land. We will have no right to appeal a decision to grant approval or the lack of conditions attaching to any approval. To remove such rights is unconscionable.

- It is unconscionable that applications for these industries would not be subject to public notification. These decisions should not be wholly in the hands of a few planning officers.
- It is sneaky and underhanded of Council to be able to approve Intensive animal industries without community consultation. The Council was voted in to represent the people.

4.10 Political Comments

- Council has in the past been very conservative in granting approval for development, but this proposed amendment is ‘throwing the baby out with the bath water’.
- If the amendment proceeds, significant financial compensation from Council would be appropriate.
- To consider such large and toxic industries in this area, particular code-assessable, is short sighted and detrimental to our long term future and planning.
- To propose this area for Intensive animal industry and Special industries, is the height of irresponsible planning.
- Council is elected to serve the people who elect them, not the interests of developers.
- This amendment is a contradiction to your current battle regarding the GrainX facility in Allora. Whilst this is in the very close proximity to the residents of Allora, Council is currently objecting to the noise and pollution this business is generating. How is allowing special industries to be developed in a rural residential area different to this situation where noise and pollution would impact on the residents?
- No case has been made for the proposal, adding to the perception that Council is attempting to achieve in secret when it might not be able to with public scrutiny.
- Is this a sneaky way to get some unpleasant plan through the back door?
- Council should be concentrating on attracting people to live in Warwick and causing the economy to experience growth. A township contaminated with air and noise pollution is not attractive to anyone, including those who already live here.
- Many of the industries identified for this area require minimal staff and offer little to the surrounding district.
- This proposed amendment is being ‘sneaked in’ that only a handful of citizens are aware of.
- There has been a lack of public notice and consultation considering this is a major change for the environment of Warwick.

COMMENT: *This particular proposed amendment was highlighted in the public notices placed in the local newspapers and on Council’s website. Media releases were provided about the proposed amendments, including a specific media release regarding this particular proposal. Fact sheets were made available in Council’s offices and also on Council’s website, and letters were sent to the owners of the seven allotments subject to the proposed amendment. This specific amendment was discussed in depth at the Developer’s Forum held in Warwick. All landowners and other interest persons were offered the opportunity to meet with Council staff to discuss this and any other of the proposed amendments, and some did take up this offer.*

Discussion

This amendment was proposed to provide additional industrial land suitable for Intensive animal industries. This area was been investigated as a suitable area for Special industry as part of a project undertaken by a previous State government.

As there remains large areas of land already Industry zoned in the Kenilworth Street location, and substantial grounds of objection have been raised by submitters, it considered appropriate that Council not proceed with this amendment.

5. PROPOSAL FOR MOTOR SPORT FACILITY TO BE SELF-ASSESSABLE DEVELOPMENT AT CARNELL RACEWAY

There is a court order issued in 2015 which sets out the requirements for the use of the Carnell Raceway as a Motor sport facility. The conditions of the court order limit the use of the track as follows:

- Maximum of 20 race days (including practice days) in any calendar year
- Motor racing does not occur on a day other than a Saturday or Sunday, and not in December or January, and not on a long weekend, Easter, Mother's Day, Father's Day
- Maximum of 15 motor racing events in any calendar year where an event may be for one or two days
- Driver and rider safety training between 9.00am and 5.00pm, Monday to Friday, no more than 52 times a year
- Prohibits the use of pro stock drag racing vehicles, top fuel drag racing vehicles and trucks

Currently any proposal to increase motor sport activities at Carnell Raceway (other than a minor extension to the existing use of the land) is subject to impact assessment. This means that planning approval is required and the development application must undergo public notification.

A Motor sport facility is defined as 'Premises used for organised or recreational motor sports whether on or off-road, which may include permanent, temporary or informal provision for spectators and other supporting uses'. Examples of Motor sport facilities include go-karting, lawn mower race tracks, trail bike parks, 4WD and all terrain parks, motocross tracks, off road motorcycle facility, motorcycle or car race tracks.

It is proposed to amend the planning scheme such that any Motor sport facility at the Carnell Raceway would be self-assessable development.

Motor sport facility	Self-assessment
	If located at Morgan Park or Carnell Raceway on Council controlled land.
	Code assessment
	If - (a) the self-assessable use does not comply with all self-assessable acceptable outcomes identified in the assessment criteria column; or (b) a minor extension to an existing lawful use that is not self-assessable.

If this amendment proceeds, it would mean that approval will not be required from Council provided certain requirements are met. The self-assessable requirements are not particularly difficult to achieve, and include the following:

- Access to a sealed road (the provision of a sealed road to the site is already a requirement of the court order);
- Building setback requirements;
- Building height restrictions; and
- Landscaping requirements.

If the amendment proceeds as proposed, it will mean that motor sport activities at Carnell Raceway will be subject to the same requirements as they currently are at Morgan Park.

Seventy (70) submissions were received in relation to this proposed amendment. Four of these submissions were in favour of making Motor sport facilities self-assessable development. Examples of the matters raised in the submission are listed below. Due to the large number of submissions, the comments have been categorised under the following headings:

- 5.1 Overriding the Court Order
- 5.2 Environmental impacts
- 5.3 Comparison with Morgan Park Recreational Grounds
- 5.4 Residential development of the area
- 5.5 Impact on land valuations
- 5.6 Non-compliance with conditions
- 5.7 Need for public consultation
- 5.8 Relocation of Carnell Raceway
- 5.9 Political comments
- 5.10 Miscellaneous comments
- 5.11 Comments in support of proposed amendment

5.1 Overriding the court order

- The proposal will override the existing Court order that controls the use of Carnell Raceway, and will allow any type of motor sport or recreation activity to occur. This could include rock concerts and other types of mass entertainment. Any increase in the use of the track could occur without planning consent or public notification.

COMMENT: *The proposal only relates to Motor sport facilities. It does not include Outdoor sport and recreation which is how rock concerts and other types of mass entertainment would be defined. Should someone wish to use this site for mass entertainment events, they would need to seek approval through Council either as a development approval or a local law permit (if a one-off event).*

- We were led to believe that the decision of the court in 2015 was final.
- This amendment is being proposed only two years after the court order was made. This amendment would render the court order useless and irrelevant.
- Many people bought in this area based on the fact and knowledge that the Planning and Environment Court decisions have limited and set down the types and hours of activities that could be conducted at Carnell Raceway. Substantial sums of money were expended on obtaining the Planning and Environment Court decisions. Substantial sums of money have been invested by homeowners in their home and surroundings.
- There is a court order in place for Carnell Raceway which came at great expense to residents, car club members and Council. The amendment is a waste of ratepayers' money and disrespectful to residents.
- The proposal seeks to override the Court order. Council is abdicating its responsibility to enforce compliance codes that have been established by judicial process.
- A compromise has been reached between the Stanthorpe and District Sporting Car Club (SDSCC) and residents. This proposal will only reopen the wound and create unnecessary friction.
- The court order is working well. It protects the amenity to a reasonable. Under the current arrangement Council can fulfil its implied duty of care under Queensland law to provide due amenity by enforcing compliance.
- The court order is a fair, reasonable and satisfactory outcome for the residents and the SDSCC. Council's unnecessary proposal will likely created renewed and unnecessary friction between the raceway and residents.

- The SDSCC and residents are happy with the current arrangements, and there is no push from these two parties for the proposed amendment.

5.2 Environmental Impacts

- The immediate area surrounding Carnell Raceway provides a number and variety of accommodation types. Operators of those accommodation premises have expressed ongoing concerns about the intrusive noise levels generated at Carnell Raceway. The natural beauty of the area and its peace and quiet and tranquillity are major draw cards and these will be lost if the proposed amendment proceeds.
- Designating Carnell Raceway's activities as self-assessable removes the reasonable limitations to the number of race days, the hours of operation, and the types of motor sports held at the facility. Such a drastic change from the present arrangement has the potential to radically alter the character of the area we live in and destroy its tranquillity.
- The natural environment of the surrounding areas is highly valued by residents and visitors for its scenic and natural beauty, intricate and fascinating ecosystems and for the provision of life giving and life enhancing ecosystems services of clean air and habitat expected to be free from offensive and intrusive noise pollution.
- Residents were forced to raise major concerns with the relevant local authority about the noise generated by activities at Carnell Raceway and the noncompliance of the Planning and Environment Courts decision. The noise generated, although now controlled somewhat and restricted to defined days and times, is still intrusive, disturbing and unwelcome and continues to have a damaging effect on the wellbeing, health and chosen lifestyle of surrounding residents, ourselves and neighbours.
- The accumulated noise of a number of vehicles taking part in a race event together with the noise emitted by the PA system is intrusive. To permit an extension of activities at Carnell Raceway by self-assessment will dramatically increase the offensive and intrusive noise levels. Exposure to offensive and intrusive noise pollution in the environment is the cause of a number of physiological and psychological issues in humans. Offensive and intrusive noise pollution in the environment is one of the major causes of disturbed sleep. If this becomes a chronic problem it results in mood changes, decrements in performance and other long term effects on health and wellbeing.
- The dramatic increase in offensive and intrusive noise which will result from the proposed amendment, and the increased traffic, will have a damaging and degrading effect on the local environment and wildlife populations of the proposed Carnell Raceway Overlay area. Noise pollution can affect an animal's physiology and behaviour.
- The unwelcome, offensive and intrusive noise that is generated at Carnell Raceway, by motor vehicles, motor bikes, PA system and petrol or diesel powered generators, enters our home preventing the natural enjoyment of and the ability to live in comfort in our own personal space. We should not be expected to incur or suffer the possible health issues that increased offensive, intrusive noise pollution can cause. We do not believe that anyone should be forced to leave their home when events are scheduled to escape the noise pollution or be forced to close windows and doors to prevent the noise pollution infiltrating our homes. Visitors to our home have commented on the volume and intensity of the noise generated at Carnell Raceway. They have questioned how we manage to live with it and why Council in the past did not take steps to address the issue.
- There will be a substantial increase in bush fire threat caused by increased activity at Carnell Raceway due to flammable fuels kept on the site.
- Should the amendment proceed we shall be forced to live in an inhospitable environment due to excessive noise over extended periods of time and to be restricted to remaining inside our

home which is not equipped with sound proofing and double glazed windows and doors. We are not able to afford to install the necessary sound proofing and double glazed windows and doors - nor can we afford to run an air conditioning unit for the periods of time that we would be required to do when we would be restricted to our house. We would be deprived of our love of gardening, love of the outdoor life and from other hobby activities that we undertake on our property.

- The noise impacts from further increases in racing will lead to unacceptable noise amenity impacts for nearby residents. An acceptable compromise has already been reached by allowing an increase in race days from 12 to 20 and allowing the use of the raceway for driver and rider training on week days (around 300 days a year). The very fact that the court order had to be so tightly constrained is evidence of the level of concern about noise impacts. To make further increases self-assessable does not allow natural justice to the nearby residents. I live at Finneys Lane and at times my amenity is impacted when the noisier cars are racing. On some race days I can't relax on my deck but must go inside and shut the windows. I am prepared to accept that on rare occasions, but would protest against it becoming a regular event. Council's own reports dated 26 June and 25 September 2013 clearly state that noise impacts from 40 race days a year are not acceptable. The following is an excerpt from the peer review conducted by consultants MWA Environment: *In summary, the existing operations of the motor racing circuit (at 12 race days) generate noise which is well above ambient background noise levels, this would appear to be considered as acceptable amenity impact on the basis of the current cap of 12 events per year. It is my opinion that for the raceway to hold up to 40 events per year it would need to reduce operating noise levels by at least 15dB(A) which I consider to be quite impractical. On the basis of my review I consider that increasing the number of events above that currently approved (then only 12) would lead to unacceptable noise amenity impact and if 40 events per year were held, extremely unacceptable noise amenity impacts would result.* This certainly highlights why allowing any increase in race days at Carnell Raceway should NOT be self-assessable development. If new technology is available to limit noise impacts (which may happen in the future) then the Car Club can apply and undergo impact assessment to prove their case.
- Those living within the area are affected by noise, smell and social disruption caused by mainly, though not exclusively, young intoxicated fans, now only have 26 weekends a year to enjoy in peace. Council should respect the rights of residents to enjoy family barbecues, picnics, etc.

5.3 Comparison with Morgan Park Recreational Grounds

- Council cannot compare Morgan Park to Carnell Raceway. Morgan Park is a Major Regional Raceway whilst Carnell is a small country facility. Because it is situated in a rural/industrial area, Morgan Park has limited impact on residents. Carnell raceway is located within a residential area, with the nearest home being 700 metres away.
- Motor sport facilities should be impact assessable development at both Morgan Park and Carnell Raceway. The overlay area surrounding Morgan Park should remain in place together with the current restrictions.
- It is unrealistic to make changes so Carnell is dealt with the same way as Morgan Park. Morgan Park has a large buffer with most of the surrounding properties being rural or industrial. Unfortunately, Carnell has large residential areas close by, which were created and subdivided at a time when Carnell was inactive. A previous Council has allowed the car club to reactivate, use and upgrade the facilities thus causing the issues we now face and have faced for 20 years or more. The Council has inherited the problem and should deal with it on its own merits rather than suggesting that if Morgan Park is planned in this matter so should Carnell Raceway.
- Seeking uniformity between Morgan Park and Carnell Raceway is unrealistic. Carnell is topographically like an amphitheatre which naturally accentuates the noise produced by motor

sport activities. The topography surrounding Warwick is flat open plains and any noise generated dissipates over a much wider area.

- We do not wish Carnell Raceway to become like Morgan Park.
- The distance from the Central Business District is greater in Warwick, than that of Carnell Raceway to the Central Business District of Stanthorpe. The density of residential homes in Stanthorpe surrounding Carnell Raceway is far greater than any residential development near Morgan Park in Warwick. To propose that both motor sport precincts be brought under the same planning conditions is not supported by logical or sound planning requirements or techniques.

5.4 Residential development of the area

- The former Stanthorpe Shire Council permitted the Hale Haven Drive, Lees Mountain Road and Whiskey Gully Road subdivisions when Carnell Raceway was used on a very limited basis and there were no noise issues. Land was brought and homes constructed by owners who accepted the level of activity at Carnell Raceway. Regrettably, activity and resulting noise levels at Carnell Raceway have increased dramatically since the subdivision of land was approved and homes constructed. The increase in activity and resulting dramatic increase in noise levels at Carnell Raceway has encroached into the surrounding residential area, and not the argument that is often used that the residential area has encroached on Carnell Raceway. This is a fact that unfortunately is not accepted by the SDSCC. It now appears that Council also does not understand or appreciate this fact.
- The Stanthorpe Shire Council did not intend to permit the expansion of the raceway activities because they approved the subdivision of blocks that surround the raceway precinct from 1977 through until 2007 just prior to amalgamation with Warwick Shire Council. The amalgamated Council (SDRC) would have been fully aware of their duty of care and legal responsibility to ensure that the operation of the raceway precinct did not negatively impact on the residents of the surrounding area. It is evident that Stanthorpe Shire Council intended this area for residential development and perhaps intended to relocate the raceway.

COMMENT: *Under the Stanthorpe Shire Planning Scheme 2004, the allotments that are currently zone Rural residential were included in the Residential zone, Large lot and Wallangarra Neighbourhood. The minimum lot size for these lots was 2.0 hectares, meaning that further subdivision in this location was significantly restricted, as very few allotments were of sufficient area to be subdivided and achieve the minimum lot size. A feasibility study on the possible relocation of the raceway was conducted in 1994, but the difficulty in finding an appropriate site and the costs involved make relocation unfeasible.*

5.5 Impact on land valuations

- Property values will decrease because of the offensive and intrusive noise pollution. This decrease in property values will affect the valuations used for rating purposes and will therefore reduce the rate base of Council. It will also reduce the amount Council receives from Stamp Duties applied to sales.

COMMENT: *Council does not receive revenue from Stamp Duty (now known as transfer duty).*

- We do not want our property devalued and our rights as landowners reduced.
- Increase in the use of Carnell Raceway will devalue land and result in extreme difficulty of home owners realising a sale if they wish or need to do so.

5.6 Non-compliance with conditions

- Neither the Council or the Stanthorpe and District Sporting Car Club (SDSCC) are prepared to strictly enforce or adhere to the decision of the Planning and Environment Court.

- The SDSCC has not demonstrated its ability to adhere to the Court order. The residents have extended goodwill to the SDSCC in the past to permit the conduct of the Club's activities and events and the activities and events of visiting motor sport organisations at Carnell Raceway. In the past, that goodwill has been severely breached and abused by the SDSCC.
- The court order requires Rifle Range Road to be sealed from the end of the existing bitumen to the entrance of the site within 18 months of the approval. This 18 month period would have expired in December 2016. The court order also included a condition that the car club must work with Council to resolve the encroachment of the track and associated areas onto the road reserve and adjoining reserve for sanitary purposes. Neither Council nor the SDSCC has undertaken or commenced to undertake any work related to these conditions. Does Council have any intention of enforcing the conditions, and does the SDSCC have any intention of complying with these requirements?

COMMENT: *As the 2016 calendar for Carnell Raceway included the additional events approved by the court order, Council accepts that the date the approval was acted on as being 1 January 2016. Therefore, the requirement for the sealing of the road is not at this time outstanding, but it is unlikely compliance with this condition will be achieved by 30 June 2017. Council officers have met several times with representatives of the SDSCC and the Department of Natural Resources and Mines to discuss rectifying the encroachment of the track into the road reserve and sanitary reserve, and also undertaking a road closure as an alternative to sealing of the road. The SDSCC has not progressed this matter, and recently advised Council that they are deferring any decision on this matter pending the outcomes of the proposed amendments to the planning scheme.*

5.7 Need for impact assessment and public consultation

- The proposed amendment is a retrograde step and if undertaken will mean that any increase to usage of the raceway would be without planning consent and consultation with landowners and residents in the affected areas.
- Monitoring, public notification and requiring approval ensures safety, accountability and consideration for fellow ratepayers.
- Council is allowing the club to have events when and where they choose with no consideration for the residents who were never given an opportunity to object to the siting of a noisy drag facility on their doorstep.
- The safeguards that are currently in place for the public to make submissions and appeal any decision should remain. Any application to increase racing at Carnell Raceway should be impact assessable and all parts of the relevant codes which were used to assess the recent development application should stay. No aspect of the conditions of the latest Development Permit should be able to be changed without public notification and the ability for submissions and subsequent appeal rights.
- When Stanthorpe Shire approved a significant number of subdivisions in the area surrounding Carnell raceway, the operation of the raceway had ceased, and many believe that it was defunct. Some years after the subdivisions, the car club recommenced activities at Carnell. In approximately 1994, it was discovered that the raceway was operating unlawfully and there was no actual planning approval for the raceway. An application was made and an approval issued. That approval was appealed in the Planning and Environment Court. The appeal was settled following mediation, and a court order issued. At the mediation, residents were lead to believe that Council as landlord would not consent to an expansion of the facilities. The SDSCC at that time were happy with the agreement and there was a general belief that the raceway would relocate if it ever had to become larger. It was with some surprise that Council as landlord consented to the more recent application by the SDSCC. Again, the residents appealed the decision to increase the use of the raceway. It is clear that the raceway is incompatible with the residential use. As the original approval for the raceway was subsequent to the subdivision of the residential area, it is important that residents continue to have a say in any future plans for the raceway.

5.8 Relocation of Carnell Raceway

- Council should be seeking funding from the State and/or Federal governments, and seek sponsorship and/or funding from appropriate corporate sources to relocate the raceway.
- If the raceway is to expand, it should do so in a different location where it would impact much less on surrounding residential development. The planning scheme should identify an alternate area for future growth over and above that which residents are prepared to tolerate, such as the industrial land controlled by Council.

COMMENT: *A feasibility study on the possible relocation of the raceway was conducted in 1994. The difficulty in finding an appropriate site and the costs involved make relocation unfeasible.*

5.9 Political comments

- To change the Planning Scheme from impact assessment to self-assessment is a retrograde and retrospective step which can only increase unnecessary conflict between the SDSCC and neighbouring residents, a massive increase in noise levels, and distrust of Council and Council's planning staff.

- Why is Council making changes without any consultation with the local residents?

COMMENT: *Public consultation was undertaken, and this submission was received as a result of that public consultation process. This particular proposed amendment was highlighted in the public notices placed in the local newspapers and on Council's website. Media releases were provided about the proposed amendments, including a specific media release regarding this particular proposal. Fact sheets were made available in Council's offices and also on Council's website, and letters were sent to all owners of land within the proposed Carnell Raceway overlay advising of this proposed amendment.*

- The proposal is vindictive, retrospective planning by stealth in an effort by Council to placate a small group of motor sport participants.
- Who lobbied to have this proposal put forward? – not the residents and not the SDSCC.

