



**MINUTES OF THE
GENERAL MEETING OF COUNCIL
23 AUGUST 2017**

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**MINUTES OF THE GENERAL COUNCIL MEETING OF
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 23 AUGUST 2017 IN THE
COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,
64 FITZROY STREET, WARWICK AT 9.00AM**

1. PRAYERS & CONDOLENCES

Reverend Ansie Liebenberg offered a prayer for the meeting and acknowledged condolences.

2. ATTENDANCE

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

Officers: David Keenan (Chief Executive Officer), Eric Kraak (Acting Director Engineering Services), Peter Gribbin (Acting Director Planning, Environment and Community Services), Marion Seymour (Minute Secretary)

3. APOLOGIES

Nil

**12.8.1 Material Change of Use - Layton & Sharalyn Free, Warfields Road, Allora -
Consideration of legal advice in camera.**

Resolution

Moved Cr M McNichol

Seconded Cr N Meiklejohn

THAT Council move this item into the Confidential session of this meeting to allow discussion in relation to legal advice that has been received.

Carried

4. READING AND CONFIRMATION OF MINUTES

4.1 General Council Meeting - 26 July 2017

Resolution

Moved Cr N Meiklejohn

Seconded Cr Y Stocks

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

Carried

4.2 Special Council Meeting - 14 August 2017

Resolution

Moved Cr S Windle

Seconded Cr R Kelly

THAT the minutes of the Special Council Meeting held on Monday 14 August 2017 be adopted.

Carried

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Previous Council Meeting

Resolution

Moved Cr V Pennisi

Seconded Cr N Meiklejohn

THAT Council receive the report and note the contents.

Carried

6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precise	Nature of Conflict
12.5	Material Change of Use – Outback Truckstops Pty Ltd C/- TFA Project Group, Activity Street, Warwick	Cr McNally declared a real conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>) due to her husband having business dealings with one of the submitters and their business premises is in the Warwick Industrial Estate and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
12.7	Material Change of Use – Anthony & Rebecca Kinsella, 461 Jack Smith Gully Road, Freestone	Cr McNally declared that a perceived conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>), may exist due to the applicant being a former client of her husband. Cr McNally dealt with the perceived conflict of interest by stating that it was her determination that her personal interest is not of sufficient significance that it would lead to her making a decision on this matter that is contrary to the public interest. Cr McNally participated in the discussion and voting on this matter.
12.8	Material Change of Use – Layton & Sharalyn Free, Warfields Road, Allora	Cr McNally declared that a perceived conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>), may exist due to one of the submitters being a contractor associated with her husband. Cr McNally dealt with the perceived conflict of interest by stating that it was her determination that her personal interest is not of sufficient significance that it would lead to her making a decision on this matter that is contrary to the public interest. Cr McNally participated in the discussion and voting on this matter.

16.1	Concession on High Water Consumption – PN28240	Cr Windle declared that a perceived conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>), may exist due to the applicant being a personal friend. Cr Windle dealt with the perceived conflict of interest by stating that it was her determination that her personal interest is not of sufficient significance that it would lead to her making a decision on this matter that is contrary to the public interest. Cr Windle participated in the discussion and voting on this matter.
16.4	EOI – Stanthorpe Treated Effluent	Cr Pennisi declared that a perceived conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>), may exist due to a previous formal complaint about him relating to effluent water which was unsubstantiated. Cr Pennisi dealt with the perceived conflict of interest by stating that it was his determination that his personal interest is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest. Cr Pennisi participated in the discussion and voting on this matter.
16.4	EOI – Stanthorpe Treated Effluent	Cr McNally declared that a real conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>), due to one of the non-initial irrigators being a potential client of her husband and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
16.4	EOI – Stanthorpe Treated Effluent	Cr Gow declared a real conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>) due to his role on the Stanthorpe Agricultural Society and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
16.6	2017/18 - Grants to Community – Round One	Cr Gow declared a real conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>) due to his role on the Stanthorpe Agricultural Society and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.

7. MAYORAL MINUTE

7.1 Mayoral Minute - August 2017

Resolution

Moved Cr S Windle

Seconded Cr N Meiklejohn

THAT Council receive the Mayoral Minute for August 2017.

Carried

The Chief Executive Officer tabled late correspondence from Racing Queensland.

8. READING AND CONSIDERATION OF CORRESPONDENCE

8.1 Correspondence

Resolution

Moved Cr M McNichol

Seconded Cr Y Stocks

THAT the report of the Chief Executive Officer in relation to Correspondence, including the attached late correspondence, be received.

Carried

Attachments

1. Racing Queensland - **Attached to the Minutes Under Separate Cover**

Cr Pennisi tabled Petitions relating to The Warwick Saleyards and Invasive Pest Control Scheme.

9. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

9.1 Petitions Tabled Invasive Pest Control Scheme and The Warwick Saleyards

Resolution

Moved Cr V Pennisi

Seconded Cr N Meiklejohn

THAT the Petitions, tabled by Cr Pennisi at the meeting in relation to The Warwick Saleyards and Invasive Pest Control Scheme, be received and referred to the September General Council Meeting.

Carried

10. EXECUTIVE

10.2 121st LGAQ Annual Conference

Resolution

Moved Cr J McNally

Seconded Cr R Kelly

THAT Council:-

1. Endorse the attendance of the Mayor and Cr Meiklejohn at the 121st LGAQ Annual Conference.
2. Submit the attached Motions to LGAQ for inclusion in the 2017 Annual Conference Agenda:-
 - a. Review of the Definition for 'Intensive Animal Husbandry' under the Planning Regulation 2017
 - b. Water Catchment Planning
 - c. River Trusts
 - d. Status of Farming Properties

Carried

10.4 Adoption of the Southern Downs Tourism Strategy

Resolution

Moved Cr R Kelly

Seconded Cr Y Stocks

THAT Council adopt the attached Southern Downs Regional Council Tourism Strategy.

Carried

Attachments

1. Tourism Strategy - **Attached to the Minutes Under Separate Cover**

10.7 Inquiry into Regional Development and Decentralisation

Resolution

Moved Cr N Meiklejohn

Seconded Cr S Windle

THAT Council endorse the attached Submission into the Inquiry into Regional Development and Decentralisation.

Carried

Attachments

1. Submission - **Attached to the Minutes Under Separate Cover**

10.1 Financial Report as at 31 July 2017

Resolution

Moved Cr J McNally

Seconded Cr N Meiklejohn

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

Carried

10.3 Revaluation of Assets Policy

Resolution

Moved Cr J McNally

Seconded Cr N Meiklejohn

THAT Council adopt the attached Revaluation of Assets Policy PL-FS078.

Carried

Attachments

1. Revaluation of Assets Policy - **Attached to the Minutes Under Separate Cover**

10.5 Southern Downs Saleyards Advisory Committee Minutes

Resolution

Moved Cr J McNally

Seconded Cr N Meiklejohn

THAT Council receive the minutes of the Southern Downs Saleyards Advisory Committee Meeting held on the 4 August 2017.

Carried

10.6 Council Operations over the 2017 Christmas / New Year Period

Resolution

Moved Cr J McNally

Seconded Cr N Meiklejohn

THAT:-

1. Council Offices and Libraries remain open and work crews continue to operate over the 2017 Christmas/New Year period (excluding statutory public holidays).
2. Council staff be provided with the option to either take leave or continue to work over this period.

Carried

11. ENGINEERING SERVICES DEPARTMENT REPORTS

11.1 Engineering Services Department Monthly Report

Resolution

Moved Cr N Meiklejohn

Seconded Cr S Windle

THAT Council receive the Engineering Services Department Monthly Report.

Carried

11.3 Grants to Community Policy Amendment

Resolution

Moved Cr R Kelly

Seconded Cr S Windle

THAT Council amend the Grants to Community Policy (PL-ES075) as attached.

Carried

Attachments

1. Grants to Community Policy - **Attached to the Minutes Under Separate Cover**

11.5 Event Sport & Recreation Advisory Committee Minutes

Resolution

Moved Cr Y Stocks

Seconded Cr S Windle

THAT Council receive the minutes of the Event, Sport & Recreation Advisory Committee Meeting held on 1 August 2017.

Carried

11.6 Community Services Advisory Committee (CSAC) Meeting Held on 13 July 2017

Resolution

Moved Cr S Windle

Seconded Cr M McNichol

THAT Council receive the minutes of the Community Services Advisory Committee Meeting held on 13 July 2017.

Carried

10:14 AM Cr M McNichol left the meeting.

10:15 AM Cr M McNichol rejoined the meeting.

11.2 Warwick Aerodrome - CASA Surveillance Report

Resolution

Moved Cr N Meiklejohn

Seconded Cr S Windle

THAT Council resolve to:

1. Note and endorse the contents of the Civil Aviation Safety Authority's Surveillance report dated 11 July 2017 and therefore;
2. Secure the Warwick aerodrome in accordance with the Manual of Standards 139 – Aerodromes by proceeding to arrange for an automated key pad operated gate on Gus Mauch Road and a key lock system on the western entrance and that Council approve immediate expenditure that will then be reflected in the First Quarter Review.
3. Note the existing taxiway is covered by a "grandfather" clause until such times as Council makes modifications to the aerodrome;
4. Seek to design and construct a compliant gliding strip in accordance with CASA standards when funds become available;
5. Not related to the CASA report, note submissions around landing fees and further clarify the definition of landing fees as being "Aircraft (including gliders) will be charged for each arrival or full stop landing. Touch and go landings will not incur a fee unless the aircraft is visiting from another airfield and completes more than one touch and go."
6. Explore opportunities to bring in more revenue to offset the cost of running the facility. These revenue sources may be non-aviation related (e.g. vehicle events or testing).
7. Note the previous resolution of Council around the unit price setting for Avgas and allow officers to adjust this price within reason.
8. Endorse that for the Warwick Aerodrome, Airside shall be defined as Lot 18, SP287038, 111 Massie Bony Mountain Road, Massie.

Carried

11.4 Buildings Asset and Services Management Plan

Resolution

Moved Cr J McNally

Seconded Cr S Windle

THAT Council

1. Adopt the Buildings Asset and Services Management Plan ("BASMP"), June 2017, Rev.V0.6;
2. Adopt the Building Hierarchy 2017 V1.9 with an annual review to be undertaken of buildings for upgrade or disposal as part of the budget process; and
3. Note and endorse the recommendations made under s. 7 Improvement Plan of the Buildings Asset and Services Management Plan ("BASMP"), June 2017, Rev.V0.6.

Carried

Attachments

1. Buildings Asset and Services Management Plan - **Attached to the Minutes Under Separate Cover**
2. Building Hierarchy - **Attached to the Minutes Under Separate Cover**

The meeting adjourned for Morning Tea at 10:25am and reconvened at 10:46am at which time there were present Cr Dobie, Stocks, Gow, McNally, McNichol, Pennisi, Windle, Kelly, Meiklejohn.

10:46am Presentation of Casual for a Cause donation to Tom Sullivan from The Clontarf Foundation.

