



**MINUTES OF THE
GENERAL MEETING OF COUNCIL
27 MAY 2020**

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**MINUTES OF THE GENERAL COUNCIL MEETING OF
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 27 MAY 2020 IN THE
WARWICK TOWN HALL, PALMERIN STREET, WARWICK AT 9:00AM**

The meeting adjourned at 9:00am and reconvened at 9:04am.

ACKNOWLEDGEMENT TO COUNTRY

1. PRAYERS & CONDOLENCES

Rev Darren Muller from the Warwick Baptist Church offered a prayer for the meeting and acknowledged condolences.

2. ATTENDANCE

Present: Crs Pennisi (Chair), Bartley, Gale, Gliori, Gow, McDonald, McNally, Tancred 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) and Marion Seymour (Minute Secretary)

3. APOLOGIES

Nil

4. READING AND CONFIRMATION OF MINUTES

4.1 General Council Meeting - 29 April 2020

Resolution

Moved Cr A Gale

Seconded Cr C McDonald

THAT the minutes of the General Council Meeting held on Wednesday 29 April 2020 be adopted.

Carried

4.2 Special Council Meeting - 15 May 2020

Resolution

Moved Cr R Bartley

Seconded Cr S Tancred

THAT the minutes of the Special Council Meeting held on Friday 15 May 2020 be adopted.

Carried

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Previous Council Meetings

Resolution

Moved Cr M Giori

Seconded Cr A Gale

THAT Council receive the report and note the contents.

Carried

6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precise	Nature of Conflict
11.3	Policy Review – Council Meetings Policy, Councillor Portfolios, Advisory Committees and Other Committees Policy, Councillors Acceptance Requests Guidelines and Entertainment and Hospitality Expenditure Policy	Cr Tancred declared a perceived conflict of Interest which has been raised by a Councillor colleague in relation to this matter (as defined in section 175 Division 5A of the <i>Local Government Act 2009</i>) due to his previous involvement in planning and obtaining funding for Emu Swamp Dam whilst a member of the Stanthorpe Community Reference Panel, the Stanthorpe and Granite Belt Chamber of Commerce and an associate member of the Granite Belt Growers Association. Cr Tancred has received advice on this matter and believes he has no personal interest, or one that is of sufficient significance that it will lead him to making decisions contrary to the public interest. Cr Tancred believes he would best perform his Councillor responsibilities and serve the public interest of the region by participating in the discussions and voting on the agenda item. He further believes that the region's public interest will be best served by his full participation in the areas of portfolio focus described in Appendix A of item 11.3. Following a resolution from Council, Cr Tancred participated in the discussion and voting on this matter.
12.4	Water Contingency Plan	Cr Pennisi declared a perceived conflict of interest in this matter (as defined in section 175 Division 5A of the <i>Local Government Act 2009</i>) due to numerous complaints lodged against him in relation to his involvement in Emu Swamp Dam. Cr Pennisi is also the ex-Chair of the Stanthorpe Community Reference Panel and ex Director of Emu Swamp Dam Pty Ltd and Granite Belt Water Pty Ltd. The agenda item seeks to receive a report that is available publicly. Cr Pennisi believes his personal interest is not of sufficient significance that it will lead him to making a decision on the matter that is contrary to the public interest. He would best perform my responsibility of serving the overall public interest of the whole of the council area by participating in

		<p>the discussion and voting on this matter. However given that there is a current investigation taking place, Cr Pennisi will be leaving the room for the discussion and the vote.</p>
12.4	Water Contingency Plan	<p>Cr Tancred declared a perceived conflict of Interest which has been raised by a Councillor colleague in relation to this matter (as defined in section 175 Division 5A of the <i>Local Government Act 2009</i>) due to his previous involvement in planning and obtaining funding for Emu Swamp Dam whilst a member of the Stanthorpe Community Reference Panel, the Stanthorpe and Granite Belt Chamber of Commerce and an associate member of the Granite Belt Growers Association. Cr Tancred has received advice on this matter and believes he has no personal interest, or one that is of sufficient significance that it will lead him to making decisions contrary to the public interest. Cr Tancred believes he would best perform his Councillor responsibilities and serve the public interest of the region by participating in the discussions and voting on the agenda item. He further believes that the region's public interest will be best served by his full participation in the areas of portfolio. Following a resolution from Council, Cr Tancred participated in the discussion and voting on this matter.</p>
13.1	Material Change of Use – Corporation of the Roman Catholic Diocese of Toowoomba, 64A Guy Street, 47B-47C Wood Street, Warwick	<p>Cr McNally declared that a perceived conflict of interest in this matter (as defined in section 175 of the <i>Local Government Act 2009</i>), may exist due to her membership of St Mary's Parish Warwick. 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.</p>
17.5	Proposed Mining Operation	<p>Cr McNally declared that a perceived conflict of interest in this matter (as defined in section 175 of the <i>Local Government Act 2009</i>), may exist due to her relatives owning property in the area. 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.</p>

