



**MINUTES OF THE  
GENERAL MEETING OF COUNCIL  
24 OCTOBER 2018**

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**MINUTES OF THE GENERAL COUNCIL MEETING OF  
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 24 OCTOBER 2018  
IN THE COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,  
64 FITZROY STREET, WARWICK AT 9:00AM**

**1. PRAYERS & CONDOLENCES**

Rev Darren Muller from the Warwick Baptist Church offered and 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), Chris Whitaker (Acting Director Engineering Services), Peter Gribbin (Acting Director Planning, Environment and Corporate Services), Marion Seymour (Minute Secretary)

**3. APOLOGIES**

Nil

**4. READING AND CONFIRMATION OF MINUTES**

**4.1 General Council Meeting - 26 September 2018**

**Resolution**

**Moved Cr R Kelly**

**Seconded Cr M McNichol**

THAT the minutes of the General Council Meeting held on Wednesday 26 September 2018 be adopted.

**Carried**

**5. ACTIONS FROM COUNCIL MEETINGS**

**5.1 Actions from Previous Council Meeting**

**Resolution**

**Moved Cr M McNichol**

**Seconded Cr R Kelly**

THAT Council receive the report and note the contents.

**Carried**

## 6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precise	Nature of Conflict
8.1	Correspondence	Cr Pennisi declared a conflict of interest in this matter (as defined in section 175C of the <i>Local Government Act 2009</i> ) for correspondence items 3, 5 and 6 due to his role as Chair of the Stanthorpe Community Reference Panel whose members have vested interests in this project and the Panel is being used to review chapters of the detailed business case for the Granite Belt Irrigation Project. Cr Pennisi advised he would deal with the conflict of interest by leaving the meeting room and taking no part in the debate or decision on the matter if correspondence items 3, 5 and 6 were discussed.
12.3	Material Change of Use – Killarney Memorial Aged Care Ltd, Eucalyptus Street, Killarney	Cr Dobie declared a conflict of interest in this matter (as defined in section 175D of the <i>Local Government Act 2009</i> ) due to the appointment of her husband to the Board of Killarney Memorial Aged Care Ltd and dealt with the conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
16.1	Request for Tender – Emu Swamp Dam Approvals	Cr Pennisi declared a conflict of interest in this matter (as defined in section 175C of the <i>Local Government Act 2009</i> ) due to his role as Chair of the Stanthorpe Community Reference Panel whose members have vested interests in this project and the Panel is being used to review chapters of the detailed business case for the Granite Belt Irrigation Project. Cr Pennisi advised he would deal with the conflict of interest by leaving the meeting room and taking no part in the debate or decision on the matter.
16.6	Funding Program Drought Communities Program – Community & Sporting Organisations	Cr Windle declared that a perceived conflict of interest in this matter (as defined in section 175D of the <i>Local Government Act 2009</i> ), may exist due to her role as President of the Warwick Hockey Association. 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 and asked Council to consider her participation in the discussion and vote on this matter. Following a resolution from Council, Cr Windle participated in the discussion and voting on this matter.

## **6.1 Conflict of Interest - Cr Windle - Aenda Item 16.6**

### **Resolution**

**Moved Cr J McNally**

**Seconded Cr R Kelly**

THAT Council resolve that Cr Windle, who had declared a conflict of interest in respect to matters contained in Agenda Item 16.6 due to her role as President of the Warwick Hockey Club, is permitted to remain and participate in the meeting for discussion and voting on the matter.

**Carried**

## **7. MAYORAL MINUTE**

### **7.1 Mayoral Minute - September 2018**

#### **Resolution**

**Moved Cr Y Stocks**

**Seconded Cr R Kelly**

THAT Council receive the Mayoral Minute for September 2018.

**Carried**

## **8. READING AND CONSIDERATION OF CORRESPONDENCE**

### **8.1 Correspondence**

#### **Resolution**

**Moved Cr M McNichol**

**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**

### **10.2 First Quarter Budget Review 2018/2019**

#### **Resolution**

**Moved Cr J McNally**

**Seconded Cr R Kelly**

THAT Council adopt the revised budget following the First Quarter Budget review 2018/19 as per Attachment 1.

