



**MINUTES OF THE
GENERAL MEETING OF COUNCIL
22 JANUARY 2020**

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**MINUTES OF THE GENERAL COUNCIL MEETING OF
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 22 JANUARY 2020 IN THE
COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,
61 MARSH STREET, STANTHORPE AT 9:00AM**

ACKNOWLEDGEMENT TO COUNTRY

1. PRAYERS & CONDOLENCES

Pastor Ben Boland offered a prayer for the meeting and acknowledged condolences

2. ATTENDANCE

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

Officers: Jane Stroud (Acting Chief Executive Officer) Seren McKenzie (Director Infrastructure Services), Joanne Morris (Director Corporate and Community Services), Craig Magnussen (Acting Director Sustainable Development), Alana Prosser (Minute Secretary)

3. APOLOGIES

Nil

4. READING AND CONFIRMATION OF MINUTES

4.1 General Council Meeting - 18 December 2019

Resolution

Moved Cr N Meiklejohn

Seconded Cr M McNichol

THAT the minutes of the General Council Meeting held on Wednesday 18 December 2019 be adopted.

Carried

4.2 Special Council Meeting - 14 January 2020

Resolution

Moved Cr S Windle

Seconded Cr M McNichol

THAT the minutes of the Special Council Meeting held on Tuesday 14 January 2020 be adopted.

Carried

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Previous Council Meetings

Resolution

Moved Cr N Meiklejohn

Seconded Cr M McNichol

THAT Council receive the report and note the contents.

Carried

6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precise	Nature of Conflict
12.2	Water Contingency Plan	Cr Pennisi declared a real conflict of interest in this matter (as defined in section 175 of the <i>Local Government Act 2009</i>) due to numerous complaints lodged against him in relation to his involvement in Emu Swamp Dam. He is also the ex-Chair of the Stanthorpe Community Reference Panel and ex Director of Emu Swamp Dam Pty Ltd and Granite Belt Water Ltd. He believed the agenda item sought to receive a report that is available publicly. Cr Pennisi believes his personal interest is not of sufficient significance that it would lead him to making a decision on the matter that is contrary to the public interest. He believed he would best perform his responsibility of serving the overall public interest of the whole of the Council area by participating in the discussion and voting on this matter. However given that there is a current investigation taking place, he would be leaving the room, taking no part in the debate or decision on the matter.
13.1	Change to an Existing Approval – XCD (Aust) Pty Ltd, 601 Eukey Road, Storm King	Cr Pennisi declared a perceived conflict of interest in this matter (as defined in section 175 of the <i>Local Government Act 2009</i>) due to his development of a business of similar nature on Eukey Road. His target market and offer is of a different nature nonetheless. He would leave the room, taking no part in the debate or decision on the matter.
13.2	Material Change of Use – Gary Hayes & Partners Pty Ltd, Barlows Gate Road, Elbow Valley	Cr Windle declared a Material Personal Interest in this matter (as defined in section 175 of the <i>Local Government Act 2009</i>) due to her son's fiancée's parents being submitters against this application and dealt with the Material Personal Interest by leaving the meeting room, taking no part in the debate or decision on the matter.
13.2	Material Change of Use – Gary Hayes & Partners Pty Ltd, Barlows Gate Road, Elbow	Cr McNally declared a perceived conflict of interest in this matter (as defined in section 175 of the <i>Local Government Act 2009</i>) due to her husband's parents owning two properties in the area on

	Valley	Cullendore and Dereen Roads. Cr McNally dealt with the perceived conflict of interest by stating that it was her determination that her personal interest is not of sufficient significance that it would lead to her making a decision on this matter that is contrary to the public interest and asked Council to consider her participation in the discussion and vote on this matter. Following a resolution from Council, Cr McNally participated in the discussion and voting on this matter.
13.7	Stock Route Management Review Submission	Cr Pennisi declared that a conflict of interest in this matter (as defined in section 175 of the <i>Local Government Act 2009</i>), may exist due to currently having numerous complaints lodged against him in relation to his involvement in Emu Swamp Dam. He is also the ex-Chair of the Stanthorpe Community Reference Panel and ex Director of Emu Swamp Dam Pty Ltd and Granite Belt Water Ltd. Cr Pennisi believed that unless there was a decision to be made in relation to long term water security, his personal interest is not of sufficient significance that it would lead him to making a decision on the matter that is contrary to the public interest, and would best perform his responsibility of serving the overall public interest of the whole of the Council area by participating in the discussion and voting on this matter. However he acknowledged that Councillors should determine pursuant to section 175E(4) of the Local Government Act 2009 whether he had a real COI or a perceived COI and whether he must leave the meeting or participate in the meeting. Following a resolution from Council, Cr Pennisi participated in the discussion and voting on this matter.
17.1	Application for Rates Deferral – PID 93980	Cr Pennisi declared a real conflict of interest in this matter (as defined in section 175 of the <i>Local Government Act 2009</i>) due to a previous complaint lodged against him in relation to his involvement with someone on the De-amalgamation Committee. The complaint was not sustained. This report is in relation to a member of the same Committee. A sibling of the applicant was an executive member of the De-amalgamation Committee. Cr Pennisi is currently on a Committee together with the sibling of the applicant. He does not believe his personal interest is of sufficient significance that it would lead him to making a decision on the matter that is contrary to the public interest. However given the attention he received in the past, the current investigations, and his involvement with the sibling of the applicant, he will declare a real Conflict of Interest and leave the room for the discussion and the vote.