12. PLANNING, ENVIRONMENT & CORPORATE SERVICES DEPARTMENT REPORTS

12.1 Show Holidays

Resolution

Moved Cr N Meiklejohn

Seconded Cr S Windle

THAT Council nominate the following Show Holidays for 2018:

- (a) **Stanthorpe Show Holiday - Friday, 2 February 2018;**
- (b) **Allora Show Holiday - Friday, 9 February 2018;**
- (c) **Killarney Show Holiday - Friday, 23 February 2018;**
- (d) **Warwick Show Holiday - Friday, 23 March 2018.**

Carried

12.2 Request to Relocate Gates from Leslie Park to Glengallan Homestead

Resolution

Moved Cr J McNally

Seconded Cr V Pennisi

THAT Council refuse the request by the Glengallan Homestead Trust to relocate the Leslie Centenary Memorial Gates from their current location at the south-western entrance to Leslie Park to the Glengallan Homestead, as the gates have been recognised as being of State Heritage significance within Leslie Park.

Carried

12.4 Housing Compliance

Resolution

Moved Cr N Meiklejohn

Seconded Cr R Kelly

THAT Council adopt the attached Community Housing Notification's Policy.

Carried

Attachments

1. Community Housing Notification's Policy - **Attached to the Minutes Under Separate Cover**

Cr McNally declared a real conflict of interest in Agenda Item 12.5 (as defined in section 173 of the Local Government Act 2009) due to her husband having business dealings with one of the submitters and their business premises is in the Warwick Industrial Estate and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter. Cr J McNally left the meeting at 10:55am.

12.5 Material Change of Use - Outback Truckstops Pty Ltd C/-TFA Project Group, Activity Street, Warwick

Resolution

Moved Cr N Meiklejohn

Seconded Cr R Kelly

THAT the application for Material Change of Use for the purpose of Service station and Medium impact industry (Fuel depot provisions for bulk fuel load-out) on land at Activity Street, Warwick, described as Lot 101 SP176059, Parish of Warwick, 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
Proposed site layout – iOR Petroleum Unmanned Truck Stop, Lot 101 Activity Street, Warwick, Qld	17064-WA01 Rev 2	15 March 2017
Proposed site elevation – iOR Petroleum Unmanned Truck Stop, Lot 101 Activity Street, Warwick, Qld	17064-WA02 Rev 1	21 March 2017
Site signage – iOR Petroleum Unmanned Truck Stop, Lot 101 Activity Street, Warwick, Qld	17064-WA03 Rev 1	21 March 2017

2. Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval prevail.

Land Use and Planning Controls

3. This approval allows for the use of the site for the following uses only:
 - Service station including ancillary structures:
 - Office associated with service station
 - Ablution block
 - Shed for storage
4. The approval allows for the use of the Service station as a manned and unmanned facility and no further approval is required by Council, should the Service station become a manned facility.

Building and Site Design

5. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)
6. 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

7. 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.
8. Activities relevant to AS 4897-2008 *The design, installation and operation of underground*

petroleum storage systems, must comply with the provisions of this Standard.

9. 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.

Any hazardous materials (e.g. oil and fuel) must be stored in a covered and bunded area.

10. Any liquid spills must be cleaned up immediately and disposed of in an appropriate manner that ensures environmental harm does not occur. An appropriate spill kit for the management of wastes and hazardous liquids associated with the activity must be readily available at the site. Anyone operating under this approval must be trained in the use of the spill kit.
11. 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.
12. Contaminants or contaminated water must not be directly or indirectly released from the Premises or to any land or waters except for **uncontaminated** overland stormwater flow and **uncontaminated** stormwater to the stormwater system.

There must be no release that has been in contact with any contaminants at the site to any waters, watercourse, roadside gutter, stormwater drain or land.

Stormwater must be diverted around and prevented from entering the site to limit the risk of stormwater becoming contaminated.

13. 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.
14. 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; 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.

15. No particulate matter or visible contaminant, including dust, smoke, fumes and aerosols likely to cause environmental harm is to emanate beyond the boundaries of the Premises.
16. All regulated waste must be removed from the site by a regulated waste removal contractor. The records for this disposal must be kept on site and be available for viewing by an authorised officer.
17. If lighting is installed, lighting fixtures are positioned and maintained 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.

18. 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.
19. A sufficient number of suitable waste receptacles must be provided on site at all times. Waste receptacles must be regularly serviced to prevent unsightly accumulations of waste or environmental harm being caused. A waste collection contractor must be engaged to supply suitable waste and recycling receptacles and service waste and recycling receptacles.
20. 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.
21. The cleaning of plant equipment and vehicles must be carried out in an area where wastewater can be suitably managed so as not to cause contaminants to release into waterways or overland flow paths.

If washing down of any area or items that generate contaminated water, is not permitted unless the contaminated water is directed to an **approved** separator or treatment system.
22. Advertising Devices relating to the Service Station may **only** be erected on the subject land, i.e. Lot 101 SP176059. The location, size, type and content of any advertising sign or device located on the land is to be compatible with the industrial 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.

Fencing, Landscaping and Buffers

23. A screen fence 1.8 metres high shall be erected along the northern and southern boundaries of the site, to provide visual screening. This screen fencing is to be provided at the developer's cost.
24. **Details of the proposed fencing are to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the issue of a Development Permit for Building Work.** Fencing is to be provided and maintained in accordance with the approved details.
25. A 6.0 metre wide landscaped setback is to be provided along the Progress Street frontage and a 3.0 metre wide landscape setback along the Activity Street frontage of the site so as to provide a visual buffer. This area is to be densely planted with shrubs suitable to grow to heights of between 1.0 to 2.0 metres at maturity.
26. **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.

Note: The selection of species provided along the Activity Street frontage of the site must be suitable to be planted within the vicinity of Council's sewer line.

Car Parking and Vehicle Access

27. A concrete industrial crossing is to be constructed at the Activity Street and Progress Street entrances to the site in accordance with Council's standard. (Council's Engineering Services Department can provide details regarding Council's standard.)
28. At least two (2) car parking spaces are to be provided on site. Provision is to be made for disabled parking.
29. The car park area is to be set back 6.0 metres from the Progress Street frontage of the site.
30. 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"*.
31. Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
32. All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
33. Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.
34. 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

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

Stormwater Drainage

36. 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.
37. 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

38. A reticulated water supply system, up to and including water meters, is to be provided to service the office building and ablution block. This system is to be connected to Council's water supply system.
39. A sewerage reticulation system is to be provided to service the office building and ablution block. This system is to be connected to Council's wastewater sewerage system.
40. 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.

Operational Works

41. 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) 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 *Planning Act 2016* and would have to comply with the requirements of the Planning Scheme.
- (iii) It is encouraged that you arrange for a free compliance inspection to be carried out prior to the use commencing. This will involve a physical inspection of the premises along with an internal audit of Council's records. Written advice will be provided for your records advising if compliance with the conditions has been achieved.
- (iv) The General Environmental Duty under the *Environmental Protection Act* prohibits unlawful environmental nuisance caused by noise, aerosols, particles dust, ash, fumes, light, odour or smoke, beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.
- (v) The operator must at all times comply with the *Environmental Protection Act 1994*.
- (vi) Any storage of flammable and/or combustible liquids must comply with the minor storage provision of Australian Standard AS1940 *The Storage and Handling of Flammable and Combustible Liquids*.
- (vii) **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.
- (viii) **Building Approval is to be obtained** for a Class 6 building (and any other class as determined by Building Certifier) in accordance with the *Planning Act 2016* for the proposed building work. The building application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. The building plans are to accord with the plans approved in this approval. The building is to be constructed in accordance with the Building Approval prior to the commencement of the use. A **Form 11 (Certificate of Classification) must be issued for the building works prior to the use commencing**.
- (ix) 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.
- (x) 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.
- (xi) An application must be submitted and approved by Council for a permit under Southern Downs Regional Council's Subordinate Local Law No. 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation).
- (xii) A Development Permit for Operational Works associated with the development must be

obtained in accordance with the *Planning Act 2016*. This application must be submitted with the following:

- Relevant DA Form;
- 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;
- An Erosion and Sediment Control Plan;
- A geotechnical report addressing the filling of the site and make recommendations as to how it will be possible for such filling to achieve compliance with AS3798-2007 (as amended) "*Guidelines on Earthworks for Commercial and Residential Developments*".

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

- (xiii) An Erosion and Sediment Control Plan (ESCP) must be submitted for approval with the application for Operational Works. The ESCP must demonstrate that release of sediment-laden stormwater is avoided for the nominated design storm, and minimised when the nominated design storm is exceeded, by addressing the objectives in Table A (Construction phase - stormwater management design objectives) in Appendix 3 of the State Planning Policy for drainage control, erosion control, sediment control and water quality outcomes.
- (xiv) 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.
- (xv) 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.
- (xvi) 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

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

Carried

10:58 AM Cr J McNally rejoined the meeting.

Cr McNally declared that a perceived conflict of interest in Agenda Item 12.7 (as defined in section 173 of the Local Government Act 2009), may exist due to the applicant being a former client of her husband. Cr McNally dealt with the perceived conflict of interest by stating that it was her determination that her personal interest is not of sufficient significance that it would lead to her making a decision on this matter that is contrary to the public interest. Cr McNally participated in the discussion and voting on this matter.

12.7 Material Change of Use - Anthony & Rebecca Kinsella, 461 Jack Smith Gully Road, Freestone

Resolution

Moved Cr N Meiklejohn

Seconded Cr V Pennisi

THAT the application for a material change of use for the purpose of Intensive Animal Industry (Free Range Egg Production up to 3000 laying hens) on land at 461 Jack Smith Gully Road, Freestone, described as Lot 52 DAR626, Parish of Canning, 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 plan 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
Amended Site Plan of 461 Jack Smith Gully Road	Permit Application No. MCU\01842	20 July 2017 (received)

2. Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval prevail.

Staging

3. The development may proceed in stages, provided that any road access and infrastructure services required to service a particular stage are constructed with that stage. Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.

4. The stages are approved as follows:

Stage 1: up to 500 birds total

Stage 2: up to 1000 birds total

Stage 3: up to 3000 birds total.

Stage 1 must be completed prior to any other Stage. All other Stages are not required to be undertaken in any chronological order.

Land Use and Planning Controls

5. This approval allows for the use of the site for the following uses only:
 - Intensive Animal Industry - Free Range egg production for up to 3000 laying hens.
6. The material change of use the subject of this development permit must be completed within a period of 4 years starting the day this development permit takes effect. The development permit will lapse in respect of each aspect of the material change of use that has not been completed within this period.
7. When the total number of birds on-site reaches 1000 as part of Stage 2, a copy of the Environmental Authority is to be provided to the Director of Planning, Environment and Corporate Services.
8. Provide a copy of the Safe Foods Queensland accreditation for the development to the Director of Planning, Environment and Corporate Services.

Building and Site Design

9. All future sheds are to be set back at least 60 metres from all property boundaries. This does

not including the portable chicken housing units.

10. If any building work is proposed, 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

11. All material shall be stored so as not to:
 - Provide any harbourage or attraction for pest and vermin; or
 - Provide a breeding place for mosquitoes; or
 - Be unsightly
12. There is to be no disposal/burial of dead birds on-site unless advised by Bio-security Queensland.
13. 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.

14. A sufficient number of suitable waste receptacles must be provided on site at all times. Waste receptacles must be regularly serviced to prevent unsightly accumulations of waste or environmental harm being caused. A waste collection contractor must be engaged to supply suitable waste and recycling receptacles and service waste and recycling receptacles.
15. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment. At a minimum the following is required:
 - An industrial bin is to be provided for the disposal of dead birds and unsellable eggs.
 - All dead birds and unsellable eggs are to be placed in a plastic bag and stored in a separate cold store i.e. deep freezer until collection day
 - Collection of the Industrial bin is to occur on a needs basis but must be collected at least once month.
16. 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.
17. All buildings, enclosures, other structures and areas used in the animal keeping use must be constructed, maintained and operated in such a manner as to provide for the effective control of odour, dust, flies, rodents, pests and weeds or other deleterious matter or thing.