**Carried**

#### **Attachments**

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

### **10.4 Shaping Southern Downs**

#### **Resolution**

**Moved Cr M McNichol**

**Seconded Cr R Kelly**

THAT Council adopt Shaping Southern Downs.

**Carried**

### **10.5 Quarterly Report - Regional Promotion and Visitor Numbers**

#### **Resolution**

**Moved Cr R Kelly**

**Seconded Cr S Windle**

THAT Council receive the report of figures from the Visitor Information Centres.

**Carried**

### **10.1 Financial Report as at 30 September 2018**

#### **Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr J McNally**

THAT Council receive and note the Financial Report as at 30 September 2018.

**Carried**

### **10.3 Quarterly Human Resources Report**

#### **Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr J McNally**

THAT Council receive the Quarterly Human Resources Report and note the contents.

**Carried**

## **11. ENGINEERING SERVICES DEPARTMENT REPORTS**

### **11.1 Engineering Services Department Monthly Report**

#### **Resolution**

**Moved Cr R Kelly**

**Seconded Cr S Windle**

THAT Council receive the Engineering Services Department Monthly Report.

**Carried**

### **11.2 Warwick Art Gallery Financial Report**

#### **Resolution**

**Moved Cr R Kelly**

**Seconded Cr S Windle**

THAT Council receive the Warwick Art Gallery Financial Report for the financial year ended 30 June 2018, and note the contents.

**Carried**

## **12. PLANNING, ENVIRONMENT & CORPORATE SERVICES DEPARTMENT REPORTS**

### **12.2.1 Private Pressure Sewer Systems and Other Potential Suitable Treatment Systems**

#### **Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr Y Stocks**

THAT Council considers the development of a policy for the use of private pressure sewer systems and other potential suitable treatment systems outside the priority development area by 30 April 2019.

**Carried**



## 12.2 Reconfiguring a Lot - M & P Ough, 175 Bracker Road, Rosenthal Heights

### Resolution

Moved Cr N Meiklejohn

Seconded Cr R Kelly

THAT the application for Reconfiguration of Lot (1 lot into 3 lots and access easements), land at 175 Bracker Road, Rosenthal Heights, described as Lot 5 SP144656, 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 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 NSPIRE Planning & Design	102SP DA2	14 September 2018

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.

#### Easements and Covenants

3. Reciprocal easements for access purposes are to be provided over proposed Lots 1 and 2 in favour of Lots 2 and 3. A copy of the easement documentation is to be submitted to Council prior to the signing of the Plan of Subdivision.
4. Easements must be provided over all water, sewerage, electricity and communication infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Land Titles Act 1994*.

#### Car Parking and Vehicle Access

5. The internal driveways are to be designed and constructed to allow an 8.8 metre service vehicle to enter and leave the site in forward gear.
6. A sealed driveway at least 3.0 metres in width is to be constructed within the access easements to any rear allotment. The driveway is to connect from the road.

#### Roadworks

7. 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.
8. Sealed road widening, including mountable kerbing and channelling and stormwater drainage, is to be constructed along the Bracker Road frontage of the site. The road widening and kerbing and channelling are to match with the existing construction to the west of the site.

#### Water Supply and Waste water

9. A reticulated water supply system, up to and including water meters, is to be provided to service all allotments. This system is to be connected to Council's water supply system.
10. A sewerage reticulation system is to be provided to service all allotments. This system is to be connected to Council's wastewater sewerage system.

## **Electricity, Street Lighting and Telecommunications**

11. Underground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.

Evidence must be provided in the form of a certificate of supply from the relevant service providers, certifying that each lot has been provided with live electricity and telecommunication connections, in accordance with the requirements of the relevant authorities prior to Council signing the Plan of Subdivision.

12. In accordance with the Federal Government's National Broadband Network (NBN) initiatives, the Developer (at the Developer's expense) is to install a fibre ready pit and pipe network (including trenching and ducting, design and third party certification) to NBN Co's specifications, to allow for the installation of Fibre-to-the-Premises (FTTP) broadband services. Any fibre provider may be used, provided they meet NBN specifications and open access requirements. Ownership of the infrastructure is to be transferred to Telstra in exchange for the provision of fibre within that pit and pipe network. Prior to Council approving the plan of subdivision, written advice is to be provided from Telstra that the pit and pipe network has been installed in accordance with NBN Co's specifications.