6.1 Conflict of Interest - Cr Pennisi - Agenda Item 13.7

Resolution

Moved Cr C Gow

Seconded Cr M McNichol

THAT Cr Pennisi has a perceived Conflict of Interest in Agenda Item 13.7 due to currently having numerous complaints lodged against him in relation to his involvement in Emu Swamp Dam and as the ex-Chair of the Stanthorpe Community Reference Panel and ex-Director of Emu Swamp Dam Pty Ltd and Granite Belt Water Ltd, and notwithstanding the conflict, Cr Pennisi may participate in discussion on the matter and vote.

Carried

6.2 Conflict of Interest - Cr McNally - Agenda Item 13.2

Resolution

Moved Cr Y Stocks

Seconded Cr R Kelly

THAT Cr McNally has a perceived Conflict of Interest in Agenda Item 13.2 due to her husband's parents owning two properties in the area on Cullendore and Dereen Roads, and notwithstanding the conflict, Cr McNally may participate in discussion on the matter and vote.

Carried

7. MAYORAL MINUTE

7.1 Mayoral Minute

Resolution

Moved Cr M McNichol

Seconded Cr S Windle

THAT Council receive the Mayoral Minute for January 2020.

Carried

8. READING AND CONSIDERATION OF CORRESPONDENCE

8.1 Correspondence

Resolution

Moved Cr N Meiklejohn

Seconded Cr M McNichol

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

Carried

9. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

Nil

10. EXECUTIVE SERVICES REPORTS

10.1 Quarterly People and Culture Report

Resolution

Moved Cr Y Stocks

Seconded Cr S Windle

THAT Council receive the Quarterly People and Culture Report and note the contents.

Carried

10.2 Change of Date: February 2020 General Council Meeting

Resolution

Moved Cr J McNally

Seconded Cr R Kelly

THAT Council resolve to change the date of the February 2020 General Council Meeting to Wednesday, 19 February 2020.

Carried

11. CORPORATE SERVICES REPORTS

11.1 Financial Report as at 31 December 2019

Resolution

Moved Cr R Kelly

Seconded Cr J McNally

THAT Council receive and note the Financial Report as at 31 December 2019.

Carried

11.2 Operational Plan Quarterly Review - October to December 2019

Resolution

Moved Cr J McNally

Seconded Cr S Windle

THAT Council receive the contents of the Operational Plan Quarterly Review – October to December 2019.

Carried

11.3 Second Quarter Budget Review 2019/2020

Resolution

Moved Cr J McNally

Seconded Cr R Kelly

THAT Council adopt the Amended 2019/20 Budget as presented in the Attachments to the report.

Carried

Attachments

1. Proposed Operating Budget for 2019-2020 - **Attached to the Minutes Under Separate Cover**

11.4 Adoption of Southern Downs Regional Council Rebates and Concessions Policy

Resolution

Moved Cr Y Stocks

Seconded Cr S Windle

THAT Council:

1. Adopt the PL-FS076 Rebates and Concessions Policy.
2. Consider inclusion in the 2020/2021 budget the continuation of the water tank rebate scheme, for those connected to reticulated water.

Carried

Attachments

1. PL-FS076 Rebates and Concessions Policy - **Attached to the Minutes Under Separate Cover**

The meeting adjourned at 10.00am and reconvened at 10.15am at which time there were present Crs Dobie, McNally, Stocks, Windle, Kelly, Meiklejohn, Gow, Pennisi and McNichol.

12. INFRASTRUCTURE SERVICES REPORTS

12.1 Infrastructure Services Directorate Monthly Report

Resolution

Moved Cr R Kelly

Seconded Cr M McNichol

THAT Council receive the Infrastructure Services Directorate Monthly Report.

Carried

Cr Pennisi declared a real conflict of interest in Agenda Item 12.2 (as defined in section 175 of the Local Government Act 2009) due to numerous complaints lodged against him in relation to his involvement in Emu Swamp Dam. He is also the ex-Chair of the Stanthorpe Community Reference Panel and ex Director of Emu Swamp Dam Pty Ltd and Granite Belt Water Ltd. He believed the agenda item sought to receive a report that is available publicly. Cr Pennisi believes his personal interest is not of sufficient significance that it would lead him to making a decision on the matter that is contrary to the public interest. He believed he would best perform his responsibility of serving the overall public interest of the whole of the Council area by participating in the discussion and voting on this matter. However given that there is a current investigation taking place, he

would be leaving the room, taking no part in the debate or decision on the matter. Cr Pennisi left the meeting at 10.17pm.

12.2 Water Contingency Plan

Resolution

Moved Cr N Meiklejohn

Seconded Cr R Kelly

THAT Council receive the Southern Downs Water Contingency Plan.

Carried

10:37 am Cr V Pennisi rejoined the meeting.

12.3 Request to Name Council Access Road (Private)

Resolution

Moved Cr R Kelly

Seconded Cr Y Stocks

THAT Council:

1. Adopt O'Connell Street as the official name for the Council access road (private)
2. Install a "No Through Road" sign;
3. Note on Council's mapping system that the road is maintained by Council.

Carried

Cr Pennisi declared a perceived conflict of interest in Agenda Item 13.1 (as defined in section 175 of the Local Government Act 2009) due to his development of a business of similar nature on Eukey Road. His target market and offer is of a different nature nonetheless. He would leave the room, taking no part in the debate or decision on the matter. Cr V Pennisi left the meeting at 10.41am.