6.1 Conflict of Interest - Cr Tancred - Agenda Item 11.3

Resolution

Moved Cr A Gale

Seconded Cr R Bartley

THAT Cr Tancred has declared a perceived Conflict of Interest in Agenda Item 11.3 due to his previous involvement in planning and obtaining funding for Emu Swamp Dam whilst a member of the Stanthorpe Community Reference Panel, the Stanthorpe and Granite Belt Chamber of Commerce and an associate member of the Granite Belt Growers Association, and notwithstanding the declared perceived conflict of interest, Cr Tancred may participate in discussion on the matter and vote.

Carried

The Mayor and Cr Tancred left the meeting at 9:24am during discussion on the determination of Cr Tancred's declaration of a perceived interest in relation to Agenda Item 11.3

The Deputy Mayor took the Chair

6.2 Conflict of Interest – Cr Tancred – Agenda Item 12.4

Resolution

Moved Cr C Gow

Seconded Cr C McDonald

THAT Cr Tancred has declared a perceived Conflict of Interest in Agenda Item 12.4 due to his previous involvement in planning and obtaining funding for Emu Swamp Dam whilst a member of the Stanthorpe Community Reference Panel, the Stanthorpe and Granite Belt Chamber of Commerce and an associate member of the Granite Belt Growers Association, and notwithstanding the declared perceived conflict of interest, Cr Tancred may participate in discussion on the matter and vote.

Carried

9:27am the Mayor and Cr Tancred rejoined the meeting and the Mayor took the Chair

6.3 Conflict of Interest - Cr McNally - Agenda Item 13.1

Resolution

Moved Cr C Gow

Seconded Cr A Gale

THAT Cr McNally has declared a perceived Conflict of Interest in Agenda Item 13.1 due to her membership of St Mary's Parish Warwick, and notwithstanding the declared perceived conflict of interest, Cr McNally may participate in discussion on the matter and vote.

Carried

6.4 Conflict of Interest - Cr McNally - Agenda Item 17.5

Resolution

Moved Cr M Gliori

Seconded Cr S Windle

THAT Cr McNally has declared a perceived Conflict of Interest in Agenda Item 17.5 due to her relative owning property in the area, and notwithstanding the declared perceived conflict of interest, Cr McNally may participate in discussion on the matter and vote.

Carried

7. MAYORAL MINUTE

Nil

8. READING AND CONSIDERATION OF CORRESPONDENCE

8.1 Correspondence

Resolution

Moved Cr S Windle

Seconded Cr M Giori

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

Carried

9. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

9.1 Petition - Dangerous Dogs

Resolution

Moved Cr C McDonald

Seconded Cr R Bartley

THAT Council receive the Petition and refer it to the Acting Director Sustainable Development for investigation.

Carried

10. EXECUTIVE SERVICES REPORTS

10.1 Council Meeting Schedule for June to December 2020

Resolution

Moved Cr R Bartley

Seconded Cr S Tancred

THAT Council adopt the attached Schedule for Council Meetings for June to December 2020.

Carried

Attachments

1. Calendar for Standing Committees and Council Meetings - **Attached to the Minutes Under Separate Cover**

10.2 Appointment of Councillors to Additional External Organisations

Resolution

Moved Cr A Gale

Seconded Cr R Bartley

THAT Council appoint the following Councillors to the additional external organisations:

- | | |
|--|--------------------------|
| 1. Bringing Employers and Students Together (BEST) | Mayor Pennisi |
| 2. Stanthorpe Community Reference Panel | Cr Tancred |
| 3. Stanthorpe Sports Association | Cr Gliori and Cr McNally |
| 4. Granite Belt Growers Association | Cr McDonald |
| 5. Southern Downs Emergency Relief Fund Inc | Cr Windle and Cr Bartley |

Carried

11. CORPORATE SERVICES REPORTS

11.1 Finance Report April 2020

Resolution

Moved Cr R Bartley

Seconded Cr C Gow

THAT Council receive and note the Financial Report as at 30 April 2020.