## **Operational Works**

13. All operational works are to be accepted on-maintenance prior to the Council signing the Plan of Subdivision. (See advisory note below.)

### **Advisory Notes**

- (i) 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:
  - DA Form 1;
  - 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); and
  - An Erosion and Sediment Control Plan.

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

- (ii) 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.
- (iii) 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**

- (iv) 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.datsip.qld.gov.au](http://www.datsip.qld.gov.au)

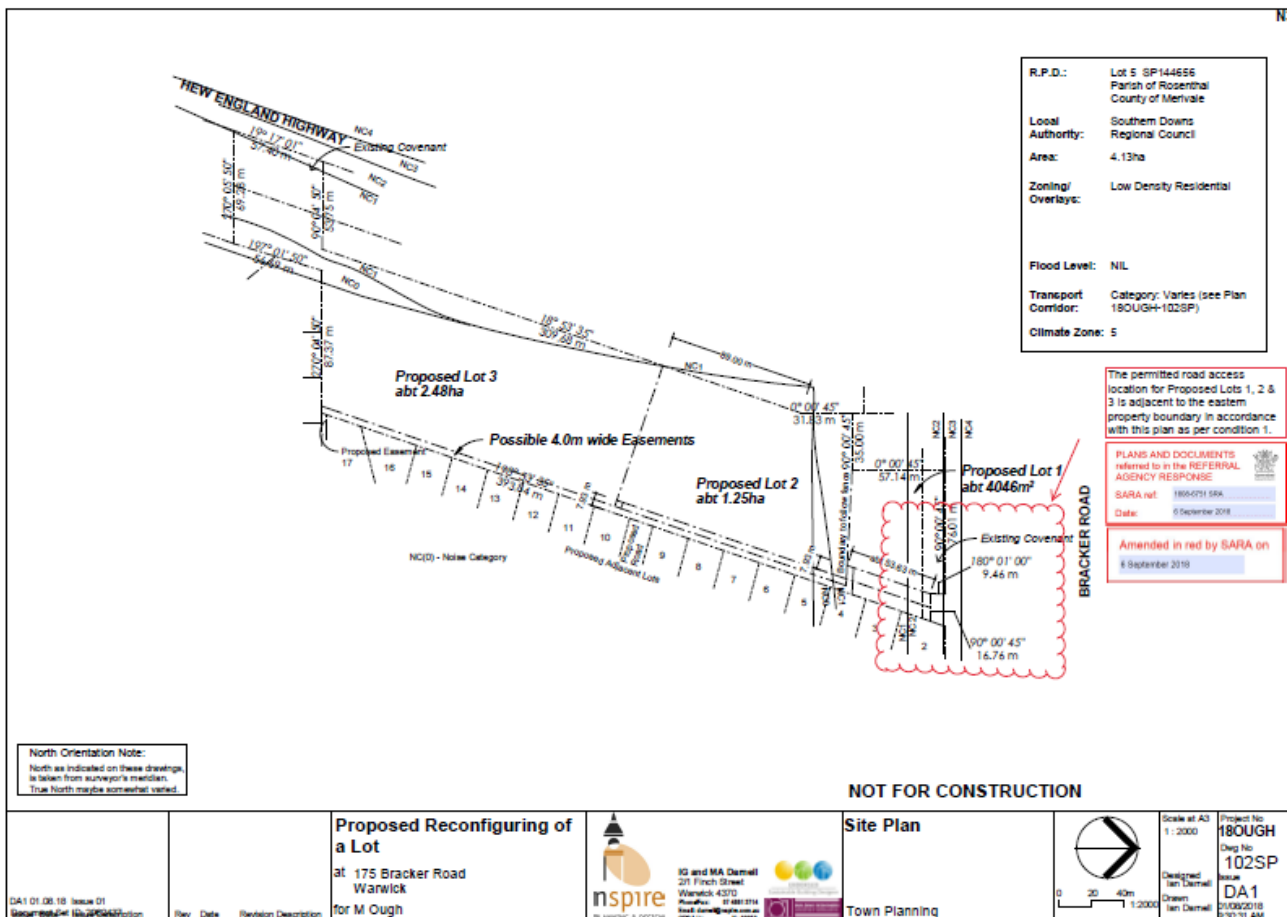
## Approval Times

- (v) In accordance with the *Planning Act 2016*, this approval will lapse four years from the day the approval takes effect, unless the Plan of Subdivision is submitted to Council within the currency period. **Council will NOT approve the plan unless all conditions of this approval have been complied with to the satisfaction of Council and within the currency period of the approval.**
- (vi) The approved Plan of Subdivision must be lodged for registration in the Office of the Registrar of Titles within six months of the date of Council's Compliance Certificate and approval of the Plan of Subdivision. If the Plan of Subdivision is not registered within this timeframe, Council's approval of the Plan of Subdivision will lapse. Council may reapprove the Plan of Subdivision subject to payment of the applicable fee.

## 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
<b>Reconfiguring a lot</b>		
10.9.4.2.1.1—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads (DTMR) 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.	The permitted road access location for Proposed Lots 1, 2 & 3 is adjacent to the eastern property boundary, in accordance with: <ul style="list-style-type: none"> <li>Site Plan prepared by NSpire Planning &amp; Design, dated 1 August 2018, Issue 1 (as amended in red).</li> </ul>	At all times.
2.	Road access works comprising resurfacing of the existing road access must be provided at the permitted access location, generally in accordance with DTMR's Planning and Design Manual (2nd Edition) and any other relevant manuals/standards/technical publications referenced therein.	Prior to submitting the Plan of Survey to the local government for approval.