13. SUSTAINABLE DEVELOPMENT REPORTS

13.1 Change to an Existing Approval - XCD (Aust) Pty Ltd, 601 Eukey Road, Storm King Resolution

Moved Cr N Meiklejohn

Seconded Cr R Kelly

THAT the application for Material Change of Use for Short-term accommodation (Food and drink outlet and Function facility), on land at 601 Eukey Road, Storm King, described as Lot 2 RP192005, Parish of Folkestone, County of Bentinck 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	NA	Submitted to Council - 12 June 2015
Site Plan (Location of disability access cabin only)	File Ref:1015238	Submitted to Council 6 March 2018
Disability Access Cabin Indicative Floor Plan	File Ref: 1015238	Submitted to Council 6 March 2018
Cabin B1	15/601.2	3 February 2015
Cabin B2	15/601.6	3 February 2015
Cabin B2 Elevations	15/601.7	3 February 2015
Function room (communal area)	15/601.11	3 February 2015
Function room elevation	15/601.12	3 February 2015
Proposed function room layout	15/601.13	3 February 2015
Site Layout Plan (Location of Proposed Function Centre only) Prepared by Ian Darnell	19BANK 101SP DA1	17 October 2019
Floor Plan Prepared by Ian Darnell	19BANK 110FP DA1	17 October 2019
Elevations 1 of 2 Prepared by Ian Darnell	19BANK 201EL DA1	17 October 2019
Sections Cross Prepared by Ian Darnell	19BANK 301ST DA1	17 October 2019
External Perspectives Prepared by Ian Darnell	19BANK 431PD DA1	17 October 2019

Land Use and Planning Controls

- The ~~communal area~~ Food and drink outlet and Function facility is not to be used only by exceed a maximum of 50 patrons attending the facility at any one time associated with the Short term accommodation. The communal area is not to be utilised by persons not residing on the site.
- The approved accommodation must be used for short term guests only. The approved units must not be occupied by persons for the purpose of permanent accommodation, excluding those persons in a manager's resident for the premises. The maximum number of guests accommodated at any one time must not exceed 20 persons.
- No person is to reside in any building identified for tourist accommodation for more than 45 days consecutively, or more than 90 days in any 12 month period.

5. No materials or goods associated with the development are to be displayed or stored within the car park or landscaped areas, or outside the boundaries of the site.

Building and Site Design

6. The cabins are to be set back at least as follows:
- Proposed cabin one - approximately 120 metres from both the southern and northern boundaries.
 - Proposed cabin two - 65 metres from the northern boundary.
 - Proposed cabin three - 85 metres from the northern boundary.
 - Proposed cabin four - 60 metres from the southern boundary.
 - Proposed cabin five - 85 metres from the southern boundary.
 - Proposed cabin six - 85 metres from the southern boundary.
 - Proposed cabin seven - 85 metres from the northern boundary, and 85 metres from the eastern boundary, which is common with Storm King Dam.
 - Proposed Disability Access cabin – 60 metres from the northern boundary.
7. The design, colours and materials of the buildings are to be in accordance with the rural character of the area. The buildings are to be constructed in accordance with the approved plans.
8. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)
9. A copy of the Form 21 (Final Inspection Certificate) issued for the building works is to be provided to Council prior to the use commencing. (See advisory note below.)

Amenity and Environmental Controls

10. Noise levels emitted from the **Short-term accommodation** premises must not exceed 5dB(A) above the background noise levels in the locality when measured from the nearest part of an affected residential dwelling. ~~The applicant is to note that this may include the need to use noise attenuating materials in the communal centre.~~
11. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
12. No effluent is to drain from the site or into any watercourse, including Storm King Dam.
13. Advertising Devices relating to the Short term accommodation may **only** be erected on the subject land, i.e. Lot 2 RP192005. 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.
14. All service equipment and refrigeration units are to be positioned and housed so as not to cause nuisance or disturbance to persons or property not connected with the development.
15. Any lighting device is to be so positioned and shielded so as not to cause any glare nuisance to any nearby residential property or passing motorist, or to shine upwards into the night sky.
- 15A. A Bushfire Management Plan, prepared by a suitably qualified person and addressing the entire property is to be submitted to and approved by Council's Planning Department. Recommendations of the approved Bushfire Management Plan are to be implemented.**

Fencing, Landscaping and Buffers

16. Landscaping is to be provided near the entrance to each proposed cabin. The landscaping is

to ~~be~~ comprise of native plants.

17. Any additional landscaping required to satisfy this condition is to be planted within six (6) months of the Queensland Government's drought declaration being revoked for the Southern Downs Regional Council area. Tree planted buffer strips of at least five (5) metres in width are to be provided as follows:

- Adjacent to the northern boundary of the subject land, from the ~~communal area~~ Food and drink outlet and Function facility to proposed disability access cabin; ~~and~~
- Adjacent to the southern boundary ~~to~~ of the subject land, from proposed cabin four to cabin six; ~~and~~
- Within the existing landscaping to the east of the proposed Food and drink outlet and Function facility.

~~So as to minimise the visual impact of the development from adjoining properties.~~ Within the buffer areas, existing native vegetation is to be retained. The buffer areas are to include random plantings of a variety of native trees and shrubs of differing growth habits are to be provided at spacings of 4-5 metres. The trees and shrubs must be of species that are fast growing, frost resistant and drought hardy. The buffer is to have a mature tree height of at least 3.0 metres. The vegetated buffers are to be maintained so they form an effective buffer.

18. **A Landscaping Plan is to be submitted to and approved by the Director Planning, Environment and Corporate Services Sustainable Development prior to the planting of the treed buffers or the garden.** 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. The site is to be landscaped and maintained in accordance with the approved Landscaping Plan.

- 18A. The proposed building footprint is to be enclosed along the northern, eastern and southern elevations to define the outdoor area. **Details of the proposed fencing are to be submitted to and approved by the Planning Department prior to the issue of a Development Permit for Building Work.** Fencing is to be provided and maintained in accordance with the approved details.