18. The cleaning of chicken houses units, plant equipment and vehicles must be carried out in an area where wastewater can be suitably managed so as not to cause contaminants to release into waterways or overland flow paths.
19. There must be no release that has been in contact with any contaminants at the site to any waters, watercourse, roadside gutter or stormwater drain.
20. There must be no release of noxious or offensive odours beyond the boundary of the property that causes environmental nuisance or environmental harm at any sensitive place.
21. No particulate matter or visible contaminant, including dust, smoke, fumes and aerosols likely to cause environmental nuisance or environmental harm is to emanate beyond the boundaries of the property.
22. A 0.5m high bund wall is to be provided along the entire length of the southern boundary to reduce chicken mature from exiting the subject property. If required, suitable holding ponds may be required at either end of the bund wall (eastern and western boundary) to assist in capturing any runoff during heavy rain events. If this method cannot be undertaken in such a way to not cause environmental nuisance or environmental harm, alternative disposal methods must be implemented.
23. Advertising Devices relating to the Intensive Animal Industry (Free Range egg production up to 3000 laying hen) may **only** be erected on the subject land, i.e. Lot 52 DAR626. The location, size, type and content of any advertising sign or device located on the land is to be compatible with the rural character of the surrounding area. No advertising signs or devices are to be located on any other land, unless all applicable approvals are obtained under the Planning Scheme and the relevant local laws. No advertising signs or devices are to be located within the road reserve.
24. Any external lighting must be installed so that light shines down and away from adjacent properties and roads, and does not exceed 8 lux at the property boundary.

Fencing, Landscaping and Buffers

25. A 1.8 metres high mesh fence shall be erected along all property boundaries with wind break material to provide visual screening. The wind break material can be removed once the vegetation buffer is established to an appropriate height. This screen fencing is to be provided at the developer's cost.
26. **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.
27. Tree planted buffer strips of 10 metres in width is to be provided adjacent to all property boundaries of the subject land so as to minimise the visual impact of the development from adjoining properties and roads.
28. **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/planting of the treed buffers.** 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

29. All vehicular access to and from the site must be via Jack Smith Gully only.

30. A 3.0 metre wide all-weather driveway is to be constructed. The vehicle entrance/driveway/carpark may remain grass/gravel, provided they are appropriately maintained and do not cause a dust nuisance. If complaints are received (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief) or the vehicle entrance and driveway become eroded with material becoming deposited outside of the site or potholes form that would increase noise associated with vehicle movements, the entrance/driveway/carpark shall be sealed to Council's standards.
31. At least two (2) car parking spaces are to be provided on site.
32. 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.

Water Supply and Waste water

33. Prior to the commencement of the use, a report demonstrating that adequate provision has been made for the supply of water for the use, including a drinking water supply if applicable, is to be submitted to and approved by the Director Planning, Environment and Corporate Services. If water is to be supplied for the development from a spring/bore/dam on the site, written advice must be supplied from the Department of Natural Resources and Mines that water may be lawfully supplied from that source. A water supply is to be provided in accordance with the approved report.
34. The site must be provided with a water storage reservoir having a minimum of 5000 litres of water for emergency fire fighting purposes. Such storage must be provided in addition to the water supply capacity required for the use and must be provided in the form of either an accessible dam, swimming pool or rainwater tank. If storage is to be provided in a rainwater tank, water storage for fire fighting purposes must be provided either in a separate rainwater tank or a reserve section in the main water supply tank on which:
 - (a) the domestic take off from the tank is at or above the 5000 litre point; and
 - (b) standard rural fire brigade fittings are fitted to the tank outlet for access by rural fire services vehicles.

Advisory Notes

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning, Environment and Corporate Services, prior to the use commencing, and then compliance maintained at all times while the use continues.
- (ii) Any proposal to increase the scale or intensity of the use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Sustainable Planning Act 2009* and would have to comply with the requirements of the Planning Scheme.
- (iii) It is encouraged that you arrange for a free compliance inspection to be carried out prior to the use commencing. This will involve a physical inspection of the premises along with an internal audit of Council's records. Written advice will be provided for your records advising if compliance with the conditions has been achieved.
- (iv) The General Environmental Duty under the *Environmental Protection Act* prohibits unlawful environmental nuisance caused by noise, aerosols, particles dust, ash, fumes, light, odour or smoke, beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.
- (v) Any storage of flammable and/or combustible liquids must comply with the minor storage provision of Australian Standard AS1940 *The Storage and Handling of Flammable and Combustible Liquids*.
- (vi) **Plumbing and Drainage Approval is to be obtained** in accordance with the *Plumbing and Drainage Act 2002* for the proposed plumbing and drainage works. The application for

Plumbing and Drainage approval must be submitted to Council with the appropriate **forms, plans and fees** associated with this application. A **Certificate of Compliance must be issued** for the works prior to the use commencing.

- (vii) **If Building Approval is to be obtained** in accordance with the *Sustainable Planning Act 2009* for the proposed building work. The building application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. The building plans are to accord with the plans approved in this approval. The building is to be constructed in accordance with the Building Approval prior to the commencement of the use. A **Form 11 (Certificate of Classification) must be issued for the building works prior to the use commencing**.
- (viii) The 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.
- (ix) An Environmental Authority for Environmentally Relevant Activity No. 4 (keeping of poultry at Threshold 1 – keeping more than 1000 but not more than 200,000) is to be obtained in accordance with the *Environmental Protection Act 1994* prior to the commencement of any Environmentally Relevant Activity i.e. keeping of more than 1000 birds.
- (x) No clearing of remnant vegetation or regulated regrowth vegetation is to occur under this approval. A Development Permit for Operational Works must be obtained from the Department of Infrastructure, Local Government and Planning for the clearing of any remnant vegetation, unless exempt under Schedule 24 of the *Sustainable Planning Regulation 2009*.
- (xi) 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.
- (xii) The operator must at all times comply with the Environmental Protection Act 1994.

Aboriginal Cultural Heritage

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

Carried

Cr McNally voted for the motion.

12.10 Major Amendment to Southern Downs Planning Scheme - Proposed Rezoning of 20 Herbert Street, Allora

Resolution

Moved Cr N Meiklejohn

Seconded Cr V Pennisi

THAT Council further consider the rezoning of land at 20 Herbert Street, Allora, described as Lot 2 RP51378 and Lot 1 RP114992, from the Low density residential zone to the Industry zone once the new planning scheme is proposed.

Carried

12.3 State Land Protection Fund Review: On-Ground & Research Component Draft Report Resolution

Moved Cr N Meiklejohn

Seconded Cr V Pennisi

THAT Council:

1. Advise the Local Government Association of Queensland that it supports the outcomes of the State Land Protection Fund Review of the On-Ground & Research Component Draft Report.
2. Request the Local Government Association of Queensland to carry out a similar process for the Darling Downs Moreton Rabbit Board component of the Land Protection Fund; with particular emphasis on the number of Local Governments that contribute to this part of the fund.

Carried

12.6 Request to Change - Jacob Cadman & Leon Van Rensburg, 12-14 Morey Street, Warwick

Resolution

Moved Cr N Meiklejohn

Seconded Cr V Pennisi

- A. THAT the request to change an existing approval for a Subdivision (2 into 4 lots) on land at 12-14 Morey Street, Warwick, described as Lot 1 RP5709 & Lot 427 W3053, Parish of Warwick, County of Merivale, be approved in part only for the following reasons:

As there is no overriding need for Council to acquire an easement, it should not be relied on for the services of a private development.

Responsibility lies with the applicant to connect to Councils reticulated wastewater system. The applicant may approach the neighbours to obtain easements if necessary. It appears as though it could be practical to connect the subject site to Councils reticulated system via either Lot 1 SP118691 or Lot 1 RP160766.

It is not common practice for Council to allow water mains to be constructed through private property, and the applicant has not provided sufficient justification for this to occur in this development. As such it is recommended that Condition 12 remains unchanged.

- B. THAT Conditions 7, 13, and 15 of Schedule 1 be amended as follows:

Schedule 1 - Southern Downs Regional Council Conditions

7. A sealed road ~~six (6)~~ 5.5 metres wide is to be constructed along the Morey Street frontage of the site to 10 metres north of the vehicle access to Lot 1. The road is to include ~~mountable kerbing and channelling~~ a concrete edge strip and appropriate stormwater drainage along the eastern side of Morey Street.
13. ~~Underground~~ Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity and telecommunication connections, in accordance with the requirements of the relevant authorities prior to Council signing the Plan of Subdivision
15. LED street lighting shall be provided ~~in accordance with AS/NZS 1158 – Lighting for Roads and Public Spaces~~ in two (2) locations on Morey Street. The lights may be installed on existing power poles. One light is to be provided at the southern end of Morey Street, at either of the locations marked in blue below. One light is to be provided at the northern end of Morey Street, at either of the locations marked in green below.



Carried

12.9 Request to Change an Existing Approval - Burge Pastoral Group Pty Ltd, 116 Tudor Valley Road, Allora

Resolution

Moved Cr N Meiklejohn

Seconded Cr V Pennisi

- A. THAT the application for Request to Change an Existing Approval, that being the Decision Notice dated 25 March 2009 and the subsequent changes on 26 November 2009 and 17 September 2013, for an Intensive Animal Use – 999 SCU Cattle Feedlot, and ERA No. 2(b) – Intensive Animal Feedlotting, more than 150 to 1000 SCU, on land at 116 Tudor Valley Road, Allora, described as Lot 1 RP193319, Lots 181 & 182 A342737, Parish of Clifton, County of Aubigny, and Lot 1 RP97864, Lot 2442 M34991, Parish of Allora, County of Merivale, be approved to extend the relevant period for two (2) years only and the conditions be amended to reflect any organisational changes and changes to legislation, as follows:

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 by the applicant, as determined by the Director Planning, ~~and~~ Environment ~~and~~ Corporate Services, and subject to the final development being amended in accordance with the conditions of this approval.

Land Use & Planning Controls

2. This approval is for a Feedlot with a maximum capacity of 999 SCU. Any proposal to increase the size of the use from a total of 999 SCU, or to increase the area used for feedlot cattle by erecting additional cattle pens, which is defined as assessable development under the Southern Downs Planning Scheme, would be subject to a separate application for assessment in accordance with the ~~Sustainable Planning Act 2016~~ and would have to comply with the requirements of the Planning Scheme.
- 2A. This approval will lapse on 6 July ~~2017~~19, unless an extension of the relevant period is approved in accordance with the ~~Sustainable Planning Act 2009~~2016.

Reconfiguration of a Lot

3. The owners of the land may, prior to the use commencing, enter into a covenant with Council, in a form approved by Council's solicitors, in respect of the land so that none of these lots can be sold independently of the other, providing that Council will release each lot from that covenant when the covenantor furnishes evidence to satisfy Council that the use of the land for an Intensive Animal Use has permanently ceased and the use abandoned (including the removal of pens and enclosures), as determined by the Director Planning and Environment. Covenant documentation is to be prepared by Council's solicitors at the applicant's cost.

