



**MINUTES OF THE
GENERAL MEETING OF COUNCIL
28 FEBRUARY 2018**

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6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precise	Nature of Conflict
10.3	Disposal of Plant	Cr Meiklejohn declared that a perceived conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>), may exist as he is Patron of the Warwick Men's Shed. Cr Meiklejohn 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 Meiklejohn participated in the discussion and voting on this matter.
16.3	November 2017 Monthly Report from Warwick Indoor Recreation and Aquatic Centre	Cr Pennisi declared that a perceived conflict of interest in this matter may exist (as defined in section 173 of the <i>Local Government Act 2009</i>) when general discussions commenced regarding other Council swimming pools as his wife runs a learn to swim business. Cr Pennisi dealt with the conflict by leaving the room and taking no part in discussion.
16.8	Audit and Risk Management Committee Meeting Minutes 15 February 2018	Cr Meiklejohn 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 his involvement in a community group with a person mentioned in a report and will deal with the conflict by leaving the room and taking no part in discussion or vote.

7. MAYORAL MINUTE

7.1 Mayoral Minute - February 2018

Resolution

Moved Cr R Kelly

Seconded Cr S Windle

THAT Council receive the Mayoral Minute for February 2018.

Carried

8. READING AND CONSIDERATION OF CORRESPONDENCE

8.1 Correspondence

Resolution

Moved Cr S Windle

Seconded Cr R Kelly

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

Cr Meiklejohn declared that a perceived conflict of interest in Agenda Item 10.3 (as defined in section 173 of the Local Government Act 2009), may exist as he is Patron of the Warwick Men's Shed. Cr Meiklejohn 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 Meiklejohn participated in the discussion and voting on this matter.

10.3 Disposal of Plant

Resolution

Moved Cr R Kelly

Seconded Cr S Windle

THAT Council agrees to the donation of the following: Dyna Truck, Ferguson Tractor and the Slasher currently situated in the shed at Eden Gardens Lawn Cemetery.

Carried

Cr Meiklejohn voted for the motion.

10.4 Policy Review - Procurement Policy

Resolution

Moved Cr J McNally

Seconded Cr M McNichol

THAT Council adopted the revised Procurement Policy No. FL-FS010 as attached.

Carried

Attachments

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

10.5 Draft Economic Development Strategy Consultation

Resolution

Moved Cr J McNally

Seconded Cr R Kelly

THAT Council adopt the Southern Downs Regional Council Economic Development Strategy.

Carried

Attachments

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

10.6 Social Media Policy and Terms of Use

Resolution

Moved Cr J McNally

Seconded Cr S Windle

THAT Council adopt the attached Social Media Policy and Terms of Use.

Carried

Attachments

1. Social Media Policy and Terms of Use - **Attached to the Minutes Under Separate Cover**

10.1 Finance Report as at 31 January 2018

Resolution

Moved Cr J McNally

Seconded Cr R Kelly

THAT Council receive and note the Financial Report as at 31 January 2018.

Carried

10.2 Local Government Remuneration & Discipline Tribunal Report 2017

Resolution

Moved Cr Y Stocks

Seconded Cr J McNally

THAT Council adopt the Local Government Remuneration and Discipline Tribunal determined Remuneration Schedule effective from 1 July 2018 for Mayor, Deputy Mayor and Councillors.

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

11.4 Appointment of Second Deputy Chairman for the Local Disaster Management Group

Resolution

Moved Cr J McNally

Seconded Cr R Kelly

THAT Council appoint Cr Meiklejohn as a second Deputy Chairman to the Local Disaster Management Group.

Carried

11.2 Stanthorpe Art Gallery Society KPI Report

Resolution

Moved Cr R Kelly

Seconded Cr N Meiklejohn

THAT Council receive the Stanthorpe Art Gallery Society Key Performance Indicator (“KPI”) Report for the six (6) month reporting period, to 31 December 2017, and note the contents.