COMMENT: *No person or group lobbied for this amendment.*

- The proposal seeks to absolve Council of any responsibility for the use of this community facility.

- This amendment gives Carnell Raceway licence to become larger and larger, and use Council land adjacent which is already zoned Community facilities.

COMMENT: *There are three adjacent lots that are within the Community facilities zone: a sanitary reserve and two freehold allotments in Council's ownership. These three allotments are part of the Stanthorpe waste facility; with some of this land providing for future expansion of the waste facility and for a buffer to adjoining rural residential allotments. There is no intention to allow the use of the land for Motor sport facilities. Furthermore, the proposed amendment specifically refers to Motor sport facilities at Carnell raceway. These adjoining allotments could not be considered part of Carnell raceway.*

- Anyone building or moving into the area in future should not have the right to complain about the noise.

- The amendment is an abdication of local governmental authority to enforce compliance of codes that have been established by judicial process.

- These changes to the planning scheme were discussed even before the court decision was handed down, which would allow Council to override the decision. Is this true? If so, has Council ever taken the ruling seriously or had any intention of going along with it?

- Advice has been received that the decision to propose a change to the level of assessment was discussed in a briefing meeting on 23 June 2014, and the decision to proceed with the proposed amendment was made at a Council meeting on 27 May 2015; and to include a

Carnell Raceway Overlay was made at a Council meeting on 28 October 2015. At no time until February 2017 was any advice received by us concerning this decision of Council.

COMMENT: *The amendments to the planning scheme were prepared over a period of 18 months, and referred to the State government for State interest review at the beginning of 2015. The State interest review process took almost one year. Public consultation of the proposed amendments commenced in February 2017. None of the proposed amendments were made publically available prior to that time. It would not be appropriate to release details prior to the commencement of public consultation as all proposed amendments had to pass the State interest review, and it would be unwise to speculate based on which amendments may proceed.*

- Under the current *Local Government Act* it is up to an individual Council to decide what is considered to be "community consultation". However in the interests of all stakeholders and in the best interests of the name and credibility of Council it would seem logical to expect that Council would have undertaken an open, accountable and transparent process concerning these proposed changes. Residents were not directly advised of these changes until letters dated 13 & 22 February 2017 were sent to landowners within the overlay. Many residents and property owners were deprived of a period of approximately 3 to 4 weeks of the 6 weeks consultation period time in which to research and prepare their objections. At no time did Council offer or propose to meet with the residents in a public forum in order to advise the affected residents of the proposed changes to the town plan. The Council appeared to not want to interact with the affected residents nor face the consequences of their proposed actions. A 'Developers Forum' was organised in Warwick and afterward a 'Developer's Forum' was organised for Stanthorpe. It is of concern that residents and property owners that are affected by the proposed changes were not invited directly to such a Forum and that the Council considered their priority should lie with the real estate, developers, building certifiers, home and shed construction companies, etc. Council has ignored the affected residents and property owners within the proposed overlay area and that they have only consulted with a select section of the Stanthorpe and Warwick communities. Council has failed in its responsibilities and its Duty of Care to its ratepayers thus severely disadvantaged them.

COMMENT: *The public consultation process undertaken far exceeds the requirements of the Statutory guideline 04/14 - Making and amending local planning instruments. This particular proposed amendment was highlighted in the public notices placed in the local newspapers and on Council's website. Media releases were provided about the proposed amendments, including a specific media release regarding this particular proposal. Fact sheets were made available in Council's offices and also on Council's website, and letters were sent to all owners of land within the proposed Carnell Raceway overlay advising of this proposed amendment. This specific amendment was discussed in depth at the Developer's Forum held in Stanthorpe, which was attended by members of the public, including this particular submitter. All landowners and other interest persons were offered the opportunity to meet with Council staff to discuss this and any other of the proposed amendments, and some did take up this offer. Councillors and a Council officer also attended a meeting requested by the Stanthorpe and Granite Belt Chamber of Commerce where this proposed amendment was discussed in detail.*

- Allowing motor sport activities to be held 24 hours a day, 7 days a week, 365 days a year will make it more likely residents will complain and lobbying Councillors to do something about it.
- Council allowed residential development within this area, and therefore has a responsibility to safeguard the well-being and rights of the ratepayers who have chosen to reside in this area.
- Councillors would not approve this if they had a neighbouring property, but they expect others to put up with it. Council needs to respect the rights of the wider community and not just the profits on a single business. It is only fair – they have stolen enough from the residents already.
- The proposal to allow the car club to police itself over development and schedules is completely out of order and rides roughshod over the principles to which the rest of democratic society subscribes. No organisation, especially one whose impact is so negative on the surrounding community, should be allowed sweeping powers of self-regulation. Council would

be well to remember that that it is subject to the periodic consequence of the ballot box. Councillors would not approve a developer constructing a music venue that operates every

- The proposal to make Motor sport facilities self-assessable means Council is leaning entirely in favour of the raceway. Why is the raceway given so much more regard than the residents?

5.10 Miscellaneous comments

- Neither Hale Have Drive nor Rifle Range Road is constructed to take an increase in high volumes of traffic.
- By making Motor sport facility self-assessable, a new committee or a wealthier club could take over the raceway and Council could end up in litigation again.
- It is strongly recommended that if this amendment proceeds, a number of the conditions (if not all) from the court order are introduced into the self-assessable provisions to ensure that the Car Club are held to account and not actually impact the surrounding existing residential uses.
- It has been suggested that participants and spectators at Carnell Raceway spend up to \$1 million annually in the local community. However, given that a considerable number of visiting participants camp on site and bring with them substantial supplies, it is doubtful these figures can be substantiated.

5.11 Comments in support of proposed amendment

- There are claims by local residents that the proposal to make Motor sport facilities at Carnell Raceway self-assessable would destroy the fabric and peace and quiet of the neighbourhood as no limitations would be placed on the raceway. This is based on assumptions only. The reality is the current calendar of race days has been established on a financial basis to best utilise the facility for the club, yet nine out of twelve our events on our calendar conflict with race events at other nearby raceways.
- Strongly support this change. Carnell is a popular and functional facility and brings patronage to local businesses.
- In the past couple of years, Carnell raceway has been restricted to a later time for racing to start and an earlier time to stop. As a result, we have noticed a decline in the number of competitors. Morgan Park is now being used instead of Carnell due to the restrictions placed on Carnell. With this decline there is a flow on effect for the Stanthorpe business community. We are hoping that Council can rectify the restrictions placed on Carnell Raceway so more people can enjoy what is a great little track.
- If the overlay is adopted, and Carnell Raceway is given the same opportunities and privileges as Morgan Park, the Short Circuit Motor Sport Association would have no hesitation in increasing their support for Carnell and the Stanthorpe region. Carnell raceway is an ideal safe circuit for young drivers to start to learn the finer points of car control and motor racing. Competitors need a local track to gain experience in racing, and also safe driving techniques that will reduce the risk of accidents on our roads. Carnell provides this opportunity and the need has become more relevant and urgent as our population grows. The events attract in excess of 120-130 competitors plus their crews and families, which provides greater exposure of Stanthorpe. All events conducted at Carnell directly benefit the Stanthorpe and broader community through hospitality, catering, advertising, accommodation and entertainment. There is a tangible economic benefit to the town and its businesses. At least 70% of competitors stay a minimum of two nights in Stanthorpe. Some will arrive during the week prior to the event and participate in tourist activities within the region. Surveys identified the economic benefit of Carnell Raceway as being between \$40,000 and \$50,000 per meeting. It would be a shame to be forced to consider relocating our activities to another venue and deprive Stanthorpe of the economic benefits and exposure it currently receives.

Discussion

There is a history of conflict between activities conducted at Carnell Raceway and the surrounding residential area, including two appeals being lodged with the Planning and Environment Court in response to approvals to increase the usage of the track.

While there would be some value in treating Carnell raceway in the same manner as the Morgan Park Recreational Grounds, the number of residences in proximity to Carnell raceway and the history of land use conflict between residents and the SDSCC make Carnell raceway a very different environment to that of Morgan Park.

The proposed amendment would likely result in an increased number of events being conducted at Carnell raceway, resulting in increased environmental impacts for residents. It is therefore, not considered appropriate to proceed with the amendment to make Motor sport facilities at Carnell Raceway self-assessable development.

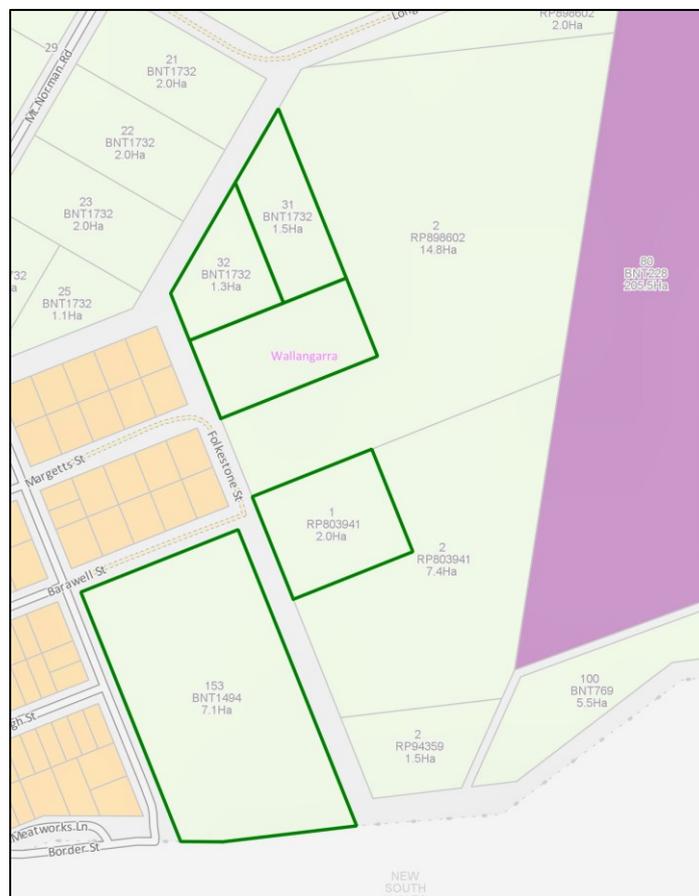
6. REZONINGS

The matters raised in submissions relating to rezoning and addressed in this section are :

- 6.1 Objections to rezoning of land, Folkestone Street, Wallangarra
- 6.2 Request to review rezoning of Lot 29 RP31808, 43 Caulley Lane, The Summit
- 6.3 Request for rezoning of part of Lot 82 SP215201, Mt Tabor
- 6.4 Request for future review of the planning scheme to include rezoning of 34 Teale Road

6.1 Objections to rezoning of land, Folkestone Street, Wallangarra

In order to provide more industrial zoned land in Wallangarra, it is proposed to rezone the allotments between the abattoir site (which is currently zoned Industry) to the boundary of the Township zone. This included ten allotments: five allotments in the same ownership as the abattoir, and five allotments in three separate ownerships. These three landowners (i.e. the owners of Lot 153 BNT1494, Lots 31-33 BNT1732, and Lot 1 RP803941 shown in green on the map below) have objected to the proposed rezoning of their land.



The matters raised in these submissions are summarised as follows:

- These five allotments are used for residential purposes or intended for residential purposes.
- If the land is rezoned, it is unlikely that the land could be sold because no one wants to buy a house on industrial land.
- Rezoning of the land creates the potential for industrial development, but it is doubtful this would ever occur. Therefore, the inclusion of additional lots within the Industry zone restricts what people can do with their land, but the lots zoned Industry would likely never be used for that purpose.

- The owners of these allotments will be restricted in how they used their land, and will have no say on industrial uses that could establish on adjoining lots.
- If the land is rezoned, it would immediately be revalued and rates would be increased.
- The land on which the abattoir is located is zoned Industry. This land can support other industries. No additional industrial land is required.
- The land is not suitable for industry due to the topography of the land. The land is subject to flooding and can remain boggy for weeks.
- The infrastructure needed for industrial development is not available in this area. There is limited road infrastructure.

Discussion

The rezoning of these allotments could result in industrial development being located directly adjacent the Wallangarra township, potentially adversely impacting upon residents.

The Wallangarra abattoir is located on an allotment of 205.5 hectares which is zoned Industry. This is more than adequate industrial land for a township the size of Wallangarra. While all the industrial land is in one ownership, subdivision of the land could proceed if required, and industrial uses established an appropriate distance from the township.

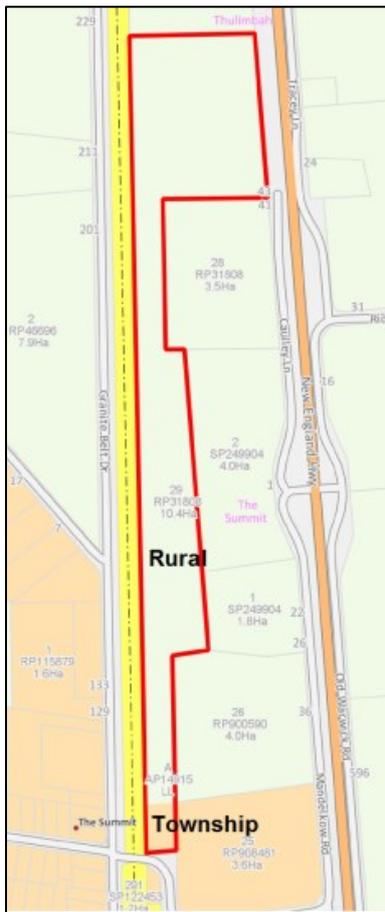
The submitters suggested that Council could proceed with rezoning of the five allotments in the same ownership as the abattoir, however industrial development of these allotments would potentially result in unacceptable impact on residents.

It is recommended that Council proceed with the rezoning of Lot 100 BNT769 only (shown in red on the map below). This allotment has an area of 5.5 hectares, is located adjacent to the abattoir site and at an adequate distance from the township. The rezoning of this allotment would also provide an opportunity for realignment with the larger abattoir allotment to create a useable industrial lot.



6.2 Request to review rezoning of Lot 29 RP31808, 43 Caulley Lane, The Summit

The owner of land at 43 Caulley Lane requested Council to rezone the southern portion of their land from Rural to Township zone. In response to that request, Council proposed to rezone just over 3000m² in the southern part of the lot, as shown on the map below.



The landowner has request Council review the rezoning of the land in accordance with his initial request, which was for a larger portion of the land of approximately 1.2 hectares (as shown in blue on map below) to be included in the Township zone.



Discussion

The landowner states that the land will only be able to be subdivided once due to the limited access to the land, and that the larger area fits in better with the existing small acreage situation that exists on the eastern side of the railway line. The larger allotment that could be created would have a higher market value.

6.4 Request for future review of the planning scheme to include rezoning of 34 Teale Road

The land the subject of this request is located west of the Township zone of The Summit.



The land is currently in the Rural zone and it is requested that the next review of the planning scheme consider including this land in the Township zone. The matters raised in this submission are as follows:

- A similar submission was made in 2012, and Council proposed to include this land in the Township zone; however, during the State interest review, the State government required the land to be retain in the Rural zone.
- There is a shortage of land available for residential development in The Summit.
- The subject site is the logical choice for a further extension to the township.
- The proximity of the land to existing residential lots seriously limits its potential to be used for agricultural purposes.

Discussion

Council can consider rezoning this land in the next review of the planning scheme. No action is required by Council at this time.

7. OTHER MATTERS RAISED IN SUBMISSIONS

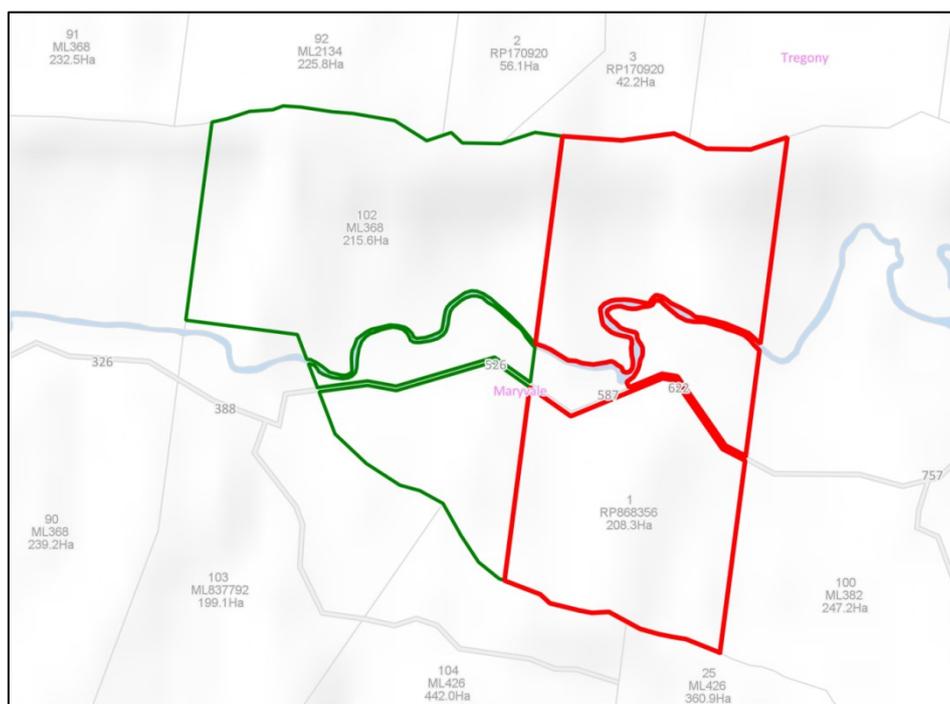
The miscellaneous matters raised in submissions are addressed as follows:

- 7.1 Request to allow subdivision of 526 and 622 South Branch Road, Maryvale
- 7.2 Request to amend Section 3.3.7.2(2) Industrial areas - Land use strategies
- 7.3 Request to Amend the Home based business code
- 7.4 Future Principal centre zone in Warwick
- 7.5 Proposed amendment to the Community facilities zone code
- 7.6 Miscellaneous Matters

7.1 Request to allow subdivision of 526 and 622 South Branch Road, Maryvale

The owners Lot 102 ML368 and Lot 1 RP868356 have requested the planning scheme be amended to allow them to subdivide their land on the basis that:

- The lots are too small for rural use.
- Lots of approximately 100 acres exist in South Branch Road.
- The road bisects each of the lots.



The land is in the Rural zone, Basalt quality grazing. The minimum lot size in this precinct is 200 hectares. These two lots have areas of 215.6 and 208.3 hectares, and therefore are too small to be subdivided and achieve the minimum lot size.

The submitters have not provided sufficient grounds that would allow the subdivision of these lots. These allotments are similar in size to other allotments in this location, and it is common for rural allotments to be split by roads.

The landowners have the option of applying for approval to subdivide the land and justifying the subdivision in relation to the provisions of the planning scheme.

The realignment of boundaries with adjoining lots is an option for these landowners, and they would have been advised of this option had they had made an enquiry regarding subdivision of their land.

Discussion

There are no grounds for amending the planning scheme to allow subdivision of this land.

