



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

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**MINUTES OF THE GENERAL COUNCIL MEETING OF SOUTHERN DOWNS
REGIONAL COUNCIL HELD ON 25 OCTOBER 2017 IN THE COUNCIL CHAMBERS,
SOUTHERN DOWNS REGIONAL COUNCIL, 64 FITZROY STREET, WARWICK
AT 9.00AM**

1. PRAYERS & CONDOLENCES

Associate Pastor Chris Skinner from the Warwick Baptist Church offered a prayer for the meeting and acknowledged condolences

2. ATTENDANCE

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

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

3. APOLOGIES

3.1 Apology - Cr Pennisi

Resolution

Moved Cr M McNichol

Seconded Cr C Gow

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

Carried

4. READING AND CONFIRMATION OF MINUTES

4.1 General Council Meeting - 20 September 2017

Resolution

Moved Cr N Meiklejohn

Seconded Cr Y Stocks

THAT the minutes of the General Council Meeting held on Wednesday 20 September 2017 be adopted.

Carried

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Previous Council Meeting

Resolution

Moved Cr S Windle

Seconded Cr R Kelly

THAT Council receive the report and note the contents.

Carried

6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precis	Nature of Conflict
12.9	Appeals to the Planning and Environment Court – Walker v Southern Downs Regional Council & Back to Basics Poultry, and Free v Southern Downs Regional Council	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: Walker: Applicants were former clients of husband Free: One of the submitters is a contractor who has worked with husband. Cr McNally dealt with the perceived conflicts 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 these matters that is contrary to the public interest. Cr McNally participated in the discussion and voting on this matter.

7. MAYORAL MINUTE

7.1 Mayoral Minute - October 2017

Resolution

Moved Cr S Windle

Seconded Cr J McNally

THAT Council receive the Mayoral Minute for October 2017.

Carried

8. READING AND CONSIDERATION OF CORRESPONDENCE

8.1 Correspondence

Resolution

Moved Cr Y Stocks

Seconded Cr N Meiklejohn

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

Carried

9. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

Nil

10. EXECUTIVE

10.1 Finance Report as at 30 September 2017

Resolution

Moved Cr J McNally

Seconded Cr R Kelly

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

Carried

10.2 First Quarter Budget Review 2017/2018

Resolution

Moved Cr J McNally

Seconded Cr S Windle

THAT Council adopt the revised Budget following the First Quarter Budget Review 2017/18 as per Attachment 1.

Carried

Attachments

1. Quarter 1 2017/2018 Operating Budget - **Attached to the Minutes Under Separate Cover**

10.3 Quarterly Human Resources Report

Resolution

Moved Cr J McNally

Seconded Cr S Windle

THAT Council receive the report and note the contents.

Carried

10.4 2018/2019 Budget Process and Timetable

Resolution

Moved Cr J McNally

Seconded Cr N Meiklejohn

THAT Council adopt the 2018/2019 Budget process outlined in the report, including the additions discussed.

Carried

10.5 Boonoo Boonoo Hydro Scheme & Maryland Dam Water

Resolution

Moved Cr M McNichol

Seconded Cr J McNally

THAT Council provide a letter of support for the Boonoo Boonoo Hydro Scheme and Maryland Dam Water Diversion as requested by Cr Gary Verri from Tenterfield Shire Council.

Carried

10.6 Project Decision Framework Policy

Resolution

Moved Cr J McNally

Seconded Cr S Windle

THAT Council adopt the new PL-FS057 Project Decision Framework Policy as attached.

Carried

Attachments

1. Project Decision Framework Policy - **Attached to the Minutes Under Separate Cover**

12.8 Material Change of Use - Louise Binnion, 214 Caves Road, Stanthorpe

Resolution

Moved Cr N Meiklejohn

Seconded Cr R Kelly

- A. THAT Council's Engineering department further investigate the safety of Caves Road near the proposed access point, and consider the installation of a winding road sign and reduce speed limits.
- B. THAT the application for Material change of use for Tourist park, Educational establishment, and Short-term accommodation, Over 3 stages on land at 214 Caves Road, Stanthorpe, described as Lot 2 RP153743, Parish of Stanthorpe, County of Bentinck, be approved subject to the following conditions:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