Car Parking and Vehicle Access

19. A sealed vehicle access is to be constructed to the site in accordance with Council's standard. (Council's ~~Development and Environment Engineer Engineering Services Department~~ can provide details regarding Council's standard.) The location of the existing access to Eukey Road is considered appropriate.
20. An all-weather driveway is to be constructed to each proposed cabin, or a communal carpark area associated with the cabins.
21. One designated car parking space is to be provided in close proximity to each cabin.
- 21A. **At least fourteen (14) car parking spaces are to be provided adjacent to the Food and drink outlet and Function facility. Provision is to be made for disabled parking.**
- 21B. **Directional signage must be installed on entry and exit of the site to direct traffic into the venue. Appropriate signage is to be included on the property to direct vehicles when exiting the property. Signage plans must be submitted to and approved by the Director Sustainable Development prior to the erection of the signs.**

Roadworks and Stormwater Drainage

22. 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 Infrastructure~~ Services.
23. 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 legal points of discharge, which may include adjoining properties, shall be provided to Council, at the developer's cost.

Water Supply and Sewerage

24. At least 67,500 litres of on-site water storage must ~~to~~ be provided on site, to service the cabins.
- 24A. At least 45,000 litres of on-site water storage must be provided on site, to service the Food and drink outlet and Function facility. Any water allocated for drinking water must be treated before use.
25. ~~All sewerage generated from this property must be collected and disposed of by means of an on-site sewerage facility (OSSF) suitable Advanced secondary septic system in accordance with the AS/NZS 1547:2012 - On-site Domestic Wastewater Management, Queensland Plumbing and Wastewater Code. An approval for plumbing and drainage works must be obtained in accordance with the Standard Plumbing and Drainage Act 2002 Regulation 2018 prior to the septic system being installed.~~

Infrastructure Charges Notice

26. Payment of \$12,000.00 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.
* \$12,000.00 was paid in full on 11 April 2019.
- 26A. Payment of \$3,982.44 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 and Environment~~ Sustainable Development, 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 2016~~ and would have to comply with the requirements of the Planning Scheme.
- (iii) ~~If food is to be provided to guests, a~~ An application for licence under the ~~Food Act 2006~~ ~~are~~ is to be submitted to Council prior to ~~any food being provided to the guests~~ the commencement of the Food and drink outlet and Function facility use.
- (iv) An application must be submitted and approved by Council for a permit under Local Law for rental accommodation.
- (v) **Plumbing and Drainage Approval is to be obtained** in accordance with the ~~Plumbing and Drainage Act 2002 2018~~ 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** in accordance with the ~~Sustainable Planning Act 2009 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) An application must be submitted and approved by Council for a permit under Southern Downs Regional Council's Local Law No. 1.15 (Carrying out Works on a Road or Interfering with a Road or its operation).
- (viii) Council does not have accurate flood information for this property and therefore cannot determine the height of a Defined Flood Event (DFE). There is no guarantee of flood immunity.
- (ix) The Queensland Office of Liquor and Gaming Regulation (OLGR) are the regulatory authority responsible for issuing a Liquor Licence to the venue, and imposing conditions on a Liquor Licence to ensure that the premises operates in a manner that does not cause unreasonable noise. OLGR are responsible for investigating any complaints relating to noise associated with the premises. All licensees have an obligation to ensure that noise from the Licenced premises is not unreasonable and/or does not exceed the noise limit that is a condition of their liquor licence.

Aboriginal Cultural Heritage

- (x) ~~(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

Carried

10:46 am Cr V Pennisi rejoined the meeting.

Cr Windle declared a Material Personal Interest in Agenda Item 13.2 (as defined in section 175 of the Local Government Act 2009) due to her son's fiancée's parents being submitters against this application and dealt with the Material Personal Interest by leaving the meeting room, taking no part in the debate or decision on the matter. Cr S Windle left the meeting at 10.47am

Cr McNally declared a perceived conflict of interest in Agenda Item 13.2 (as defined in section 175 of the Local Government Act 2009) due to her husband's parents owning two properties in the area on Cullendore and Dereen Roads. Cr McNally dealt with the perceived conflict of interest by stating that it was her determination that her personal interest is not of sufficient significance that it would lead to her making a decision on this matter that is contrary to the public interest and asked Council to consider her participation in the discussion and vote on this matter. Following a resolution from Council, Cr McNally participated in the discussion and voting on this matter.

13.2 Material Change of Use - Gary Hayes & Partners Pty Ltd, Barlows Gate Road, Elbow Valley

Resolution

Moved Cr R Kelly

Seconded Cr N Meiklejohn

THAT the application for Material Change of Use for Intensive animal industry (Cattle feedlot – 9,400 SCU) on land at Barlows Gate Road, Elbow Valley, described as Lot 1700 M34613, Lot 3 RP77097, 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 Prepared by Gary Hayes and Partners	W5307-07	11 September 2019
Site Plan Prepared by Gary Hayes and Partners	W5307-07 A	11 September 2019
Site Plan – Waste Utilisation Areas Prepared by Gary Hayes and Partners	W5307-07 B	11 September 2019
Site Plan – Controlled Drainage Areas 1 and 2 Prepared by Gary Hayes and Partners	W5307-07 C	11 September 2019
Site Plan – Controlled Drainage Area 3 Prepared by Gary Hayes and Partners	W5307-07 D	11 September 2019

- 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 approval stages are as follows:

Stage one – 3,500 Standard Cattle Units over existing pads.

Stage two – 5,900 Standard Cattle Units over new pads.

Land Use and Planning Controls

- This approval allows for the use of the site for the following uses only:
 - Intensive animal industry – cattle feedlot not exceeding 9,400 standard cattle units.
- The material change of use the subject of this development permit must be completed within a period of 6 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.
- The development shall generally operate only between the hours of 5.00am to 10.00pm.
- Prior to the issue of any building approval the existing allotments, Lot 3 RP77097 and Lot 1700 M34613, 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.