7.2 Request to amend Section 3.3.7.2(2) Industrial areas - Land use strategies

This section of the planning scheme states as follows:

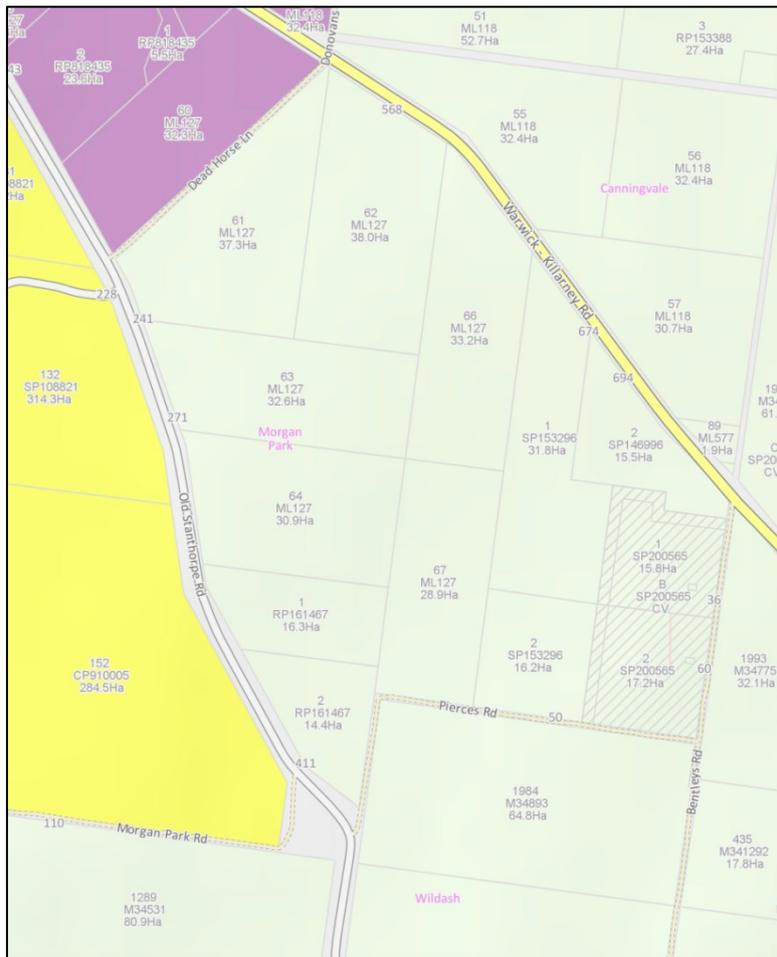
An area of land south of the existing Warwick Industrial Estate between the Warwick Killarney Road and the Old Stanthorpe Road south of Dead Horse Lane is suitable for industrial expansion as it adjoins existing zoned land, is flat and free from flooding and can be connected to industrial infrastructure as development to the north progresses. Due to the constraints of remnant vegetation and environmental values this land is not included in the Industry zone however future industrial development of this land which accommodates the environmental values and vegetation constraints is strongly encouraged. The use of this land and adjoining land for purposes that may conflict with future industrial uses will not be supported.

A similar provision was included in the Warwick Shire Planning Scheme 1999.

No amendment of this section has been proposed, however two submissions were received in relation to this section of the planning scheme. The two submitters own land in this location. The concerns raised are as follows:

- Objection to the statement 'the use of this land and adjoining land for purposes that may conflict with future industrial uses will not be supported'.
- Industrial use of this land would compromise the use of Morgan Park.
- There is ample land available in the Industry zone. It is unreasonable to place restrictions on this land.
- This land is most unsuitable and highly undesirable for industrial expansion.

It is unclear the extent of the area of land referred to in this section. It is possible that it could include all of the allotments between Dead Horse Lane and Pierces Road.



To properly protect the land for future industrial uses, the land should be zoned Industry, but due to the regulated vegetation on the land, the State government has previously rejected this zoning of the land.

The provisions of the planning scheme do not prevent the use of the land in this area for Dwelling houses or Dual occupancies. The Morgan Park environs overlay code does restrict the use of this land for Multiple dwellings, Residential care facilities, Relocatable home parks and Retirement facilities. The proposed amendments include the proposal to also restrict Dual occupancies within the Morgan Park environs overlay.

There is a Dwelling house on almost every allotment in this area. Other land uses in this area include Short term accommodation and a poultry farm.

It is considered that the requirements of the Morgan Park environ code satisfactorily prevent higher density residential development of this land. It is considered that the last sentence of this section (i.e. 'the use of this land and adjoining land for purposes that may conflict with future industrial uses will not be supported') can be deleted without compromising the long term availability of this land for industrial development.

7.3 Request to Amend the Home based business code

A submitter has suggested several changes to the Acceptable outcomes of the Home based business code.

AO1.1 of the code is as follows:

AO1.1 *Only residents of the dwelling are employed on the site.*

It is proposed to amend this AO to allow one employee not resident on the site to be employed of the site if located in the Rural zone. The submitter suggests a further amendment that this AO to include (for sites other than those in the Rural zone) 'There are no employees who attend the home for paid or unpaid work unless that work is for what would be reasonably considered maintenance or improvements to the property'.

It is considered reasonable that this AO is amended as follows:

AO1.1 *In the Rural zone, only one employee not resident on the site may be employed on the site. In all other zones, only residents of the dwelling are employed on the site. No other employees are employed on the site or attend the site for work purposes.*

AO3(a) of the code is as follows:

AO3(a) *No more than one commercial vehicle associated with the home based business is garaged on the premises.*

It is proposed to amend this AO to allow a second commercial vehicle on sites within the Rural zone. The submitter suggests a further amendment to the AO to read 'parked' instead of 'garaged'. This amendment is considered reasonable and the Acceptable outcome can be amended to read:

AO3(a) *No more than one commercial vehicle associated with the home based business is parked or garaged on the premises. In the Rural zone, a second commercial vehicle may be parked or garaged on the premises.*

AO4.5 of the code states as follows:

AO4.5 *The maximum number of business clients on the site at any one time is 6.*

The submitter suggests if 6 clients can attend the site, then employees should be allowed to attend the site, and that AO4.5 should be amended to read: 'No more than 6 cars are to be parked at or near the home at any one time'. The submitter claims that Council is not being fair to 'the majority of tradies or other small businesses who employ a person or two, and they travel for work'.

The purpose of the Home based business code is 'to provide for the operation of home based businesses which are consistent with the amenity and character of the adjoining area and to ensure that the business has a scale and intensity that does not adversely affect the viability of the planned commercial or industrial areas'.

The number of employees (and clients) associated with a Home based business are limited in order to achieve the purpose of the code and to ensure that Home based businesses do not create a nuisance or unacceptable amenity in the area. The number of clients is limited at six to allow for six children to be cared for in a home day care environment. A business that employs six people is not consistent with a Home based business. Unlike vehicle belonging to employees, vehicles belonging to clients do not remain parked within a residential area throughout the day. Therefore, is not appropriate to amend AO4.5 as requested.

7.4 Future Principal centre zone in Warwick

A submitter suggests that the land located bounded by Albion Street, Wood Street, Canning Street and Condamine Street needs to be protected and earmarked for future Principal centre zone. This land is currently within the Mixed use zone. The area of land is outlined in red in the map below.



The matters raised in this submission are as follows:

- Council is seeking an additional 10,000 people to settle in Warwick, this represents a need for a further 22,000m² retail and commercial space over and above what is currently supplied.
- The Warwick CBD, identified as the Principal centre zone and the Mixed use zone is somewhat landlocked between historical suburbs to the south and west, national highways on its southern and eastern sides, and the Condamine River with its flood prone plains to the north and east.
- Unless land is identified and protected for such a purpose, growth pressure for additional retail and commercial space may be realised outside the existing Principal centre zone on the outskirts of Warwick, with devastating impact on the existing CBD.
- Land consolidation in the Principal centre zone, along Palmerin Street would require significant change to or removal of existing building stock, including heritage buildings.

As shown on the map above, much of this area is within the Flood hazard overlay, and therefore cannot be considered appropriate for future Principal centre zone.

The provisions of the planning scheme strongly restrict higher order commercial development outside of the Principal centre zone, and there remains substantial land available within the

Principal centre zone. Therefore it is not considered necessary to identify additional land in the Principal centre zone at this time.

7.5 Proposed amendment to the Community facilities zone code

A submission was received in relation to the proposal to delete Performance outcome 12 (PO12) from the Community facilities zone code. PO12 states as follows:

PO12 *Development is located and designed to avoid significantly changing the conditions of privacy, safety, noise, odour and fumes, lighting and traffic generation experienced by occupants of nearby residential uses.*

There is no Acceptable outcome that applies to this PO.

The submitter states that this provision should be retained as it provides the grounds for assessing the impacts on surrounding residential occupants and, if this Performance Objective is removed, residents' amenity would not be protected.

The deletion of PO12 was proposed because there is another Performance outcome in this code (PO4) which is very similar. PO4 is shown below with proposed amendments in red.

Privacy and safety	
<p>PO4 All uses are located and designed and operated to be compatible with other existing uses and to preserve or improve –</p> <p>(a) the physical conditions of the adjoining area including noise, light, odour, air quality, lighting and traffic generation; and</p> <p>(b) the character of the adjoining area including privacy, built form and safety.</p>	<p>AO4.1 New buildings and extensions are setback at least the following distances from any common boundary with residential premises: (a) where there is no main building on site – not less than 6 m; or (b) where any main building is to be retained any extension or new building may either have the same setback as the existing building or be setback in accordance with (a) above whichever is the closest to the common boundary.</p>
	<p>AO4.2 Windows of new buildings and other structures do not overlook the living areas of any adjoining residential use.</p>
	<p>AO4.3 New car parks and driveways are setback 3 m from a common boundary with a residential use to allow for landscaping in accordance with the Landscaping code.</p>

If the AOs are complied with, it is taken that compliance with the PO has been achieved. As AO4.1, AO4.2 and AO4.3 may not adequately address the PO, it is recommended that these AOs be deleted and replaced with AO4 shown below. AO4 retains the existing provisions, but states that these provisions will only partially achieve PO4. This means that development must be assessed for compliance with the PO4 in addition to assessment against the AO4.

AO4

In partial fulfilment of the PO –

- (a) *New buildings and extensions are setback at least the following distances from any common boundary with residential premises:*
- (i) *where there is no main building on site – not less than 6 m; or*
 - (ii) *where any main building is to be retained any extension or new building may either have the same setback as the existing building or be setback in accordance with (a) above whichever is the closest to the common boundary.*
- (b) *Windows of new buildings ~~and other structures~~ do not overlook the living areas of any adjoining residential use.*
- (c) *New car parks and driveways are setback 3 m from a common boundary with a residential use to allow for landscaping in accordance with the Landscaping code.*

The proposed amended PO4 and AO4 adequately address the protection of residents' amenity and PO12 can be deleted.

7.6 Miscellaneous Matters

- Request to amend section 3.9.5.1(3) Strategic outcomes as shown in blue:

Commercial and community events such as the Warwick Rodeo, Leyburn Sprints, the Apple and Grape Harvest Festival, Spring Wine Festival, Opera in the Vineyard and Jumpers and Jazz in July, as well as music festival, school fetes and the like, are supported through use of public infrastructure and facilities due to their substantial contribution to the social, cultural and economic well-being of the region.

COMMENT: It is not considered appropriate to include private commercial events. Council has no influence in whether these events continue, and no responsibility to provide public infrastructure for private commercial events. No change to this section is recommended.

- Request to amend section 6.2.2.2 District centre zone code, Purpose, (as shown in blue) as 'tourism is a vital source of income for both communities':

(2) *The overall outcomes sought for the zone code are as follows:*

(a) *The town centres of Killarney and Allora are the focus of their communities visiting tourists and serve the day to day needs of the population while providing opportunities for business and employment.*

COMMENT: Amendment of section 6.2.2.2(2)(a) is not considered necessary, as section 6.2.2.2(2)(b) refers to tourism within these areas, as follows:

(b) *The District centre zone is the only location for the development of a range of commercial activities and community services which provide for the local needs of the town and the surrounding rural area. A range of convenience retail, commercial, community, tourist and entertainment and residential uses are provided which support the local community and provide for the touring public. Industrial uses are limited to low impact industries that serve the needs of businesses and employees in the centre. **Tourist uses are complementary to the commercial use and heritage values of the centre.***

- Request to amend Table 5.5.2 District centre zone, to include Residential care facility, Rural industry and Service station in separate rows. Request to amend Table 5.5.13 Township zone, to include Rooming accommodation and Rural industry in separate rows.

COMMENT: Where land uses are subject to the same levels of assessment and assessment criteria, and alphabetically those land uses appear consecutively, it has been practice to include those land uses within the same row to reduce the size of the tables. It is considered appropriate that this formatting is maintained. An example from Table 5.5.2 is shown below.

Use	Level of assessment	Assessment criteria
Residential care facility	Code assessment	
Rural industry		District centre zone code
Service station		Car parking and loading code
		Landscaping code
		Outdoor lighting code
		Physical infrastructure code
		Stormwater management code (if applicable)

- Table 5.5.6 - Levels of Assessment for Low density residential zone: Home based businesses are self-assessable development 'if not a bed and breakfast providing accommodation for no more than 6 guests'. Why mention the number of guests for a bed and breakfast is to be self-assessable?

COMMENT: The only Home based businesses that are to be subject to code assessment are bed and breakfasts accommodating more than 6 guests. A higher level of assessment is considered appropriate for these larger scale bed and breakfasts as they may impact on the

residential amenity of the area. This provision however should be amended to read 'if not a bed and breakfast providing accommodation for ~~no~~ more than 6 guests'.

- Request to amend Table 5.5.10 - Level of Assessment for Rural zone, Home based business, to amend 'providing accommodation for *more than 6 guests*' to 'providing accommodation for 6 or less guests'.

COMMENT: This provision could be amended to 'providing accommodation for 6 or fewer guests', but this amendment is not necessary to clarify this provision.

- The proposed amendments to Table 5.5.10 - Level of Assessment for Rural zone, Short term accommodation, includes the following as code assessable development:

- (b) (i) *the lot has an area of at least 5 ha; and*
- (ii) *it will result in no more than two buildings being used for Short-term accommodation;*
and
- (iii) *accommodating no more than 12 guests; or ...*

A submitter has asked 'why limit this to two buildings' as two cabins would likely accommodate four people and would not be economically viable. The submitter suggests that this should be amended to allow six buildings to proceed as code assessable development.

COMMENT: This provision of the planning scheme also includes the following as code assessable development:

- (c) (i) *the lot has an area of at least 10 ha; and*
- (ii) *it will result in no more than four buildings used for Short-term accommodation; and*
- (iii) *accommodating no more than 24 guests; or ...*

The number of accommodation buildings has been used as criteria for the levels of assessment, as this provides an indication of the scale and the likely impacts of the development. It is usual that tourist cabins are constructed to accommodate six guests, and the provision as proposed assumes six people to an accommodation building (not two). An allotment of between 5 and 10 hectares is a small allotment within the Rural zone, and the number of accommodation buildings is limited to ensure only developments of an appropriate scale can proceed as code assessable development. Development that exceeds the criteria may still be acceptable, but it is appropriate that larger scale developments proceed as impact assessable development to ensure that adjoining landowners are aware of the proposal and have the ability to comment on the proposal.

Currently, the planning scheme requires a minimum lot area of 10 hectares before two accommodation buildings can proceed as code assessable development, so the amendment as proposed already represents a concession.

- Request to amend Table 5.5.11 - Level of Assessment for Rural residential zone, Home based business, to amend 'if not a bed and breakfast providing accommodation for *no more than 6 guests*' to 'if not a bed and breakfast *or short term accommodation or a rural farm stay*'.

COMMENT: 'Short term accommodation' is a defined land use under the Queensland Planning Provisions (and the planning scheme) and therefore cannot be included as an example of a Home bases business. All references to 'rural farm stay' have been removed from the planning scheme as this term is no longer used in the Queensland Planning Provisions.

- Request to amend Table 5.5.13 - Level of Assessment for Township zone, to require impact assessment for dwelling houses within 1 km to an Intensive animal industry. The submitter suggests this amendment be made to ensure dwellings within Hendon must undergo impact assessment due to the piggery located on Gregory Street.

COMMENT: Hendon is located in the Rural residential zone, not the Township zone. If Council intends dwelling houses to be impact assessable development in Hendon, then a Rural residential zoning is not appropriate. However, given the size and number of allotments

in this area, and the residential development that has already occurred, a Rural residential zoning is appropriate.

8. FURTHER AMENDMENTS

Following referral of the proposed amendments for State interest review, the need for several further amendments has been identified. The amendments identified in this section are considered to be minor amendments only, which need not be subject to public consultation. These amendments will only proceed if approved by the State government.

8.1 Amendment to Table 5.5.3, Levels of Assessment for the Environmental management and conservation zone - Park

Currently, a Park in the Environmental management and conservation zone is subject to impact assessment.

A Park is consistent with the purpose of the Environmental management and conservation zone, therefore it is considered appropriate Table 5.5.3 be amended to include Park as exempt development.

8.2 Amendment to Table 5.7.1, Levels of Assessment for Building Work

Amendments are proposed to Table 5.7.2 to ensure correct terminology is used in relation to Local heritage places. Currently, this table uses the term 'building', instead of 'place', which excludes some of the Local heritage places included on the Local heritage Register. The proposed amendments are shown in red below.

Table 5.7.1 Building work

Zone	Level of assessment
Community facilities, District centre, Environmental management and conservation, Industry, Low density residential, Medium density residential, Mixed use, Principal centre, Rural, Rural residential, Specialised centre and Township	Exempt
	All building work except the removal or demolition of a building listed on the Local heritage register place (except when the demolition or removal is performed following a catastrophic event that substantially destroys the Local heritage place building and demolition is required by Council for public safety).
	Impact assessment
	The removal or demolition of a building listed on the Local heritage register place EXCEPT if demolition is performed following a catastrophic event that substantially destroys the Local heritage place building and demolition is required by Council for public safety.

8.3 Amendment to Table 6.2.12.3, Assessment Criteria for Specialised centre zone code

The Specialised centre zone code does not specify a maximum site coverage for development in this zone. It is considered appropriate that a maximum site coverage of 50% be stipulated as an Acceptable outcome, similarly to the site coverage specified for the Mixed use zone. The amendment to the code will be as follows:

Siting, layout, building form and design	
PO1 The height, site cover and setbacks for buildings all combine to provide an attractive commercial and industrial built environment.	AO1 <i>In partial fulfilment of the PO -</i> (a) The maximum height is 2 3 storeys. (b) Buildings are setback 6 m from the primary main road frontage and 3 m from all secondary street frontages. (c) The maximum site coverage is 50%.

8.4 Amendment to Table 9.3.7.3, Assessment Criteria of Residential uses code

The assessment criteria of the Residential uses code currently stipulate that Dwelling houses and Dual occupancies are located at least 100 metres from an extractive industry haul route. Any

proposal to locate a Dwelling house or Dual occupancy within this separation distance is subject to code assessment.

There is difficulty in establishing exactly what constitutes an 'extractive industry haul route'. While a haul route is identified for the Braeside Key Resource Area under the State Planning Policy (this identified haul route is simply the access from the New England Highway to the property entrances), no other haul routes are formally identified.

Furthermore, as traffic associated with a small extractive industry may be no greater than that associated with a rural use, there is some inconsistency in requiring a 100 metre setback from a extractive industry haul route, and only a 60 metres setback from a gravel road.

It is therefore considered appropriate to delete the Acceptable outcome requiring a 100 metre separation from an extractive industry haul route. The requirements for Dwelling houses and Dual occupancies in the Rural zone to be setback 60 metres from a gravel road and 500/1000 metres from an extractive industry will remain, and these requirements will mitigate dust and noise impacts associated with traffic from extractive industries.

The amendment to this section of the planning scheme (which includes the inclusion of Caretaker's accommodation) will be as follows:

Table 9.3.7.3 – Residential uses code - Self-assessable and assessable development

Additional provisions for Caretaker's accommodation, Dwelling houses and Dual occupancy in the Rural zone	
<p>PO6 Where located on an existing lot in proximity to an existing or approved extractive industry operation or abattoir rural activity including animal keeping and intensive animal industries, the Caretaker's accommodation, Dwelling house or Dual occupancy incorporates location, design, orientation and construction measures that mitigate the effects of noise, dust, odour, and other impacts arising from the industrial or rural use.</p>	<p>AO6-4 All Caretaker's accommodation, Dwelling houses and Dual occupancy dwellings (when located on a different lot to the Extractive industry or Abattoir) are separated from: (a) an existing or approved Extractive industry by at least: (i) 1,000 m from a hard rock quarry, a gravel quarry, or any extractive industry involving screening, crushing or blasting activities, including any area used by associated machinery or processing equipment; (ii) 500 m from an extractive industry not involving screening, crushing or blasting activities including a sand pit, decomposed granite quarry or similar extractive industry, including an area used by associated equipment.; and (c) 100 m from an extractive industry haul route. (b) an existing or approved Abattoir by at least 500 m.</p>

Budget Implications

Costs associated with public notification.
Possible claims for compensation.

Policy Consideration

Corporate Plan

- 4.4 Apply the Planning Scheme to ensure consistent and balanced decisions are made in relation to lifestyle and growth opportunities.
- 8.1 Review the Planning Scheme in accordance with State legislation.

Operational Plan

Oversee review of the Planning Scheme including initiatives to streamline Development Assessment.