Carried

11.2 Proposed Land Tenure

Resolution

Moved Cr S Windle

Seconded Cr J McNally

THAT Council enter into a ten year Freehold Lease with the Leyburn Men's Shed Inc over part of Lots 20-22 on Crown Plan L1824 in accordance with the *Local Government Regulation 2012* whilst adhering to the relevant provisions of Council's *Lease Policy* and the *Land Title Practice Manual* and *Land Act 1994*.

Carried

Cr Tancred declared a perceived conflict of Interest which has been raised by a Councillor colleague in relation to Agenda Item 11.3 (as defined in section 175 Division 5A of the Local Government Act 2009) due to his previous involvement in planning and obtaining funding for Emu Swamp Dam whilst a member of the Stanthorpe Community Reference Panel, the Stanthorpe and Granite Belt Chamber of Commerce and an associate member of the Granite Belt Growers Association. Cr Tancred has received advice on this matter and believes he has no personal interest, or one that is of sufficient significance that it will lead him to making decisions contrary to the public interest. Cr Tancred believes he would best perform his Councillor responsibilities and serve the public interest of the region by participating in the discussions and voting on the agenda item. He further believes that the region's public interest will be best served by his full participation in the areas of portfolio focus described in Appendix A of item 11.3. Following a resolution from Council, Cr Tancred participated in the discussion and voting on this matter.

11.3 Policies Review - Council Meetings Policy, Councillor Portfolio's, Advisory Committees and Other Committees Policy, Councillors Acceptable Requests Guidelines and Entertainment & Hospitality Expenditure Policy

Resolution

Moved Cr C Gow

Seconded Mayor V Pennisi

THAT Council adopt the attached revised policies, noting that the implementation of Council's Standing Committees will commence from 1 July 2020:

- a. Council Meetings Policy;
- b. Councillor Portfolio's, Advisory Committee and Other Committees Policy, noting amendments to reflect the inclusion of Councillors to Other Committees per report 10.2 of this meeting;
- c. Councillors Acceptable Requests Guidelines; and
- d. Entertainment and Hospitality Expenditure Policy.

Carried

Attachments

1. PL-EX036 Council Meetings Policy - **Attached to the Minutes Under Separate Cover**
2. PL-EX021 Councillor Portfolio's, Advisory Committees and Other Committees Policy - **Attached to the Minutes Under Separate Cover**
3. PL-EX086 Councillors Acceptable Requests Guidelines - **Attached to the Minutes Under Separate Cover**
4. PL-GV011 Entertainment and Hospitality Expenditure Policy - **Attached to the Minutes Under Separate Cover**

Cr Tancred voted for the motion

12. INFRASTRUCTURE SERVICES REPORTS

12.1 Infrastructure Services Directorate Monthly Report

Resolution

Moved Cr S Windle

Seconded Cr C Gow

THAT Council receive the Infrastructure Services Directorate Monthly Report

Carried

12.2 Learn to Ride Bike Pathway in Australiana Park - Community Consultation

Resolution

Moved Cr S Windle

Seconded Cr J McNally

THAT Council proceed to the construction phase of the Learn to Ride Bike Pathway in Australiana Park noting the outcomes of community consultation.

Carried

12.3 Bridge Renewal Program Round Five and Heavy Vehicle Program Round 7 Project Proposals

Resolution

Moved Cr R Bartley

Seconded Cr S Tancred

THAT Council endorse the following projects for submission for the Bridge Renewal Program Round 5 and Heavy Vehicle Safety and Productivity Program Round 7 projects with a 50% co-contribution from Council:

1. Cox Bridge, Victoria Street, Warwick (BRP Round 5) Total Cost \$1,860,000.
2. Large Culvert replacement Connolly Dam Road (BRP Round 5) Total Cost \$463,650.
3. Floodway replacement with Bridge on Homestead Road (BRP Round 5) Total Cost \$1,065,000.
4. Widen and Reconstruct Curtin Road (0 – 2.54km) to achieve 8m wide pavement construction (HVSPP Round 7) Total Cost \$1,220,000.
5. Reconstruct Costanzo (0-2.34) and Ricca Lane (0.42 - 1.44km) to achieve 8m wide pavement construction (HVSPP Round 7) Total Cost \$1,950,000.