Building, Health & Development Compliance

4. The conditions of this approval are to be complied with to the satisfaction of the Director Planning, ~~and~~ Environment ~~and~~ Corporate Services, and prior to the use of the site commencing.
5. With at least 24 hours notice, the applicant is to permit Council officers unrestricted access to the site at any time subject to reasonable security and health restrictions on access, so as to ensure the use is being conducted in accordance with the conditions of the approval.

Amenity & Environmental Controls

6. All buildings, enclosures and other structures and areas used in the intensive animal use shall be constructed, maintained and operated in such a manner as to provide, in the opinion of the Director Planning, ~~and~~ Environment ~~and~~ Corporate Services, for the effective control of flies,

rodents, pests, weeds and odour or other deleterious matter or thing.

7. The applicant is to ensure that all wastes are suitably collected and disposed of so as not to adversely impact on the environment.
8. Deleted.
9. Deleted.
10. There is to be no unreasonable interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.
11. Deleted.

Landscaping and Buffers

12. Treed buffers of at least 10.0 metres in width are to be planted 50 metres from all sides of the Feedlot pens so as to minimise the visual impact of the use from nearby properties and roads. The treed buffers are to be densely planted with evergreen trees and shrubs suitable for the climate of the area and to be a variety of native species to grow to a height of 3.0 to 20.0 metres at maturity. To ensure an effective visual buffer is formed, 50% of the trees planted are to be a minimum of one metre high at the time of planting.
13. The treed buffer strips shall be planted and maintained to the satisfaction of the Director Planning, ~~and~~ Environment ~~and Corporate Services~~. A bond for the amount of \$10,000 shall be submitted prior to the use commencing to ensure the maintenance of the treed buffer strips. The bond shall be returned twelve (12) months after the use has commenced, and subject to the satisfactory establishment and maintenance of the treed buffers during the intervening 12 months. The terms and conditions of the bond must include details of its purpose and intended use to the satisfaction of the Director Planning, ~~and~~ Environment ~~and Corporate Services~~. Should the buffers not be maintained, Council may call up the bond to undertake work to satisfy the requirements of this approval. The applicant must allow access to the site for any works to be undertaken in compliance with this condition.

Carparking and Vehicle Access

14. Vehicle access to the Feedlot site must be from Tudor Valley Road. Access to the Feedlot site from Wagland Road is prohibited.
15. The applicant must construct vehicle access to the site to the satisfaction of the Director Engineering Services. The access must be constructed along Tudor Valley Road at a location which provides adequate sight distance in either direction. Such entrance roadworks shall be constructed in bitumen and shall include appropriate drainage works. If necessary, the property access gateway must be located within a setback such that all vehicles proposed to enter and/or exit the land are able to stand clear of the Tudor Valley Road carriageway whilst the property gateway is being opened and/or closed.
16. Prior to B Double Trucks being used in association with the Feedlot, the Tudor Valley Road access to the Feedlot must be constructed to allow safe manoeuvring of B Double Trucks in and out of the property with adequate sight distance in either direction. Such entrance works shall be bitumen sealed to the property entrance. If necessary the property access gateway must be located within a set back such that all vehicles proposed to enter and/or exit the land are able to stand clear of the carriageway whilst the property access gateway is being opened and/or closed. The applicant shall bitumen seal the shoulders of Tudor Valley Road in the vicinity of the access so that turning movements made by B Double Trucks are made on sealed shoulders.
17. The applicant must construct an all-weather internal driveway from the property entrance to the Feedlot site.

Roadworks

18. The applicant must reinstate any roadworks and drainage works damaged during construction of the development, to the satisfaction of the Director Engineering Services.
19. Prior to B Double Trucks being used in association with the Feedlot, the applicant must obtain approval from Queensland Transport for Tudor Valley Road to become a B Double Route. In order for Tudor Valley Road to become a B Double Route, the Department of Main Roads may have conditions relating to the New England Highway/Tudor Valley Road intersection. The Southern Downs Regional Council will require that Tudor Valley Road be upgraded from the New England Highway to 20.0 metres past the entrance, to comply with the minimum requirements of the "Route Assessment Guidelines for Multi Combination Vehicles in Queensland" for single lane bitumen road with AADT less than 150 vehicles per day, to the satisfaction of the Director Engineering Services.

Operational Works

20. A Development Permit for Operational Works must be obtained in accordance with the **Integrated Planning Act 2016** for the Operational Works required in Conditions 15, 16 & 18. A **Price Schedule of Quantities** certified by a Registered Professional Engineer in Queensland (RPEQ) is to be submitted with the Application for Operational Works. **Fees** for an Application for Operational Works, ~~i.e. approval of engineering design and inspection fees (minimum fee \$600 are in accordance with Council's General Fees and Charges.), are as follows:~~
 - ~~□ 6% for the first \$20,000 of the capital value of construction work, PLUS 2% for the amount in excess of \$20,000 of the capital value of construction work for the purpose of carrying out a design check of the engineering works associated with the development and for supervision of engineering works associated with the development. Such supervision is additional to and not in lieu of supervision required under the contractual obligations of the developer's design consultant.~~
 - ~~50% of the fee (for design approval), based on the capital value of the works at the date of lodgement of design plans, is payable at the date of lodgement.~~
 - ~~The balance amount (the inspection fee), which is based on the capital value of the works at the time of commencement of construction, is payable prior to the use commencing.~~
21. All Operations Works shall be subject to a 12 months Defect Liability Period commencing from the date of completion of the works, being the day of the works being accepted on-maintenance by Council officers. ~~510%~~ of the total construction costs or final contract amount for these operational works shall be submitted to Council to be held by Council as security. Council will hold this money in trust pending the expiration of the defect liability period. These funds will be refunded following a defect-free inspection at the end of the Defect Liability Period.
22. The design, schedules and specification for all Operational Works and the supervision of construction of all work associated with the development shall be carried out by a Registered Professional Engineer in Queensland (RPEQ) and to the satisfaction of the Director Engineering Services.
23. The Operational Works shall be carried out in accordance with the provisions of the Planning Scheme, and all engineering requirements associated with the development shall be completed to the satisfaction of the Director Engineering Services prior to the use commencing.
24. The developer must use roadworks signage on all public roads in accordance with the Southern Downs Regional Council Roadworks Signing Guide. Copies of the Guide are available from Council. A **Traffic Control Plan** is to be submitted to Council prior to the Operational Works commencing.
25. All works associated with the development shall be carried out so as to minimise soil erosion and to control sediment, and such measures shall be incorporated into the engineering design

of the development, to the satisfaction of the Director Engineering Services.

Aboriginal Cultural Heritage

26. In carrying out the development, 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 applicant will be complying with the cultural heritage duty of care if the development is conducted in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will help determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. 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.nrw.qld.gov.au www.datsima.qld.gov.au.
- B. THAT the applicant also be advised that Council is unlikely to approve any further extensions of time as the Feedlot is located in an area where feedlots of this size do not accord with the Southern Downs Planning Scheme.

Schedule 2 – Department of Primary Industries Conditions

MCU/00168
ERA/00168

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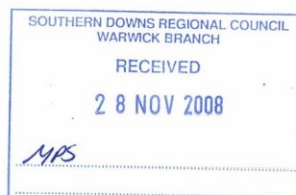
Queensland
Government

Reference: QEWW0573

Department of
Primary Industries and Fisheries

27 November 2008

Chief Executive Officer
Southern Downs Regional Council
PO Box 26
Warwick Qld 4370



Dear Sir

Referral agency's response to development application (Section 3.3.16(1) *Integrated Planning Act 1997*)

I refer to the development application dated 30 July 2008 by Burge Pastoral Group Pty Ltd for the establishment of a cattle feedlotting activity on land described as Lot 1 RP193319, Lots 181 and 182 A342737, Lot 1 RP97864 and Lot 2442 M34991 ("the Development Application"). The administering authority under the *Environmental Protection Act 1994* is a concurrence agency for this application.

The administering authority's response is to tell your council as assessment manager that the enclosed conditions must attach to any development approval. These conditions should be attached in the exact form enclosed.

The reasons the administering authority requires these conditions to be included are:

- 1 The Reference Manual for the Establishment and Operation of Beef Cattle Feedlots is a policy the administering authority applies to the assessment of a development application for a cattle feedlotting activity ("the Policy").
- 2 The administering authority considers the imposition of the conditions is necessary to ensure the development complies with the Policy and that the conditions are reasonably required in respect of the development.

The findings on material questions of fact are:

- 1 The development involves making a material change of use of premises for an environmentally relevant activity, namely cattle feedlotting.

Mission Vision
Profitable primary
industries for Queensland
Maximise the economic
potential of Queensland
primary industries on a
sustainable basis

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Toowoomba
Queensland 4350 Australia
Business Centre 13 25 23
Website www.dpi.qld.gov.au
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CONCURRENCE AGENCY RESPONSE TO DEVELOPMENT APPLICATION

Section 3.3.16(1) Integrated Planning Act 1997



**Queensland
Government**

Department of
**Primary Industries
and Fisheries**

CATTLE FEEDLOTING

The administering authority under the *Environmental Protection Act 1994* (EP Act) is a concurrence agency for this application. The administering authority has delegated responsibility for the administration of the environmentally relevant activity "Cattle Feedlotting" to officers of the Department of Primary Industries and Fisheries

The administering authority's response is to tell the assessment manager that the following conditions must attach to any development approval.

Development Permit Applicant: Burge Pastoral Group Pty Ltd

Applicant's address: 116 Tudor Valley Road
Tabletop
ALLORA QUEENSLAND 4362

Environmentally Relevant Activity: 2(c) Cattle Feedlotting

Land description: Lot 1 RP193319, Lot 181 & 182 A342737, Lot 1 RP97864 and Lot 2442 M34991 ("the Land")

Location: 116 Tudor Valley Road, Tabletop ALLORA

Feedlot Name: The Hollow

DPI Property Number: QEWW0573

Approved capacity: 999 Standard Cattle Units.

Stocking Density: 12.5m²/Standard Cattle Unit

Class of Feedlot: One

Dated this 27th day of November 2008.

Signed M. Furness

Mitchell Furness

Senior Environmental Scientist

Delegate of the Administering Authority
Environmental Protection Act 1994

Department of Primary Industries & Fisheries

27 November 2008

- 2 The development will comply with the Policy if it is carried out in accordance with the enclosed conditions.

The evidence or other material on which these findings on material questions of fact were based is as follows:

- 1 The Development Application
- 2 *Integrated Planning Act 1997* and *Integrated Planning Regulation 1998*
- 3 *Environmental Protection Act 1994* and *Environmental Protection Regulation 1998*
- 4 The Policy
- 5 Information request
- 6 Response to information request
- 7 Other information provided by the applicant

If the applicant wishes to make representations to the administering authority as a referral agency about its response, the applicant may, under section 3.5.9 of the *Integrated Planning Act 1997* and by written notice given to the assessment manager, for not more than 3 months, stop the decision making period at any time before the decision is made. The applicant may withdraw the application at any time.

If you require any further information regarding this matter, please do not hesitate to contact me on telephone 07 4688 1374 or email mitchell.furness@dpi.qld.gov.au.