Complete the review (Amendment 1 and Amendment 2) of the Southern Downs Planning Scheme by the end of 2016.

Community Engagement

The proposed amendments to the Planning Scheme underwent a public consultation process for more than 30 business days.

Legislation/Local Law

Sustainable Planning Act 2009

Statutory guideline 04/14 - Making and amending local planning instruments

Southern Downs Planning Scheme

Options

Council:

1. Decide to proceed with the major amendment to the Southern Downs Planning Scheme, as publicly notified, except as follows:
 - (a) Council defers consideration of the proposed Carnell Raceway Overlay and the zoning of Lots 1 and 2 SP267727, pending further information from Council's environmental consultant.
 - (b) Council does not proceed with the following proposed amendments:
 - Rezoning of 20 Herbert Street and 22 South Street, Allora
 - Proposal to prevent residential uses within 1 kilometre of an Intensive animal industry
 - Proposal for Intensive animal industry and Special industry to be code assessable development in an area identified to the south-east of Warwick
 - Proposal for Motor sport facility to be Self-Assessable Development at Carnell Raceway
 - Rezoning of Lots 31, 32 and 33 BNT1732, Lots 1 and 2 RP898602, Lots 1 and 2 RP803941, Lot 2 RP94359 and Lot 153 BNT1494, Wallangarra
 - (c) Council refuses the following requests to amend the planning scheme:
 - To amend Section 3.3.7.2(2) - Industrial areas - Land use strategies
 - To identify a future Principal centre zone in Warwick
 - To amend Section 3.9.5.1(3) – Tourism and Events - Strategic outcomes
 - To change formatting of Table 5.5.2 – Level of Assessment for District centre zone, and Table 5.5.13 Level of Assessment for Township zone
 - To amend Table 5.5.6 - Levels of Assessment for Low density residential zone - Home based business
 - To amend Table 5.5.10 - Level of Assessment for Rural zone - Home based business
 - To amend Table 5.5.10 - Level of Assessment for Rural zone - Short term accommodation
 - To amend Table 5.5.11 - Level of Assessment for Rural residential zone -Home based business
 - To amend Table 5.5.13 - Level of Assessment for Township zone - Dwelling house
 - To amend section 6.2.2.2 - District centre zone code - Purpose
 - To rezone part of Lot 82 SP215201, Mount Tabor
 - To allow subdivision of 526 and 622 South Branch Road, Maryvale
 - To remove the Rosehill Road Abattoir Overlay from Lot 8 RP78173, Lot 1 RP36283, Lot 3 RP36285, Lot 3 RP36361 and Lots 105-108 W134622, Lot 9 W13467, Lot 10 RP844569, Lot 4 RP106922 and Lot 21 SP144651

- (d) Council agrees to the following requests to amend the planning scheme:
- Increase the area of land in the southern part of Lot 29 RP31808, 43 Caulley Lane, The Summit, that is rezoned to Township zone
 - Amendment to the Home based business code (request approved in part)
 - Amendment to the Community facilities zone code (request approved in part)
 - Amendment to Table 5.5.6 - Levels of Assessment for Low density residential zone
 - Home based business (request approved in part)
- (e) Council agrees to make the following additional amendments to the planning scheme:
- Amendment to Table 5.5.3, Levels of Assessment - Environmental management and conservation zone – Park (i.e. exempt development)
 - Amendment to Table 5.7.1, Levels of Assessment for Building Work (i.e. Local heritage places)
 - Amendment to Table 6.2.12.3, Assessment Criteria for Specialised centre zone code (i.e. maximum site coverage)
 - Amendment to Table 9.3.7.3, Assessment Criteria of Residential uses code (i.e. deletion of separation distance from extractive industry haul route)
- (f) That future review of the planning scheme includes rezoning 34 Teale Road, The Summit, from Rural to Township zone.
2. Resolves to proceed with the major amendment to the Planning Scheme, in a different way to that described in 1 above.
3. Makes no amendments to the Southern Downs Planning Scheme.

Attachments

1. Submissions (Excluded from agenda - Provided under separate cover)[View](#)
2. Submissions (Excluded from agenda - Provided under separate cover)[View](#)

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

Document Information

 <p>Southern Downs REGIONAL COUNCIL</p>	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 24 May 2017
	Development Assessment Coordinator	ECM Function No/s: MCU\01723 and ERA\00222

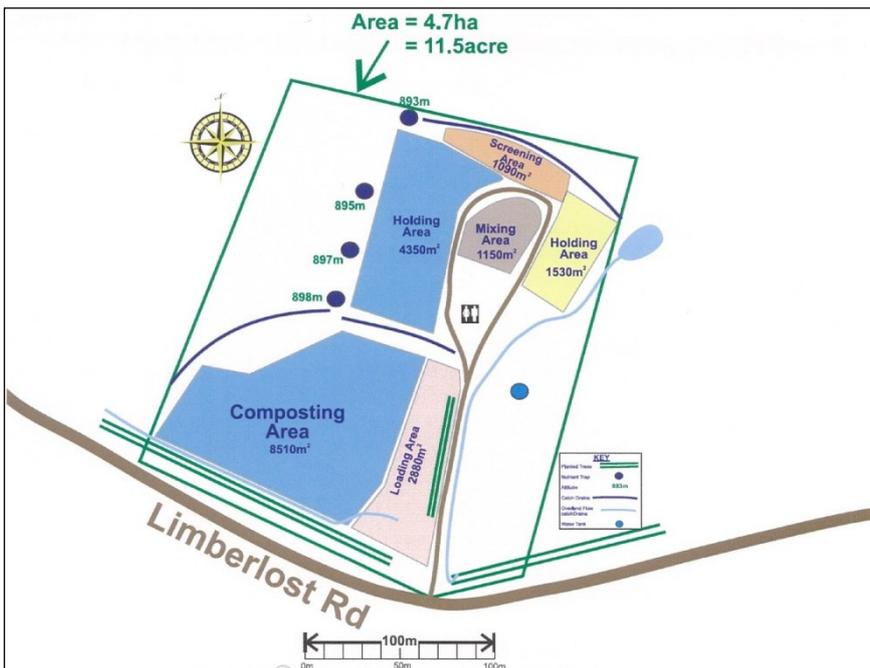
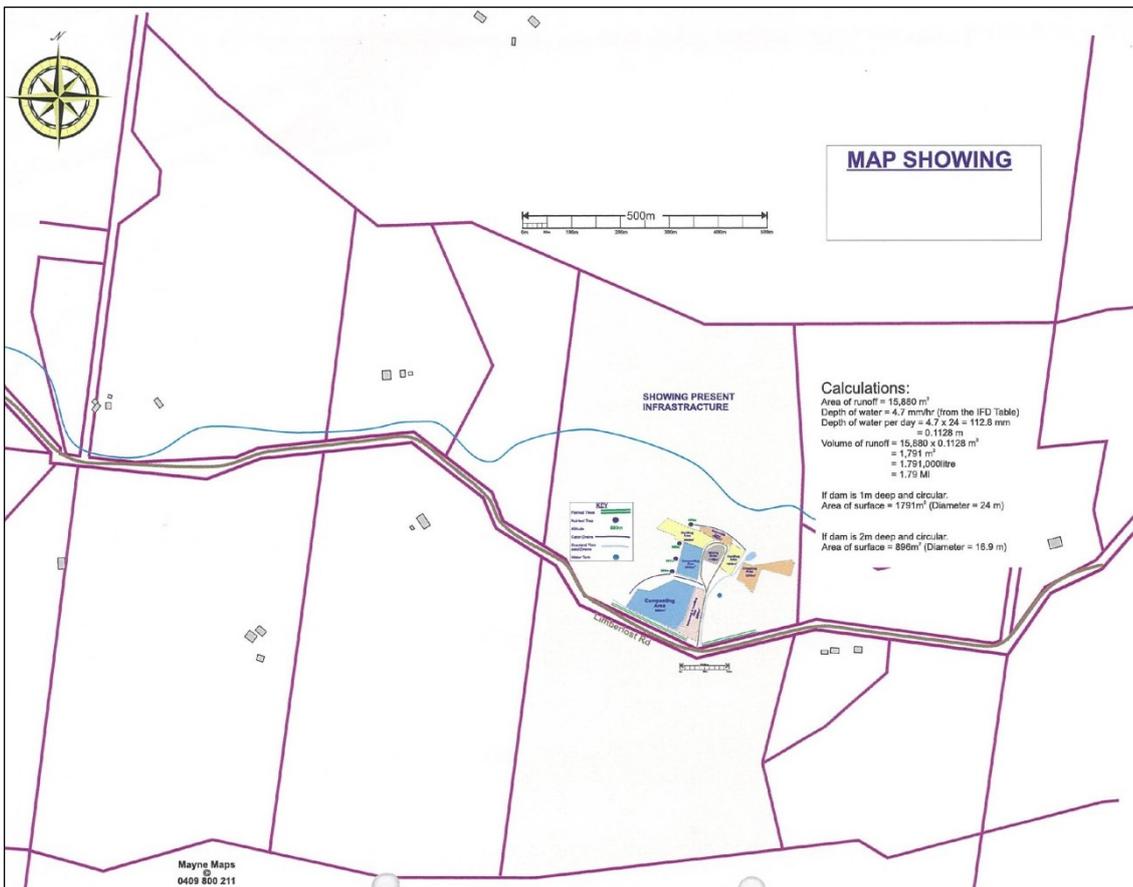
APPLICANT:	TFT Hoe Hire Pty Ltd ATF Townsend Family Trust
OWNER:	Edward J Paten
ADDRESS:	347 Limberlost Road, Fletcher
RPD:	Lot 147 BNT673, Parish of Broadwater, County of Bentinck
ZONE:	Rural
LAND USE AREA:	57.4 hectares
PROPOSAL:	High impact industry (Compost Manufacturing) Environmentally Relevant Activity No. 53 (Compost and Soil Conditioner Manufacturing)
LEVEL OF ASSESSMENT:	Impact
SUBMITTERS:	Seven (7)
REFERRALS:	Department of Infrastructure, Local Government and Planning
FILE NUMBER:	MCU\01723 and ERA\00222

Recommendation Summary

THAT the Negotiated Decision Request for a 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 refused.

Locality Map and Proposal





Report

On 25 January 2017, Council decided to approve an application for a 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) subject to Conditions.

On 7 March 2017 the applicant lodged a Negotiated Decision requesting Council to consider the removal of Condition 5 (Delivery Times), Condition 17 (Vehicle Access) and Condition 22 (road Works).

The applicant's reasoning for the Negotiated Decision Request is as follows:

"The Conditions in question are Condition 5, Condition 17 and Condition 22. Condition 5 (delivery times) and Condition 17 (vehicular access) would both significantly impact the efficiency of the business. Condition 17 would increase traffic and consequently dust on Limberlost Rd, one of the main stated concerns in the Submissions received. We consider Condition 22 (Roadworks) unreasonable to the Developer".

The applicant provided an email on the 25 April 2017 after reviewing Council's report for this negotiated decision request advising the following:

"The operation will generate more heavy traffic, however, even at the full capacity of our license, this will never amount to more than 3 trucks a day for 30 weeks of the year. These would naturally be limited to normal business hours as much as possible, but we are concerned that on occasion, we are restricted in our deliveries of compost to the farming community, as well as limiting sales to weekend gardeners".

The additional comments provided by the applicant are addressed under each condition below as additional comments.

Original Condition 5:

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".

The applicant's representation on Condition 5 – Amenity and Environmental Controls – Delivery Times:

"Limiting the hours of deliveries of materials to the site, and the requirement that there be no heavy vehicles outside the stipulated times, would significantly hamper the efficiency and productivity of our business.

Agricultural activities can run 24/7, 365 days per year. It is not restricted to office hours or by lifestyle choices. Compost is a sensitive biological product that in ideal circumstances needs to go out according to weather conditions i.e. before rainfall, or into moist soil. We need to be able to deliver compost when the client needs the product.

Deliveries are often performed by contractors, and as such are out of our hands. Timing of deliveries needs to be facilitated to fit in with trucking contractors. There are also occasions when the restricted hours could conceivably prove a cumbersome expensive exercise. For example, if a delivery arrives at 5.30pm on a Saturday afternoon, and Monday is a public holiday, effectively the truck cannot leave until the Tuesday (who is going to pay for the time?). The restricted times that the State Government has imposed on us is already onerous enough (5am – 10pm Monday to Saturday; 9am – 10pm Sunday and Public Holidays).

Limberlost Road is a public road and no-one else on this road has restricted access hours of this type.

Generally speaking, we would of course limit any activity to daylight hours, but to leave this Condition as it stands would expose us to unnecessary complaints being placed with the SDRC, as well as being unworkable for us.

Request: *Suggest change to the time limits to reflect those imposed by the Environmental Authority EPPR03929316 (Condition N1): 5 am – 10pm Monday to Saturday; 9am – 10pm Sunday and Public Holidays".*

Council's Comments (Report to Council 26 April 2017):

It is acknowledged that the use on-site may require continuing maintenance on a 24/7 basis however, the ongoing maintenance of the facility does not require the delivery of goods on a 24 hour basis. In response to the example provided by the applicant, Condition 5 states the following: *'no heavy vehicles must enter the development site outside these times'* and therefore if a delivery arrives at 5:30pm, they are able to exit the site outside of the stipulated hours. It should be noted that the State Government remains silent on the delivery times but has conditioned noise limitations at different times of the day, with a zero noise limit between 10pm and 5am.

The development is considered to be an industrial use, surrounded by residential development within a Rural Zone setting and therefore people's liveability standard needs to be considered. As this facility will generate vehicles for a non-residential use, the condition has been imposed to ensure the surrounding residential developments are not significantly compromised by the proposed High impact industry (Compost manufacturing) use.

It should be noted that a condition imposed in the Environmental Authority states that the noise generated between 5am to 10pm is not to exceed background noise +3 measured at a sensitive place and background noise +5 measured at a commercial place. At this point in time it is unsure as to whether a trucked parked at the loading area near the entrance of the subject property, with its engine running would generate noise levels below the standards specified in the Environmental Authority. If it does turn out that the noise from the truck parked in the loading area does exceed background noise +5, it could potentially mean that no delivery can occur.

As there are sensitive uses within the vicinity of the subject property, the condition imposed relating to delivery times is considered reasonable and should remain unchanged.

Additional Comments

The applicant provided an email on the 25 April 2017 after reviewing Council's report for this negotiated decision request, advising the following:

"We would prefer to stick time limits imposed by the EA (5am – 10pm Monday to Saturday, 9am – 10pm Sundays and Public Holidays. However, if necessary we would be happy to work with a restriction of 9 – 6 on Sunday and public holidays".

The position remains unchanged in terms of delivery times. The condition imposed is considered reasonable for a development that is an Industrial use within a rural zone. There are a number of existing commercial and industrial activities that do not operate on a Sunday or on public holidays and by not allowing deliveries on Sundays or public holidays, the development remains consistent with other similar uses within the region.

Recommended Changes to the Condition 5:

Condition to remain unchanged.

Original Condition 17:

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".*

The applicant's representation on Condition 17 – Car Parking and Vehicle Access – Vehicle Access:

“There is no fire trail. Ian Townsend constructed and maintains a track, at his own expense, for easier direct access between his home and the compost site. This track cuts a direct route between the Compost Site on Limberlost Rd and Townsend Rd. It crosses a property he previously leased and for which he has an understanding with the current landowner. It is used mainly for personal access and for machinery when repairs are needed. This track reduces the time taken to travel to and from work considerably, as well as keeping this traffic off Limberlost Road. The track has since been used for fire access.

We deliver compost directly (via the internal track) to our neighbour (a customer) and harvest grass from several adjoining properties for use in the compost. This condition is also technically not workable. For example, we lease the property next door, and when harvesting grass, we would, according to Condition 17, have to go out onto Limberlost Road and then access the site and vice versa with tractors and equipment. Apart from being more dangerous on the road, this increases our time considerably.

The consequences of this condition is that it will result in more traffic and dust on Limberlost Rd which is one of the main concerns Council sought to address.

Request: *We are seeking that common sense prevails - that there is no restriction on our work access. That means that we should be able to continue to use internal tracks, as well as harvest grass and move machinery, and deliver compost product to our neighbours”.*

Council Comments (Report to Council 26 April 2017):

The subject property has a frontage to Limberlost Road only and all formed access to the subject property is via Limberlost Road. This development proposal was applied for over Lot 6 SP285676 (347 Limberlost Road) only and therefore the approved use being High impact industry (Compost manufacturing) should only be operating solely within its property boundaries and not on any adjoining sites that do not form part of this approval.

While it is acknowledged that a verbal agreement may have been made with nearby landowners, the adjoining sites do not form part of the application. Therefore, Council cannot legally allow for access between these 2 sites to be obtained unless there are easement in place and the adjoining site forms part of the proposal. The impacts of using the ‘fire trail’ were not assessed as part of the application and even though the ‘fire trail’ may reduce traffic on Limberlost Road, it is not a formal access route and therefore cannot be considered as part of the application.

On the basis that the adjoining site does not form part of the approval, the condition is considered to be a reasonable and relevant.

Additional Comments

The applicant provided an email on the 25 April 2017 after reviewing Council's report for this negotiated decision request, advising the following:

“We do understand that deliveries of materials and pick up of compost is to be via Limberlost Rd only”.

In this instance, the applicant has acknowledged the reasoning for the condition imposed. It could be argued that green waste given to the facility from adjoining landowners is not considered a delivery of materials but general upkeep/maintenance of the locality.

Recommended Changes to the Condition 17:

Condition 7 is to be amended as follows:

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".

The transferring of material grown from adjoining sites (Lot 7 SP285676, Lot 2 RP171979 and Lot 33 RP856546) is not considered a delivery.

Original Condition 22:

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".*

The applicant's representation on Condition 22 – Roadworks – Road Works

"If the site inspection identifies that works or signage is required, it follows that Council has not maintained this public road to the standards required. Limberlost Road is used by vehicles including heavy vehicles for other business enterprises as well.

It is not reasonable for the Developer to solely carry the financial burden of any works required for all the businesses and agricultural enterprises on Limberlost Road.

Request: *Council upgrade Limberlost Road to the required standard, or spread financial responsibility between all enterprises on Limberlost Road".*

Council Comments (Report to Council 26 April 2017):

At present the road is adequate enough to cater for the existing uses in the surrounding locality which are primarily residential and rural uses. However, this proposed use of High impact industry (Compost Manufacturing) will generate heavy vehicles to Limberlost Road on a regular basis which over time will damage the road. The applicants submission is not considering the function of road before and after the proposed use and is not considering the types of vehicles required for this development alone. The condition is quite lenient in that a review would be carried out one month after the approval takes effect when in fact it would be reasonable and relevant for Council to request works to Limberlost Road, prior to the commencement of use.

In addition, no traffic report was provided in the assessment of the application or as part of this Negotiated Decision that would further justify why this condition is unreasonable. Limberlost Road is currently unsealed and this condition was imposed to ensure the safety of those who use Limberlost Road.

Additional Comments

The applicant provided an email on the 25 April 2017 after reviewing Council's report for this negotiated decision request, advising the following:

"We are happy to negotiate with Council on road requirements".

A review of Limberlost Road has been carried out by Council's Engineering Department as per the condition. The recommendation of works required is as follows:

Area No.	Ch Start	CH Finish	Work Required	Comment
A	0.16	0.25	Clear inside of bend (LHS)	at least 5 metres or to property boundary, which ever is lesser
B	0.25	0.31	Clear inside of bend (RHS)	at least 5 metres or to property boundary, which ever is lesser
C	0.55	0.65	Clear inside of bend (LHS)	at least 5 metres or to property boundary, which ever is lesser
		1.01	Remove large Branch (RHS)	
D	1.03	1.13	Clear inside of bend (LHS)	at least 5 metres or to property boundary, which ever is lesser
		1.19	Install concealed driveway sign (LHS)	
E	1.28	1.38	Clear inside of curve (RHS)	at least 5 metres or to property boundary, which ever is lesser
F	1.38	1.47	Clear inside of curve (LHS)	at least 5 metres or to property boundary, which ever is lesser
		1.58	Install concealed driveway sign (RHS)	
G	2.74	2.82	Clear inside of bend (RHS)	at least 5 metres or to property boundary, which ever is lesser

The above requires vegetation clearing at certain bends within Limberlost Road and the installation of two (2) 'concealed driveway' signs. These works are not considered onerous for the proposed development and these works will improve sight distances for on-coming traffic which overall improves road safety. Yes it is acknowledged that there may be trucks that use Limberlost Road that are not associated with this development but as the applicant has stated, *'this will never amount to more than 3 trucks a day for 30 weeks of the year'* which is considered to generating truck movements on a regular bases, warranting the need to improve Limberlost Road where relevant. The position remains unchanged for this condition.