**Carried**

10:15am Presentation of donations to Rural Aid from Stanthorpe Fitness Centre, YMCA Brisbane and Casual for a Cause

The meeting adjourned for morning tea at 10:20am and reconvened at 10:40am at which time there were present Cr Dobie, Stocks, Gow, McNally, McNichol, Pennisi, Windle, Kelly and Meiklejohn

*Cr Dobie declared a conflict of interest in Agenda Item 12.3 (as defined in section 175D of the Local Government Act 2009) due to the appointment of her husband to the Board of Killarney Memorial Aged Care Ltd and dealt with the conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter. Cr Dobie left the meeting at 10:41am and the Deputy Mayor took the Chair.*

## 12.3 Material Change of Use - Killarney Memorial Aged Care Ltd, Eucalyptus Street, Killarney

### Resolution

Moved Cr V Pennisi

Seconded Cr N Meiklejohn

THAT the application for Material Change of Use for the purpose of a Retirement facility (14 units) on land at 8 Eucalyptus Street and Olive Street, Killarney, described as Lot 12 RP65470 and Lot 2 RP123945, Parish of Killarney, County of Merivale, be approved subject to the following conditions:

### Schedule 1 - Southern Downs Regional Council Conditions

#### Approved Plans

- 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 – 14 Villas	1476-sk-00	28 May 2018
Site Sections	1476-sk-02	28 May 2018
Site Massing View from South East	1476-sk-03	28 May 2018
Retirement Unit Plan Type A West & South Side	1476-sk-05	28 May 2018
Roof Plan Type A	1476-sk-06	28 May 2018
Elevations Type A	1476-sk-07	28 May 2018
Sections Type A	1476-sk-08	28 May 2018
Retirement Unit Plan East Type C	1476-sk-010	28 May 2018
Roof Plan Type C	1476-sk-11	28 May 2018
Elevations East Type C	1476-sk-12	28 May 2018
Cover Sheet and Key Plan	SK01	28 June 2018
Landscape Layout Plan Part A	SK02	28 June 2018
Landscape Layout Plan Part B	SK03	28 June 2018
Landscape Layout Plan Part C	SK04	28 June 2018
Planting Palette	SK05	28 June 2018
Planting Palette	SK06	28 June 2018

- 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

- 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. The stages are approved as follows:
  - Stage 1 – Units 1 and 2 (Unit Type A), Units 13 and 14 (Unit Type C) and BBQ pavilion;
  - Stage 2 – Units 3, 4, 5, 6, 7 and 8 (Unit Type A); and
  - Stage 3 – Units 9, 10, 11 and 12 (unit Type C).