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

Plan Name	Plan No.	Date
Site Plan (Map)	MCU\01866-1	Received 29 June 2017
Site Plan (Legend)	MCU\01866-2	Received 29 June 2017

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

Staging

3. The development may proceed in stages, provided that any driveway 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

- 10 Camp sites
- Amenities block - 4 ensuite bathrooms and laundry
- 3m wide carport on the existing shed
- 40' shipping container for storage
- Pontoon on creek (3m x 3m max) (provided that approval is obtained from DNRM)
- HSTP - as per engineers specifications

Stage 2

- Shelter shed - 12m x 8m - constructed over amenities block
- Extension of existing shed - games room - by 12m
- 5 cabins (1 bedroom - 5m x 6m)
- Gazebo (6m x 6m metal carport)
- Caretaker residence

- Roof over sewerage sites (3m x 8m steel carport)
- Shed (games room) extension (12m)
- Bird hide (9m²)

Stage 3

- Activities centre 12 x 15 m with a commercial kitchen

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:

- Educational establishment (Lectures, support groups, and workshops)
- Tourist Park (Up to 10 sites for people attending the Educational establishment)
- Short-term accommodation (Up to 5 cabins for people attending the Educational establishment)

6. All people accommodated in the Tourist Park or Short term accommodation must be attending the Educational establishment.

7. The maximum number of guests accommodated in the 10 camp sites at any one time must not exceed 20 persons, excluding children.

8. The maximum number of guests accommodated in the short-term accommodation cabins at any one time must not exceed 10 persons with a maximum of two people per cabin.

9. No person is to reside in any building identified for short term accommodation or campsite for more than 45 days consecutively, or more than 90 days in any 12 month period.

The approved accommodation must not be occupied by persons for the purpose of permanent accommodation, excluding those persons in a manager's residence for the premises.

10. Workshops and support groups operated at the site must not exceed 12 guests, and shall operate no more than once per week.

11. Public lectures at the site must not exceed 30 guests, and shall occur no more than 8 times per year.

12. A Disaster Management Plan is to be submitted to and approved by the Director Planning, Environment and Corporate Services. The Disaster Management Plan is to address prevention and evacuating procedures for bushfire and flood and to ensure guests are adequately sheltered during emergency situations such as fierce storms.

13. No recreational use of the dammed area of Funkers Gap Creek is permitted unless written approval from the Department of Natural Resources and Mines (DNRM) is provided to Council stating that the dammed area of Funkers Gap Creek, including the section mapped as being part of Lot 2 RP164506, is able to be used for commercial recreational use.

Building and Site Design

14. The Caretakers residence building is to be set back at least 15 metres from the northern property boundary.

The design, colours and materials of the building are to be in accordance with the rural character of the area. **Details of the design, colours and materials, including floor plans and elevations, of the building are to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the issue of any Development Permit for Building Work.** The building is to be constructed in the approved design, colours and materials.

15. The Short-term accommodation cabins are to be set back at least 20 metres from the northern property boundary.

The design, colours and materials of the building are to be in accordance with the rural character of the area. **Details of the design, colours and materials, including floor plans and elevations, of the building are to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the issue of any Development Permit for Building Work.** The building is to be constructed in the approved design, colours and materials.
16. The Activities centre building is to be set back at least 20 metres from the eastern property boundary.

The design, colours and materials of the building are to be in accordance with the rural character of the area. **Details of the design, colours and materials, including floor plans and elevations, of the building are to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the issue of any Development Permit for Building Work.** The building is to be constructed in the approved design, colours and materials.
17. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)
18. Copies of the Form 21 (Final Inspection Certificate)/ Form 11 (Certificate of Classification) issued for the building works for all buildings are to be provided to Council prior to the use commencing. (See advisory note below.)