In addition to the above, a submitter provided an email to Councillor Meiklejohn who then forwarded the email to all Councillors on Friday 12 May 2017. The email provided raised concerns with the safety of semi-trailers using Limberlost Road. The email provided photos of Limberlost Road and the limited passing opportunities available at certain parts of the Road.

This email has been forward to Council's Engineering Services – Works Maintenance and Open Space branch to review and determine if Council needs to carry out general maintenance work of Limberlost Road. The submitters concerns are acknowledged and are currently being investigated but for the purpose of this development proposal, the above mentioned works are considered reasonable for the proposed use. There is currently no restriction on semi-trailers using Limberlost Road and therefore the email received is a Council road maintenance enquiry.

Recommended Changes to the Condition 22:

Condition to remain unchanged.

Conclusion

The applicant has not provided sufficient ground to necessitate the need for conditions 5, 17 and 22 to be reconsidered.

The conditions imposed on the development, in particular conditions 5, 17 and 22 are considered reasonable and relevant based on the proposed use and also the surrounding uses within the locality.

Further consideration of Condition 17 can clarify that the transfer of material from adjoining sites is not considered a delivery.

The conditions were imposed, in part in response to a number of submissions which raised concerns relating to noise, road safety and the hours in which the activities are being carry out, which further negates the need for the conditions being imposed. In the applicant's representations, there is no reference made to mitigating the concerns raised by the submitters.

Insufficient justification has been provided to warrant a change to the conditions and it is considered the conditions are reasonable and necessary and should remain unchanged, with condition 17 having a statement added about adjoining sites for clarity.

Options

1. The officer's recommendation is adopted.
2. An alternative recommendation is adopted.
3. The application is approved with reasons.

Recommendation

THAT the Request for a Negotiated Decision on land at 347 Limberlost Road, Fletcher, described as Lot 147 BNT673, Parish of Broadwater, County of Bentinck, be refused for the following reasons:

- The times stipulated for deliveries is considered a reasonable condition when taking into account the sensitive nearby land uses, which are predominately residential uses in a Rural setting (condition 5).
- Access between the subject property and the adjoining sites cannot occur unless the adjoining sites form part of the development application and in this case the proposed development has only been applied for over Lot 147 BNT673 (condition 17).
- The proposed High impact industry (Compost manufacturing) Use will generate traffic above what is intended for the rural locality. The road is currently unsealed and as there was no traffic report provided with the application to justify a change to Condition 22.
- The conditions imposed (particularly Condition 5, 17 and 22) assist in mitigating the concerns raised by Submitters.

But the following statement is provided to condition 17 to provide clarity:

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".

The transferring of material grown from adjoining sites (Lot 7 SP285676, Lot 2 RP171979 and Lot 33 RP856546) is not considered a delivery.

Attachments

Nil

12.7 Material Change of Use - Gary Hayes & Partners Pty Ltd, Peter Street, Leyburn

Document Information

 Southern Downs <small>REGIONAL COUNCIL</small>	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 24 May 2017
	Graduate Planning Officer	ECM Function No/s: MCU\01828

APPLICANT:	Gary Hayes & Partners Pty Ltd
OWNER:	Chexgold Pty Ltd
ADDRESS:	Peter Street, Leyburn
RPD:	Lot 8 RP156979, Parish of Leyburn, County of Merivale
ZONE:	Township
LAND USE AREA:	3804 square metres
PROPOSAL:	Dwelling house (located in flood hazard overlay)
LEVEL OF ASSESSMENT:	Code
SUBMITTERS:	Not Applicable
REFERRALS:	Nil
FILE NUMBER:	MCU\01828

Recommendation Summary

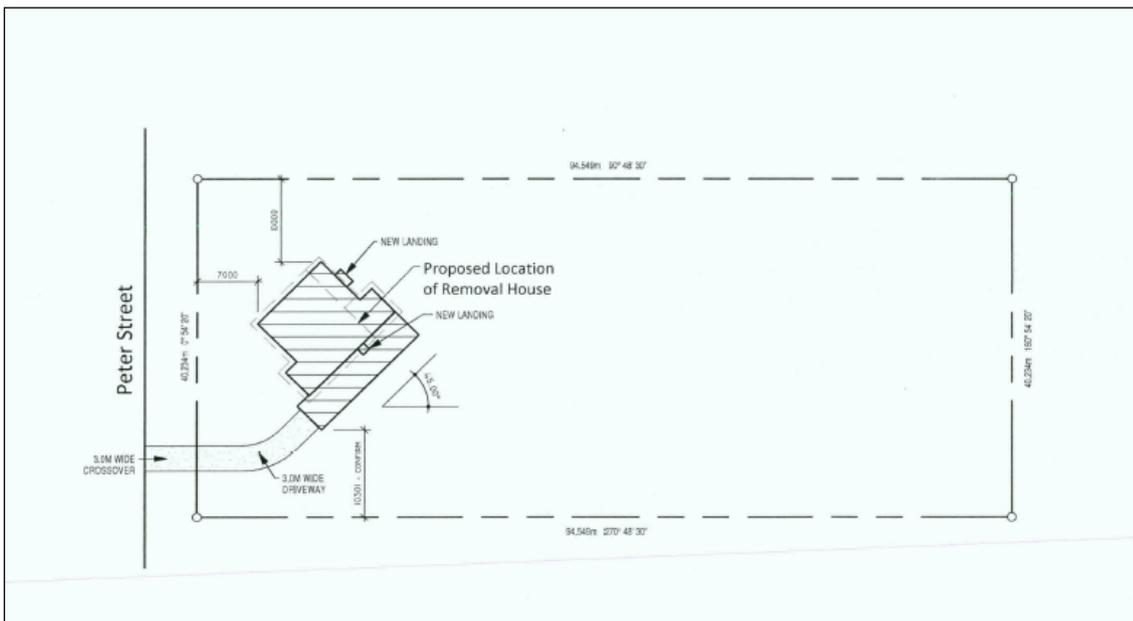
THAT the application for a Dwelling house (located in flood hazard overlay) on land at Peter Street, Leyburn, described as Lot 8 RP156979, Parish of Leyburn, County of Merivale, be approved subject to conditions.

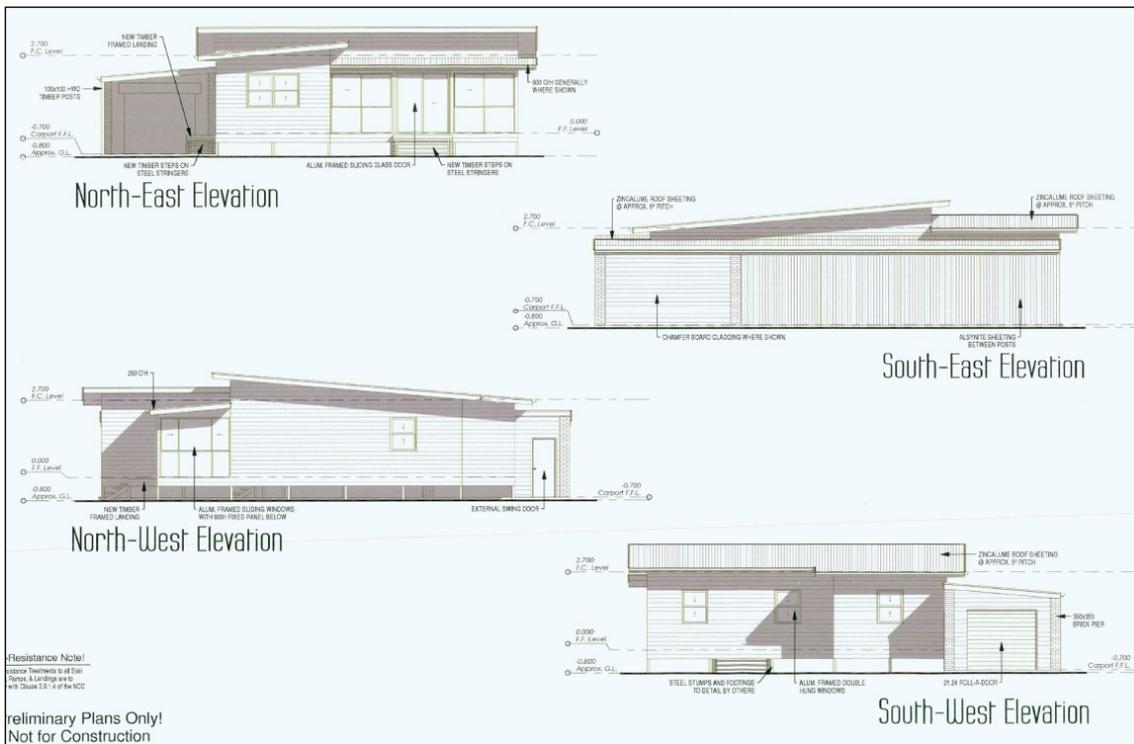
Report



The subject site is vacant land with an area of 3804 square metres. The site is subject to flooding in a 1% AEP Flood Event. The land currently does not have access to a constructed road. Peter Street is constructed until approximately 15 metres south of the site on the western side, and an unmade road reserve fronts the eastern property boundary.

The applicant proposes to locate a removal house on the western side of the site.





No Information Request was issued, but a Planning Officer informally asked that the applicant to provide further information regarding the strategies that will be implemented to ensure that the proposed development responds to flooding potential and maintains personal safety at all times.

The applicant has provided the following information:

Our client had two pre-lodgement meetings with Council’s CEO and officers from the Planning office over the last months. The outcome of these meetings was that the land must not be filled, and the proposed dwelling must be built on steel posts, to a minimum floorboard of 300 millimetres above maximum flood level.

Response to AO1.1: The Strategy comprises of four action items, three of which are realised on site, and the fourth acting on pre-flood warning from the Leyburn Flood Warning Siren system.

Action 1: Locate in area of least risk: The proposed development, comprising a single dwelling house will be constructed in the south-western corner of the property, which is located in the 0.25 to 0.50 metre flood depths according to Council overlay mapping. This location on that property is of least risk in the 1:100 year flood event.

Action 2: Ensuring the structure will not be inundated by a possible flood event, and the construction of the dwelling not cause off-site flooding due to fill: The dwelling will be constructed on steel footings, designed to withstand probable flooding as per Council flood modelling, and have a minimum floorboard will be 300 millimetres above the maximum flood level of 500 millimetres.

Action 3: Access to the dwelling will be via Peter Street that will allow the residents to easily vacate the property by foot in the event of flooding; and

Action 4: Being alert to a potential flood event, before the flood hits Leyburn: The property is located within the area covered by Leyburn Flood Warning Siren, which will alert tenants prior to a flooding event, allowing people adequate time to vacate the property.

The above demonstrate that constructing a dwelling in accordance with these action items on Lot 8 on RP156979 in the specific area nominated will meet the Performance Outcome PO1 “Development siting and layout responds to flooding potential and maintains personal safety at all times”

Prior to lodgement, the applicant was advised that Council officers had concerns about locating a dwelling at this site and the application will be referred to Council for decision.

Assessment against the Planning Scheme

This application required assessment against the Township zone code, the Residential uses code, the Physical infrastructure code and the Flood hazard overlay code.

Township zone code

The proposed development complies with, or can be conditioned to comply with the Planning Scheme in relation to Scale of development, Access, Infrastructure, Built form, Character and amenity, Environment, Agricultural land, and Provisions for Leyburn.

Residential uses code

The proposed development complies with, or can be conditioned to comply with the Planning Scheme in relation to Access and Environmental protection.

Site

AO1 A dwelling house, dual occupancy, hostel, multiple dwelling and retirement facility is erected on a part of a site with -

- (a) a flood free area of at least 17 m x17 m at natural ground level; and
- (b) a slope of less than 15%.

The entire subject site is located within the flood hazard area.

The associated Performance outcome is:

PO1 Dwelling houses, dual occupancy, hostels, multiple dwellings and retirement facilities are located on a site that is free from natural hazards.

Flood hazard will be discussed later in the report.

Physical infrastructure code

The subject site has access to Council's reticulated water supply, but does not currently have a water connection. Any approval can condition that the proposed dwelling is connected to Council's water supply.

The lot currently does not have access to a constructed road. Peter Street is constructed until approximately 15 metres south of the site. The photograph below shows where the constructed section of Peter Street ends.



Any approval can condition that Peter Street is extended to the site in accordance with Council's standard.

The proposed development complies with, or can be conditioned to comply with the Planning Scheme in relation to Water supply, Waste water disposal, Energy, Roads and rail, Development near underground utility services, and Crime prevention and safety.

Flood hazard overlay code

Material change of use

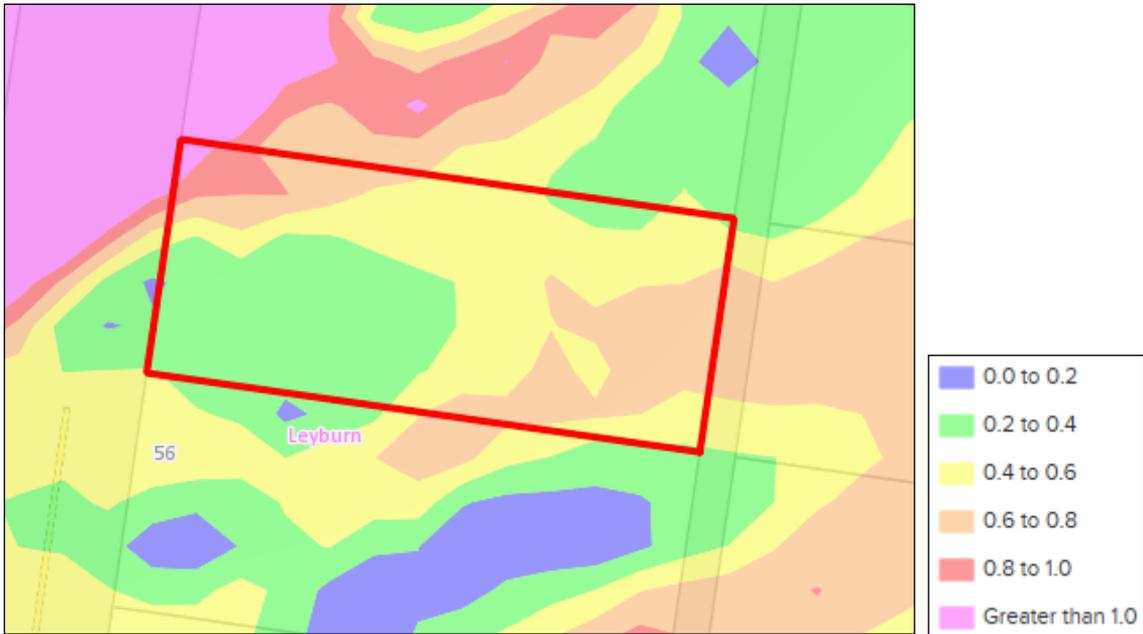
AO1.1 New buildings, with the exception of farm sheds and outbuildings associated with an existing dwelling are not located within the overlay area.

The entire subject site is located within the flood hazard overlay area. The proposed dwelling will be located within the flood hazard area.

The associated Performance outcome is:

PO1 Development siting and layout responds to flooding potential and maintains personal safety at all times

The proposed dwelling house will be located in the south-western corner of the property, which is subject to 0.25 to 0.50 metre flood depths, and has a maximum velocity of 0.2 to 0.4 metres per second in a 1% flood event according to Council's mapping. This portion of the subject site is of least risk in a 1% flood event.



The applicant has stated that the dwelling will be constructed on steel footings, designed to withstand probable flooding as per Council flood modelling, and will have a minimum floorboard height of 300 millimetres above the maximum flood level. It is noted that the garage will be at ground level.

Any approval should be conditioned to construct the proposed dwelling 300mm above the flood line, require that no battening is provided as this would have impact on the flow of flood water and there is no storage of items under the dwelling.

Access to the site will be from Peter Street. In a 1% flood event, approximately 210 metres of flood water must be crossed to reach a part of Peter Street that is not flood affected. The Leyburn area has flood sirens installed that provide advanced warning of major flooding in the area. These sirens emit verbal instructions for people to evacuate low lying areas. The flood siren is located at the Leyburn police station and has audible distance between 915 metres and 1,280 metres depending on weather conditions. The subject site is located approximately 680 metres from the Leyburn Police Station. It is intended that the flood siren and instructions will allow adequate time for people to vacate the site in a flood event.

During a pre-lodgement meeting, the Director Engineering Services/Disaster Management Co-ordinator advised that provided that appropriate risk mitigation techniques are used, a dwelling sited at this location could maintain reasonable personal safety in a flood event. It is considered that the proposal includes sufficient mitigation strategies to ensure safety during a flood event, and that the Performance outcome can be achieved.

Conclusion

The subject land is wholly located in the Flood hazard overlay. The applicant proposes to locate a removal house on the western side of the site, which is the area of least impact during a 1% AEP Flood Event, and proposes to utilise other mitigation techniques such as the Leyburn flood warning sirens to protect personal safety. Any approval should be conditioned to construct the proposed dwelling 300mm above the flood line, require that there is no battening between the stilts, and there is no storage of items under the dwelling.

The land currently does not have access to a constructed road. Peter Street is constructed until approximately 15 metres south of the site boundary. Any approval should condition that Peter Street is extended to allow constructed road access for the proposed dwelling.

It is considered that the potential impacts of the flood hazard can be sufficiently mitigated through the design of the proposed dwelling. As such the proposed development is considered acceptable and should be approved subject to conditions.

Options

1. The officer's recommendation is adopted.
2. An alternative recommendation is adopted.
3. The application is refused with reasons.

Recommendation

THAT the application for a Dwelling house (located in flood hazard overlay) on land at Peter Street, Leyburn, described as Lot 8 RP156979, Parish of Leyburn, 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	170211.01-3	13 March 2016
Elevations	170211.02-3	13 March 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.

Building and Site Design

3. The minimum floor level of the dwelling is to be at least 300 millimetres above the height of the Defined Flood Event (DFE).
4. Battening must be provided to the area underneath the building. At least 50% of the battening area must be open to allow the flow through of water in a flood event.
5. The area underneath the building must not be used for storage.
6. The carport is to be at least 50% open. Any items stored within the carport are to be moved from the carport in any flood event.
7. Any fencing must be at least 50% open to allow the flow through of water in a flood event.
8. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)
9. 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.)

Roadworks

10. Prior to any Building Approval being issued for the proposed dwelling, Peter Street is to be extended to at least six (6) metres past the southern boundary of Lot 8 RP156979. The road extension is to be gravel, and at least four (4) metres wide. The road is to be constructed to Council's standard. (Council's Engineering Services Department can provide details regarding Council's standard.)

Car Parking and Vehicle Access

11. Vehicle access is to be constructed to the site from the constructed part of Peter Street in accordance with Council's standard. (Council's Engineering Services Department can provide details regarding Council's standard.)

Water Supply and Waste water

12. A reticulated water supply system, up to and including water meters, is to be provided to service the building. This system is to be connected to Council's water supply system.
13. 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*.

Operational Works

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

Advisory Notes

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning, Environment and Corporate Services, prior to the use commencing, and then compliance maintained at all times while the use continues.
- (ii) 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.
- (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.** The removable dwelling will be required to undergo an 'Amenity and Aesthetics' assessment as part of the building approval. All removal buildings require a bond to be held by Council.
- (v) The Flood hazard overlay is based on a 1% Annual Exceedance Probability (AEP) flood event and therefore doesn't guarantee flood immunity.
- (vi) Council will not be sealing Peter Street as a result of any dust complaints received.
- (vii) A Development Permit for Operational Works associated with the development must be obtained in accordance with the *Sustainable Planning Act 2009*. This application must be submitted with the following:
 - Relevant IDAS Forms;
 - The relevant fee in accordance with Council's Schedule of General Fees and Charges;
 - Detailed design drawings, schedules and specifications for all Operational Works, certified by a Registered Professional Engineer in Queensland (RPEQ);

Operational Works shall be subject to a 12 months Defect Liability Period commencing from the day the works are accepted on-maintenance. A bond will be held by Council as security, and refunded following a defect-free inspection at the end of the Defect Liability Period.