Carried

11.3 Warwick Art Gallery KPI Report

Resolution

Moved Cr R Kelly

Seconded Cr N Meiklejohn

THAT Council receive the Warwick Art Gallery Key Performance Indicator (“KPI”) Report for the six (6) month reporting period, to 31 December 2017, and note the contents.

Carried

12. PLANNING, ENVIRONMENT & CORPORATE SERVICES DEPARTMENT REPORTS

12.1 Darling Downs-Moreton Rabbit Board Report – 1 October 2017 to 31 January 2018

Resolution

Moved Cr J McNally

Seconded Cr R Kelly

THAT Council:

1. Accepts the Darling Downs-Moreton Rabbit Board (DDMRB) Report on Operations for the period 1 October 2017 to 31 January 2018.
2. Requests the DDMRB present their budget to Council as part of Council's community consultation budget process.

Carried

12.2 Making of Local Law No. 3 (Waste Management) 2017

Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

THAT Council:-

1. Makes Local Law No. 3 (Waste Management) 2017 (as attached).
2. Notes that Local Law No. 3 (Waste Management) 2017 contains anti-competitive provisions, and that there are no significant impacts associated with the anti-competitive provisions as the proposed local law does not change the nature or scale of the restrictions on competition which currently exist under Chapter 5A of the *Environmental Protection Regulation 2008* and Section 7 of the *Waste Reduction and Recycling Regulation 2011*.

Carried

12.3 Material Change of Use - F G Loy & Sons Pty Ltd, 157 Mountside Road, The Glen

Resolution

Moved Cr N Meiklejohn

Seconded Cr V Pennisi

THAT the application for Material Change of Use (Extractive industry – not more than 5,000 tonnes per year) on land at 157 Mountside Road, The Glen, described as Lot 1 RP140635, Parish of Rosenthal, County of Merivale, be approved subject to the following conditions:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

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

Plan Name	Plan No.	Date
Loy	-	2 July 2004
RP140635	-	-

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 will expire on 1 April 2028.** Any application to extend the approval will be subject to a review of compliance with the conditions of this Development Permit in accordance with Council's standard requirements at that time.
4. **The maximum amount of material to be extracted from the site must not exceed 5,000 tonnes per annum.**
5. The extractive industry shall generally operate only between the hours of 7.00am to 6.00pm, Mondays to Saturdays. Preparation and maintenance of vehicles must also be conducted only within these hours. The activity is not permitted to be conducted on Sundays and public holidays.
6. No more than 5000 square metres of the proposed excavation site is to be open and excavated at any one time.
7. Blasting is prohibited on the site.
8. The applicant is to have an annual audit prepared by a suitably qualified auditor, to the satisfaction of the Director Planning, Environment and Corporate Services, demonstrating compliance with the conditions of this development permit in relation to the location and area of the site being excavated, the amount of material removed from the site on a weekly and annual basis. **The results of each audit are to be submitted to Council no later than 1 November each year.**
9. The applicant is to **submit a plan prepared by a surveyor** which shows that the current total area of excavation and associated activities. **The plan must be submitted and approved prior to the use of the land for extraction purposes.** The surveyor must **install permanent markers** showing the boundary to the area to be used, and the applicant must ensure that these markers remain onsite for the life of the extractive industry.
10. The extractive industry, including access tracks and sedimentation ponds must be wholly contained within the allotment. **Any encroachment into the gazetted road to the southern of the site must be rectified, either by the closure of the gazette road or the rehabilitation of any disturbed area.**

Amenity and Environmental Controls

11. 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.
12. 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.