Carried

Cr Pennisi declared a perceived conflict of interest in Agenda Item 12.4 (as defined in section 175 Division 5A of the Local Government Act 2009) due to numerous complaints lodged against him in relation to his involvement in Emu Swamp Dam. Cr Pennisi is also the ex-Chair of the Stanthorpe Community Reference Panel and ex Director of Emu Swamp Dam Pty Ltd and Granite Belt Water Pty Ltd. The agenda item seeks to receive a report that is available publicly. Cr Pennisi believes his personal interest is not of sufficient significance that it will lead him to making a decision on the matter that is contrary to the public interest. He would best perform my 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, Cr Pennisi will be leaving the room for the discussion and the vote. Cr Pennisi left the meeting at 10:28am.

The Deputy Mayor took the Chair

Cr Tancred declared a perceived conflict of Interest which has been raised by a Councillor colleague in relation to Agenda Item 12.4 (as defined in section 175 Division 5A of the Local Government Act 2009) due to his previous involvement in planning and obtaining funding for Emu Swamp Dam whilst a member of the Stanthorpe Community Reference Panel, the Stanthorpe and Granite Belt Chamber of Commerce and an associate member of the Granite Belt Growers Association. Cr Tancred has received advice on this matter and believes he has no personal interest, or one that is of sufficient significance that it will lead him to making decisions contrary to the public interest. Cr Tancred believes he would best perform his Councillor responsibilities and serve the public interest of the region by participating in the discussions and voting on the agenda item. He further believes that the region's public interest will be best served by his full participation in the areas of portfolio. Following a resolution from Council, Cr Tancred participated in the discussion and voting on this matter.

12.4 Water Contingency Plan

Resolution

Moved Cr J McNally

Seconded Cr C McDonald

THAT Council receive the Southern Downs Water Contingency Plan.

Carried

Cr Tancred voted for the motion

10:29 am Mayor Pennisi rejoined the meeting and resumed the Chair

Cr McNally declared that a perceived conflict of interest in Agenda Item 13.1 (as defined in section 175 of the Local Government Act 2009), may exist due to her membership of St Mary's Parish Warwick. 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. SUSTAINABLE DEVELOPMENT REPORTS

13.1 Material Change of Use – Corporation of the Roman Catholic Diocese of Toowoomba, 64A Guy Street, 47B-47C Wood Street, Warwick

Resolution

Moved Cr C Gow

Seconded Cr S Windle

THAT the application for Reconfiguration of a Lot (4 into 2 lots) and Material Change of Use for the purpose of a Service station on land at 64A Guy Street & 47B-47C Wood Street, Warwick, described as Lots 1 and 2 RP64891, Lot 20 RP133205, Lot 82 W134636, Parish of Warwick, County of Merivale, be deferred for further consideration at the Special Council Meeting scheduled for 29 May 2020.

Carried

Cr McNally voted for the motion

The meeting adjourned for morning tea at 10:50am and reconvened at 11:16am at which time there were present Crs Pennisi, McNally, Windle, Tancred, Gow, Gliori, Bartley, McDonald and Gale

13.2 Material Change of Use – Consideration of Change Representations – Adapt Planning Pty Ltd, 19 Church Road, The Summit

Resolution

Moved Cr S Tancred

Seconded Cr R Bartley

THAT Council refuse the change representations made in relation to the application for a Material Change of Use for a Shop, Community care centre and Roadside stall on land at 19 Church Road, The Summit, described as Lot 1 RP157889, Parish of Stanthorpe, County of Bentinck, for the following reasons, with Condition 4 be amended:

1. To amend the approval to include the wording ‘*Shop – garage Sales only 4-6 per year*’ in the approval.

The wording should remain ‘*Development Permit for Material Change of Use (Shop –Garage Sales only 4-6 per year), community care centre, and Roadside Stall*’

Reason: In accordance with section 60 of the *Planning Act 2016* - If an assessment manager approves only part of a development application, the rest is taken to be refused. This application was approved in part only to accommodate the Roadside Stall and matters raised in the representations regarding the Shop component of the proposed development will not be considered further.

2. To delete Condition 4.

Reason: The request for Condition 4 of the Development Permit to be deleted would result in uncertainty as to whether the existing unlawful uses remain in operation or cease to operate. Council would be required to proceed with investigations indefinitely to ensure that the refused proposed uses of a Shop and Community care centre do not continue to operate.

Should the condition be removed and the refused activities continue, conflict with the Planning Scheme and matters of health and safety as raised by submitters would be likely to further escalate to the issuing of an Enforcement Notice.