ALTERNATIVELY,

A statutory covenant is to be provided over Lot 3 RP77097 and Lot 1700 M34613 to retain these lots in the same ownership until such time as the use of the land for an Intensive animal industry ceases. The covenant documentation is to be prepared at the developer's cost and submitted to Council for approval.

Building and Site Design

8. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)
9. A copy of the Form 21 (Final Inspection Certificate) issued for the building works is to be provided to Council prior to the use commencing. (See advisory note below.)

Amenity and Environmental Controls

10. Advertising Devices relating to the feedlot may **only** be erected on the subject land, i.e. Lot 1700 M34613, Lot 3 RP77097. 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.
11. 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.

Car Parking and Vehicle Access

12. No B-Doubles are to access the land for purposes associated with the Intensive animal industry without the relevant permits.

Roadworks

13. Prior to Stage One commencing, sealed road widening of Barlows Gate Road, from the Cullendore Road intersection to chainage 700 metres, is to occur to achieve a sealed width of at least 6.0 metres, including stormwater drainage.
14. Prior to Stage One commencing, gravel road widening of Barlows Gate Road, from the sealed section to the access of Lot 1700 M34613, is to occur to achieve a minimum width of at least 6.0 metres, including stormwater drainage.
15. Prior to Stage Two commencing, sealed road widening of Barlows Gate Road, from the Cullendore Road intersection to the access of Lot 1700 M34613, is to occur to achieve a sealed width of at least 6.0 metres, including stormwater drainage.

Water Supply and Waste water

16. Written evidence from the Department of Natural Resources, Mines and Energy is to be provided to the Director Sustainable Development outlining that the water licenses on Lot 1700 M34613 & Lot 3 RP77097 are able to be used for the Intensive animal industry.
17. A copy of the renewal of the Water Licenses is to be provided to Council prior to the use commencing.

Operational Works

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

Advisory Notes

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the

satisfaction of the Director Sustainable Development, 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) **Plumbing and Drainage Approval is to be obtained** in accordance with the *Plumbing and Drainage Act 2018* 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 10A 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) An Environmental Authority for Environmentally Relevant Activity No. ERA 2((1(b) is to be obtained in accordance with the Environmental Protection Act 1994 prior to the commencement of any Environmentally Relevant Activity.
- (viii) 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 21 of the *Planning Regulation 2017*.
- (ix) 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 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.

- (x) 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-

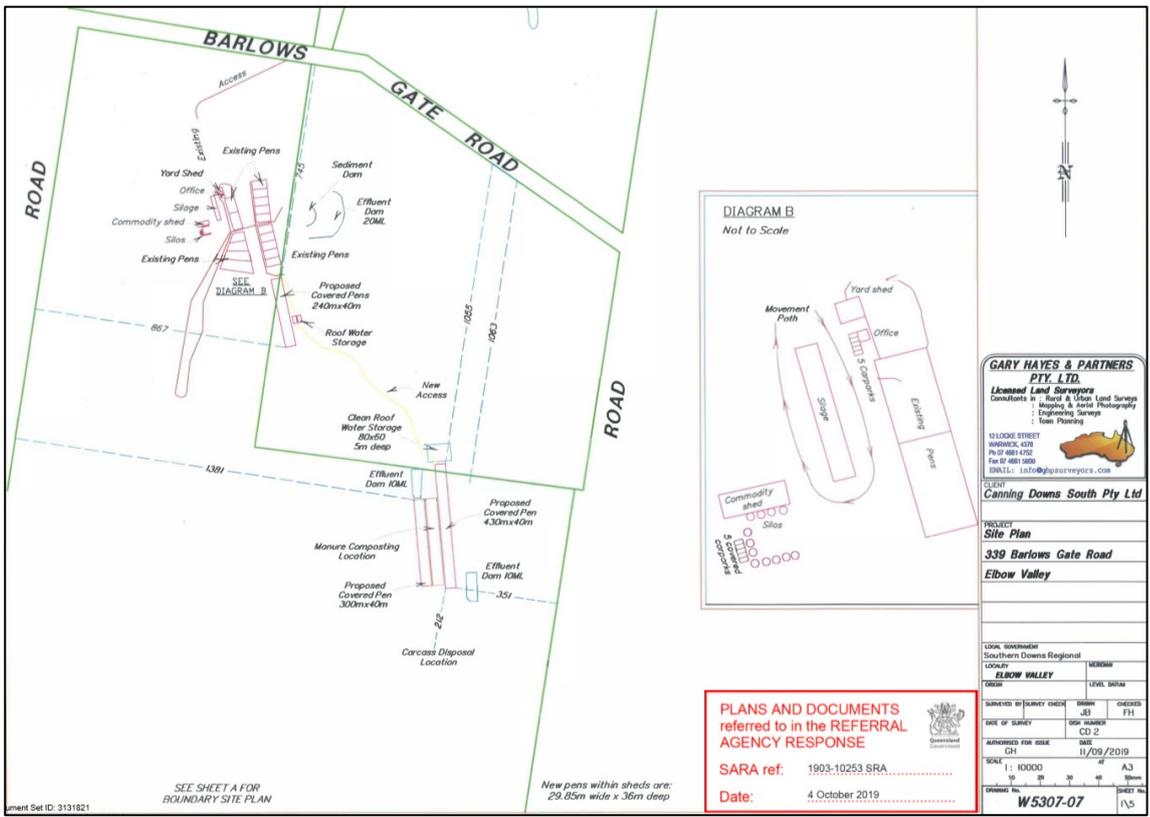
laden stormwater is avoided for the nominated design storm, and minimised when the nominated design storm is exceeded, by addressing the objectives in Table A (Construction phase - stormwater management design objectives) in Appendix 2 of the State Planning Policy for drainage control, erosion control, sediment control and water quality outcomes.