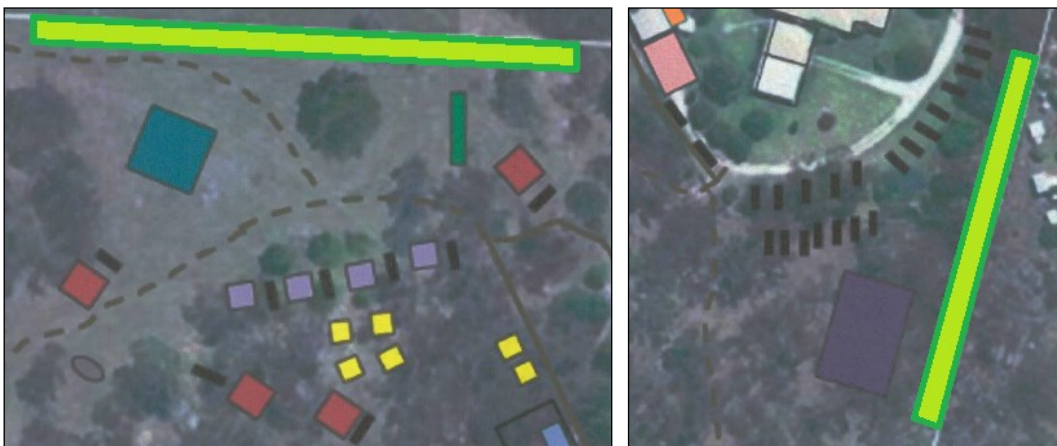
Amenity and Environmental Controls

19. During the construction phase of the development, all wastes must be separated into recyclables (where possible) and landfill wastes, and disposed of at the Stanthorpe Waste Facility.
20. Noise levels emitted from the premises must not exceed 5dB(A) above the background noise levels in the locality when measured at the boundary of an affected residential dwelling.
21. Amplified music shall not be permitted in the Educational Establishment.
22. Any fixed noise emitting device (e.g. air conditioning unit, refrigeration unit, compressor, generator etc.) located outside the Educational Establishment must be placed within an appropriate acoustic enclosure.
23. A sufficient number of suitable waste and recycling receptacles must be provided on site at all times. Waste and recycling receptacles must be regularly serviced to prevent unsightly accumulations of waste being caused. Where collection is not possible, waste must be removed with the same regularity and disposed of at the Stanthorpe or Northern Granite Belt Waste Management Facility.
24. Advertising Devices relating to the retreat may **only** be erected on the subject land, i.e. Lot 2 RP153743. 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.
25. **There is to be no signage displayed on-site for the Short Term Accommodation or the Tourist Park use.**
26. An adequate supply of potable water, compliant with the National Health and Medical Research Council's Australian Drinking Water Guidelines 2011, must be made available on site. A Drinking Water Management Plan is to be prepared and provided to Council's Environmental Services Department. Council can provide a template to use for the plan.

27. Any water supply point which provides water not suitable for drinking is labelled '**UNSUITABLE FOR DRINKING**' and provided with a symbol which is easily recognisable by non-English speaking people.
28. Any external lighting is to be installed and maintain the lighting fixtures so that they do not emit glare or light above the levels stated in Australian Standard AS:4282-1997 Control of Obtrusive Effects of Outdoor Lighting.
29. Domestic animals, other than dogs, are not permitted to be brought onto the land by any person staying at the Tourist park. Any dog brought onto the site by a person staying at the Tourist park is to be kept under effective control. Any dogs kept on site by the operator/manager/caretaker must be kept in accordance with Council's Subordinate Local Law No. 2 (Animal Management) 2011, and must be kept under effective control at all times.
30. Any composting toilets must be located at least 50 metres from any waterway, and not within any part of the site mapped as being located in the Flood hazard overlay.
31. Firewood must be supplied for campers by the operator to minimise the potential destruction of native vegetation by patrons of the camping grounds.

Fencing, Landscaping and Buffers

32. Existing landscaping is to be retained and maintained.
33. Prior to the construction of any Short-term accommodation cabins, Caretakers residence, or Activity centre, tree planted buffer strips of five (5) metres width are to be provided adjacent to the northern and eastern property boundaries within in the location shown below as to minimise the visual impact of the development from adjoining properties. The buffer strips are to include a variety of plant species and heights.



34. **A Landscaping Plan is to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the issue of any Development Permit for Building Work.** The Landscaping Plan must 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

35. Access to the site for the Tourist park, Short-term accommodation, and Educational establishment is to be via the southern access only.
36. Vehicle access is to be maintained to a sealed standard in accordance with Council's standard. (Council's Engineering Services Department can provide details regarding Council's standard.)