Stage 1 must be completed prior to Stage 2. Stage 2 must be completed prior to Stage 3.

#### Reconfiguration of a Lot

- The existing allotments are to be amalgamated into one allotment and a new Certificate of Title issued to cover the newly created allotment prior to the use of the site commencing.

### Land Use and Planning Controls

5. This approval allows for the use of the site for the following uses only:
  - Retirement facility (14 units)
6. The material change of use the subject of this development permit must be completed within a period of eight (8) years starting the day this development permit takes effect. The development permit will lapse in respect of each aspect of the material change of use that has not been completed within this period.

### Building and Site Design

7. The design, colours and materials of the building and pavement are to be in accordance with the Residential character of the area. **Details of the design, colours and materials of the building and pavement are to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the issue of any Development Permit for Building Work.** The building and pavement are to be constructed in the approved design, colours and materials.
8. Copies of the Certificates of Compliance for Plumbing and Drainage Works are to be provided to Council. (See advisory note below.)
9. Copies of the Form 11s (Certificate of Classification) issued for the building works including the demolition of the existing dwelling, are to be provided to Council prior to the use commencing. (See advisory note below.)

### Amenity and Environmental Controls

10. 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.
11. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
12. One set of wheelie bins (one general waste and one recycling bin) must be provided for each unit. The wheelie bins are to be stored within the rear courtyard of each dwelling unit and screened from view from all roads and public places. A concrete pad is to be provided for the two bins in an appropriate location within each courtyard.
13. Advertising Devices relating to the Retirement Facility may **only** be erected on the subject land, i.e. Lot 12 RP65470 and Lot 2 RP123945. The location, size, type and content of any advertising sign or device located on the land is to be compatible with the Residential character of the surrounding area. No advertising signs or devices are to be located on any other land, unless all applicable approvals are obtained under the Planning Scheme and the relevant local laws. No advertising signs or devices are to be located within the road reserve.
14. 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.
15. Lighting is to be provided within the development including adjacent to the internal driveways. Any lighting is to be located such that there is no interference with any residences. Details of the proposed lighting are to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the issuing of any Development Permit for Building Works. Lighting is to be provided in accordance with the approved plan.

### Fencing, Landscaping and Buffers

16. A screen fence 1.8 metres high shall be erected along the side and rear boundaries, to

provide visual screening. This screen fencing is to be provided at the developer's cost. This fencing shall reduce in height to be no more than 1.2 metres high within 6.0 metres of the road boundary.

17. **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.
18. Landscaped areas are to be provided on the site in accordance with Plan No. SK01, SK02, SK03 and SK04 dated 28 June 2018 prepared by LARK Landscape Architects and Urban Design. The landscaping is to include:
  - (a) concrete pathways, covered BBQ area and pergola;
  - (b) access to the covered BBA and pergola area is to be suitable for wheelchairs and other mobility aids;
  - (c) the vegetable and herb gardens are to be raised garden beds 700 mm off the ground with solid edges of at least 150 mm;
  - (d) water connections are to be provided within 10 metres of the raised garden beds;
  - (e) 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**

19. All vehicular access to and from the site must be via Eucalyptus Street only. If the Eucalyptus Street access is not available during an emergency, vehicles may access the site via Cedar Street, Pine Street or Olive Street.
20. A concrete industrial crossing is to be constructed at the Eucalyptus Street entrance to the site in accordance with Council's standard. (Council's Engineering Services Department can provide details regarding Council's standard.)
21. The internal driveways are to be designed and constructed to allow an 8.8 metre service vehicle to enter and leave the site in forward gear.
22. Car parking and driveways are to be provided on site in accordance Plan No. 1476-sk-00 dated 28 May 2018 prepared by Gary J Garnett and Associates Pty Ltd. All car parking, driveway and loading areas shall be constructed, sealed in concrete or asphalt, line marked, drained, laid out and regularly maintained.
23. 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"*.