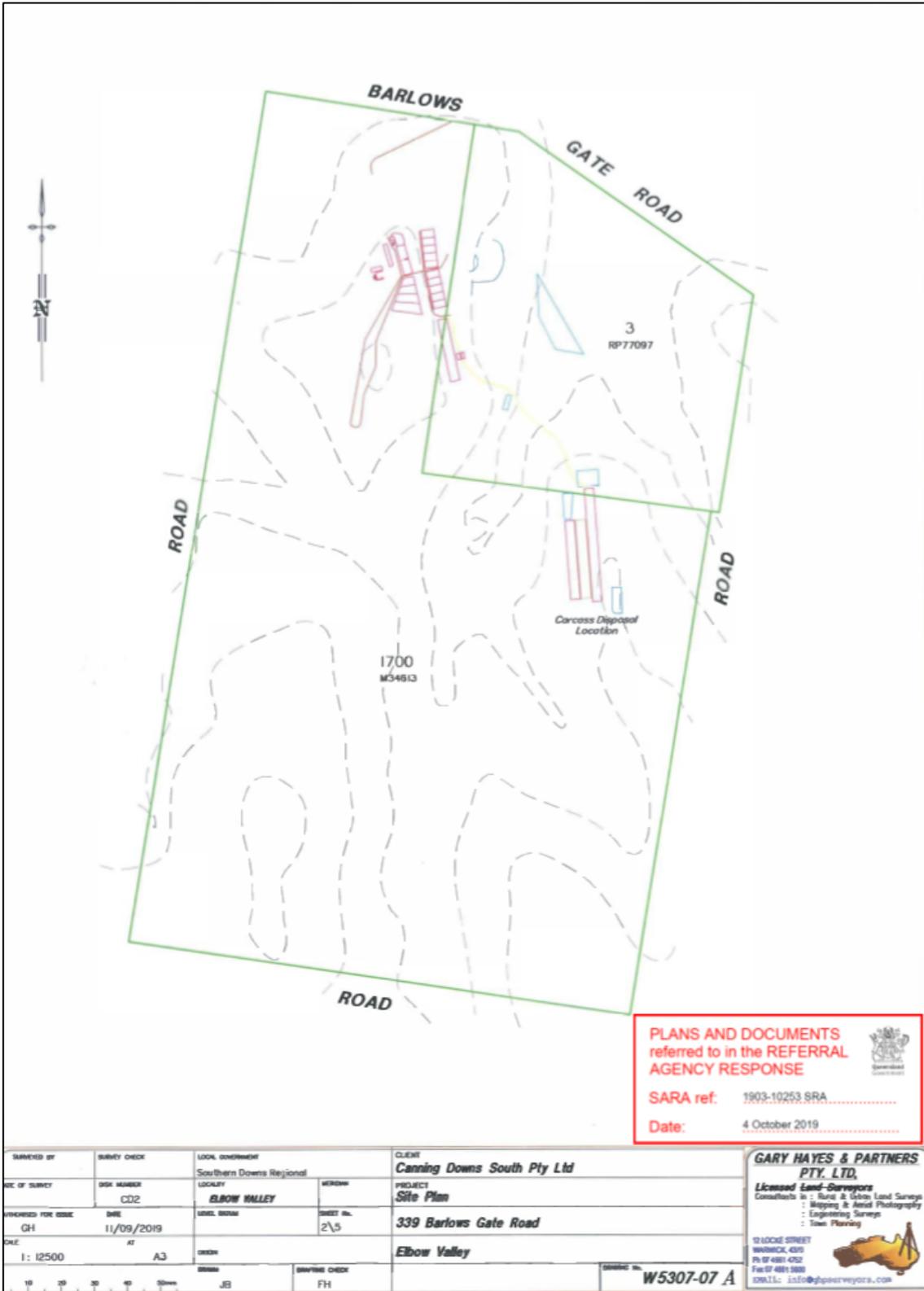
- (xi) Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- (xii) All Development Permits for Operational Works and Plumbing and Drainage Works should be obtained prior to the issue of a Development Permit for Building Works.
- (xiii) 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.