Yours sincerely



Mitchell Furness
**Senior Environmental Scientist - Environmental Regulation
Regional Delivery**

Att

C.C: Burge Pastoral Group Pty Ltd
116 Tudor Valley Road
Allora Qld 4362

Development Permit Conditions: Lot 1 RP193319, Lot 181 & 182 A342737, Lot 1 RP97864 and Lot 2442 M34991
Environmentally Relevant Activity: 2c Cattle feedlotting *Environmental Protection Regulation 1998*

Prevention of Environmental Harm

- (A5) In carrying out the ERA, all reasonable and practicable measures must be undertaken to prevent or minimise the likelihood of environmental harm.

Records

- (A6) Any record or document required to be kept under these Development Permit Conditions must be kept at an appropriate place on the Land for a period of at least five (5) years and be available for examination by an Authorised Person. The record retention requirements of this condition will be satisfied if any daily and weekly records are kept for a period of at least three (3) years and these records are then kept in the form of annual summaries after that period.

Alterations

- (A7) No material alteration to the facilities within the ERA Area and no change in the way in which the ERA is carried out can be undertaken without the prior written approval of the Delegate of the Administering Authority.

Construction of Effluent Holding Pond and Sedimentation Basin

- (A8) The Effluent Holding Pond and Sedimentation Basin must be designed and constructed in accordance with accepted engineering practice, to ensure long term structural integrity. The in-situ coefficient of permeability of the finished base, batters and embankments must not exceed 0.1mm/day. If this standard cannot be achieved using the in-situ material, lining must be carried out in accordance with the specification in Appendix E of the *Reference Manual for the Establishment and Operation of Beef Cattle Feedlots in Queensland (2000)*.
- (A9) "As-built" surveys of the Effluent Holding Pond and Sedimentation Basin must be carried out to confirm their respective storage volumes and an "as-built" survey of the Feedlot Area must be carried out to confirm the area of the Feedlot Area and the area of each of the facilities therein. The results of these surveys must be submitted to an Authorised Person prior to any person commencing to carry out the ERA.

Vegetative Buffers

- (A10) Vegetated buffers having a minimum width of 20m must be established and maintained along all watercourses adjacent to areas where manure or effluent is utilised on the Land. Effluent and manure must not be applied to land within these buffers.

Specific Operational Requirements

The following operating conditions are based on the requirements for a Class **One** cattle feedlot, as outlined in the *Reference Manual for the Establishment and Operation of Beef Cattle Feedlots in Queensland (2000)*.

- (A11) Pen cleaning by removal or mounding must be carried out at a maximum interval of 8 weeks, weather permitting, to ensure that the Manure Pack depth does not reach 50mm.
- (A12) Cleaning under fences must be carried out **monthly** or as soon as practically possible when accumulated manure obstructs drainage.
- (A13) Wet patches must be eliminated **weekly** or as soon as practically possible after rainfall.

Development Permit Conditions: Lot 1 RP193319, Lot 181 & 182 A342737, Lot 1 RP97864 and Lot 2442 M34991
Environmentally Relevant Activity: 2c Cattle feedlotting *Environmental Protection Regulation 1998*

(A14) Potholes must be repaired **weekly** or as soon as practically possible after rainfall.

(A15) Feed residues must be removed from feed troughs and bins **weekly**.

(A16) Spilt feed must be removed from around the feed troughs and bins **weekly**.

General Operational Requirements

(A17) Liquid and solid contaminants that may cause environmental harm must not be allowed to directly or indirectly leave the Land.

(A18) Cattle must be fed and watered in such a manner as to minimise spillage and overflow.

(A19) Wastewater generated by routine water trough cleaning operations must be disposed of without causing erosion or significant ponding on the pen surface.

(A20) All banks and drains must be maintained at all times and repaired as soon as practically possible following any damage, including erosion damage.

(A21) All banks and drains must be kept clean and free from any obstruction that may impede the flow therein.

(A22) The Sedimentation Basin must be maintained at all times and cleaned as soon as practically possible following the deposition of any sediment that may affect the ability of the Sedimentation Basin to perform its normal function.

(A23) The Effluent Holding Pond must be de-sludged as soon as practically possible after the storage volume is reduced by sediment buildup.

Manure Pack Removal

(A24) The Manure Pad must be left intact during Manure Pack removal and pen cleaning operations.

(A25) Following removal of the Manure Pack, the surface of the Manure Pad must be left in a smooth, durable, uniform state.

Pen Surface Renovations

(A26) The original pen surface must be restored to its original specifications if damaged during cleaning operations.

SCHEDULE B - WATER

(B1) Contaminants that may cause environmental harm must not be allowed to directly or indirectly enter any waters that leave the Land.

(B2) Any entry of contaminants to waters that leave the Land must be recorded and immediately reported to the Delegate of the Administering Authority.

(B3) All runoff from within the Controlled Drainage Area must enter the Effluent Holding Pond. Runoff from outside the Controlled Drainage Area must not enter the Controlled Drainage Area.

Development Permit Conditions: Lot 1 RP193319, Lot 181 & 182 A342737, Lot 1 RP97864 and Lot 2442 M34991

Environmentally Relevant Activity: 2c Cattle feedlotting

Environmental Protection Regulation 1998

SCHEDULE C - UTILISATION, MANAGEMENT AND DISPOSAL OF SOLID AND LIQUID WASTES

- (C1) The rate of application of liquid and solid wastes from the ERA must not exceed the rates at which the critical constituents of the wastes, that is, water, nutrients (especially nitrogen and phosphorus) and salts, are:
- (a) taken up by plants and removed from the Waste Utilisation Areas by harvesting;
 - (b) safely stored within the soil profile; or
 - (c) released into the surrounding environment in an acceptable form.

Liquid Wastes

- (C2) The Effluent Holding Pond must be managed to ensure that over-topping does not occur and in particular must have a minimum of 500mm between the effluent level and the base of the spillway.
- (C3) Effluent from the Effluent Holding Pond must be applied uniformly over the Effluent Utilisation Area using a managed irrigation system.

Solid Wastes

- (C5) Manure, sludge and feed removed from within the Feedlot Area must be:
- (a) stored within the Manure Compost Area;
 - (b) exported from the Land; or
 - (c) applied uniformly to the Solids Spreading Area provided that Condition (C1) is not contravened.

Carcass Disposal

- (C6) Animal carcasses must be disposed of so as not to cause environmental harm. Carcasses must be disposed of by being composted in the Carcass Disposal Area.
- (C7) The permeability of the base of the Compost Area must not exceed 0.1mm/day and sufficient absorbent material must be available to prevent any form of liquid leaving the Compost Area.
- (C8) A suitable site for the mass burial of carcasses shall be identified on the property and disposal procedures incorporated in the feedlot environmental management plan.

SCHEDULE D - COMMUNITY AMENITY

- (D1) The ERA must be operated so as not to cause unreasonable interference with the comfortable enjoyment of life and property or commercial activity off-site.
- (D2) Any utilisation of liquid and solid wastes must be carried out so as to minimise environmental harm.

SCHEDULE E - MONITORING, RECORDING AND REPORTING

MONITORING

- (E1) All results of monitoring undertaken as a requirement of these Development Permit Conditions must be kept for recording purposes and copies of the results must be forwarded to the Delegate of the Administering Authority within 30 days of receipt.

Development Permit Conditions: Lot 1 RP193319, Lot 181 & 182 A342737, Lot 1 RP97864 and Lot 2442 M34991
Environmentally Relevant Activity: 2c Cattle feedlotting *Environmental Protection Regulation 1998*

- (E2) All sampling for monitoring purposes, carried out under these Development Permit Conditions, must be in accordance with the most recent edition of the Department of Primary Industries and Fisheries Sampling Manual, or any similar publication which may supersede this document.
- (E3) All measurement and analysis of contaminants released to waters must be made in accordance with methods prescribed in the Water Quality Sampling Manual, 3rd Edition, December 1999, Environmental Protection Agency or more recent editions or supplements to that document.
- (E4) The analysis of all samples collected for monitoring purposes must be performed by either a laboratory accredited by the NATA (National Association of Testing Authorities), or a laboratory with equivalent standards for the tests undertaken.
- (E5) All instruments and devices used for the measurement and monitoring of any parameter under these Development Permit Conditions must be calibrated, operated and maintained in accordance with the relevant Australian Standard (if in existence), or otherwise to a relevant international standard as nominated by the Delegate of the Administering Authority.
- (E6) The purpose of the monitoring undertaken as a requirement of these Development Permit Conditions is to monitor compliance with Schedules B, C and D of these Development Permit Conditions.

Waste Utilisation Areas Soil Monitoring

- (E7) The following analyses are required for soil samples collected from the specified depth intervals from representative sites within the Waste Utilisation Areas:

Parameter	Depth Intervals
Colwell Phosphorus (Colwell P)	0 - 10 cm, 50 - 60 cm, 90 - 100 cm
Nitrate Nitrogen (NO ₃ - N)	0 - 30 cm, 50 - 60 cm, 90 - 100 cm
Exchangeable Sodium Percentage (ESP)	0 - 30 cm, 50 - 60 cm, 90 - 100 cm
Electrical Conductivity (EC)	0 - 30 cm, 50 - 60 cm, 90 - 100 cm
pH and chloride	0 - 30 cm, 50 - 60 cm, 90 - 100 cm

Note: Surface (0 - 10cm) sampling should be conducted by collection of at least 30 randomly selected, well distributed cores at each test site. These individual cores should be bulked together, and thoroughly mixed to form the single representative sample for the test site, analysed for the above required parameters.

- (E8) Soil monitoring samples must be collected annually, at approximately the same time every year, to fit in with normal agricultural practices.

Surface Water Monitoring

- (E9) The following analyses are required for surface water samples collected from water courses on an event basis, ie. when runoff from the feedlot and/or associated waste utilisation areas is entering a watercourse. For comparison purposes, samples are to be collected directly upstream and down stream of the point where runoff from the feedlot complex or waste utilisation areas enters the watercourse:

M. J.

Development Permit Conditions: Lot 1 RP193319, Lot 181 & 182 A342737, Lot 1 RP97864 and Lot 2442 M34991

Environmentally Relevant Activity: 2c Cattle feedlotting

Environmental Protection Regulation 1998

Parameter
Total Phosphorus (Total P)
Ortho Phosphorous (Ortho P)
Sodium Adsorption Ratio (SAR)
Electrical Conductivity (EC)
pH
Total Nitrogen or Total Kjeldahl Nitrogen (TKN)
Ammonium-Nitrogen ($\text{NH}_4^+ - \text{N}$)
Potassium (K)

RECORDING

Operational Recording

Details (including the date and location) of the following are to be recorded and produced and a copy provided to an Authorised Person upon request:

- (E10) All cattle introduced to and removed from the Feedlot Area, including:
 - (a) number, and actual or estimated liveweight of cattle;
 - (b) date of introduction and removal; and
 - (c) number of cattle deaths.
- (E11) Routine operating procedures undertaken to prevent or minimise environmental harm, including:
 - (a) pen cleaning and manure removal, storage and utilisation; and
 - (b) fly and insect treatment and control.
- (E12) Routine maintenance works undertaken to ensure the ERA is operating in accordance with these Development Permit Conditions:
 - (a) drainage channel maintenance;
 - (b) Controlled Drainage Area maintenance; and
 - (c) Sedimentation Basin and Effluent Holding Pond maintenance.
- (E13) Results of all monitoring undertaken as a requirement of these Development Permit Conditions.
- (E14) Staff training to enhance environmental management skills and awareness of environmental issues.
- (E15) For each application of liquid and solid waste, the date, rate of application and the exact area within the Waste Utilisation Areas receiving the liquid and solid waste material, and the crop or pasture yields resulting therefrom.
- (E16) For each export of solid wastes from the ERA area:
 - (a) the date, quantity and type of waste removed; and
 - (b) the name and address of the recipient of the waste.