If necessary, the property access gateway must be located within a setback such that all

vehicles proposed to enter and/or exit the land are able to stand clear of the carriageway whilst the property gateway is being opened and/or closed.

37. A 3.0 metre wide all-weather gravel driveway is to be constructed from Caves Road to all buildings and camp sites.
38. Car parking shall be provided on site in accordance Plan No MCU\01866-1 received 29 June 2017 prepared by Louise Binnion. All car parking, driveway and loading areas shall be drained, laid out and regularly maintained.
39. The carpark may remain grass, provided it is appropriately maintained and does not cause a dust nuisance. If complaints are received (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief) or the vehicle entrance and driveway become eroded with material becoming deposited outside of the site or potholes form that would increase noise associated with vehicle movements, the carpark shall be constructed in gravel to Council's standards.

The car park area is to be defined by a low physical barrier along the edge of the car parking area and driveways.

Roadworks

40. Any kerbing and channelling, roadworks and drainage works damaged during construction of the development are to be reinstated to the pre-existing condition, unless otherwise required by the Director Engineering Services.
41. Signage must be provided along the internal driveway so that it can be easily read when exiting the property via motor vehicle whether day or night. This signage is to clearly demonstrate, via images and text, the correct side of the road to drive on in Australia. (Council's Planning Department can provide details regarding Council's standard).

Stormwater Drainage

42. Site stormwater runoff must be collected, detained and discharged where appropriate in a manner that does not increase the quantity or concentration of stormwater flow in comparison to the pre-development condition. Where necessary, suitable easements to lawful points of discharge, which may include surrounding properties, shall be provided to Council, at the developer's cost.

Water Supply and Waste water

43. All sewage generated from this property must be disposed of by means of an on-site sewage facility (OSSF) in accordance with the AS/NZS 1547:2012 - *On-site Domestic Wastewater Management, Queensland Plumbing and Wastewater Code* and the *Standard Plumbing and Drainage Regulation 2003*.
44. An Environmental Authority for Environmentally Relevant Activity No. 63 (Sewerage treatment) is to be obtained in accordance with the *Environmental Protection Act 1994* prior to the commencement of any Environmentally Relevant Activity, or written advice is provided by the Department of Environment and Heritage Protection that an ERA is not required.
45. The restricted flow water supply is not suitable for a commercial connection. The development is not to use Council's restricted reticulated water supply as the potable water source for the use.
46. Prior to the issue of any Building Approval associated with the development, a report demonstrating that adequate provision has been made for the supply of water, including a drinking water supply, is to be submitted to and approved by the Director Planning, Environment and Corporate Services. If water is to be supplied for the development from a spring/bore/dam on the site, written advice must be supplied from the Department of Natural Resources and Mines that water may be lawfully supplied from that source. A water supply is to be provided in accordance with the approved report.

47. The applicant is to ensure that water usage is minimised and that all water fixtures and fittings including landscape watering systems, are to be water efficient devices and the applicant is to implement water reduction strategies as part of the development.
48. The site must be provided with a water storage reservoir having a minimum of 5000 litres of water for emergency fire fighting purposes for each Short Term Accommodation building. 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.

Infrastructure Charges Notice

49. Payment of \$8750 is to be made to Council in accordance with the Infrastructure Charges Notice attached to the decision notice. If the development is staged, the payment of Infrastructure Charges may also be staged. If payment is made more than two years after the date of the Infrastructure Charges Notice, the charge will increase in line with the Road and Bridge Construction Index for Queensland.

Advisory Notes

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning, Environment and Corporate Services, prior to the use commencing, and then compliance maintained at all times while the use continues.
- (ii) Any proposal to increase the scale or intensity of the use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Sustainable Planning Act 2009* and would have to comply with the requirements of the Planning Scheme.
- (iii) It is encouraged that you arrange for a free compliance inspection to be carried out prior to the use commencing. This will involve a physical inspection of the premises along with an internal audit of Council's records. Written advice will be provided for your records advising if compliance with the conditions has been achieved.
- (iv) Applications for licence under the Food Act 2006 are to be submitted to Council prior to the construction of the commercial kitchen on site.
- (v) An application must be submitted and approved by Council for an approval to operate under Council's Local Law No. 1. (Administration) 2011, in accordance with Council's Subordinate Local Law No. 1.8 (Operation of Caravan Parks). Please consult with Council's Environmental Health section to ensure compliance with the Local Law requirements.
- (vi) An application must be submitted and approved by Council for a permit under Local Law for rental accommodation.
- (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 all buildings 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 21 (Final Inspection Certificate)/Form 11 (Certificate of Classification) must be issued for the building works prior to the use commencing.**