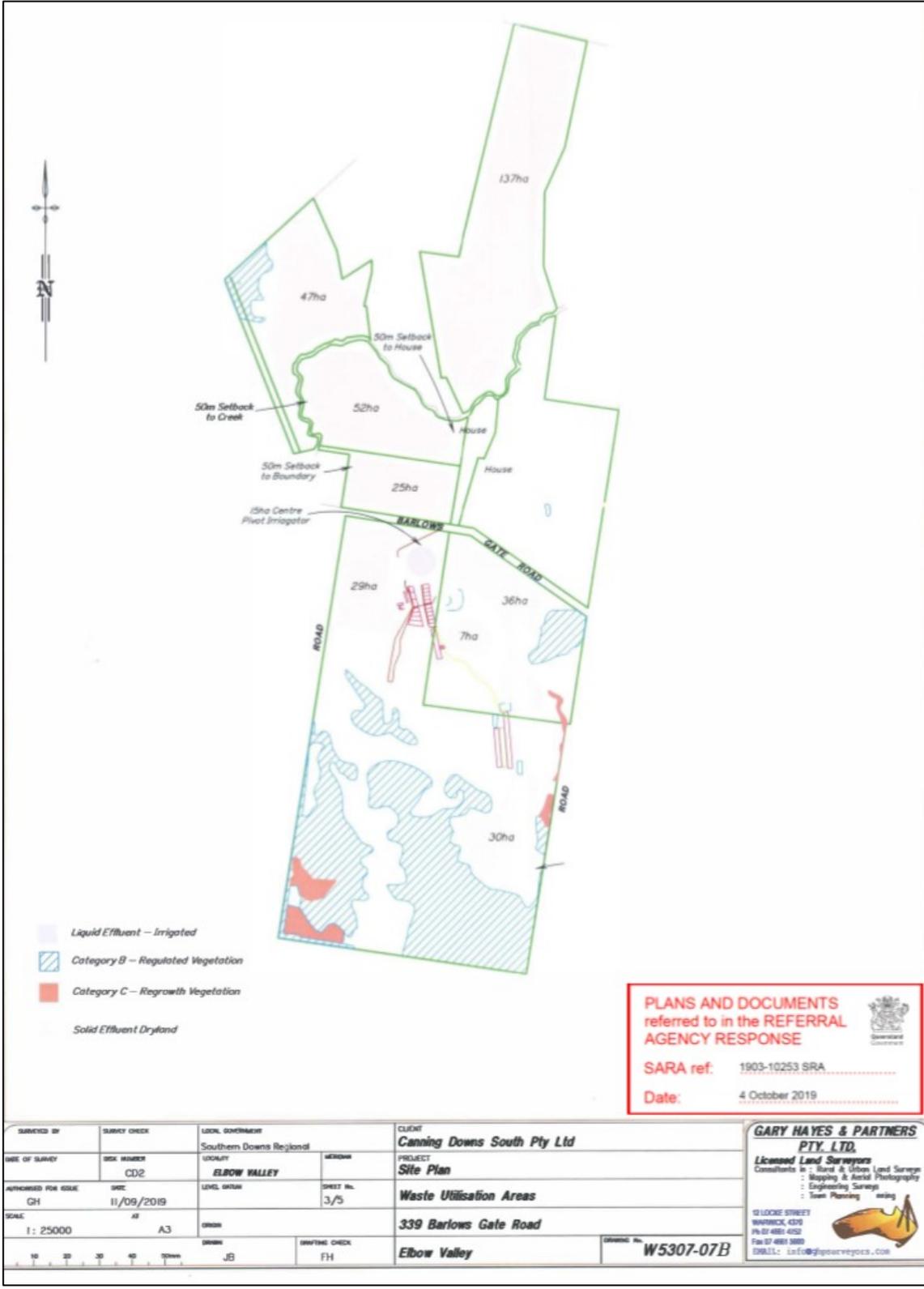
Aboriginal Cultural Heritage

- (xiv) 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

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







Attachment 1—Referral agency conditions

(Under Section 56(1)(b)(i) of the Planning Act 2016 the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Material Change of Use for Intensive Animal Industry (Extension to existing cattle feedlot, from 2,500 SCU to 9,400 SCU, over two stages)		
Schedule 10, Part 5, Division 4, Table 2, Item 1—The Chief Executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Agriculture and Fisheries 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 condition:		
1.	<p>Development authorised under this approval for ERA 2(1) (b) – Intensive animal feedlotting is limited to 9,400 Standard Cattle Units as shown in the following approved plans:</p> <ul style="list-style-type: none"> • Site Plan, prepared by Gary Hayes & Partners Pty Ltd, dated 11/09/2019, Drawing No. W5307-07, Sheet No. 1/5 • Site Plan, prepared by Gary Hayes & Partners Pty. Ltd., dated 11/09/2019, Drawing No. W5307-07A, Sheet No. 2/5. • Site Plan – Waste Utilisation Areas, prepared by Gary Hayes & Partners Pty Ltd, dated 11/09/2019, Drawing No. W5307-07B, Sheet No. 3/5 • Site Plan – Controlled Drainage Areas 1 and 2, prepared by Gary Hayes & Partners Pty. Ltd., dated 11/09/2019, Drawing No. W5307-07C, Sheet No. 4/5 • Site Plan – Controlled Drainage Area 3, prepared by Gary Hayes & Partners Pty. Ltd., dated 11/09/2019, Drawing No. W5307-07D, Sheet No. 5/5. 	At all times

Carried

Cr McNally voted for the motion.

11:01 am Cr S Windle rejoined the meeting.

13.3 Quarterly Report on Development Approvals for the October to December Quarter 2019

Resolution

Moved Cr N Meiklejohn

Seconded Cr R Kelly

THAT Council receives the report and notes the summary of the development approvals statistics for the October to December 2019 Quarter.

Carried

13.4 Residential Attraction - Strategic Research and Analysis

Resolution

Moved Cr N Meiklejohn

Seconded Cr Y Stocks

THAT Council receives the Southern Downs Residential Attraction – Strategic Research and Analysis report.

Carried

13.5 Granite Belt - Urban Design Framework update

Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

THAT Council receives the report and note the update on the Granite Belt – Urban Design Framework, particularly noting the extended feedback period until 28 February 2020.

Carried

13.6 Communities Combating Pest and Weed Impacts During Drought Program - Biosecurity Management of Pests and Weeds - Round 2

Resolution

Moved Cr C Gow

Seconded Cr S Windle

THAT Council endorse application being made to the Communities Combating Pest and Weed Impacts During Drought Program - Biosecurity Management of Pests and Weeds for the identified proposed projects.

Carried

Cr Pennisi declared that a conflict of interest in Agenda Item 13.7 (as defined in section 175 of the Local Government Act 2009), may exist due to currently having numerous complaints lodged against him in relation to his involvement in Emu Swamp Dam. He is also the ex-Chair of the Stanthorpe Community Reference Panel and ex Director of Emu Swamp Dam Pty Ltd and Granite Belt Water Ltd. Cr Pennisi believed that unless there was a decision to be made in relation to long term water security, his personal interest is not of sufficient significance that it would lead him to making a decision on the matter that is contrary to the public interest, and would best perform his responsibility of serving the overall public interest of the whole of the Council area by participating in the discussion and voting on this matter. However he acknowledged that Councillors should determine pursuant to section 175E(4) of the Local Government Act 2009 whether he had a real COI or a perceived COI and whether he must leave the meeting or participate in the meeting. Following a resolution from Council, Cr Pennisi participated in the discussion and voting on this matter.