- (viii) 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.
- (ix) All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

Aboriginal Cultural Heritage

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

Attachments

Nil

12.8 Material Change of Use - Liberty Oil C/-Vision 2 Reality, 2 Wood Street, Warwick

Document Information

 Southern Downs <small>REGIONAL COUNCIL</small>	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 24 May 2017
	Planning Technical Officer	ECM Function No/s: MCU\01800

APPLICANT:	Liberty Oil C/-Vision 2 Reality
OWNER:	Liberty Oil (WA) Pty Ltd
ADDRESS:	2 Wood Street, Warwick
RPD:	Lot 2 RP5949 and Lot 6 RP44203, Parish of Warwick, County of Merivale
ASSESSMENT AGAINST:	Medium density residential
LAND USE AREA:	6,602 square metres
PROPOSAL:	Service station
LEVEL OF ASSESSMENT:	Impact
SUBMITTERS:	Two (2)
REFERRALS:	Department of Infrastructure, Local Government and Planning
FILE NUMBER:	MCU\01800

Recommendation Summary

THAT the application for Material Change of Use for the purpose of Service Station on land at 2 Wood Street, Warwick described as Lot 2 RP5949 and Lot 6 RP44203, Parish of Warwick, County of Merivale, be approved subject to conditions.

Report



The subject land has frontage to Wood Street and Lyons Street which are bitumen sealed, kerbed and channelled. The site is currently used as a fuel depot and a 24 hour unmanned diesel fuel facility and contains a site office, sheds, diesel tank, two (2) spill containment areas and fuel bowser area.

The land is located in the Medium density residential zone, however, the land does not resemble a residential site. The surrounding uses include a motor vehicle workshop, a railway corridor and railway crossing and a number of residential dwellings.

The applicant proposes to redevelop the site as a commercial Service station that will service both the local community as well as heavy vehicles. It will incorporate a 24 hour unmanned service. The redevelopment of the site will involve the following:

- Removal of all existing building and structures
- Construction of an 80 square meter service station building (9.5 metres x 9.5 metres).
- A canopy (32 metres x 12 metres) with 8 undercover fuel bowzers.
- 13 Carparking spaces consisting of 5 segregated carparks (including one disabled space) and 8 short term parks at the pumps.
- A screened bin enclosure
- 2 x 110KL above ground diesel (Class C1 combustible) tanks and 1 x 55KL underground split tank for unleaded and premium unleaded fuel (Class 3).

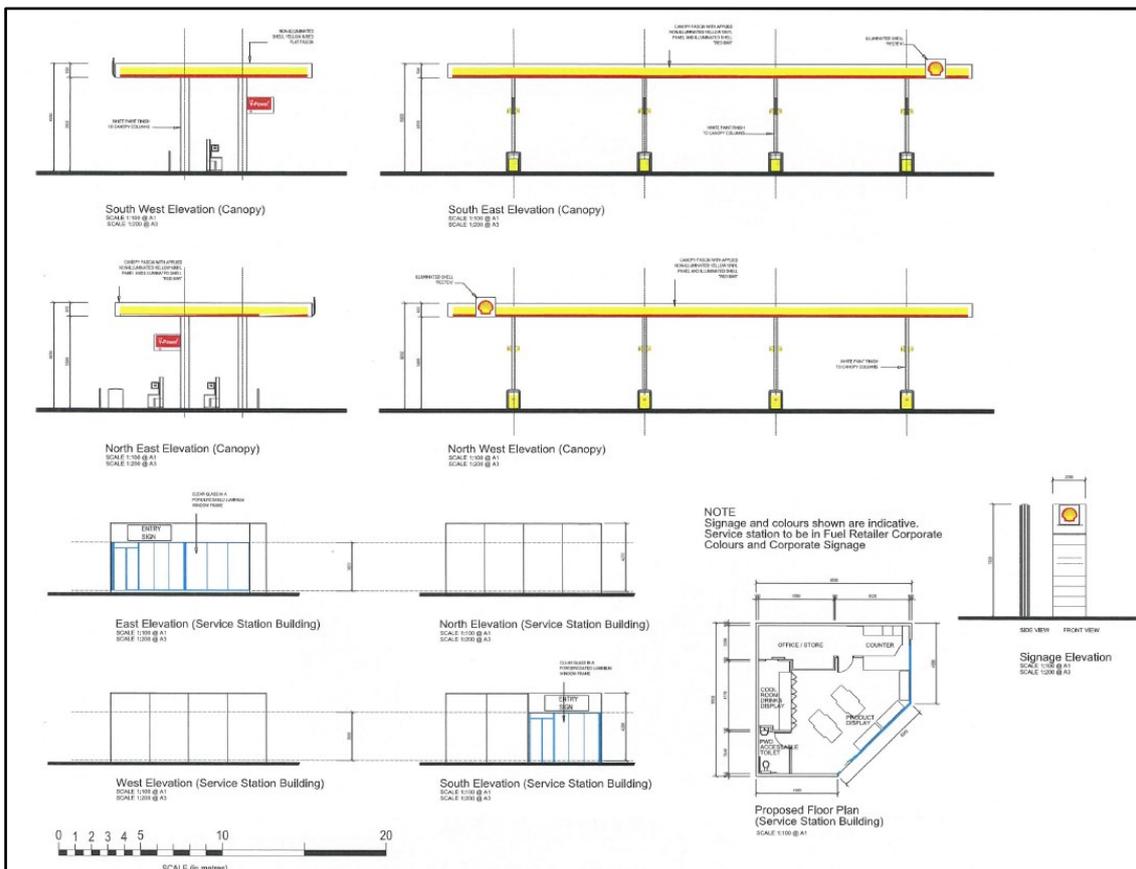
The service station building is located at the north-western corner of the site, for casual surveillance and security purposes of the refuelling area. There will be three (3) fuel bowzers for cars only and five (5) fuel bowzers to cater for trucks. The bin enclosure will be located on the southern side of the segregated carparking area.

The proposed service station will operate approximately 6.00am to 7.00pm, 7 days a week for the manned serviced use of the site. The facility itself will be open 24 hours with the hours between 7.00pm and 6.00am being unmanned. The bowzers will operate through credit card payments during the unmanned hours.

It is expected that there will be one (1) full time employee for the facility.

There is currently three (3) vehicle access points to the site i.e. one via Lyons Street and two via Wood Street.





Referral

The application required referral to the Department of Infrastructure, Local Government and Planning (DILGP) as the site is within 25 metres of a railway and is a service station. The DILGP requires conditions to be attached to any approval.

Submissions

There were two (2) submissions received to the application. The matters included site suitability, noise, health, odour, fumes, danger from fire, refuse, building location and fencing.

The matters raised by the submitters are as follows and the applicant's responses to the submissions are provided:

Submitter A

1. Site suitability

Submitter:

Why is there a need for yet another service station in the city of Warwick? There are more than enough service stations on the highway through Warwick. From the southern end of Warwick to the northern perimeter there are 8 service stations. So why open another service station in the middle of the residential area.

Applicant's response:

Commercial viability is up to the applicant who has considered the location and market completion.

Comments:

The site is currently utilised as a fuel depot and an unmanned fuel station. The site had been used as petrol station formerly and contains a number of buildings and structures associated with this historical use. The site already resembles a petrol station site and the inclusion of a manned

service station will provide a service that supports the day to day needs of immediate residential community.

2. Noise

Submitter:

There is already enough noise created by traffic on Wood Street. The additional noise and vehicle pollution will rise to astronomical heights when motor bikes, cars, trucks and tankers enter to refuel.

Applicant's response:

The submitter acknowledges the noise currently created by traffic on Wood Street. Wood and Lyons Streets are both approved routes for 23 and 25 metre B Doubles.

A Noise Assessment Report was submitted in support of the development application. This included undertaking an ambient noise survey between the 29th July and the 4th of August 2016 to assess the existing acoustic environment. The levels include noise measured from all sources in the locale, including noise from road traffic, railway traffic, local residential activity, meteorology and wildlife. To assess the potential noise impacts from the proposed development on neighbouring sensitive uses, noise emissions were forecast using the environmental noise model discussed in Appendix B of the report.

The report concludes:

Noise emissions from the proposed development are forecast below existing levels under a 'worst case' scenario and do not represent an undue risk to acoustic amenity in the locale.

Noise emissions from the proposed development are forecast to meet the outdoor Acoustic Quality Objectives at all sensitive nearby uses.

Background Creep criteria are forecast in exceedance under a 'worst case' scenario of continuous night-time activity. Activity is expected to be intermittent or sporadic during the evening and night periods, and it is therefore predicted that Background Creep criteria will be generally met at night assuming intermittent activity, and during the day under 'worst case' activity.

The provision of the recommended acoustic fencing will mitigate noise impacts upon the closes residential neighbours to the west and south of the site. *Acoustic barriers are not considered a reasonable and feasible design solution to screen residences to the north of the site across Wood Street.*

Noise emissions from the proposed development are forecast to not impede the progressive achievement of the internal Acoustic Quality Objectives during all periods, and are considered to be in accordance with the Environmental Protection (Noise) Policy 2008.

The Noise Assessment Report includes the following recommends:

- *A 1.8m high acoustic fence be constructed on the southern and western boundaries, as presented in Section 4.3 To effectively function as an acoustic barrier, fencing should be continuous and gap-free, and have a density of not less than 12.5 kg/m².*
- *Pneumatic tyre refilling devices do not include 'beeper' style alarms, or such alarms be disabled.*
- *Refuse collection be limited to the hours of 7am to 6pm.*
- *Air conditioning and mechanical plant for the proposed commercial tenancies be selected, located and – if necessary – screened to not exceed 35 dB(A) at neighbouring residences. Detailed calculations can be conducted once specific plant type and siting is known, although preliminary calculations show criteria to be readily achievable.*

Comments:

As the applicant's consultant has stated, Wood Street and Lyons Street are both approved routes for 23 and 25 metre B Doubles. The site already caters for the fuelling needs of heavy vehicles.

The proposed development will result in increased traffic accessing the site, as the site has not previously catered for cars and motorbikes. Lyons Street and Wood Street provide a route to the industrial estate from the highway and a high volume of traffic utilise this part of the road network already. It is expected that there will not be a substantial increase in the amount of traffic using this route as a result of the proposed development.

Any approval should incorporate the recommendations from the Noise Assessment Report and can be conditioned to reduce impacts associated with the increase use of the site.

3. Health issues – vehicle and fuel fumes. Vehicle pollution.

Submitter:

These all hinder the health and wellbeing of the residents in the area. Many health issues will arise from the vehicle and fuel fumes which are detrimental to not only humans but to plants, animals and birds in the area.

Applicant's response:

An Air Quality Report was submitted in support of the development application. The purpose of this Report was to assess potential emissions from the service station activities onto nearby residential uses under the Environmental protection (Air) Policy 2008. The report concludes:

Air dispersion modelling has been undertaken based on 'realistic worst-case' fuel throughputs and published emission factor data. The predicted concentrations show compliance for all modelled compounds with a 4.0 metre high vent discharge point for the fuel storage tanks. Based on the results of air dispersion calculations, the site is considered to be a suitable location for proposed activities for an air quality perspective.

*The results from air dispersion calculations with regards to odour are below the DEHP guideline values. On this basis, it is concluded that **the proposed development does not pose an undue risk of odour impacts upon nearby residential dwellings.***

The report includes the following recommendations:

- *The development incorporates Stage 1 and Stage 2 vapour recovery systems. Examples of these systems are presented in Appendix D.*
- *The storage tanks vent discharge point should be a minimum of 4 metres high above ground.*
- *Refuse receptors have covered tops and are emptied regularly.*
- *Staff maintain training in spill management.*

Comments:

The proposed development of site is of open design, allows for adequate airflow and incorporates vapour recovery systems. Any approval should incorporate the recommendations from the Air Quality Report.

4. Danger of fire (fuels)

Submitter:

The danger of fire becomes more acute. Additional underground and above ground tanks are proposed to be added to the present location to store petroleum and diesel. This is totally inappropriate in such close proximity to residents and their homes.

Applicant's response:

A Safety Compliance Certificate (i.e. risk assessment) was prepared and submitted in support of the development application. It confirms that:

'The preliminary layout and design, as shown, will comply with all relevant regulations and standards. The final design and detail will also be designed in accordance with the current legislation and standards once Council approval is obtained.

*This layout does not appear to have any impact on either the roads (neither Wood or Lyons Street), the railway land to the southeast, nor the motor vehicle workshop to the east. **There is also no impact to the residential building to the west or south of the site. All required separation distances are met.***

In addition a Spill Management Plan was submitted.

Details were also provided on procedures for detecting leakages from underground fuel storage. Australian Standard AS4897-2008 – 'The design, installation and operation of underground petroleum storage systems' details the procedures required to detect leakages from underground tanks. The tanks will be installed in accordance with these requirements. In summary, the site will be required to have a means of monitoring the double wall underground tank for integrity. This is usually done by incorporating a liquid in the interstitial space (i.e. gap between the two tank walls). If a leak occurs in the primary (inner) tank, the fuel turns a different colour. If the secondary (outer) tank wall is breached, the interstitial liquid levels drops and sets off an alarm which is monitored electronically.

Comments:

The Queensland Work Health and Safety Act 2011 (WHS Act) regulates dangerous goods and major hazard facilities. The Queensland Dangerous Goods Safety Management Act 2001 (The DGSM Act) and Workplace Health and Safety Act 1995 have been repealed. Under the repealed laws, chemicals could be classified as hazardous substances or dangerous goods. Many chemicals with hazardous properties were classified as both. Under the new WHS Act, they are classified as hazardous chemicals. A person conducting a business or undertaking (PCBU) which uses, handles, stores or generates hazardous chemicals must now comply with specific sections in Chapter 3 and Chapter 7.1 of the Work Health and Safety Regulation 2011 (WHS Regulation).

The applicant has provided a Spill Management Plan which has been designed in full accordance with the WHS Act.

The plan outlines the design controls, roles and responsibilities (chief fire warden, deputy chief fire warden and team members), spill containment resources, response to an incident and incident reporting.

5. Refuse – noise, odours and collection at all hours

Submitter:

The collection of refuse produces issues in itself. Once again the noise factor is involved when the trucks collect rubbish from the refuse area. This area marked on the plan is very close to residential property thus both noise and odours would have to be endured by residents. Often the collection trucks come at all hours so shift workers are not disturbed when trying to sleep. This is unacceptable in a residential area.

Applicant's response:

The noise from refuse vehicles was accounted for in the Noise Assessment Report (refer to point 2 above for details). Odour issues were addressed in the Air Quality Report (refer point 3 above for details) and report includes a recommendation that 'refuse receptors have covered tops and are emptied regularly'.

As detailed in the Noise Assessment Report, and included as a recommendation, refuse collection will be limited to the hours of 7.00am to 6.00pm.

Comments:

Any approval can be conditioned to require refuse collection to be carried out during hours of manned service.

6. Location of service station building**Submitter:**

Also, trucks stopping/starting to deliver goods to the 'servo building' all contribute to additional noise and pollution. This in turn involves the issue of the proposed location of the 'service station building of 80sqm'. On the plan it is facing Wood Street, close to the residential address, 6 Wood Street. It would seem much more logical to have it facing Lyons Street in the large area marked 'landscaping'. This way it would be away from the residents in wood Street and a little less noisy!!!

Applicant's response:

There are no openings/windows at the rear of the building (closest to the adjoining residence) and there will be a 1.8m high acoustic fence along this common boundary. A noise source is better attenuated the closer it is located to the acoustic fence.

The building has been located in its current position so that it:

- *Has frontage to Wood Street (i.e. building presence along the street);*
- *Does not interrupt lines of site at the intersection of Wood and Lyons Streets; and*
- *Provides good surveillance of the petrol bowsers/canopy area and the full site (for casual surveillance, CEPTED issues and general safety).*

Comments:

The layout and location of the building has been designed to so as not to interfere with the line of site at the intersection and to allow for surveillance of the site. The proposed location of the building complies with the Acceptable Outcomes for Built Form in respect to building setbacks from the road frontage and side boundaries.

7. Boundary fence**Submitter:**

Now we wish to draw attention to boundary fences. In this case we are referring specifically to our property at 10 Wood Street, which adjoins 2 Wood Street in the south west of the proposed service station site. At present there is a chain wire fence and after perusing the plan there doesn't appear to be any change to that fence. We have horses in that area and the increased activity from the proposed service station plan certainly would indicate a great deal more noise which in turn could upset our horses or cause them to injure themselves. Therefore, the construction of an 1800 high acoustic fence would be essential in the south west boundary of the property.

Applicant's response:

A 1.8m high acoustic fence is proposed around the full perimeter with adjoining boundaries. The proposed fencing details are annotated on the Proposed Site Plan. They include the sections which require a 1.8m high acoustic fence (in accordance with the acoustic report) as well as the location of the change in fence density to a 1.8m high timber screen fence.

Comments:

The applicant's proposal plan identifies the provision of 1.8m high timber screen fence along the boundary of the site. The aspect of the horses is further discussed in the Environmental Assessment outlined later in this report.

Submitter B

1. Noise pollution

Submitter:

Our home is adjacent to the current Fuel Depot and 24 hour unmanned diesel fuel facility. We are currently confronted with a regular stream of vehicles attending the depot and there are varying degrees of noise pollution.

Applicant's response:

Refer to the response under point 2 above. All of these noise sources have been addressed in the Noise Assessment Report. The report concludes that 'noise emissions from the proposed development are forecast below existing levels under a 'worst case' scenario and do not represent an undue risk to acoustic amenity in the locale'.

The submitter makes the point that they are 'currently confronted with a regular stream of vehicles attending the depot and there are varying degrees of noise pollution. The proposed 1.8m high acoustic fence along their common boundary with the proposed Service Station (as illustrated below) will likely decrease the current levels of noise generated from the existing use.

Comments:

Any approval should incorporate the recommendations from the Noise Assessment Report and can be conditioned to reduce impacts associated with the increase use of the site.

2-5. Increase in vehicles attending site, air pollution, people traffic, noise pollution, light pollution

Submitter:

We believe if the use of this facility is changed to a Service Station, this will certainly increase not only the vehicles attending, but will dramatically increase the following:

- *Air pollution (petrol, diesel, gas, dust, odour from bins);*
- *People traffic (people attending the facility for reasons apart from fuel purchases);*
- *Noise pollution:*
 - *Air conditioning*
 - *Refuse collection*
 - *People congregating in vehicle parking spaces*
 - *Increased traffic outside our living area, more pumps, more fuels (hence new customer base)*
 - *More products for sale and more customers, therefore more noise*
- *Light pollution (cars and trucks approaching will shine straight into our living area);*

Applicant's response:

Traffic engineering advice was provided in support of the development application. This included 7-day tube counts on Lyons and Wood Streets. As details in the HIG letter dated 17 March 2017:

*'traffic generation for a service station is heavily reliant on passing traffic, with primarily drop-in or diverted trips. As a result, there is **unlikely to be substantial increases in new trips on either Wood Street or Lyons Street as a result of the development**'.*

Refer to response under point 3 above – Air Quality Report. The report concludes that 'the proposed development does not pose an undue risk of odour impacts upon nearby residential dwellings).

There may be additional customer visiting the site for reasons other than fuel purchase. These people will only be visiting the site for the convenience items provided by the Service Station building. No specific grounds for concern regarding an increase in pedestrians are provided.

Due to the proposed 1.8m high acoustic fence along the common boundary between the submitter's home and the subject site, any potential for headlight glare or nuisance from truck or cars using the propose Service Station will be blocked.

Comments:

As previously stated the approval can be conditions to reduce the impacts as outlined by the submitter, i.e. the provision of acoustic fencing, landscaping and hours of refuse collection.

6. Privacy

Submitter:

Probable invasion of privacy (the proposed parking and refuse position looks directly into our lounge room);

Applicant's response:

The proposed 1.8m high acoustic fence along the common boundary between the submitter's home and the subject land will ensure that there is no overlooking or invasion of privacy from persons using the proposed parking or refuse bin (or balance of service station site).

The refuse bin is for commercial purposes only and persons disposing of rubbish are more likely to use the bin receptor in the shop or near the fuel bowsers.

Comments:

The provision of fencing and landscaping will reduce the impacts as identified by the submitter.

7. Security

Submitter:

Reduction of security of our property (our property will become more visible with this development;

Applicant's response:

There are no grounds to substantiate an increase in security risk between the current use of the site (i.e. a fuel depot and a 24 hour unmanned diesel fuel facility) and the proposed Service Station. The property will not be more visible given the proposed 1.8m high acoustic fence along the common boundary between the submitter's home and the subject site.