- (ix) The supply of water for human consumption, food preparation, food utensil washing or personal hygiene, including the supply of water for drinking water, showers, baths, hand basin and kitchen sinks, must be connected to a drinking water supply, in accordance with the *Plumbing Code of Australia* and the *Australian Drinking Water Quality Guidelines* produced by the *National Health and Medical Research*.
- (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) The Flood hazard overlay is based on a 1% Annual Exceedance Probability (AEP) flood event and therefore doesn't guarantee flood immunity.
- (xii) If making any alterations to the access to Caves Road, an application must be submitted and approved by Council for a permit under Southern Downs Regional Council's Subordinate Local Law No. 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation).

Aboriginal Cultural Heritage

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

Carried

11. ENGINEERING SERVICES DEPARTMENT REPORTS

11.1 Engineering Services Department Monthly Report

Resolution

Moved Cr J McNally

Seconded Cr M McNichol

THAT Council receive the Engineering Services Department Monthly Report

Carried

10.00am The meeting adjourned

10.05am The meeting resumed

11.2 Southern Downs Health and Well-being Project 2017 Report

Resolution

Moved Cr S Windle

Seconded Cr J McNally

THAT Council receive the Southern Downs Community Health and Well-being Project Report and approve the development of a Community Health & Wellbeing Action Plan for the region as adopted by Council through the Community Service Advisory Committee on 20th September 2017.

Carried

11.3 Community Services Advisory Committee (CSAC) Meeting held 15 September 2017

Resolution

Moved Cr S Windle

Seconded Cr N Meiklejohn

THAT Council:

1. Receive the minutes of the Community Services Advisory Committee Meeting held on 15 September 2017.
2. Endorse the following recommendation made by the Community Services Advisory Committee:
 - a) That Council develops a community health and wellbeing action plan that addresses physical, emotional and spiritual aspects for all members of the community.

Carried

11.4 Events, Sport & Recreation Advisory Committee

Resolution

Moved Cr Y Stocks

Seconded Cr C Gow

THAT Council receive and note the minutes taken of the informal Event, Sport & Recreation Advisory Committee meeting, which did not have a sufficient quorum to be held officially.

Carried

The meeting adjourned for morning tea at 10.15am

Citizenship Ceremony at Warwick Town Hall

Presentation of Donation to Nicholls Family

Presentation of Casual for a Cause Donation to Warwick Men's Shed

The meeting reconvened at 11.15am at which time there were present Crs Dobie, McNally, Stocks, Gow, McNichol, Windle, Kelly and Meiklejohn

12. PLANNING, ENVIRONMENT & CORPORATE SERVICES DEPARTMENT REPORTS

12.1 Pest Management Advisory Committee Minutes - 29 August 2017

Resolution

Moved Cr C Gow

Seconded Cr R Kelly

THAT Council:

1. Receive and endorse the minutes of the Pest Management Advisory Committee held at Stanthorpe on 29th August 2017.
2. Provide a letter of support to Clive Smith for the submission of an application for a grant to install cluster fencing around properties in the Traprock District.

Carried

12.2 2016-17 Annual Report

Resolution

Moved Cr J McNally

Seconded Cr S Windle

THAT Council adopt the Annual Report for Southern Downs Regional Council for the period 1 July 2016 to 30 June 2017.

Carried

12.4 Development of a Local Law for Waste Management Services

Resolution

Moved Cr C Gow

Seconded Cr N Meiklejohn

THAT Council proposes to make a local law on waste management to replace the provisions of the Waste Reduction and Recycling Regulation 2011 and the Environmental Protection Regulation 2008 that are due to expire on 30 June 2018.

Carried

12.5 Operational Plan Quarterly Review

Resolution

Moved Cr J McNally

Seconded Cr N Meiklejohn

THAT Council receive the contents of the Operational Plan Quarterly Review – July to September 2017.