13. From commencement of the activity to which this approval relates, a site based management plan (SBMP) must be implemented. The SBMP must identify all sources of environmental nuisance and/or environmental harm, including but not limited to the actual and potential release of all contaminants, the potential impact of these sources and what actions will be taken to prevent the likelihood of environmental nuisance and/or environmental harm being caused. The SBMP must also provide for the review and continued improvement in the overall environmental performance of all activities that are carried out.
14. The operator must contact the Council as soon as practicable after becoming aware of any release of contaminants not in accordance with the conditions of this approval, or any event where environmental harm has been caused or may be threatened.
15. Any lighting fixtures must be installed 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*.
16. All material stockpiles and trafficable areas associated with the approved activity must be maintained using all reasonable and practicable measures necessary to minimise the release of windblown dust or traffic generated dust to the atmosphere. Reasonable and practicable measures may include but are not limited to:
 - (a) Using water sprays and/or a water truck;
 - (b) Adopting and adhering to speed limits;
 - (c) Using dust suppressants and wind breaks; and
 - (d) Sealing the areas.
17. Noise levels emitted from the activity must not exceed 5 dB(A) above the background noise

levels in the locality when measured at any nearby noise sensitive receptor.

18. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
19. 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.
20. Advertising Devices relating to the Extractive industry may **only** be erected on the subject land, i.e. Lot 1 RP140635. 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.

Fencing, Landscaping and Buffers

21. The site (including all disturbed areas such as slopes, borrow pits, stockpile and screening areas) must be rehabilitated in a manner such that:
 - (a) suitable native species of vegetation are planted and established;
 - (b) replacement of top soil;
 - (c) potential for erosion of the site is minimised;
 - (d) the quality of stormwater, other water and seepage released from the site is such that releases of contaminants such as suspended solids, turbidity, total dissolved salts, pH, total iron, total aluminium, and total manganese are not likely to cause environmental harm;
 - (e) the likelihood of environmental nuisance and/or environmental harm being caused by release of dust is minimised;
 - (f) the water quality of any residual water body meets relevant criteria for subsequent uses and does not have potential to cause environmental harm;
 - (g) the final landform is stable and not subject to slumping; and
 - (h) any actual and potential acid sulfate soils in or on the site are either not disturbed, or are submerged or treated, so as to not be likely to cause environmental harm.

A rehabilitation plan is to be submitted to and approved by the Director Planning, Environment and Corporate Services within 90 days of the date of the Development Approval. The rehabilitation plan is to include details of the points listed above and is to be commenced once each 10,000 square metres excavation area has been exhausted.

22. There is to be no clearing of vegetation outside of the excavation area for any purpose associated with the Extractive industry.

Car Parking and Vehicle Access

23. A sealed vehicle access is to be maintained to the site in accordance with Council's standard.
24. The applicant is to erect "Authorised Vehicles Only" sign on all gates to the site.

Stormwater Drainage

25. Erosion protection and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.
26. Suitable banks and/or diversion drains must be installed and maintained to exclude stormwater runoff from entering any extractive areas, stockpile sites, and ponds or other structures used for the storage or treatment of contaminants or wastes. **Existing diversion banks must be repaired to fill all gaps and to prevent the release of contaminated waters from the site.**

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 operator must at all times comply with the *Environmental Protection Act 1994*.
- (v) The General Environmental Duty under the *Environmental Protection Act 1994* 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.
- (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) 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*, so as to ensure the use is being conducted in accordance with the conditions of the approval.

Aboriginal Cultural Heritage

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

Schedule 2 - Department of State Development, Manufacturing, Infrastructure and Planning's conditions as a Concurrence agency

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Development Permit - Material Change of Use		
10.9.4.2.4.1 - State-controlled road—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	Any excavation, filling/backfilling/compaction, retaining structures and other works involving ground disturbance must not encroach or destabilise the state-controlled road or the land supporting this infrastructure, or cause similar adverse impacts.	At all times.
2.	Direct access is not permitted between the New England Highway and the subject site.	At all times.

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Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- Conditions 1 is to ensure the development and its construction does not cause adverse structural impacts on state-transport infrastructure.
- Conditions 2 is to ensure access to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road is prohibited were not required.