Incident Recording

- (E17) Details of the following must be recorded and produced and a copy provided to an Authorised Person upon request:
 - (a) the time, date and duration of equipment malfunctions or other operational problems which may have resulted in a direct or indirect impact on the environment;
 - (b) any corrective measures implemented;
 - (c) the results of assessments of the environmental impact of any releases of contaminants into the environment;

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Environmentally Relevant Activity: 2c Cattle feedlotting

Environmental Protection Regulation 1998

- (d) any release of contaminants reasonably likely to cause environmental harm;
- (e) any substantial increase in cattle deaths; and
- (f) any changes in management practices, which may have resulted in enhanced environmental performance.

Complaint Recording

(E18) All complaints (including those associated with the release of a contaminant such as odour or noise), regarding the ERA must be recorded and produced and a copy provided to an Authorised Person upon request. The complaint records must include the following details:

- (a) time and date of complaint;
- (b) particulars of the complaint;
- (c) method of communication (telephone, letter, personal etc);
- (d) name, contact address and contact telephone number of complainant (Note: if the complainant does not wish to be identified then, "not identified" is to be recorded);
- (e) wind direction and strength and any other relevant climatic conditions;
- (f) complaint investigation undertaken and findings;
- (g) any management practices that may have contributed to the complaint;
- (h) name of person responsible for investigating the complaint;
- (i) action taken as a result of the complaint investigation and signature of responsible person; and
- (j) notification to an Authorised Person (if applicable).

REPORTING

(E19) As soon as practicable after becoming aware of any emergency or incident resulting in the release of a contaminant, other than those released during normal daily operations, which has caused or is likely to cause environmental harm, an Authorised Person must be notified by telephone or facsimile. Written confirmation is required following notification by telephone.

(E20) An Authorised Person must be immediately notified of any substantial increase in cattle deaths.

SCHEDULE F - SPECIAL CONDITIONS

NIL

SCHEDULE G - DEFINITIONS

For the purposes of these Development Permit Conditions the following definitions apply:

- (G1) **Ancillary Areas:** The facilities located outside the Controlled Drainage Area listed in clause A1(b)
- (G2) **Authorised Person:** An authorised person under the EP Act
- (G3) **Class of Feedlot:** As defined in the *Reference Manual for the Establishment and Operation of Beef Cattle Feedlots in Queensland (2000)*
- (G4) **Controlled Drainage Area:** The area shown on the attached site plan from which the overland flow of water is excluded to avoid it becoming contaminated

Development Permit Conditions: Lot 1 RP193319, Lot 181 & 182 A342737, Lot 1 RP97864 and Lot 2442 M34991

Environmentally Relevant Activity: 2c Cattle feedlotting

Environmental Protection Regulation 1998

- (G5) **Delegate of the Administering Authority:** Senior Environmental Scientist, Department of Primary Industries and Fisheries (DPI&F), PO Box 102, Toowoomba Qld 4350 or any other delegate advised by the administering authority
- (G6) **Development Information:** As defined in Condition (A1)
- (G7) **these Development Permit Conditions:** The conditions in Schedules A – G required to be imposed by the administering authority under the EP Act
- (G8) **Effluent Holding Pond:** The effluent holding pond or ponds within the Controlled Drainage Area designated as such on the attached plans with a minimum working capacity of 6.55 megalitres
- (G9) **Effluent Irrigation Area:** The area of 16.6 hectares outside the Controlled Drainage Area designated as such on the attached plans. The maximum effluent application rate must not exceed 70mm/year.
- (G10) **EP Act:** The *Environmental Protection Act 1994* and all regulations and policies made under it.
- (G11) **ERA:** The environmentally relevant activity of cattle feedlotting carried out on the Land.
- (G12) **ERA Area:** The Feedlot Area and the Ancillary Areas
- (G13) **Feedlot Area:** The Controlled Drainage Area including the facilities listed in Condition A1(a)
- (G14) **Land:** The land described on the front page of these Development Conditions
- (G15) **Manure Pad:** The highly dense layer of compacted soil/manure mix, which forms a virtually impermeable seal on the surface of the pens.
- (G16) **Manure Pack:** The manure deposited on the pen surface, above the Manure Pad.
- (G17) **Manure Compost Area:** The area designated as such on the attached plans
- (G18) **Manure Utilisation Area:** The minimum area of 52.5 hectares outside the Controlled Drainage Area designated as such on the attached plans. Manure Application on this area must not exceed 3.8/ha/yr (wet basis). The balance of manure not able to be applied must be exported offsite.
- (G19) **Sedimentation Basin:** The sedimentation basin within the Controlled Drainage Area designated as such on the attached plans with a minimum working capacity of 1100 cubic metres.

M.A.

Development Permit Conditions: Lot 1 RP193319, Lot 181 & 182 A342737, Lot 1 RP97864 and Lot 2442 M34991
Environmentally Relevant Activity: 2c Cattle feedlotting *Environmental Protection Regulation 1998*

(G20) Standard Cattle Unit:

The number of standard cattle units per beast must be calculated in accordance with the following table:

Approximate Weight of Beast at Turnoff (kg liveweight)	Number of Standard Cattle Units
700	1.12
650	1.06
600	1.00
550	0.94
500	0.87
450	0.81
400	0.74
350	0.67

(G21) Waste Utilisation Areas: the Effluent Irrigation Area and the Solids Spreading Area

Any term used in these Development Permit Conditions that is not defined but is defined in the EP Act has the meaning given to it in the EP Act.

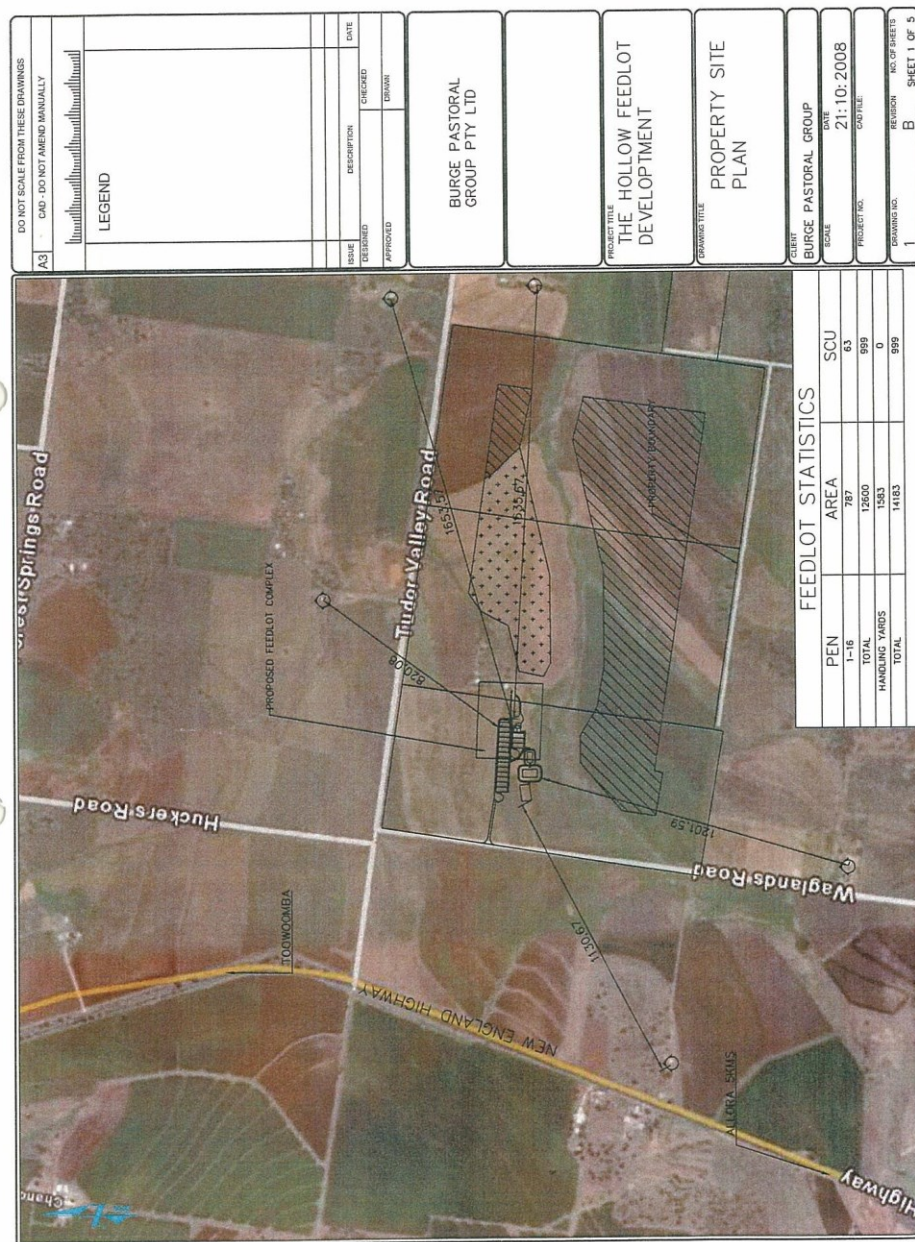
Dated this 27th day of November 2008.

Signed.....M. Furness.....