Comments:

The provision of fencing and landscaping will reduce the impacts as identified by the submitter.

8. Work interference

Submitter:

I currently work from home and my office is directly adjacent to this proposed development;

Applicant's response:

There are no grounds to substantiate an greater increase in interference to the submitters home work environment. If anything, the proposed 1.8m high acoustic fence along the common boundary between the submitter's home and the Service Station will provide a reduction in noise and significantly improved screening (overlooking) compared to the current use and site conditions.

Comments:

The provision of fencing and landscaping will reduce the impacts as identified by the submitter.

9. Air flow

Submitter:

The acoustic fence will have an impact on airflow from the eastern side of our lot, thereby increasing the temperature in our home. It's installation will also remove most of the vegetation on our eastern boundary, thus reducing the street appeal and, as a result, the value of the property;

Applicant's response:

Boundary setback distances for homes and commercial development take into account the importance of airflow and natural lighting. The proposal complies with the required setback distances. In addition, the proposed acoustic fence is no higher than a permitted 1.8m privacy screen fence often found along residential boundaries (e.g. good neighbour fences). The only difference is in the density of the material used (for attenuation purposes). As such it will not create any worse impacts on air flow when compared to a standard 'good neighbour fence'.

Comments:

The provision of fencing and landscaping will reduce the impacts as identified by the submitter.

10. Removal of rose hedge

Submitter:

The removal of the heritage climbing rose hedge which grows on the fence dividing the properties will decrease the street appeal of our property. Our home is approximately 104 years old, it's vegetation is very well established and both contribute to the heritage of Warwick and the district;

Applicant's response:

There is no information in the planning scheme that acknowledges the site or the rose hedge as a heritage site. Council need to determine the significance of the rose hedge as illustrated below.

The applicant is happy to work with the adjoining neighbours, where possible, to erect the acoustic fence and still retain the climbing rose hedge. If the main stalk/base of the rose bushes is located off the fence line (which is usually the case with vegetation planted along common boundaries) then the bushes could be trimmed back and the bases protected during construction works. Subject to more detailed assessment of the construction requirements for the acoustic fence, this could include locating the acoustic fence just inside the subject site (and not on the common boundary), thus retaining the rose hedge.

Comments:

The applicant has communicated the preparedness to preserve the rose hedge and protect the plant during the construction stage of the fence, where possible. The retention of the hedge can be incorporated in the dense tree planting to be provided adjacent to the acoustic fence so as to enhance the appearance of the fence and to provide an effective visual screen.

11. Increase in temperature

Submitter:

The additional impervious area created from the proposed development will increase the surrounding temperature. That combined with the increased density of the proposed fence on our southern boundary will further stifle the airflow.

Applicant's response:

There are no grounds to support the statement of increased temperatures from additional impervious area on the submitters dwelling. The separation distance of the existing dwelling from the common boundary (including the driveway and landscaping) provides a greater setback than the required 1.5m under the Planning Scheme. This ensures breezes and air flow are greater than that considered acceptable under the Planning Scheme and does not impact the surrounding temperature of the home.

Comments:

The provision of fencing is a requirement of the Planning Scheme.

Assessment against the Planning Scheme

This application required assessment against the Medium density residential zone code, the Industry zone code, the Carparking and loading code, the Landscaping code, the Outdoor lighting code and the Physical infrastructure code.

Medium density residential zone code

The purpose of the Medium density residential zone code is to provide for a range and mix of dwelling types including dwelling houses and multiple dwellings supported by community uses and small scale services and facilities that cater for local residents.

The local government purpose of the zone code is to provide for limited non-residential development where such uses directly support the day to day needs of the immediate residential community, do not detract from the residential amenity of the area and do not undermine the viability of nearby centres or the central business area contained in the Principal centre zone or District centre zone.

The purpose of the code will be achieved through the following overall outcomes.

- (h) Non-residential uses are provided where they cater directly to community needs, such as convenience stores and child care facilities, where the character and residential amenity is maintained, and where they do not replicate the uses in nearby centres. In some locations it may be appropriate for non-residential uses to be clustered together in small groups, however the scale of the development and the associated hard surfaces will be limited in order to minimise impacts on the residential character and the grouping will not contribute to ribbon development. Non-residential uses have a scale and incorporate design elements that are consistent with the surrounding residential development.*

The proposed development will expand the existing unmanned diesel fuel facility. The provision of a service station will provide for the day to day needs of the surrounding residents with the supply of petrol and other convenience items such as milk, bread, papers, etc. The unmanned aspect of the facility will continue to operate outside the normal operation hours of the service station.

The site does not resemble a residential site. It contains a number of old unused buildings. The propose development will enhance the visual appeal of the property.

The proposed development generally complies with the assessment criteria and can be appropriately conditioned to reduce the impacts on adjoining residents.

Industry uses code

The proposed development complies with the Code with regards to Location, Access, Built form and streetscape, Amenity, Environment and Infrastructure.

The provision of landscaping will be conditioned in accordance with the requirements of the Planning Scheme.

Carparking and loading code

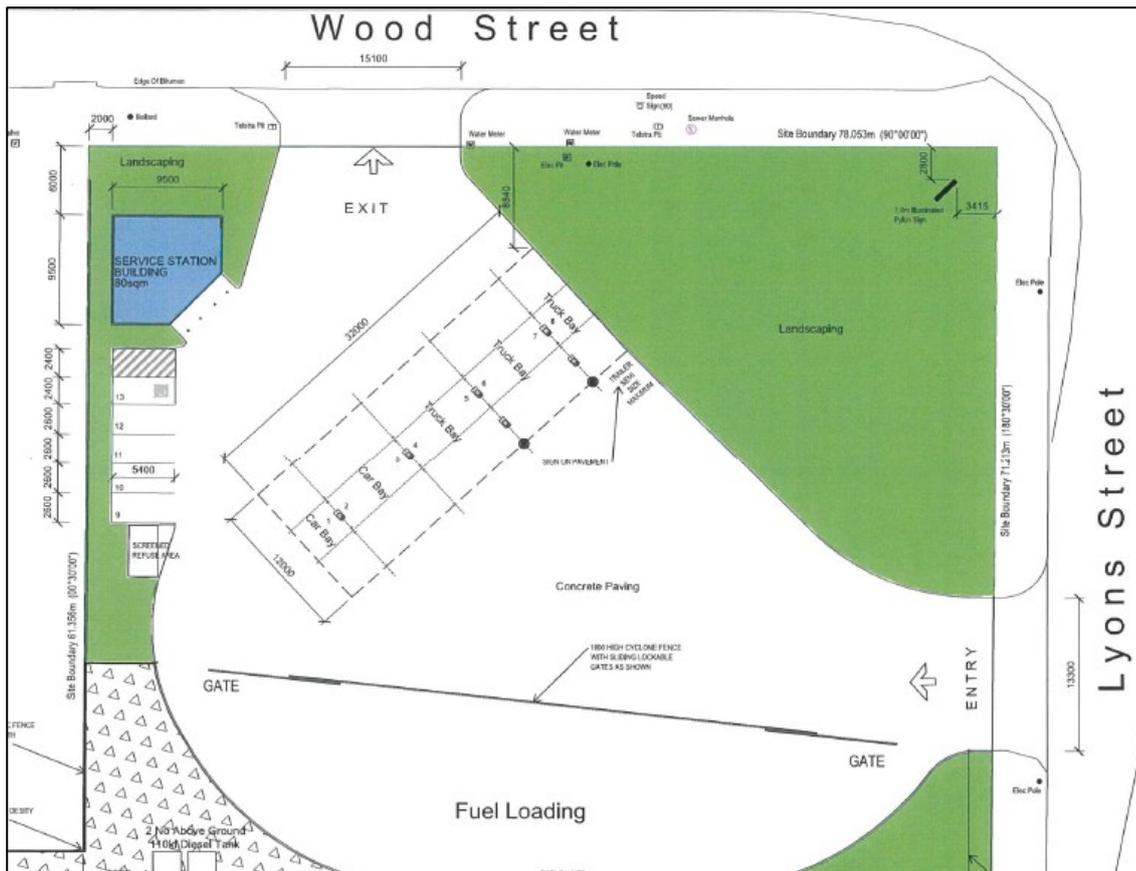
The car parking requirements for the proposed Service Station is as determined by Council. The associated Performance outcome states as follows:

- PO1 Sufficient carparking is provided to accommodate the number and type of vehicles likely to be generated by the development having regard to the following:
 - (a) The nature and operation of the use;
 - (b) The likely number of users including residents and employees;
 - (c) The hours of operation and the peak parking demand periods;
 - (d) The availability of alternative parking in the vicinity including on street car parking;

- (e) In the case of residential development, the proximity to the Principal centre zone and the facilities contained within that zone or the availability of public transport;
- (f) The feasibility of physically providing parking on site including access restrictions and size of the site; and
- (g) The provisions of Planning Scheme Policy–Off Street Carparking.

The applicant proposes to provide 13 carparking spaces consisting of 5 segregated carparks (including one disabled space) and 8 short term parks at the pumps. All entry to the site will be via Lyons Street and traffic will exit via Wood Street.

As this intersection has a high volume of traffic using this portion of the road network, the provision of a one-way in, one-way out from the site will ensure there is adequate sight visibility exiting the site and reduce driver confusion.



The proposed car parking provisions are considered to be sufficient.

Landscaping code

Some landscaping exists on site. The carpark area is located approximately 2 metres from the western boundary of the site. The Acceptable outcomes require:

- AO11** (a) *Where a carpark is located within 3m of a boundary which adjoins residential premises a planting bed at least 2m in width with mounding and dense planting is provided between the carpark and the boundary;*
- (f) *The runoff from the carparking areas is directed to landscaped areas to minimise contaminated run off entering the stormwater system and water courses.*

It is suggested that the existing vegetation is retained where possible and that a 2.0 metre wide landscaped buffers be provided along the southern and western boundaries of the land to reduce the impacts associated with the close proximity of the proposed development. It should be a condition of any approval that a landscaping plan be submitted and approved by Council prior to the issue of a building approval.

Outdoor lighting code

The unmanned aspect of the development will operate 24 hours and lighting of the site will be required to ensure public safety and security on the site. It is noted that the current use of the site is an unmanned fuel depot and lighting of the site exists. It is anticipated that the lighting associated with the proposed use will be similar to that already provided with the current use of the site. Any approval can be conditioned to ensure outdoor lighting associated with the development, including illuminated advertising devices are designed, constructed and operated, so as not to cause a nuisance to passing motorists, adjoining properties or shine up into the night sky.

Physical infrastructure code

The site has frontage to Lyons Street and Wood Street which are both bitumen sealed, kerbed and channelled. The site is already connected to reticulated water supply and sewerage infrastructure. The site has underground power supply via an overhead supply to a property pole on site. A Council sewer main exists on site. It should be a condition of the approval to require an easement in favour of Council over the infrastructure to allow future access to Council's infrastructure and ensure no permanent structures are constructed over the sewer line.

Any approval can be conditioned to require the ongoing connection and maintenance of the urban services to the development and therefore, meets the requirements of the code.

Infrastructure Charges

Development Type	Network	Charge Rate	Proposed	Credit	Charge
Industry	Stormwater	\$5/impervious m ²	\$17,850 (3,570 m ²)	\$10,985 (2,197 m ²)	\$6,865
	Other	\$50/m ² GFA	\$4,000 (80 m ²)	\$8,700 (174 m ²)	-\$4,700
TOTAL:					\$2,165

Office use only			
Network	Proportion of Charge	Charge/ Network	Receipt Code
Roads	20%	\$ 0	RC241
Parks	5% 10%	\$ 0	RC243
Water	30% 35%	\$ 0	RC244
Sewerage	35%	\$ 0	RC245
Stormwater	10% \$7/m ²	\$ 2,165	RC242

The infrastructure charge is payable prior to the change of use of the land happening in accordance with Section 648H of the *Sustainable Planning Act 2009*.

Environmental assessment report

The applicant has proposed to redevelop the existing unmanned fuel depot into a fuel service station with a convenience shop. This service station is proposed to be open to the public during daytime and evening hours and to remain accessible as an unmanned service station overnight.

The applicant supplied technical reports addressing noise, odour and stormwater with the original application. In response to Council's information request, further details and recommendations were provided for those reports, as well as a Spill Management Plan.

The risks of water or land pollution are considered to be manageable from the proposed activity. The applicant has provided details of how contaminated water will be contained and treated. Additionally, spill control and leak detection methods have been detailed in the submitted Spill Management Plan. It is considered that appropriate conditions can be placed on an approval to minimise the risk of environmental nuisance or harm from the proposed activity.

The issue of increased noise has been raised by submitters. The Revised Noise Assessment Report prepared by Noise Measurement Services indicates that background noise will not be exceeded at sensitive receptors (neighbouring residences) by more than 5dB(A), as required by the Environmental Protection (Noise) Policy 2008. Recommendations including noise attenuating fence materials, screening and location of noise generating plant and restriction on the time of

waste collection will ensure that noise levels do not exceed those recommended/required by the Environmental Protection (Noise) Policy 2008. It is considered that appropriate conditions can be placed on an approval to minimise noise emissions from the activity. One submitter asserted that horses residing in Lot 1 SP231447 will be affected by increased noise and suggested an acoustic fence on the entirety of the boundary with that block. This area is not a sensitive place and is not considered to require an acoustic barrier.

Odours from fuel and waste were raised by submitters. The Revised Air Quality Assessment Report presented modelling of the odour to be expected from the proposed activity. The odour emissions modelled are within those stated in the *Department of Environment and Heritage Protection – Odour Impact Assessment from Developments Guideline 2013* (DEHP Guideline). Specifically, the odour from the individual chemicals that make up petrol are modelled and calculated to be up to 0.02 Odour Units, whereas the DEHP Guideline specifies a maximum of 2.5 Odour Units. Recommendations including vapour recovery, storage tank vents and covers for waste bins will ensure that odour emissions remain below the DEHP Guideline values. It is considered that appropriate conditions can be placed on an approval to minimise odour emissions from the activity.

Dust was raised as an issue by a submitter. Dust emissions are considered unlikely to cause nuisance due to the entirety of the trafficable areas being sealed on the site. Appropriate conditions can be placed on an approval to ensure that dust emissions are minimised.

A submitter asserted that there would be increased light pollution entering their home due to traffic approaching. Fixed lights on the site can be conditioned to shine away from neighbouring residences to prevent encroachment. Vehicle lights are not considered to be likely to cause nuisance because as vehicles are parked for refuelling purposes, their lights will be directed towards the northwest. The nearest residence that will be in the line of site of the vehicle lights is approximately 65m away.

Other residences across the street to the north and northeast will only be affected by moving lights rather than stationary lights. Neighbours with adjoining boundaries will not be affected by stationary vehicles due to the 1.8m acoustic fence that would be conditioned on an approval. It is suggested that the applicant light spillage (especially from lights from the trucks and other lighting that will be utilised at night time) must be managed in accordance with Australian *Standard AS:4282-1997 Control of Obtrusive Effects of Outdoor Lighting*.

Conclusion

The site already operates as an unmanned diesel fuel facility for heavy vehicles. The proposed development involves the removal of the existing buildings, and the construction of a Service station. The proposed use will operate 24 hours with the Service Station open from 7.00am to 6.00pm. The unmanned fuel facility will continue to operate outside these hours. The proposed use will now accommodate cars and motor bike in addition to heavy vehicles.

The site is located in the Medium density residential zone, however, does not resemble a residential site. The surrounding uses include a motor vehicle workshop, a railway corridor and railway crossing and a number of residential dwellings.

There were two submissions received regarding the impact of the proposed development. The applicant provided responses to those submissions. The impacts associated with the proposed development can be appropriately conditioned to reduce those impacts and have been included.

Wood Street and Lyons Street are both approved routes for 23 and 25 metre B Doubles. The site already caters for the fuelling needs of heavy vehicles. The proposed development will result in increased traffic accessing the site, as the site has not previously catered for cars and motorbikes. Lyons Street and Wood Street provide a route to the industrial estate from the highway and a high volume of traffic utilise this part of the road network already. It is expected that there will not be a substantial increase in the amount of traffic using this route as a result of the proposed development.

The proposal can be considered acceptable, and is recommended for approval subject to conditions.

Options

Council:

1. Adopt the officer's recommendation.
2. Adopt an alternative recommendation.
3. The application is refused with reasons.

Recommendation

THAT the application for Material Change of Use for the purpose of Service Station on land at 2 Wood Street, Warwick described as Lot 2 RP5949 and Lot 6 RP44203, Parish of Warwick, County of Merivale, be approved subject to 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
Proposed Site Plan	5664 (Issue C)	1 December 2016
Floor Plan & Elevations	5664 (Issue C)	1 December 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.

Reconfiguration of a Lot

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

Dedications

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

Easements and Covenants

5. A 3.0 metre wide easement for sewerage purposes is to be provided over Lot 2 RP5949 and Lot 6 RP44203 in favour of Council. The easement documentation is to be prepared by Council's solicitors at the developer's cost. A copy of the easement documentation is to be submitted to Council for approval prior to the use of the site commencing.

Land Use and Planning Controls

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.

Building and Site Design

7. The building is to be set back at least 2.0 metres from the western property boundary.
8. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)
9. A copy of the Form 11 (Certificate of Classification) issued for the building works is to be provided to Council prior to the use commencing. (See advisory note below.)

Amenity and Environmental Controls

10. The registered operator of the activity to which this approval relates must:
 - a) install all measures, plant and equipment necessary to ensure compliance with the conditions of this approval; and
 - b) maintain and operate such measures, plant and equipment appropriately.
11. Activities relevant to *AS 4897-2008 The design, installation and operation of underground petroleum storage systems*, must comply with the provisions of this Standard.

12. Any storage of flammable and/or combustible liquids must comply with the requirements of the Work Health and Safety Act 2011 and Work Health and Safety Regulation 2011 for the handling and storage of hazardous chemicals and the provisions of *Australian Standard AS:1940 The Storage and Handling of Flammable and Combustible Liquids*. All other activities relevant to this Standard, including but not limited to fuel dispensing must also comply with the provisions of this Standard.
13. The submitted Spill Management Plan, version 2 prepared by Hazkem Pty Ltd, March 2017 must be implemented and followed by anyone operating under this approval, including the commissioning and maintenance of the proposed onsite treatment system. The Plan must be reviewed annually and updated as appropriate.
14. Noise levels emitted from the activity must not exceed 5dB(A) above the background noise levels in the locality when measured at any boundary of the property. The applicant is to note that this may include the need to use noise attenuating materials.
15. The measures recommended in the submitted Revised Noise Assessment Report prepared by Noise Measurement Services, 20 March 2017 must be implemented in accordance with the report. These recommendations address acoustic fencing, beepers on tyre refilling devices, hours of refuse collection and location and screening of mechanical plant.
16. The general waste collection vehicles are limited between the hours of 7.00am and 7.00pm, Monday to Saturday, and between the hours of 8.00am and 3.00pm on Sundays.
17. A sufficient number of suitable waste and recycling receptacles must be provided on site at all times. Waste and recycling receptacles must be regularly serviced to prevent unsightly accumulations of waste being caused or adversely impact on the environment. Where collection is not possible, waste must be removed with the same regularity and disposed of at the Warwick waste facility.
18. The odour and air quality control measures recommended in the submitted Revised Air Quality Assessment Report prepared by Noise Measurement Services, 20 March 2017 must be implemented in accordance with the report. These recommendations address stage 1 and stage 2 vapor recovery, height of storage tanks vent discharge point, maintenance of waste receptacles and spill management training.
19. 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.
20. Stormwater must be diverted around and prevented from entering the site to limit the risk of stormwater becoming contaminated.
21. The cleaning of plant, equipment or vehicles, and the washing down of the hardstand area or any other area that may generate contaminated water, is not permitted unless the contaminated water is directed to the **approved** separator or treatment system, as recommended in the Spill Management Plan, version 2 – March 2017. All areas where contaminated water may be generated must drain to the approved system.
22. The registered operator of the activity to which this approval relates must contact Council as soon as practicable after becoming aware of any release of contaminants, or any event where environmental harm has been caused or may be threatened.
23. Advertising Devices relating to the Service Station may **only** be erected on the subject land, i.e. Lot 2 RP5949. The location, size, type and content of any advertising sign or device located on the land is to be compatible with the Residential 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.
24. All equipment, goods and materials must be located in a building or screened from view from all roads, other public places and adjoining land by fencing and/or dense landscaping.
25. Install and maintain the lighting fixtures so that they do not emit glare or light above the levels stated in *Australian Standard AS:4282-1997 Control of Obtrusive Effects of Outdoor Lighting*.