Carried

12.4 Material Change of Use - I & R Watts, 360 Condamine River Road, Killarney

Resolution

Moved Cr N Meiklejohn

Seconded Cr V Pennisi

THAT the application for Material Change of Use, Extractive industry (not more than 5,000 tonnes per year), located at Condamine River Road, Killarney, described as Lot 4 SP174449, Parish of Killarney, 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 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
Site Plan prepared by Gary Hayes & Partners Pty Ltd	W4947-03	20/11/2017

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 will expire on 1 April 2028.** Any application to extend the approval will be subject to a review of compliance with the conditions of this Development Permit in accordance with Council's standard requirements at that time.
4. **The maximum amount of material to be extracted from the site must not exceed 5,000 tonnes per annum.**
5. The area to be used for extracting of gravel must be at the location indicated on the maps forming part of the Development Application. The maximum land area permitted to be used for extractive industries is 6,500 square metres.
6. No more than two (2) people shall operate on the subject site at any one time, excluding truck drivers who are only driving trucks.
7. The development shall generally operate only between the hours of 8.00am to 6.00pm, Mondays to Saturdays, and not at all on Sundays and public holidays. **Blasting is restricted to the hours of 8:00am and 5:00pm, Monday to Saturday –** This includes preparation and maintenance of vehicles.
8. The applicant is to **submit a plan prepared by a surveyor** which shows that the current total area of excavation and associated activities. **The plan must be submitted and approved prior to the use of the land for extraction purposes.** The surveyor must **install permanent markers** showing the boundary to the area to be used, and the applicant must ensure that these markers remain onsite for the life of the extractive industry.
9. Use of the existing gravel pit on the land is to cease within 90 days of this Development Approval and a rehabilitation plan for rehabilitation of this pit is to be submitted to and approved by the Director Planning, Environment and Corporate Services. The gravel pit is to be rehabilitated in accordance with the approved rehabilitation plan.

Building and Site Design

10. A copy of the Form 21 (Final Inspection Certificate) issued for the building works is to be provided to Council upon completion of the shed being constructed. (See advisory note below.)

Amenity and Environmental Controls

11. 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.
12. 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.

13. From commencement of the activity to which this approval relates, a site based management plan (SBMP) must be implemented. The SBMP must identify all sources of environmental nuisance and/or environmental harm, including but not limited to the actual and potential release of all contaminants, the potential impact of these sources and what actions will be taken to prevent the likelihood of environmental nuisance and/or environmental harm being caused. The SBMP must also provide for the review and continued improvement in the overall environmental performance of all activities that are carried out.
14. The operator of an activity to which this approval relates must contact the Council as soon as practicable after becoming aware of any release of contaminants not in accordance with the conditions of this approval, or any event where environmental harm has been caused or may be threatened.
15. All material stockpiles and trafficable areas associated with the approved activity must be maintained using all reasonable and practicable measures necessary to minimise the release of windblown dust or traffic generated dust to the atmosphere. Reasonable and practicable measures may include but are not limited to:
 - (a) Using water sprays and/or a water truck;
 - (b) Adopting and adhering to speed limits;
 - (c) Using dust suppressants and wind breaks; and
 - (d) Sealing the areas.
16. 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.
17. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
18. 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.

19. Advertising Devices relating to the Extractive Industry may **only** be erected on the subject land, i.e. Lot 4 SP174449. 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.

Fencing, Landscaping and Buffers

20. The site (including all disturbed areas such as slopes, borrow pits, stockpile and screening areas) must be rehabilitated in a manner such that:
 - (a) suitable native species of vegetation are planted and established;
 - (b) replacement of top soil;
 - (c) potential for erosion of the site is minimised;
 - (d) the quality of stormwater, other water and seepage released from the site is such that releases of contaminants such as suspended solids, turbidity, total dissolved salts, pH, total iron, total aluminium, and total manganese are not likely to cause environmental harm;
 - (e) the likelihood of environmental nuisance and/or environmental harm being caused by release of dust is minimised;
 - (f) the water quality of any residual water body meets relevant criteria for subsequent uses and does not have potential to cause environmental harm;
 - (g) the final landform is stable and not subject to slumping; and
 - (h) any actual and potential acid sulfate soils in or on the site are either not disturbed, or are submerged or treated, so as to not be likely to cause environmental harm.