13.7 Stock Route Management Review Submission

Resolution

Moved Cr R Kelly

Seconded Cr Y Stocks

THAT Council endorse the submission made to the Department of Natural Resources, Mines and Energy review regarding the declaration of stock routes in Queensland.

Carried

Cr Pennisi voted for the motion.

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

Nil

15. NOTICES OF MOTION

Nil

16. GENERAL BUSINESS

Nil

17. 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:

17.1 Application for Rates Deferral - PID 93980

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.

17.2 Resolution for Procurement Exception

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.

17.3 PN122055 - Write-off Interest and Legal Fees on Outstanding Rates

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.

17.4 Saleyards Advisory Committee - Minutes of the Meeting held 12 December 2019

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.

17.5 YMCA Monthly Report - December 2019 - Warwick Indoor Recreation and Aquatic Centre

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.

17.6 RFT 20_066 Bourkes Road Bridge Replacement - Design and Construct

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.

17.7 RFT 20_065 Upper Forest Springs Road Bridge Replacement - Design and Construct

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.

17.8 RFT 20_026 Asbestos Remediation at Warwick, Allora and Killarney Waste Facilities

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 C Gow

Seconded Cr M McNichol

THAT the meeting move into closed session.

Carried

The Meeting moved into closed session at 11.21am.

Meeting adjourned at 11.21am and reconvened at 11.27am at which time there were present Crs Dobie, McNally, Stocks, Windle, Kelly, Meiklejohn, Gow, Pennisi and McNichol.

Cr Pennisi left the meeting at 11:27am during discussion on Agenda Item 17.1.

Cr Pennisi rejoined the meeting at 11.29am

Meeting Out Of Camera

Resolved

THAT the meeting resume in open session at 11.43am.

Carried

Cr Pennisi declared a real conflict of interest in Agenda Item 17.1 (as defined in section 175 of the Local Government Act 2009) due to a previous complaint lodged against him in relation to his involvement with someone on the De-amalgamation Committee. The complaint was not sustained. This report is in relation to a member of the same Committee. A sibling of the applicant was an executive member of the De-amalgamation Committee. Cr Pennisi is currently on a Committee together with the sibling of the applicant. He does not believe his personal interest is of sufficient significance that it would lead him to making a decision on the matter that is contrary to the public interest. However given the attention he received in the past, the current investigations, and his involvement with the sibling of the applicant, he will declare a real Conflict of Interest and leave the room for the discussion and the vote. Cr Pennisi left the meeting at 11.44am.

17.1 Application for Rates Deferral - PID 93980

Resolution

Moved Cr N Meiklejohn

Seconded Cr M McNichol

THAT Council resolve to grant a concession for Property ID 93980 in relation to the current five (5) water connections and charge a single base access charge.

Carried

Cr Pennisi returned 11.45am

17.2 Resolution for Procurement Exception

Resolution

Moved Cr S Windle

Seconded Cr N Meiklejohn

THAT, pursuant to Section 235 (b) of the *Local Government Regulation 2012*, Council resolves:

- a) Due to the specialised nature of the services being sought to run the 2020 Youth Week Event it would be impractical to invite further quotations; and
- b) To enter into a contractual arrangement with YMCA Brisbane to utilise the Camp Leslie Dam Recreation Facility to deliver the 2020 Youth Week Event.

Carried

17.3 PN122055 - Write-off Interest and Legal Fees on Outstanding Rates

Resolution

Moved Cr R Kelly

Seconded Cr J McNally

THAT Council does not agree to write-off interest raised and legal fees applied from 30 September 2016 to 10 January 2020 on PID122055.

Carried

17.4 Saleyards Advisory Committee - Minutes of the Meeting held 12 December 2019

Resolution

Moved Cr M McNichol

Seconded Cr J McNally

THAT Council receive and note the minutes of the Saleyards Advisory Committee meeting held on 12 December 2019.

Carried

17.5 YMCA Monthly Report - December 2019 - Warwick Indoor Recreation and Aquatic Centre

Resolution

Moved Cr R Kelly

Seconded Cr S Windle

THAT Council receive the December 2019 monthly report from Brisbane Young Men's Christian Association in relation to the operation of the Warwick Indoor Recreation and Aquatic Centre.

Carried

17.6 RFT 20_066 Bourkes Road Bridge Replacement - Design and Construct

Resolution

Moved Cr S Windle

Seconded Cr Y Stocks

THAT Council enter into a contract with CLR & RA Mauch Concreting for the sum of \$460,750 ex GST for Contract 20_066 Bourkes Road Bridge Replacement – Design and Construct.

Carried

17.7 RFT 20_065 Upper Forest Springs Road Bridge Replacement - Design and Construct

Resolution

Moved Cr M McNichol

Seconded Cr N Meiklejohn

THAT Council enter into a contract with CPM Group Pty Ltd for the sum of \$513,000 excluding GST for Contract 20_065 Upper Forest Springs Road Bridge Replacement – Design and Construct.

Carried

17.8 RFT 20_026 Asbestos Remediation at Warwick, Allora and Killarney Waste Facilities

Resolution

Moved Cr C Gow

Seconded Cr Y Stocks

THAT Council resolve to enter into a contract with Newlands Civil Construction Pty Ltd for the sum of \$522,267.94 (ex GST) for the contract 20_026 Asbestos Remediation at the Warwick, Allora and Killarney Waste Facilities.

Carried

MEETING CLOSURE

There being no further business, the meeting closed at 11.48am.