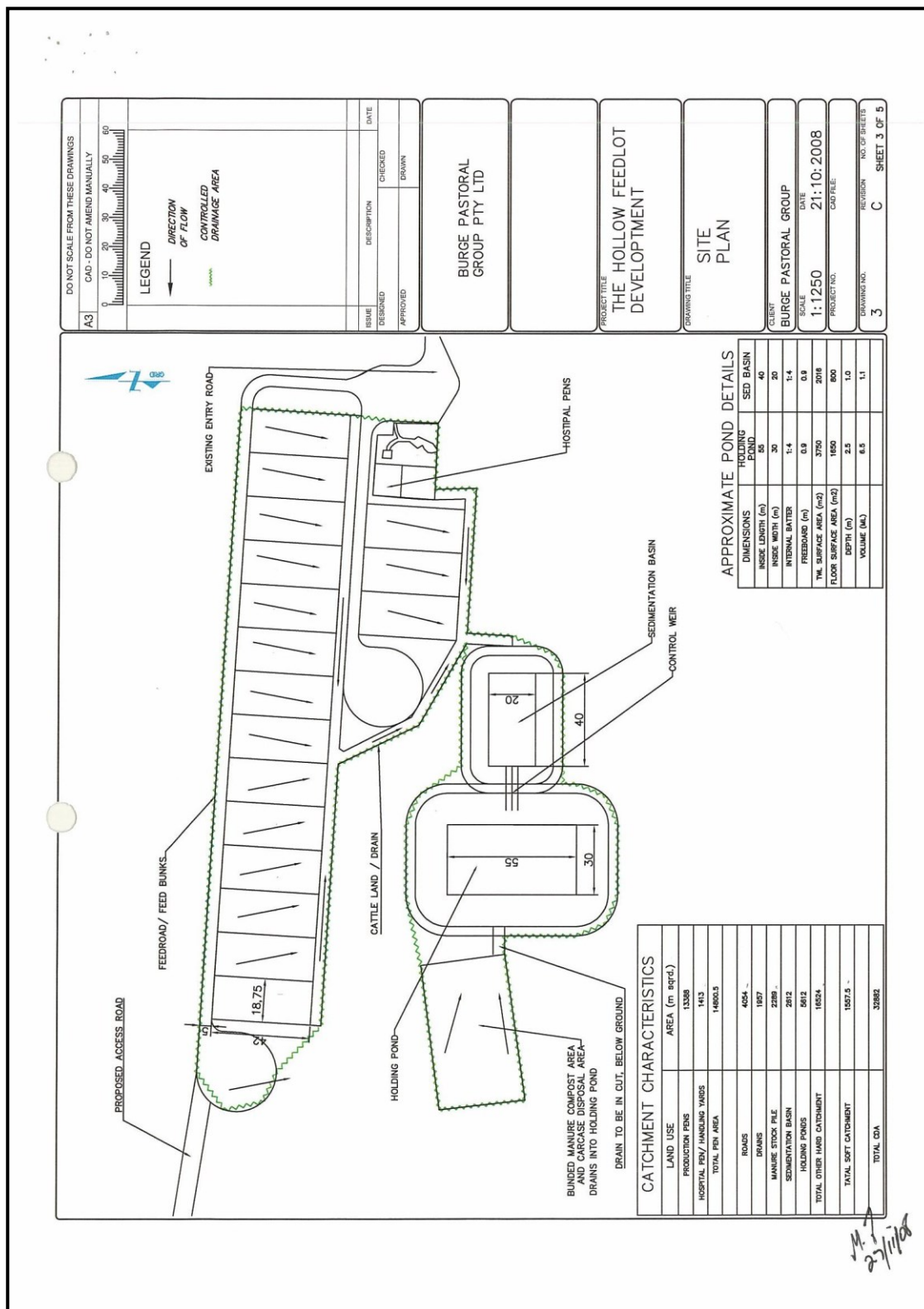
Mitchell Furness

Senior Environmental Scientist

Delegate of the Administering Authority
Environmental Protection Act 1994



M.T.
27/11/08



Schedule 3 – Department of Natural Resources & Water Conditions

Referral Agency Response – Material Change of Use

s 3.3.16 Integrated Planning Act 1997



Department of
Natural Resources and Water

1. Application information

- 1.1. **Applicant's name:** Burge Pastoral Group Pty Ltd
- 1.2. **Property description:** Lot 1 RP193319, 181 & 182 A342737, 1 RP97864, 2442 M34991
- 1.3. **Assessment Manager/Reference:** Southern Downs Regional Council - ASM:ASM/U\00939 & ERA\00168
- 1.4. **Date application was referred to Department:** 25 July 2008
- 1.5. **Departmental Reference:** eLVAS Case No: 2008/006422, File Ref. No: TOO/310/309(0013), Trackjob No: IC0708TBA0010
- 1.6. **Type of development sought by the application:**
 - Material Change of Use

2. Concurrence Agency response:

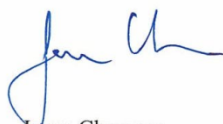
The Chief Executive of the Department of Natural Resources and Water directs that the following conditions must be imposed on any approval given by the Assessment Manager:

- Any new infrastructure associated with the Material Change of Use must not be located within 'Area A' as identified on Referral Agency Response (Vegetation) Plan 2008/006422, dated 01 August 2008.
- Any new infrastructure associated with the Material Change of Use, other than a fence, road or vehicular track, must not be located within 'Area B' as identified on Referral Agency Response (Vegetation) Plan 2008/006422, dated 01 August 2008.
- All waste associated with the Material Change of Use must be located a sufficient distance from assessable vegetation to ensure that no incidental poisoning occurs.

3. Decisions and Reasons:

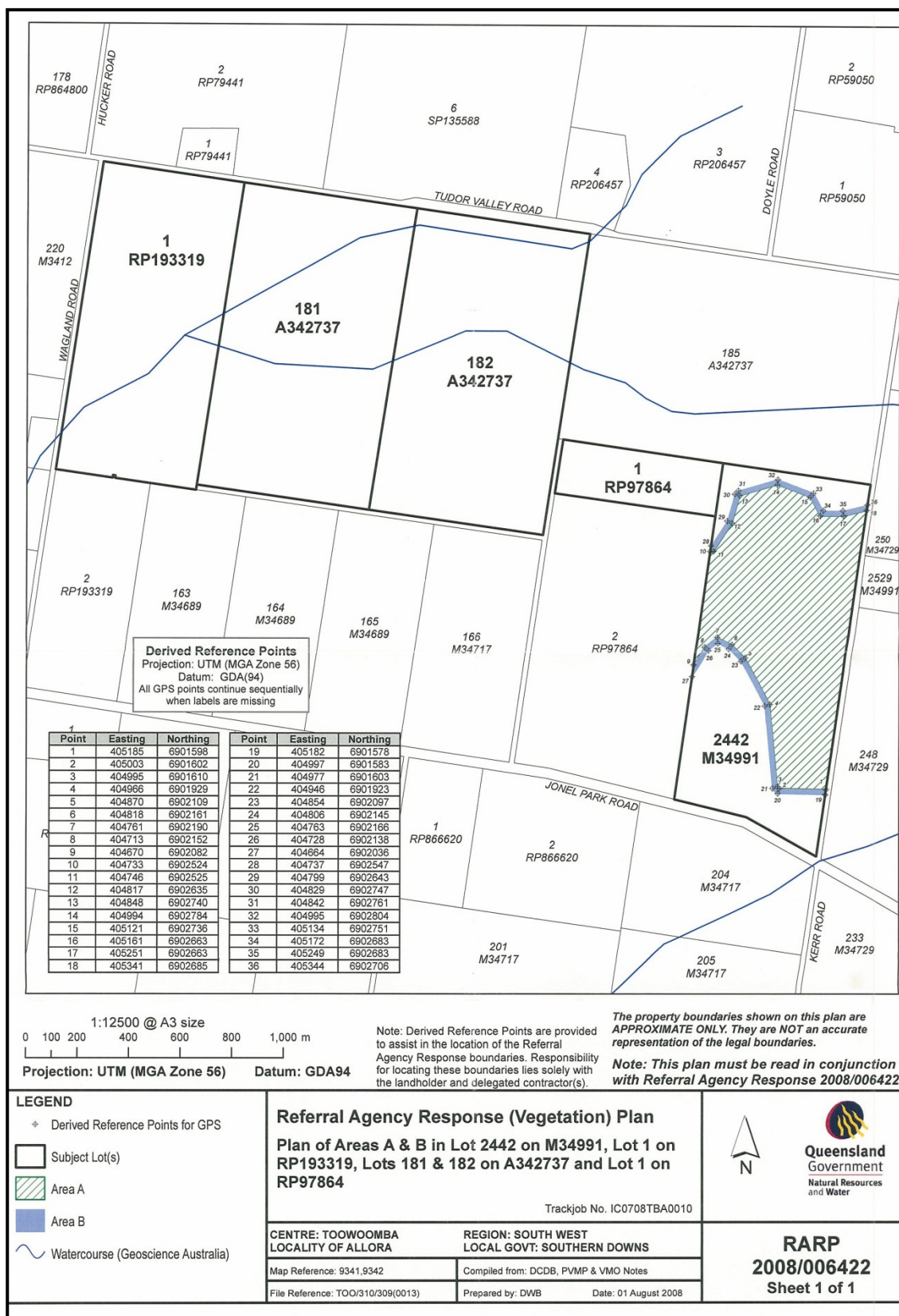
The assessing officer is satisfied that the application meets the Performance Requirements of Criteria Table A of the *Concurrence Agency Policy for Material Change of Use – 23 August 2007* because clearing as a result of the MCU will not occur within assessable vegetation. Conditions have been imposed based on the information provided to ensure clearing does not occur unless it is already exempt under Schedule 8 of the *Integrated Planning Act 1997*.

4. Authorised Officer Signature:



Jason Chavasse
Senior Vegetation Management Officer VM1
South West

Date of Response: 13/8/2008



Carried

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

Nil

14. NOTICES OF MOTION

Nil

15. GENERAL BUSINESS

15.1 Proposal for Warwick Railway Precinct

Resolution

Moved Cr R Kelly

Seconded Cr S Windle

THAT Council write to the Executive of Grain Corp to request their consideration of investing in street art at the Warwick Railway Precinct site by commissioning murals on two grain silos and suggest to Grain Corp that an application be made in the forthcoming round of RADF for consideration of a grant to assist with painting of two murals for the benefit of tourism and the community.

Carried

Cr McNally read out the contents of the attached letter received from the Darling Downs – Moreton Rabbit Board regarding Council's Invasive Pest Scheme.

15.2 Correspondence from Darling Downs - Moreton Rabbit Board

Resolution

Moved Cr J McNally

Seconded Cr C Gow

THAT Council receive the correspondence from the Darling Downs - Moreton Rabbit Board in support of Council's Invasive Pest Control Scheme.

Carried

Attachments

1. Letter from Darling Downs - Moreton Rabbit Board - **Attached to the Minutes Under Separate Cover**

15.3 Confidential Saleyards Advisory Committee Meeting Minutes

Resolution

Moved Cr J McNally

Seconded Cr R Kelly

THAT Council make public the Confidential Minutes of the Saleyards Advisory Committee Meeting held on 11 February 2016.

Carried

15.4 Correspondence from Jenco

Resolution

Moved Cr N Meiklejohn

Seconded Cr R Kelly

THAT the attached letter from Jenco in relation to rezoning be received and a further report be provided to Council for consideration.

Carried

Attachments

1. Jenco Letter - **Attached to the Minutes Under Separate Cover**

15.5 Funding for Council owned and controlled Heritage Buildings and Structures

Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

THAT Council funding for Council owned and controlled Heritage buildings and structures to be considered at a future meeting of Council's Funding Committee.

Carried

15.6 Change of date for September 2017 General Council Meeting

Resolution

Moved Cr C Gow

Seconded Cr Y Stocks

THAT Council change the date of the September 2017 General Council Meeting to Wednesday, 20 September 2017.

Carried

16. CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS

In accordance with the provisions of Section 275(1) of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public and move 'into Committee' to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

Recommendation

THAT the meeting be closed to the public and move into committee to discuss the following items, which are considered confidential in accordance with Section 275(1) of the *Local Government Regulation 2012*, which permits the meeting to be closed to the public for business relating to the following, as indicated:

16.1 Concession on High Water Consumption - PN 28240

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(d) of the *Local Government Regulation 2012*, as it contains information relating to rating concessions.

16.2 Second Request for Water Relief - PN 99520

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(d) of the *Local Government Regulation 2012*, as it contains information relating to rating concessions.

16.3 Expansion of Applethorpe Pipeline

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(c) of the *Local Government Regulation 2012*, as it contains information relating to the local government budget.

16.4 EOI - Stanthorpe Treated Effluent

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(e) of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Southern Downs Regional Council.

16.5 Investigations of Environmental and Development Offences, GrainX, 20 Herbert Street, Allora

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(f) of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving Southern Downs Regional Council.

16.6 2017/18 - Grants to Community - Round One

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(h) of the *Local Government Regulation 2012*, as it contains information relating to business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

16.7 Non-Compliance with Development Approval – Requirements for Access Works, Gap Creek Farm, 9674 Cunningham Highway, Tregony

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(f) of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving Southern Downs Regional Council.