Carried

12.6 Quarterly Report on Development Approvals for the July to September Quarter 2017

Resolution

Moved Cr N Meiklejohn

Seconded Cr R Kelly

THAT Council receives the report and notes its contents.

Carried

Cr McNally declared that a perceived conflict of interest in Agenda Item 12.9 (as defined in section 173 of the Local Government Act 2009) may exist due to:

Walker Matter: Applicants were former clients of her husband

Free Matter: One of the submitters is a contractor who has worked with husband.

Cr McNally dealt with the perceived conflicts 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 these matters that is contrary to the public interest. Cr McNally participated in the discussion and voting on this matter.

12.9 Appeals to the Planning and Environment Court - Walker v Southern Downs Regional Council & Back to Basics Poultry, and Free v Southern Downs Regional Council

Resolution

Moved Cr N Meiklejohn

Seconded Cr S Windle

THAT, in the matters of the appeals to the Planning and Environment Court being:

- (a) Walker v Southern Downs Regional Council & Back to Basics Poultry; and
- (b) Free v Southern Downs Regional Council;

Council:

- (i) Delegate to the Chief Executive Officer power to engage legal counsel and expert witnesses as necessary in defending Council's decision on these development applications; and
- (ii) Appoint the Chief Executive Officer as its delegate to participate in any formal mediation or without prejudice proceedings. The delegate is to have authority to commence, negotiate, mediate or settle this action and make an agreement as a result of without prejudice discussions, legal advice or mediation upon such terms as Council's legal advisors may recommend or approve.

Carried

Cr McNally voted for the motion.

**12.10 Local Government (Councillor Complaints) and Other Legislation Amendment Bill
2017 Part 2 Amendment of Local Government Act 2009**

Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

THAT Council endorse and forward the attached submission to the Parliamentary and Legal Affairs and Community Safety Committee.

Carried

Attachments

1. Submission - Local Government (Councillor Complaints) and Other Legislation Amendment Bill 2017 - **Attached to the Minutes Under Separate Cover**

**12.11 Local Government Electoral (Implementing Belcarra) and Other Legislation
Amendment Bill 2017**

Resolution

Moved Cr N Meiklejohn

Seconded Cr Y Stocks

THAT Council endorse and forward the Submission to the Parliamentary and Legal Affairs and Community Safety Committee in relation to Local Government Electoral (Implementing Belcarra) and Other Legislation Amendment Bill 2017.

Carried

Attachments

1. Submission - Local Government Electoral (Implementing Belcarra) and Other Legislation Amendment Bill 2017 - **Attached to the Minutes Under Separate Cover**

12.3 Proposed Amendment of Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011

Resolution

Moved Cr N Meiklejohn

Seconded Cr Y Stocks

THAT Council:

1. Resolves that the changes proposed by *Amendment Subordinate Local Law No. 1 (Installation of Advertising Devices) 2017* do not contain anti-competitive provisions and are insubstantial as they affect only election signs and are required to achieve consistency with legislation;
2. Makes *Amendment Subordinate Local Law No. 1 (Installation of Advertising Devices) 2017* (as attached); and
3. Adopts a consolidated version of *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011* to include the amendments made by *Amendment Subordinate Local Law No. 1 (Installation of Advertising Devices) 2017*.

Carried

Attachments

1. Amendment Subordinate Local Law No. 1 (Installation of Advertising Devices) 2017 - **Attached to the Minutes Under Separate Cover**

12.7 Amendment of Fee for the Making of Change Representations (Negotiated Decisions)

Resolution

Moved Cr N Meiklejohn

Seconded Cr Y Stocks

THAT Council amends the 2017/18 Schedule of Fees and Charges the fees relating to requests for Negotiated decisions as follows:

PLANNING FEES	Head of Power	GST Treatment	2017/2018 Fee
Change Representations, Change Applications and Extension Applications			
Making change representations during the applicant's appeal period (i.e. request for a Negotiated decision)			
(i) Involving changes to staging, or a significant change to an approved floor plan, or involving a review of more than 20% 10% of the conditions of approval (or more than 1 condition where there are fewer than 10 conditions). Where a request is made due to a Council error, the Director may waive the fee.	LGA S97(2)(e)	GST Free	760.00
(ii) Making change representations other than as described above			Nil

Carried

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

13.1 Report by Delegates to Conferences - National Economic Development Conference

Resolution

Moved Cr Y Stocks

Seconded Cr N Meiklejohn

THAT the verbal report from Cr Kelly on his attendance at the National Economic Development Conference held in Ballarat on 11 & 12 October be received.