Condition 4 will be amended only, the condition will not be deleted as requested. To ensure there are no uncertain interpretations of the condition, Condition 4 will be amended as per Schedule 1 of the Development Permit.

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

1. The development of the site is to be generally in accordance with the following proposal plans submitted with the application, and subject to the final development being amended in accordance with the conditions of this approval.
2. Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval prevail.

Land Use and Planning Controls

3. This approval allows for the use of the site for the following uses only:
 - Roadside stall; produce grown on and off-site only.
4. All structures in association with the uses of the Shop and/or Community care centre are to be removed or the associated use of the structures is to cease.

This does not include structures for use on the site for private and, or residential uses.

Building and Site Design

5. The Roadside stall shall not exceed 9m² in total area.

Amenity and Environmental Controls

6. Advertising Devices relating to the Roadside stall may **only** be erected on the subject land, i.e. Lot 1 RP148790. 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.
7. A daily inspection is to be conducted of all perishable items within the Roadside stall. Any expired goods are to be disposed of appropriately so as to not create an odour nuisance.
8. All equipment, goods and materials must be located in a building or screened from view from all roads, other public places and adjoining land by fencing and/or dense landscaping.
9. 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

10. There is to be clear signage on-site to direct customers along the driveway to onsite car parking.

Fencing, Landscaping and Buffers

11. The side boundaries of the access handle of Lot 1 RP157889 are to be densely planted with trees and shrubs suitable to grow to heights of between half a metre and two metres at maturity and are to be maintained to form an effective visual buffer. The existing vegetation can be utilised as part of the buffer, but additional plantings may be required to ensure an appropriate buffer.

ALTERNATIVELY,

A screen fence of 1.8 metres high shall be erected along the side boundaries of the access handle of Lot 1 RP157889, 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.

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) **Building Approval may need to be obtained** for a Class 10 in accordance with the *Planning Act 2016* for the proposed building work. Once plans of the Roadside stall have

been finalised, advice is to be sought from a qualified building certifier in relation to the requirement for Building Approval. If required, 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.**

Aboriginal Cultural Heritage

- (vi) 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

Carried

13.3 Material Change of Use – Consideration of Change Representations – Adapt Planning Pty Ltd, 55 Chapman Lane, Amiens

Resolution

Moved Cr R Bartley

Seconded Cr A Gale

THAT Council approve in part only with the change representations made in relation to the application for a Material Change of Use for Medium impact industry (soil screening) and Transport depot on land at 55 Chapman Lane, Amiens, described as Lot 1 RP142500, Parish of Marsh, County Bentinck, as Condition 3 and Advisory Note (xii) be amended, Conditions 6 and 34 be deleted, and Conditions 7, 32 and 35 remain unchanged for the following reasons:

Condition 7

Condition 7 was imposed to ensure that the approved uses of a Medium impact industry and Transport depot do not compromise the safety to people or property. The environment which the approved uses are subject to is recognised in the Bushfire hazard overlay as is the surrounding area; should a bushfire start the area would quickly be inundated by fire and smoke.

The condition was imposed to ensure that the proposed uses will be adequately managed, reducing risk to people or property in the event of a bushfire. The surrounding environment is highly vegetated and is recognised with bushfire hazard. A clear path of evacuation and prevention procedures by an accredited bushfire planning practitioner will ensure that the development will not compromise the safety of people or property from bushfire.

Conditions 32 and 35

Chapman Lane is not of a grade or width to meet the demand of the uses of a Medium impact industry or Transport depot without compromising the safety and manoeuvrability of vehicles, and the effective operation of the road. Given the volume of traffic proposed and the weight of the vehicles carrying soil and machinery, the roadworks stipulated in Condition 32 remain applicable. Operational Works in accordance with Conditions 32 and 35 is required to be undertaken prior to the uses commencing.

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
Proposed Site Plans submitted by ADAPT Planning Pty Ltd	-	Submitted on 5 September 2019

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

Land Use and Planning Controls

3. This approval allows for the use of the site for the following uses only:
 - Medium impact industry (soil screening only) not exceeding an annual throughput of product of 10,000 tonne; and
 - Transport depot for the storage of vehicles, machinery and equipment ~~associated with the soil screening operation.~~

No extraction of material on the property is permitted.

4. 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.