### **Roadworks**

24. 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.
25. The redundant vehicle crossings in Eucalyptus Street are to be reinstated back to kerbing and channelling, and the footpath reinstated.

### **Stormwater Drainage**

26. The design, construction and operation of the stormwater drainage system must comply with the water quality objectives stated in the Assessment Benchmarks – Water Quality and

Appendix 2 of the State Planning Policy.

27. 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**

28. The connection to Council's reticulated water supply must be a combined fire and domestic metered connection located at a point nominated by Council.
29. The proposed dwelling units are to be connected to Council's reticulated water supply system and sewerage system in accordance with the *Queensland Plumbing and Wastewater Code*. A separate water connection (including water meter) is to be provided for each dwelling unit within the development.

#### **Pedestrian Works**

30. A pedestrian crossing, with appropriate signage, is to be provided in Eucalyptus Street to provide connectivity between the Retirement facility and the Killarney Memorial Age Care facility.
31. Concrete pedestrian footpaths, 2.0 metres in width and including perambulator ramps at the kerbs and tactile ground service indicators, are to be constructed within the footpaths on both sides of Eucalyptus Street in accordance with Drawing No. 1476-sk-00, dated 28 May 2018 prepared by Gary J Garnett and Associates Pty Ltd. The footpaths are to connect to the internal pathway within the Retirement facility and align with the pedestrian crossing.

#### **Electricity, Street Lighting and Telecommunications**

32. Underground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
33. In accordance with the Federal Government's National Broadband Network (NBN) initiatives, the Developer (at the Developer's expense) is to install a fibre ready pit and pipe network (including trenching and ducting, design and third party certification) to NBN Co's specifications, to allow for the installation of Fibre-to-the-Premises (FTTP) broadband services. Any fibre provider may be used, provided they meet NBN specifications and open access requirements. Ownership of the infrastructure is to be transferred to Telstra in exchange for the provision of fibre within that pit and pipe network. Prior to commencement of the use, written advice is to be provided from Telstra that the pit and pipe network has been installed in accordance with NBN Co's specifications.

#### **Operational Works**

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

#### **Infrastructure Charges Notice**

35. Payment of \$85,000 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 *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) Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Workplace Health and Safety* legislation and *Public Health Act 2005*.
- (v) **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.
- (vi) **Building Approval is to be obtained** for a Class 2 in accordance with the *Planning Act 2016* for the proposed building work and the demolition of the existing buildings. The building application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. The building plans are to accord with the plans approved in this approval. The building is to be constructed in accordance with the Building Approval prior to the commencement of the use. A **Form 11 (Certificate of Classification) must be issued for the building works prior to the use commencing**.
- (vii) 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:
  - DA Form 1;
  - 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.Operational Works shall be subject to a 12 months Defect Liability Period commencing from the day the works are accepted on-maintenance. A bond will be held by Council as security, and refunded following a defect-free inspection at the end of the Defect Liability Period.
- (viii) 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.
- (ix) 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.

- (x) All Development Permits for Operational Works and Compliance Permits for Plumbing and Drainage Works should be obtained prior to the issue of a Development Permit for Building Works.
- (xi) 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**

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

**Carried**

*10:44 AM Mayor T Dobie rejoined the meeting and took the Chair*

The meeting adjourned at 10:44am to welcome the Miss Rodeo America, Kerri Sheffield; Miss Rodeo Canada, Brittney Chomistek; and Miss Rodeo Australia, Ashleigh Grant, and reconvened at 11:10am with all Councillors present.

### **12.4 Operational Plan Quarterly Review July to September 2018.**

#### **Resolution**

**Moved Cr S Windle**

**Seconded Cr R Kelly**

THAT Council receive the contents of the Operational Plan Quarterly Review – July to September 2018.