16.8 EOI Warwick Treated Effluent Water

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(e) of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Southern Downs Regional Council.

Meeting In Camera

Resolution

Moved Cr S Windle

Seconded Cr M McNichol

THAT the meeting move into closed session.

Carried

The Meeting moved into closed session at 11:41am.

12:02 PM Cr J McNally left the meeting during discussion on Agenda Item 16.4

12:02 PM Cr C Gow left the meeting during discussion on Agenda Item 16.4

12:16 PM Cr J McNally rejoined the meeting.

12:16 PM Cr C Gow rejoined the meeting.

12:23 PM Cr N Meiklejohn left the meeting.

12:25 PM Cr N Meiklejohn rejoined the meeting.

12:25 PM Cr C Gow left the meeting during discussion on Agenda Item 16.6

12:25 PM Cr V Pennisi left the meeting.

12:27 PM Cr V Pennisi rejoined the meeting.

12:28 PM Cr M McNichol left the meeting.

12:30 PM Cr M McNichol rejoined the meeting.

12:42 PM Cr C Gow rejoined the meeting.

01:15 PM Cr N Meiklejohn left the meeting during an item raised in relation to Leyburn Sprints.

01:22 PM Cr N Meiklejohn rejoined the meeting.

Meeting Out Of Camera

Recommendation

THAT the meeting resume in open session at 1:23pm.

Cr Windle declared that a perceived conflict of interest in Agenda Item 16.1 (as defined in section 173 of the Local Government Act 2009), may exist due to the applicant being a personal friend. Cr Windle dealt with the perceived conflict of interest by stating that it was her determination that her personal interest is not of sufficient significance that it would lead to her making a decision on this matter that is contrary to the public interest. Cr Windle participated in the discussion and voting on this matter.

16.1 Concession on High Water Consumption - PN 28240

Resolution

Moved Cr Y Stocks

Seconded Cr N Meiklejohn

THAT Council does not allow relief/concession on Property Number 28240.

Carried

Cr Windle voted for the motion

16.2 Second Request for Water Relief - PN 99520

Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

THAT Council does not offer relief of water consumption charges to Property Number 99520.

Carried

16.3 Expansion of Applethorpe Pipeline

Resolution

Moved Cr J McNally

Seconded Cr V Pennisi

THAT Council defer further consideration of the expansion of the Applethorpe Pipeline to a Briefing Session in October.

Carried

Cr Gow declared a real conflict of interest in Agenda Item 16.4 (as defined in section 173 of the Local Government Act 2009) due to his role on the Stanthorpe Agricultural Society and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter. Cr Gow left the meeting at 1:22pm.

Cr McNally declared that a real conflict of interest in Agenda Item 16.4 (as defined in section 173 of the Local Government Act 2009), due to one of the non-initial irrigators being a potential client of her husband and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter. Cr McNally left the meeting at 1:22pm.

Cr Pennisi declared that a perceived conflict of interest in Agenda Item 16.4 (as defined in section 173 of the Local Government Act 2009), may exist due to a previous formal complaint about him relating to effluent water which was unsubstantiated. Cr Pennisi dealt with the perceived conflict of interest by stating that it was his determination that his personal interest is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest. Cr Pennisi participated in the discussion and voting on this matter. Cr Pennisi left the meeting at 1:22pm.

16.4 EOI - Stanthorpe Treated Effluent

Resolution

Moved Cr N Meiklejohn

Seconded Cr R Kelly

THAT Council call for an Expression of Interest in relation to the sale of 'Class B' treated effluent water in Stanthorpe.

Carried

Cr Pennisi voted against the motion.

Crs McNally and Gow rejoined the meeting at 1:25pm

16.8 EOI Warwick Treated Effluent Water

Resolution

Moved Cr R Kelly

Seconded Cr V Pennisi

THAT Council call for an Expression of Interest in relation to the sale of 'Class A' treated effluent water in Warwick.

Carried

16.5 Investigations of Environmental and Development Offences, GrainX, 20 Herbert Street, Allora

Resolution

Moved Cr Y Stocks

Seconded Cr S Windle

1. THAT Council commences legal proceedings in the Planning and Environment Court against the owners and operators of the GrainX grain storage and handling facility at 20 Herbert Street, Allora, for offences under the *Environmental Protection Act 1994* and the *Planning Act 2016*; and
2. THAT Council delegates authority to the Chief Executive Officer to conduct this legal action, including authority to commence, prosecute, negotiate, mediate, settle or cease this legal action upon such terms as Council's legal advisor may recommend or approve, and appoint expert witnesses as necessary.

Carried

Cr Gow declared a real conflict of interest in Agenda Item 16.6 (as defined in section 173 of the Local Government Act 2009) due to his role on the Stanthorpe Agricultural Society and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter. Cr Gow left the room at 1:26pm

16.6 2017/18 - Grants to Community - Round One

Resolution

Moved Cr V Pennisi

Seconded Cr R Kelly

THAT Council :

1. Approve the Round One (1) allocation of \$106,171 from the 2017/18 Grants to Community (Community Grant, Events Grant and Sport & Recreation Grant) Funding Streams to the 15 successful applicants listed in Attachment 1.
2. Note that the balance of the 2017/18 Grants to Community ((Community Grant, Events Grant and Sport & Recreation Grant) funding will be used for the Round Two (2) allocation that will open on 30 September 2017.

Carried

Attachments

1. Approved Grants - **Attached to the Minutes Under Separate Cover**

Cr Gow rejoined the meeting at 1:27pm

16.7 Non-Compliance with Development Approval – Requirements for Access Works, Gap Creek Farm, 9674 Cunningham Highway, Tregony

Resolution

Moved Cr S Windle

Seconded Cr J McNally

THAT Council delegates authority to the Chief Executive Officer to commence and conduct legal proceedings, if required, against the owners and operators of Gap Creek Farm at 9674 Cunningham Highway, Tregony, for offences under the *Planning Act 2016*, being non-compliance with the conditions of the Development Permit dated 27 November 2014. This may include enforcement proceedings in the Planning and Environment Court to have the use of the land cease due to road safety concerns. This delegation is to include authority to commence, prosecute, negotiate, mediate, settle or cease this legal action upon such terms as Council's legal advisor may recommend or approve, and appoint expert witnesses as necessary.

Carried

12.8 Material Change of Use - Layton & Sharalyn Free, Warfields Road, Allora

Resolution

Moved Cr R Kelly

Seconded Cr S Windle

THAT the application for Material change of use for Intensive animal industry (3150 SCU Feedlot) on land at Warfields Road, Allora, described as Lots 194, 196, 197, 198, 199, 200, and 201 M3413, Parish of Allora, County of Merivale, be refused for the following reasons:

1. The proposed site is located within the Basalt quality grazing precinct of the Rural zone, where the surrounding area is closely settled and is surrounded by predominantly single detached dwellings on small rural lots. The proposed development is of a scale that is not suitable for the precinct, and is likely to cause conflict with the existing residential amenity of the area.

There is not sufficient grounds to justify the approval of this application, as proposed development cannot comply with the following sections of the Southern Downs Planning Scheme:

Section 3.3.10, Strategic Framework, Settlement Pattern, Element - Land use impacts:

- The proposed development may increase the potential for conflict with existing residential uses located in the area.

Section 3.3.10.1(6), Strategic Framework, Settlement Pattern, Element - Land use impacts, Specific outcomes:

- Additional odour dispersion modelling is required to address concerns about potential odour impacts for nearby residents and missing information from the S-Factor calculations.

Section 3.3.10.2(5), Strategic Framework, Settlement Pattern, Element - Land use impacts, Land use strategies:

- The proposed development requires large portions of the adjoining lots as part of the buffer area, which may cause odour impacts on existing residential uses located in the area.

Section 3.4.1(6), Strategic Framework, Natural Environment, Strategic outcomes:

- The location and scale of the proposed development are not in keeping with the character of the area and the Basalt quality grazing precinct.

Section 3.6.2.1(5), Strategic Framework, Natural resources and landscape, Element - Rural land and production areas, Specific outcomes:

- The information provided by the applicant does not satisfy the requirements for no impacts on the abovementioned features and design solutions for the proposed development have not managed to satisfactorily demonstrate that there will be no conflict with surrounding uses.

Section 3.6.4, Strategic Framework, Natural resources and landscape, Element - Intensive animal industry:

- Due to the lot characteristics and fragmentation of surrounding sites, large portions of adjoining lots are required to be used for buffering for the site. Currently there is not sufficient truck access to the proposed feedlot site.

Section 3.6.4.1(1)(4), Strategic Framework, Natural resources and landscape, Element - Intensive animal industry, Specific outcomes:

- Currently there is not sufficient truck access to the proposed feedlot site.

Section 3.6.4.2(1)(2), Strategic Framework, Natural resources and landscape, Element - Intensive animal industry, Land use strategies:

- The proposed feedlot is much larger than the size supported in the Basalt quality grazing precinct. There is insufficient space to locate the required buffers for the proposed feedlot within the subject site. Due to the closely settled character of the precinct, there is potential for impacts to nearby residential areas. There is not currently any good truck access available to the site.

Section 6.2.10.2(2)(d)(k) (3)(a)(i)(ix)(xi)(c)(vi), Rural zone code, Purpose:

- The location subject site is constrained with proximity to urban areas, such as the town of Clifton, which is located approximately 4.2 kilometres away. The increase in associated heavy vehicle traffic and impacts from the operation of the proposed feedlot has the potential to impact on a significant number of sensitive receptors. The applicant has not responded to the closely settled character of the precinct as the proposed feedlot is reliant on buffer zones within properties that are not owned by the applicant, and therefore there is conflict with prevailing character of the surrounding area.

It is expected that there will be an impact on the amenity of the residents living in the surrounding area, the proposed development will conflict with the character of the surrounding area, and has the potential to result in impacts on the water and scenic values of the area.

Section 6.2.10.3, Rural zone code, Assessment criteria:

- PO1 - The proposed feedlot is not in keeping with the community values of the area
- AO4 – Colliery Park Road is not constructed to a sealed standard.
- PO4 - Currently there is not sufficient truck access to the proposed feedlot site.

Section 6.2.10.3, Rural zone code, Basalt quality grazing precinct, Assessment criteria:

- PO1 - It has not been demonstrated that the proposed feedlot is located on the least productive, lower soil quality area of the site.
- AO3 - The proposed development is significantly larger than 150 SCU.
- PO3 – The proposed feedlot is significantly larger than the Planning Scheme's interpretation of a 'small scale' intensive animal industry, and it has not been sufficiently demonstrated that the proposed feedlot will not cause nuisance to other

properties.

Section 9.3.6.2 (1)(2)(a)(b)(c)(d), Intensive animal industry code, Purpose:

- The fragmentation of the surrounding area has led to the surrounding area being closely settled, and there is a relatively high number neighbours in proximity to the subject site that may be impacted by the proposed development. Currently there is not sufficient access to the proposed feedlot site. The scale of the proposed feedlot is not in keeping with the character of the Basalt quality grazing precinct.

Section 9.3.6.3, Intensive animal industry code, Assessment criteria:

- AO5.1 – The proposed feedlot is not 6 kilometres from residential land in Clifton.
- PO5 – It has not been demonstrated that the proposed feedlot will not cause nuisance to other properties.

2. A number of submissions were received which contained grounds that warrant refusal of the application.

Carried

MEETING CLOSURE

There being no further business, the meeting closed at 1:28pm.