5. The development shall generally operate only between the hours of 7.00am to 5.00pm, Monday to Friday, and not at all on weekends or public holidays.
6. ~~A Disaster Management Plan is to be submitted to and approved by the Planning Department prior to the commencement of the use. The Disaster Management Plan is to address prevention and evacuating procedures for flood, and to ensure employees are adequately sheltered during emergency situations such as fierce storms. The Disaster Management Plan must include emergency contact information.~~
7. A Bushfire Management Plan is to be submitted to and approved by the Director Sustainable Development within 120 days of the date of the Development Approval. The Bushfire Management Plan is to be prepared by an appropriately qualified person, and must address prevention and containment of potential bushfire events.
8. No new buildings are permitted to be constructed within the Flood hazard overlay as a result of the Development Permit.

Building and Site Design

9. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)
10. A copy of the Form 11 (Certificate of Classification) issued for the building works is to be provided to Council prior to the use commencing. (See advisory note below.)

Amenity and Environmental Controls

11. All material stockpiles and storage areas must be maintained using all reasonable and practicable measures necessary to minimise the release of windblown dust to the atmosphere. Reasonable and practicable measures may include but are not limited to:
 - (a) using water sprays and/or a water truck;
 - (b) adopting and adhering to speed limits; and
 - (c) using dust suppressants and wind breaks.
12. The operator shall have a Site Based Management Plan (SBMP) drawn by a suitably qualified person to address potential nuisance generated from the site, including the following:
 - i. Provide details of sources of environmental nuisance and/or environmental harm, including but not limited to impacts on noise and air quality.
 - ii. Identify the measures and work practices to be implemented ensuring such emissions do not cause an 'environmental nuisance' (within the meaning of that term set out in the *Environmental Protection Act 1994*) at any sensitive receptor.
 - iii. Identify the procedures to be adopted for monitoring and reporting emissions.
 - iv. Provide details of complaint response procedures that will be adopted.
 - v. Identify the procedures to be adopted for revision and review of the SBMP.

The Site Based Management Plan is to be provided to Council for approval by the Director of Sustainable Development prior to the use commencing or within 120 days of the date of the Decision Notice, whichever comes first.

13. The storage of material in the holding area must comply with the following requirements as a minimum standard:
 - (a) the holding area must be walled, to a height of 2 metres;
 - (b) each enclosure within the holding area must have three sides;
 - (c) material to be stored in the holding area must not be loaded to within 0.5 metres of the top of the enclosure walls or the open end of the enclosures; and
 - (d) material stored in the holding area must be maintained to prevent a dust nuisance,

during the delivery, storage and movement on site of the material.

14. Any load of soil coming onto the site or leaving the site must be fully covered so as to prevent a dust nuisance.
15. Any liquid spills must be cleaned up immediately and disposed of in an appropriate manner that ensures environmental harm does not occur. An appropriate spill kit for the management of wastes and hazardous liquids associated with the activity must be readily available at the site, and staff must be trained in the use of the spill kit.
16. The cleaning of plant equipment and vehicles must be carried out in an area where wastewater can be suitably managed so as not to cause contaminants to release into waterways or overland flow paths.
17. All servicing and maintenance of machinery and equipment, which is stored on site in association with the soil screening use, must be conducted within the confines of the workshop.
18. Advertising Devices relating to the uses approved by this decision may only be erected on the subject land, i.e. Lot 1 RP142500. The location, size, type and content of any advertising sign or device located on the land is to be compatible with the 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.
19. All material stored on site shall be stored as to not:
 - (a) provide a harbourage or attraction for pests and vermin;
 - (b) provide a breeding place for mosquitos; and
 - (c) be unsightly.
20. Any hazardous materials must be stored in a covered and bunded area.
21. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
22. 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.
23. 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.
24. Two truck turning signs are to be erected in the road reserve of Cannon Creek Road, prior to the Chapman Lane intersection, visible when travelling from either the north or south, to the satisfaction of the Director of Infrastructure Services (see advisory note).
25. A single barrier sign is to be erected in the road reserve of Cannon Creek Road, adjacent to Chapman Lane (see advisory note).

Fencing, Landscaping and Buffers

26. All earthworks, including batters must be fully contained within the site.
27. All vegetation between the subject uses and Chapman Lane is to be retained to form an effective visual buffer to Chapman Lane.

Car Parking and Vehicle Access

28. The internal driveways are to be designed and constructed to allow for vehicles to and leave the site in forward gear.
29. At least four (4) car parking spaces are to be provided on site. Provision is to be made for disabled parking.
30. The car park area is to be defined by a low physical barrier along the edge of the car parking

area and driveways.