**Carried**

### **12.5 Proposed sale of Council owned land - Leslie Parade**

#### **Resolution**

**Moved Cr V Pennisi**

**Seconded Cr R Kelly**

THAT Council:

1. Approve the advertising by public tender, the sale of Lot 67 and Lot 68 on RP12361 situated at Leslie Parade, Stanthorpe as these Lots are surplus to Council’s requirements;
2. Grant delegated authority to the Chief Executive Officer to negotiate the sale of these Lots.

**Carried**

## **12.6 Invasive Pests Control Scheme Update**

### **Resolution**

**Moved Cr C Gow**

**Seconded Cr N Meiklejohn**

THAT Council receive the progress report on the implementation of the 2018/2019 Invasive Pests Control Scheme (IPCS).

**Carried**

## **12.9 2017-18 Annual Report**

### **Resolution**

**Moved Cr J McNally**

**Seconded Cr Y Stocks**

THAT Council adopt the Annual Report for Southern Downs Regional Council for the period 1 July 2017 to 30 June 2018.

**Carried**

## **12.1 Request to Remove a Place from the Local Heritage Register - Stanthorpe Presbyterian Church, 14 Leslie Parade, Stanthorpe**

### **Resolution**

**Moved Cr S Windle**

**Seconded Cr Y Stocks**

THAT Council resolves to remove the following place from the Local Heritage Register:

Listing No. 696, Stanthorpe Presbyterian Church, Lot 64 RP806034, 14 Leslie Parade, Stanthorpe.

**Carried**

## **12.7 The Queensland Plan Review Submission**

### **Resolution**

**Moved Cr S Windle**

**Seconded Cr Y Stocks**

THAT Council:-

1. Provide the attached responses within the online feedback form as its submission to the Department of Premier and Cabinet's Queensland Plan review.
2. Include the Shaping Southern Downs document as part of its submission.

**Carried**

### **Attachments**

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

## **12.8 Quarterly Report on Development Approvals for the July to September quarter 2018**

### **Resolution**

**Moved Cr S Windle**

**Seconded Cr Y Stocks**

THAT Council receives the report and notes its contents.

**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**

Nil

## **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 for Tender - Emu Swamp Dam Approvals**

#### **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.

### **16.2 Request for Temporary Relaxation of Recycled Water Charges**

#### **Reason for Confidentiality**

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

### **16.3 RFT 18\_168 Supply, Delivery and Long Term Hire of 3 Steel Drum Rollers**

#### **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.

### **16.4 Tender 19\_033 Construct Outdoor Burial Wall - Warwick Cemetery**

#### **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 September 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.

### **16.6 Funding Programs**

#### **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 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.

### **16.8 Flying Fox Management**

**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.

**16.9 Audit and Risk Management Committee Meeting - 10 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.

**Meeting In Camera**

**Resolution**

**Moved Cr J McNally**

**Seconded Cr M McNichol**

THAT the meeting move into closed session.

**Carried**

The Meeting moved into closed session at 11:54am.

11:54 AM Cr V Pennisi left the meeting during discussion on Agenda Item 16.1.

12:43 PM Cr V Pennisi rejoined the meeting.

**Meeting Out Of Camera**

**Resolved**

THAT the meeting resume in open session at 1:24pm.

**Carried**

*Cr Pennisi declared a conflict of interest in Agenda Item 16.1 (as defined in section 175C of the Local Government Act 2009) due to his role as Chair of the Stanthorpe Community Reference Panel whose members have vested interests in this project and the Panel is being used to review chapters of the detailed business case for the Granite Belt Irrigation Project. Cr Pennisi advised he would deal with the conflict of interest by leaving the meeting room and taking no part in the debate or decision on the matter. Cr Pennisi left the room at 1:25pm.*

**16.1 Request for Tender - Emu Swamp Dam Approvals**

**Resolution**

**Moved Cr M McNichol**

**Seconded Cr R Kelly**

THAT Council place the Emu Swamp Dam Approvals on the market place through a tender process.

**Carried**

1:26pm Cr Pennisi rejoined the meeting

## **16.2 Request for Temporary Relaxation of Recycled Water Charges in Warwick**

### **Resolution**

**Moved Cr R Kelly**

**Seconded Cr S Windle**

THAT Council resolve to not charge for any further usage of recycled water in Warwick while the region is severely drought affected.