Carried

12:35 PM Cr M McNichol left the meeting.

12:37 PM Cr M McNichol rejoined the meeting.

13.2 Reports by Delegates to Conferences – Local Government Association of Queensland Annual Conference

Resolution

Moved Cr R Kelly

Seconded Cr S Windle

THAT the verbal report from the Mayor and the attached report from Cr Meiklejohn on their attendance at the LGAQ Annual Conference held in Gladstone 16-18 October be received.

Carried

Attachments

1. Report from Cr Meiklejohn - **Attached to the Minutes Under Separate Cover**

14. NOTICES OF MOTION

Nil

15. GENERAL BUSINESS

The Mayor presented the following books to the Warwick Library:-

“Gardens of the Spirit” A gift from the Southern Downs Baha’i Community in celebration of the Bicentenary of Baha’u’llah

“Wild Garden” A gift from the President of Ireland during his visit to Warwick

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 Request to Name Park

Reason for Confidentiality

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

16.2 August & September 2017 Monthly Reports from Warwick Indoor Recreation and Aquatic Centre from YMCA Brisbane

Reason for Confidentiality

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

16.3 Unlawful Use of Land - 50 Oak Street, Tannymorel

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.

16.4 Council Funding Group

Reason for Confidentiality

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

16.5 Audit and Risk Management Committee Meeting - 12 October 2017

Reason for Confidentiality

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

16.6 Council Contribution for Palmer Bridge Replacement

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 N Meiklejohn

Seconded Cr S Windle

Resolution

THAT the meeting move into closed session.

Carried

The Meeting moved into closed session at 1.05pm.

01:11 PM Cr N Meiklejohn left the meeting.

01:14 PM Cr N Meiklejohn rejoined the meeting.

Meeting Out Of Camera

Resolved

THAT the meeting resume in open session at 1.18pm.

Carried

16.1 Request to Name Park

Resolution

Moved Cr R Kelly

Seconded Cr S Windle

THAT Council name the park area in front of the Warwick Railway Station as the "Billy Hughes" Park.

Carried

16.2 August & September 2017 Monthly Reports from Warwick Indoor Recreation and Aquatic Centre from YMCA Brisbane

Resolution

Moved Cr M McNichol

Seconded Cr N Meiklejohn

THAT Council receive the August & September 2017 monthly reports from Brisbane YMCA in relation to the operation of the Warwick Indoor Recreation and Aquatic Centre.

Carried

16.3 Unlawful Use of Land - 50 Oak Street, Tannymorel

Resolution

Moved Cr N Meiklejohn

Seconded Cr S Windle

THAT Council grant to the Chief Executive Officer authority to commence legal action against the owners of land at 50 Oak Street, Tannymorel, if the landowners fail to remedy an offence under the *Planning Act 2016* of carrying out assessable development without all necessary development permits. This is to include the authority to prosecute, negotiate, mediate, settle or cease legal action upon such terms as Council's legal advisors may recommend or approve.

Carried

16.4 Council Funding Group

Resolution

Moved Cr J McNally

Seconded Cr N Meiklejohn

THAT Council receive and note the Funding Group meeting minutes from 25th January and 7th September 2017.

Carried

16.5 Audit and Risk Management Committee Meeting - 12 October 2017

Resolution

Moved Cr R Kelly

Seconded Cr J McNally

THAT Council adopt the minutes of the Audit and Risk Management Committee meeting held on 12 October 2017.

Carried

16.6 Council Contribution for Palmer Bridge Replacement

Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

THAT Council resolve to allocate a total of \$1,494,000 in its Capital Budgets across the 2018/19 and 2019/20 financial years as Council's contribution to the Palmer Bridge Replacement on Freestone Road, Freestone to match the funding provided by the Australian Federal Government of \$1,494,000 under the Bridges Renewal Program – Round Three.

Carried

MEETING CLOSURE

There being no further business, the meeting closed at 1.20pm.