31. No B-doubles are to access the site in association with use.

Roadworks

32. Prior to the use commencing, from the Cannon Creek Road intersection to the entrance of Lot 1 RP142500 at chainage 0.550km, the road is to be constructed to a minimum width of 6.0 metres formation, with drainage.

Water Supply and Waste Water

33. The buildings utilised for the purpose of a Transport depot must be provided with a water storage reservoir having a minimum of 10,000 litres of water for emergency firefighting purposes. Such storage must be provided in addition to the water supply capacity required for the existing residential use and must be provided in the form of either an accessible dam, swimming pool or rainwater tank. If storage is to be provided in a rainwater tank, water storage for firefighting purposes must be provided either in a separate rainwater tank or a reserve section in the main water supply tank on which:
- (a) the domestic take off from the tank is at or above the 10,000 litre point; and
 - (b) standard rural fire brigade fittings are fitted to the tank outlet for access by rural fire services vehicles.

Stormwater Drainage

- ~~34. Deleted. 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 the 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).~~

~~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.~~

Operational Works

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

Advisory Notes

- (ii) 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.
- (iii) 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.
- (iv) 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.
- (v) The General Environmental Duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles dust, ash, fumes, light, odour or smoke, beyond the boundaries of the property during all stages of the development

including earthworks, construction and operation.

The operator must at all times comply with the *Environmental Protection Act 1994*.

- (vi) Any storage of flammable and/or combustible liquids must comply with the minor storage provision of Australian Standard AS1940 *The Storage and Handling of Flammable and Combustible Liquids*.
- (vii) 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 proposed road construction plan in accordance with Condition..
 - A signage plan showing the location and dimensions of signage to be erected i.e. barrier and trucking turning signage.

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) **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.
- (ix) **Building Approval is to be obtained** for a Class 7a for the purpose of a Transport depot in accordance with the *Planning Act 2016* for the proposed building work. The building application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. The building plans are to accord with the plans approved in this approval. The building is to be constructed in accordance with the Building Approval prior to the commencement of the use. A **Form 11 (Certificate of Classification) must be issued for the building works prior to the use commencing**.
- (x) The applicant is to permit Council officers access to the site in accordance with the powers of entry provisions of the *Local Government Act 2009*, subject to 48 hours notice and reasonable security and health restrictions on access, so as to ensure the use is being conducted in accordance with the conditions of the approval.
- (xi) 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*.
- (xii) Council does not have accurate flood information for this property and therefore cannot determine the height of a Defined Flood Event (DFE). Therefore there is no guarantee of flood immunity.

Council has noted that the Dwelling house will be used as a place of refuge for any employers’ onsite in the event of a flood or fierce storm.
- (xiii) Prior to constructing or upgrading an access, an application must be submitted and approved by Council for a permit under Local Law No. 1 (Administration) 2011 and Subordinate Local Law No. 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation) 2011.
- (xiv) Site works must be constructed such that they do not, at any time, in any way restrict, impair

or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.

- (xv) Any retaining structures above one metre in height must be separately certified for structural adequacy by a Building Certifier i.e. physical barrier framing holding pits.

Aboriginal Cultural Heritage

- (xvi) 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

Carried

13.4 Submission to the National Natural Disaster Arrangements Royal Commission (Bushfire Royal Commission)

Resolution

Moved Cr M Giori

Seconded Cr S Windle

THAT Council resolve to endorse the submission made to the National Natural Disaster Arrangements Royal Commission.

Carried

13.5 Funding Submission - Wildlife and Habitat Bushfire Recovery Program

Resolution

Moved Cr C Gow

Seconded Cr J McNally

THAT Council resolve to endorse submission of a funding application to the Australian Government’s Wildlife and Habitat Bushfire Recovery Program.

Carried

13.6 COVID-19 Conservation and Land Management Jobs Stimulus Package Proposal

Resolution

Moved Cr R Bartley

Seconded Cr C Gow

THAT Council:

1. Resolve to express its support for State and Federal government investment in a jobs-rich conservation and land management stimulus package as part of the economic response to COVID-19; and
2. Write to our local Federal and State Members of Parliament expressing Council’s support for this proposal.

Carried

13.7 Rural Water Tank Rebate Policy

Resolution

Moved Cr J McNally

Seconded Cr S Tancred

THAT Council:

1. Resolves to endorse the attached Rural Water Tank Rebate Policy; and
2. Resolves to delegate authority to the Chief Executive Officer to approve applications under circumstances that fall outside the scope of the endorsed Rural Water Tank Rebate Policy.