**Carried**

## **16.3 RFT 18\_168 Supply, Delivery and Long Term Hire of 3 Steel Drum Rollers**

### **Resolution**

**Moved Cr R Kelly**

**Seconded Cr S Windle**

THAT Council enter into a contract with Conplant for the Supply, Delivery and Long Term Hire of 3 Steel Drum Rollers.

**Carried**

## **16.4 Tender 19\_033 Construct Outdoor Burial Wall - Warwick Cemetery**

### **Resolution**

**Moved Cr R Kelly**

**Seconded Cr S Windle**

THAT Council:

1. Allocate additional funding in the 2018/19 Capital Budget to complete the construction of the Warwick Cemetery Outdoor Burial Wall: Block 1, hearse parking area, pathway and associated site works; and
2. Enter into a contract with Taddio Building Group ABN 77 642 538 189 to construct the Warwick Cemetery Outdoor Burial Wall: Block 1, hearse parking area, pathway and associated site works.

**Carried**

## **16.5 September 2018 Monthly Report from Warwick Indoor Recreation and Aquatic Centre from YMCA Brisbane**

### **Resolution**

**Moved Cr J McNally**

**Seconded Cr Y Stocks**

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

**Carried**

*Cr Windle declared that a perceived conflict of interest in Agenda Item 16.6 (as defined in section 175D of the Local Government Act 2009), may exist due to her role as President of the Warwick Hockey Association. 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 and asked Council to consider her participation in the discussion and vote on this matter. Following a resolution from Council, Cr Windle participated in the discussion and voting on this matter.*

## **16.6 Funding Programs**

### **Resolution**

**Moved Cr J McNally**

**Seconded Cr Y Stocks**

THAT Council submit funding applications for the following projects:

Building Better Regions Fund (BBRF) Round 3 - Infrastructure Projects Stream

- New Stanthorpe Art Gallery.
- Warwick Saleyards - Concreting of truck turning areas (stage 1) and entrance to complex.

Building Better Regions Fund (BBRF) Round 3 - Community Investments Stream

- Sustainability Strategic Plan.

2019-20 Cycle Network Local Government Grants Program

- Construction of McGlew Street shared path and widening of Funkers Gap Creek Crossing and Quart Pot Creek Bridge/shared path.
- Rebuild of shared path in Stanthorpe from Funkers Gap Creek Crossing and Quart Pot Creek Bridge south to Maryland Street, approximately 1.1km including crossings of Lock, Railway and Folkstone Streets.

Drought Communities Programme

- Indestructible Water Standpipes for Yangan and Allora
- Rejuvenation of bores
- Community Halls – Capital improvements and maintenance
- Community and sporting organisations – Rain water tanks and water saving devices
- Water carting

Rural Economic Development Grants Scheme

- New lamb pens at the Warwick Saleyards

**Carried**

*Cr Windle voted for the motion*



## 16.7 Proposed sale of Council owned land

### Resolution

**Moved Cr N Meiklejohn**

**Seconded Cr J McNally**

THAT Council:

1. Resolves to terminate the agreement made 27 March 1998 between the former Stanthorpe Shire Council and Tagon Administrators Pty Ltd in respect of Tagon's use of Lot 2 RP89156 and Lot 2 RP907833.
2. Advertise for Tenders for the disposal of Lot 2 RP907833.
3. Grant Delegated Authority to Council's Chief Executive Officer to negotiate and finalise the sale of Lot 2 RP907833.

**Carried**

*Cr Pennisi voted against the motion*

## 16.8 Flying Fox Management

### Resolution

**Moved Cr C Gow**

**Seconded Cr M McNichol**

THAT Council note regulations surrounding management of flying fox roosts and proposed management activities for 2018/2019.

**Carried**

## 16.9 Audit and Risk Management Committee Meeting - 10 October 2017

### Resolution

**Moved Cr J McNally**

**Seconded Cr R Kelly**

THAT Council adopt the minutes and attachments to the minutes from the Audit and Risk Management Committee meeting held on 10 October 2018.

**Carried**

## MEETING CLOSURE

There being no further business, the meeting closed at 1:33pm.