A rehabilitation plan is to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to 1 March 2018 unless the use ceases earlier.

21. A dense Tree planted buffer strips of 20 metres width are to be provided as indicated on the Site Plan, prepared by Gary Hayes & Partners Pty Ltd, drawing number W4947-03 and dated 20/11/2017 so as to minimise the visual impact of the development from adjoining properties and roads.
22. **A Landscaping Plan is to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the commencement of the use.** The Landscaping Plan is to be prepared by an appropriately qualified person, and must include details of the location and species of plants, the irrigation system and the height and material of fencing. Plants are to be generally frost resistant and drought hardy, and must not include weed species. Root barriers are to be installed around trees that are located within 3 metres of any underground infrastructure. The site is to be landscaped and maintained in accordance with the approved Landscaping Plan.

Car Parking and Vehicle Access

23. The applicant is to erect "Authorised Vehicles Only" sign on all gates to the site.
24. All vehicular access to and from the site must be via Condamine River Road only.
25. A 3.0 metre wide all-weather driveway is to be constructed from Condamine River Road to the Extractive use area. The vehicle driveway may remain gravel, provided they are appropriately maintained and do not cause a dust nuisance. If complaints are received (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief) or the vehicle entrance and driveway become eroded with material becoming deposited outside of the site or potholes form that would increase noise associated with vehicle movements, the driveway shall be constructed in bitumen to Council's standards.
26. Any car park area is to be defined by a low physical barrier along the edge of the car parking

area and driveways.

Stormwater Drainage

27. Erosion protection and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.
28. Suitable banks and/or diversion drains must be installed and maintained to exclude stormwater runoff from entering any extractive areas, stockpile sites, and ponds or other structures used for the storage or treatment of contaminants or wastes.

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 1994* 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) **Building Approval is to be obtained** for a Class 10B building 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) must be issued for the building works prior to the use commencing.**
- (vii) The applicant is to permit Council officers access to the site in accordance with the powers of entry provisions of the *Local Government Act 2009*, so as to ensure the use is being conducted in accordance with the conditions of the approval.
- (viii) An application must be submitted and approved by Council for a permit under Southern Downs Regional Council's Subordinate Local Law No. 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation) 2011.

Aboriginal Cultural Heritage

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

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 Cr Pennisi - Advice from Department of Local Government, Racing and Multicultural Affairs re Outcome of Complaint

THE attached letter from the Department of Local Government, Racing and Multicultural Affairs was tabled by Cr Pennisi. The letter advised of the outcome of a complaint that had been lodged against Cr Pennisi.

Attachments

1. Letter from Department of Local Government, Racing and Multicultural Affairs - **Attached to the Minutes Under Separate Cover**

The meeting adjourned for morning tea at 10.36am and reconvened at 10.57am at which time there were present Crs Dobie, McNally, Stocks, Gow, McNichol, Pennisi, Windle, Gow and Meiklejohn.

16. CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS

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

Recommendation

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

16.1 Budget Amendment to Plant Replacement Program

Reason for Confidentiality

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

16.2 Untreated Water Consumption Rate Adjustment

Reason for Confidentiality

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

16.3 January 2018 Monthly Report from Warwick Indoor Recreation and Aquatic Centre from YMCA Brisbane

Reason for Confidentiality

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

16.4 Purchase of K-9 Kube

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 Proposed Sale of Council Owned Land

Reason for Confidentiality

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

16.6 Allora and District Historical Society Incorporated – Tenure Renewal

Reason for Confidentiality

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

16.7 Proposed Lease and Sale of Land

Reason for Confidentiality

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

16.8 Audit and Risk Management Committee Meeting Minutes - 15 February 2018

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.