Carried

Attachments

1. PL-SD089 Rural Water Tank Rebate Policy - **Attached to the Minutes Under Separate Cover**

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

Nil

15. NOTICES OF MOTION

Nil

16. GENERAL BUSINESS

16.1 Recognition of Volunteers

Resolution

Moved Mayor V Pennisi

Seconded Cr S Windle

THAT Council recognise volunteers from across the region, with one volunteer to be recognised at each monthly Ordinary Council Meeting. An invitation will be extended to the monthly volunteer to join Council for morning tea and the presentation of a Certificate of Appreciation. The volunteers will be selected alternatively by each Councillor in rotation.

Carried

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 Request for remission of Sewerage Charges for PID 10970

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 Application for Rates Concession - PID 139545

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.

17.3 Waste Contracts - Transfer Stations and Tender Consideration Plan

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.

17.4 20_135 Landfill Management Services Tender

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.

17.5 Proposed Mining Operation

Reason for Confidentiality

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

17.6 Resolution of Legal Action

Reason for Confidentiality

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

17.7 Request for Development Application Fees Waiver

Reason for Confidentiality

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

Meeting In Camera

Resolution

Moved Cr A Gale

Seconded Cr M Giori

THAT the meeting move into closed session.

Carried

The Meeting moved into closed session at 11:45am.

Meeting Out Of Camera

Resolved

THAT the meeting resume in open session at 12:49pm.

Carried

17.1 Request for Remission of Sewerage Charges for PID 10970

Resolution

Moved Cr C Gow

Seconded Cr S Windle

THAT:

1. Council resolve not to allow the requested remission of sewerage charges for PID 10970 during the 2019/2020 financial year.
2. Council consider the request for remission as part of future stages of Council's COVID-19 Recovery Packages in the 2020/2021 financial year.

Carried

17.2 Application for Rates Concession - PID 139545

Resolution

Moved Cr R Bartley

Seconded Mayor V Pennisi

THAT Council resolve to defer consideration of this matter to the next Ordinary Council Meeting allow further detailed information to be provided.

Carried

17.3 Waste Contracts - Transfer Stations and Tender Consideration Plan

Resolution

Moved Cr S Tancred

Seconded Cr C Gow

THAT Council:

1. Resolve under Section 230(1) of the *Local Government Regulation 2012*, to prepare and adopt a Tender Consideration Plan to enable the extension of the supervision, operation and management contracts of various waste management facilities to the close of business on Wednesday, 29 July 2020 with the option of an additional four (4) by one (1) month extensions.
2. Delegate authority to the Chief Executive Officer to negotiate and extend the existing waste management contracts to allow time for a new tender process to be finalised for 20_135 and 20_136.

Carried

17.4 20_135 Landfill Management Services Tender

Resolution

Moved Cr J McNally

Seconded Cr C Gow

THAT Council:

1. Resolves to enter into a contract with JJ's Waste and Recycling Pty Ltd for the sum of \$1,005,636.00 (ex GST) per annum for the contract 20_135 Landfill Management Services at the Warwick and Yangan waste management facilities; and
2. Delegates authority to the Acting Chief Executive Officer to finalise negotiations and a commencement date for the contract.

Carried

Cr McNally declared that a perceived conflict of interest in Agenda Item 17.5 (as defined in section 175 of the Local Government Act 2009), may exist due to her relatives owning property in the area. 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.

17.5 Proposed Mining Operation

Resolution

Moved Cr C Gow

Seconded Cr S Windle

THAT:-

1. Based on legal advice obtained, and the withdrawal of all other active objectors, Council resolves to withdraw its previously non-active objection to the proposed Mining Operation, Cherrabah Granite Mine.
2. Council will await the decision of the .Department Natural Resources, Mines and Energy who are the decision makers for this application.

Carried

Cr McNally voted for the motion

17.6 Resolution of Legal Action

Resolution

Moved Cr S Tancred

Seconded Cr C McDonald

THAT Council resolves to instruct lawyers acting on Council's behalf in a legal matter currently in final negotiations that costs not be pursued in recognition that compliance actions have been achieved and in the interests of resolving the matter.

Carried

17.7 Request for Development Application Fees Waiver

Resolution

Moved Cr C McDonald

Seconded Cr A Gale

THAT Council resolves not to approve the request received on 7 May 2020 for the waiver of development application fees.

Carried

MEETING CLOSURE

There being no further business, the meeting closed at 12:58pm.