Any lighting is to be located such that there is no interference with any residences.

26. The operator must investigate and address all environmental nuisance and/or environmental harm complaints. The following details must be recorded and provided to Council upon request:
- a) time, date, name and contact details of the complainant;
 - b) reasons for the complaint;
 - c) any investigations undertaken;
 - d) conclusions formed; and
 - e) any actions taken.

When requested by Council, an assessment, including monitoring and/or sampling must be undertaken by a suitably qualified person(s) to investigate any complaint of environmental nuisance and/or environmental harm (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief). Upon completion of the assessment, the results must be submitted to Council within 10 business days. This must be undertaken in accordance with any direction given by Council at the time. If the results of the assessment indicate, or where it is determined by an authorised person, that environmental nuisance and/or environmental harm is being caused, abatement or control measures must be implemented as recommended by a suitably qualified person and/or Council.

Fencing, Landscaping and Buffers

27. A screen fence 1.8 metres high shall be erected along the side and rear boundaries to provide visual screening. This screen fencing is to be provided at the developer's cost.—The fence shall be of acoustic materials, in accordance with the Department of Transport and Main Roads specification - MRTS15 (Noise Fences) so as to minimise noise impacts upon adjoining development.
28. **Details of the proposed fencing are to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the issue of a Development Permit for Building Work.** Fencing is to be provided and maintained in accordance with the approved details.
29. Dense tree planting is to be provided adjacent to the acoustic fence so as to enhance the appearance of the fence and to provide an effective visual screen. A 3.0 metre wide landscaped strip is to be provided adjacent to the southern and western boundaries of the site. Where possible, the existing climbing rose hedge is to be retained within the landscaped strip.
30. Landscaped areas are to be provided on the site in accordance with Plan No. 5664, Issue C (Proposed Site Plan) dated 1 December 2016 prepared by Stephen D'Andrea Pty Ltd.
31. The street trees within the road reserve of Lyons Street and Wood Street are to be retained. These trees are to be protected during construction. If it is not possible to design the development to preserve all the trees in their current locations, the tree/s must be relocated at the developer's cost. The relocation of the tree/s is to be carried out by a suitably qualified and experienced person. If the tree/s die within 12 months of the relocation, the dead tree must be replaced with an advanced tree of the same species and height.
32. **A Landscaping Plan is to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the commencement of the use.** The Landscaping Plan is to be prepared by an appropriately qualified person, and must include details of the location and species of plants, the irrigation system and the height and material of fencing. Plants are to be generally frost resistant and drought hardy, and must not include weed species. Root barriers are to be installed around trees that are located within 3 metres of any underground infrastructure. The site is to be landscaped and maintained in accordance with the approved Landscaping Plan.

Car Parking and Vehicle Access

33. A concrete industrial crossing is to be constructed and/or maintained at the Lyons Street and Woods Street entrance to the site in accordance with Council's standard. (Council's Engineering Services Department can provide details regarding Council's standard.)
34. All vehicular entry to the site must be via Lyons Street access and all vehicular exiting from the site must be via Wood Street only.
35. The car park area is to be set back 3.0 metres from the western property boundary.
36. Car parking shall be provided on site in accordance Plan No. 5664, Issue C (Proposed Site Plan) dated 1 December 2016 prepared by Stephen D'Andrea Pty Ltd. All car parking, driveway and loading areas shall be constructed, sealed, line marked, drained, laid out and regularly maintained.
37. All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.
38. Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
39. 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. A vehicle loading area with associated driveway and access to accommodate a semi-trailer/B-Double must be provided on site in accordance with AS2890.2 – 2002 (Off-street parking - Commercial vehicle facilities).

Roadworks

40. 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.
41. The redundant vehicle crossing in Lyons Street is to be reinstated back to kerbing and channelling, and the footpath reinstated.
42. Signage must be provided along the internal driveway so that it can be easily read when exiting the property via motor vehicle whether day or night. This signage is to clearly demonstrate, via images and text, the correct side of the road to drive on in Australia. (Council's Planning Department can provide details regarding Council's standard).

Stormwater Drainage

43. The design, construction and operation of the stormwater drainage system must comply with the water quality objectives stated in Appendix 3 of the State Planning Policy.
44. A stormwater drainage system serving the development is to be constructed and the stormwater disposed of to a lawful point of discharge, in accordance with the Queensland Urban Drainage Manual (QUDM). Where the finished levels of a proposed allotment are such that stormwater runoff from all or part of the allotment cannot be gravity discharged to the street, an underground drainage line shall be provided to discharge the runoff from the allotment. Where necessary, suitable easements may be required over adjoining properties. The easements shall be provided to Council, at the developer's cost. All drainage works should meet the requirements of the Queensland Urban Drainage Manual (QUDM).

Water Supply and Waste water

45. The development is to comply with Council's policy *Works Near Water Supply and/or Sewerage Infrastructure Policy*, which requires an application to be submitted to Council for approval, prior to the commencement of the works. It is not desirable to build over the infrastructure; alternative arrangements should be sought.

Pedestrian Works

46. A 2.0 metre wide concrete pedestrian footpath is to be constructed along the Lyons Street and Wood Street frontage of the site, in a location suitable to the Director Engineering Services.

Electricity, Street Lighting and Telecommunications

47. Underground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.

Operational Works

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

Infrastructure Charges Notice

49. Payment of \$2,165 is to be made to Council in accordance with the Infrastructure Charges Notice attached to the decision notice. If payment is made more than two years after the date of the Infrastructure Charges Notice, the charge will increase in line with the Road and Bridge Construction Index for Queensland.

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) **Any demolition and/or removal works involving asbestos materials** must be undertaken in accordance with the requirements of the *Workplace Health and Safety* legislation and *Public Health Act 2005*.
- (v) The operator must at all times comply with the *Environmental Protection Act 1994*.
- (vi) During the construction phase of the development, all wastes must be separated into recyclables (where possible) and landfill wastes, and disposed of at the Warwick Central Waste Management Facility.
- (vii) Applications for licence under the *Food Act 2006* are to be submitted to Council prior to the commencement of the Service Station.
- (viii) **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.
- (ix) **Building Approval is to be obtained** in accordance with the *Sustainable Planning Act 2009* for the proposed building work and removal of buildings. 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.

- (x) 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.
- (xi) The disposal of waste classified as Trade Waste under the *Plumbing and Drainage Act 2002* is to be in accordance with Council's Trade Waste Policy.
- (xii) A Development Permit for Operational Works associated with the development must be obtained in accordance with the *Sustainable Planning Act 2009*. This application must be submitted with the following:
 - Relevant IDAS Forms;
 - The relevant fee in accordance with Council's Schedule of General Fees and Charges;
 - Detailed design drawings, schedules and specifications for all Operational Works, certified by a Registered Professional Engineer in Queensland (RPEQ);
 - A car parking plan showing the location and dimension of all parking areas, details of the proposed pavement treatment, and full engineering specifications of layout, construction, sealing, drainage and line marking;
 - A plan showing ingress and egress wheel and swept turning paths;
 - A Stormwater Management Plan; and
 - An Erosion and Sediment Control Plan.

Operational Works shall be subject to a 12 months Defect Liability Period commencing from the day the works are accepted on-maintenance. A bond will be held by Council as security, and refunded following a defect-free inspection at the end of the Defect Liability Period.

- (xiii) 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.
- (xiv) 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.
- (xv) All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

Aboriginal Cultural Heritage

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

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

Our reference: SDA-1216-036088

Your reference: MCU\01800

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Development Permit for Material Change of Use – Service Station		
7.3.15A—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 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:		
1.	The development must be in accordance with the <i>Stormwater Management Plan</i> , prepared by Harrison Infrastructure Group, dated 14 December 2016, reference TWB-1332-01 and revision B, in particular: <ul style="list-style-type: none">• Section 3.4: Proposed Development Conditions; andAppendix B: Developed Site prepared by Harrison Infrastructure Group, dated November 2006, reference SW02, Sheet 2 of 2 and revision A.	At all times.

Our reference: SDA-1216-036088

Your reference: MCU\01800

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- Condition 1 is to ensure that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state-transport corridor.

Attachment 3—Further advice

Railways	
1.	<p>The Fuel Station operator should establish emergency procedures with the railway manager (Queensland Rail). Early notification of any situation will be required so that operations can be managed. The Emergency Response Procedures (ERP) for the facility should include protocols for contacting Train Control so that appropriate emergency actions can be put in place.</p> <p>The applicant should contact the Queensland Rail Property Team at qrpropertywyleaves@qr.com.au or on telephone number (07) 3072 1229 in relation to this matter.</p>
Memorandum of Understanding for Railway Level Crossings	
2.	<p>As per the Memorandum of Understanding between the Local Government Association of Queensland and Queensland Rail and the Department of Transport and Main Roads with respect to the Management and Funding Responsibility for Level Crossing Safety, the local government is responsible for any safety upgrades to a level crossing if the change in risk to the level crossing is due to changes in nearby land uses which have been authorised by local government.</p> <p>Southern Downs Regional Council should continue to monitor the level of safety risk and number of reported level crossing issues at the Lyons Street and Pratten Street crossings of the South Western Line and Southern Line as further development in the area is approved. Consideration should also be given to implementing improved control and safety measures, as required.</p>

Attachments

1. Submissions [View](#)



Ian and Kate Strudwick
6 Wood St,
WARWICK, Queensland 4370

The Assessment Manager
Southern Downs Regional Council
PO Box 26, Warwick Q 4370
mail@sdrc.qld.gov.au
1300 MY SDRC (1300 697 372)
www.sdrc.qld.gov.au

24th April, 2017

To Whom It May Concern,

Re: Proposed Development – 2 Wood Street, Warwick Q 4370

We recently received notification of a Proposed Development of the Fuel Depot located at 2 Wood Street, Warwick (Lot 2 RP5949 & Lot 6 on RP44203 by Liberty Oil (WA) Pty Ltd C/- Vision 2 Reality).

As the closest neighbour to this facility, we wish to lodge a formal objection to this proposal. There are multiple reasons for this objection, and we will endeavor to list them all in this letter.

Our home is adjacent to the current Fuel Depot and 24 hour unmanned diesel fuel facility. We are currently confronted with a regular stream of vehicles attending this depot and there are varying degrees of noise pollution. We believe if the use of this facility is changed to a Service Station, this will certainly increase not only the vehicles attending, but will dramatically increase the following:

- Air pollution (petrol, diesel, gas, dust, odor from bins);
- People traffic (people attending the facility for reasons apart from fuel purchases);
- Noise pollution:
 - air conditioning
 - refuse collection
 - people congregating in vehicle parking spaces
 - increased traffic outside our living area: more pumps, more fuels (hence new customer base)
 - more products for sale and more customers, therefore more noise
- Light pollution (cars and trucks approaching will shine straight into our living area);
- Probable invasion of privacy (the proposed parking and refuse position looks directly into our lounge room);
- Reduction of security of our property (our property will become more visible with this development);
- Work interference (I currently work from home and my office is directly adjacent to this proposed development);
- The acoustic fence will have an impact on the airflow from the eastern side of our lot, thereby increasing the temperature in our home. It's installation will also remove most of the vegetation on our eastern boundary, thus reducing the street appeal and, as a result, the value of the property;



Document Set ID: 2733699
Version: 1, Version Date: 27/04/2017

-
- The removal of the heritage climbing rose hedge which grows on the fence dividing the properties will decrease the street appeal of our property. Our home is approximately 104 years old, its vegetation is very well established and both contribute to the heritage of Warwick and the district;
 - The additional impervious area created from the proposed development will increase the surrounding temperature. That combined with the increased density of the proposed fence on our southern boundary will further stifle the airflow.

We firmly believe that the impact from this proposed development will greatly affect the market value and resale value of our property.

Having resided adjacent to the current facility for more than six years, we have repeatedly had to move people on who had congregated there to socialize, drink and smoke. We have also contacted the company's Warwick security contact (VIP Mowing) to inform the current owners whenever there has been a potential gas leak or security incident. We believe that security incidents will only increase with this proposed development.

Yours faithfully,



Ian and Kate Strudwick



Kate Strudwick

John W Collins & Frannice J Collins
10 Wood Street
Warwick Qld 4370



21st April 2017

The Assessment Manager
Southern Downs Regional Council
PO Box 26, Warwick Qld 4370

Dear Sir/Madam

We wish to lodge an objection statement to the Southern Downs Regional Council,
Re: Material Change of Use Application
2 Wood Street, Warwick – Lot 2 on RP5949 & Lot 6 on RP44203

Firstly, we wish to ask the question, why is there a need for yet another service station in the city of Warwick? There are more than enough service stations on the highway through Warwick. From the southern end of Warwick to the northern perimeter there are 8 service stations. So why open another service station in the middle of a residential area?

There is already more than enough noise created by traffic on Wood Street. The additional noise and vehicle pollution will rise to astronomical heights when motor bikes, cars, trucks and tankers enter to refuel. These all hinder the health and wellbeing of the residents in the area. Many health issues will arise from the vehicle and fuel fumes which are detrimental to not only humans but to plants, animals and birds in the area.

The danger of fire becomes more acute. Additional underground and above ground tanks are proposed to be added to the present location to store petroleum and diesel. This is totally inappropriate in such close proximity to residents and their homes.

The collection of refuse produces issues in itself. Once again the noise factor is involved when the trucks collect rubbish from the refuse area. This area marked on the plan is very close to residential property thus both noise and odours would have to be endured by residents. Often the collection trucks come at all hours so shift workers are disturbed when trying to sleep. This is unacceptable in a residential area.



Also, trucks stopping/starting to deliver goods to the "servo building" all contribute to additional noise and pollution. This in turn involves the issue of the proposed location of the "service station building of 80sqm". On the plan it is facing Wood Street, close to the residential address, 6 Wood Street. It would seem much more logical to have it facing Lyons Street in the large area marked "landscaping". This way it would be away from the residents in Wood Street and a little less noisy!!!

Now we wish to draw attention to the boundary fences. In this case we are referring specifically to our property at 10 Wood Street, which adjoins 2 Wood Street in the south west of the proposed service station site. At present there is a wire chain fence and after perusing the plan there doesn't appear to be any change to that fence. We have horses in that area and the increase in activity from the proposed service station plan certainly would indicate a great deal more noise which in turn could upset our horses or cause them to injure themselves. Therefore, the construction of an 1800 high acoustic fence would be essential in the south west boundary of the property.

We trust that the Southern Downs Regional Council will examine all aspects of the proposal of this application for a Service Station in a high residential area of Warwick before making any decision.

Thanking you,

Yours faithfully,


John W Collins & Frannice J Collins

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

Nil

14. NOTICES OF MOTION

14.1 Notice of Motion - Relocation of Water Valves at 3 Bell Place, Warwick

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 24 May 2017
	Chief Executive Officer	ECM Function No/s:

Notice of Motion – To Be Moved by Cr Kelly

THAT Council cover the costs for the relocation of four water valves at 3 Bell Place, Warwick.

Attached is a Notice of Motion dated 5 May 2017 from Cr Kelly in accordance with Section 5.6.1 of Council's Code of Meeting Practice, requesting Council cover the costs of the relocation of 4 water valves at 3 Bell Place, Warwick. Also attached is a copy of the previous report considered by Council at the General Meeting held 25 January 2017. The resolution from that meeting was as follows:

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

Council subsequently wrote to the property owner on 31 January 2017 advising of Council's decision to relocate the water services at a shared cost, ie 50%, and requesting the owner's agreement. However, the owner wrote to Council on 10 February 2017 asking Council to reconsider its decision.

The estimated cost to relocate the four water services is \$4794.98 (incl GST).

Comments from the Director Engineering Services

As stated on the attached Notice of Motion, the location of water valves and other minor infrastructure are not shown on Council's Intramaps system. Individual fittings are at a level of detail currently not collected on Intramaps. If it is Council's view that all such details should be shown on Intramaps, and therefore on Dial Before You Dig, then Council will need to provide funding in a future Budget to incorporate these items.

Council is a utilities provider in the same way as NBN, Telstra and Ergon Energy. It is extremely unlikely that these utilities would pay for these changes. Council should operate in the same manner.

Attachments

1. Notice of Motion [View](#)
2. Report: Relocation of Water Services 3 Bell Place, Warwick - January 2017 [View](#)



Notice of Motion by Councillors

Councillor: ROD KELLY

Date: 5/5/17

Motion:

THAT

COUNCIL COVER THE COSTS FOR THE RELOCATION OF FOUR WATER VALVES AT 3 BELL PLACE WARWICK.

Relevant Background Information

RESOLUTION PASSED AT DECEMBER 2016 MEETING WITH COSTS TO BE SHARED BY COUNCIL AND PROPERTY OWNER.

THE VALVES ARE NOT INCLUDED ON INTRA MAPS.

A handwritten signature in black ink, appearing to read 'ROD KELLY'.

ROD KELLY

Code of Meeting Practice Policy – Section 5.6.1 Notice of Motion

1) Notices of Motions shall be lodged in writing with the Chief Executive Officer or their delegate eight (8) calendar days prior to the closure of the business paper agenda for the meeting of Council at which the Notices of Motion are to be considered.

2) Councillors shall ensure, where it is intended that employees of the Council be asked to carry out some specific defined action that a Notice of Motion is written in such a way that, if carried, the motion carries clear and unambiguous direction.

- Start with the word "That" f
- Use the third person and avoid the use of the first person f
- Clearly indicate the intention of the Council f
- Avoid statements that are ambiguous f
- Aim for clarity of expression f
- Be carefully constructed and if necessary, set out in clauses that can be clearly identified by letters or numbers f
- Indicate proposed action or reflect agreed views on a particular issue f
- Don't re-introduce a resolution which has already been rejected

11.4 Relocation of Water Services - 3 Bell Place, Warwick

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 25 January 2017
	Acting Manager Water & Wastewater	ECM Function No/s: 32.101

Recommendation

THAT Council write to the property owner Marcelina Dwan advising that she will be required to pay for the services to be relocated if this is what the owner requires as the services were existing prior to the sale of the land and the building.

Report

Council Officers met with the builder on the 1 December 2016 to discuss the location of four (4) water service connections in the road reserve in front of 3 Bell Place, Warwick, located in the proposed driveway.



Council Officers indicated that the four (4) services could be relocated by Council at cost to the owner and a quote was later provided.

The four (4) services were installed in June 2015. The property, 3 Bell Place, was previously owned by Council and was subdivided into number 3 and 3A Bell Place, on the 29 February 2016; and was later sold in June 2016. There were no conditions within the planning application or conditions of sales stating that Council should relocate the services.

The owner is contending that Council should have relocated these services as they are for properties opposite 3 Bell Place.

The services were pre-existing prior to building. No application for building over or adjacent to water or sewerage infrastructure was lodged with Council.

Budget Implications

Cost to relocate the water services \$4,794.98 (Inc GST) – Quote 17-212 Dated 6/12/2016.

Policy Consideration

Works Near Water Supply and/or Sewerage Infrastructure PL-ES023.

Community Engagement

Nil

Legislation/Local Law

Nil

Options

1. Write to the property owner, Marcelina Dwan, advising that she will be required to pay for the services to be relocated if this is what the owner requires as the services were existing prior to the sale of the land and the building.
2. Write to the property owner, Marcelina Dwan, advising that Council will relocate the water services.

Attachments

Nil

15. GENERAL BUSINESS

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 Warwick Shire River Improvement Trust Secretarial Support

Reason for Confidentiality

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

16.2 Reduction on Water Access Charges

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(d) of the *Local Government Regulation 2012*, as it contains information relating to rating concessions(h) of the *Local Government Regulation 2012*, as it contains information relating to and 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 Request for Reduction of Wastewater Charges

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(d) of the *Local Government Regulation 2012*, as it contains information relating to rating concessions(h) of the *Local Government Regulation 2012*, as it contains information relating to and 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 2016/2017 Community Support Program

Reason for Confidentiality

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

16.5 Waste 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.

16.6 Purchase of Land, Rabbit Road, Leslie Dam

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.

16.7 Warwick District Drag Racing Association Incorporated - Lease renewal

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.

16.8 Proposed sale of land - Henry Evans Drive, Rosehill

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.

16.9 April 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.

16.10 Elections for Court Hearing in response to Penalty Infringement Notices

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.