Meeting In Camera

Resolution

Moved Cr N Meiklejohn

Seconded Cr R Kelly

THAT the meeting move into closed session.

Carried

The Meeting moved into closed session at 10.58am.

11.18am Cr Pennisi left the meeting during discussion on Agenda Item 16.3

11.22am Cr Pennisi rejoined the meeting

11.25am Cr Meiklejohn left the meeting during discussion on Agenda Item 16.8

11.30am Cr Meiklejohn rejoined the meeting

Meeting Out Of Camera

Resolution

THAT the meeting resume in open session at 11.31am.

Carried

16.1 Budget Amendment to Plant Replacement Program

Resolution

Moved Cr S Windle

Seconded Cr R Kelly

THAT Council agree to amend the Plant Replacement Program budget by the sum of \$950,000 as first identified within the Second Quarter Budget Review.

Carried

16.2 Untreated Water Consumption Rate Adjustment

Resolution

Moved Cr N Meiklejohn

Seconded Cr Y Stocks

THAT Council resolve not to adjust the untreated water supply consumption section of 2017/2018 Revenue Statement, but will consider the adjustment in the 2018/2019 Revenue Statement.

Carried

16.3 January 2018 Monthly Report from Warwick Indoor Recreation and Aquatic Centre from YMCA Brisbane

Resolution

Moved Cr N Meiklejohn

Seconded Cr R Kelly

THAT Council receive the January 2018 monthly report from Brisbane YMCA in relation to the operation of the Warwick Indoor Recreation and Aquatic Centre.

Carried

16.4 Purchase of K-9 Kube

Resolution

Moved Cr N Meiklejohn

Seconded Cr S Windle

THAT Council purchase the K-9 Kube from CJM Attachments Pty Ltd pursuant to s235 (a) of the *Local Government Regulation 2012* which permits Council entering into medium sized contracts without inviting quotes if there is only one supplier reasonably available.

Carried

16.5 Proposed Sale of Council Owned Land

Resolution

Moved Cr N Meiklejohn

Seconded Cr Y Stocks

THAT Council accept the offer for the purchase of Lot 1 on SP275292, situated at Border Road, Applethorpe for the price offered.

Carried

16.6 Allora and District Historical Society Incorporated – Tenure Renewal

Resolution

Moved Cr S Windle

Seconded Cr J McNally

THAT Council:

1. Approve a Trustee Permit with the Allora and District Historical Society Incorporated for a period of one year;
2. Include in the Special Conditions of the Trustee Permit:
 - Capital expenditure is the responsibility of Council, limited to planned capital upgrades only;
 - General maintenance is the responsibility of the Permittee.

Carried

16.7 Proposed Lease and Sale of Land

Resolution

Moved Cr N Meiklejohn

Seconded Cr R Kelly

THAT Council:

1. Call for expressions of interest for the lease by tender of Lot 2 on RP224133;
2. Apply to subdivide 720m² of Lot 19 on RP5818 and advertise the land for sale by tender;
3. Prior to any sub-division process, undertake soil testing to determine if any contamination exists on the proposed sub-division land.

Carried

Cr Meiklejohn declared that a perceived conflict of interest in this matter (as defined in section 173 of the Local Government Act 2009), may exist due to his involvement in a community group with a person mentioned in a report and will deal with the conflict by leaving the room and taking no part in discussion or vote.

11:33 AM Cr N Meiklejohn left the meeting.

16.8 Audit and Risk Management Committee Meeting Minutes - 15 February 2018

Resolution

Moved Cr J McNally

Seconded Cr R Kelly

THAT Council: receive the minutes of the ARMC meeting held on 15 February 2018 and adopt the recommendations of that meeting.

Carried

11:33 AM Cr N Meiklejohn rejoined the meeting.

MEETING CLOSURE

There being no further business, the meeting closed at 11.34am.