



**MINUTES OF THE  
GENERAL MEETING OF COUNCIL  
27 JUNE 2018**

## ORDER OF BUSINESS:

1. **PRAYERS & CONDOLENCES** .....ERROR! BOOKMARK NOT DEFINED.
2. **ATTENDANCE** .....ERROR! BOOKMARK NOT DEFINED.
3. **APOLOGIES**.....ERROR! BOOKMARK NOT DEFINED.
4. **READING AND CONFIRMATION OF MINUTES**.....ERROR! BOOKMARK NOT DEFINED.
  - 4.1 General Council Meeting - 23 May 2018.... **Error! Bookmark not defined.**
  - 4.2 Special Council Meeting - 6 June 2018..... **Error! Bookmark not defined.**
  - 4.3 Special Council Meeting - 13 June 2018.... **Error! Bookmark not defined.**
5. **ACTIONS FROM COUNCIL MEETINGS** ....ERROR! BOOKMARK NOT DEFINED.
  - 5.1 Actions from Previous Council Meeting ..... **Error! Bookmark not defined.**
6. **DECLARATIONS OF CONFLICTS OF INTEREST** .....ERROR! BOOKMARK NOT DEFINED.
  - 6.1 Conflict of Interest - Cr Gow ..... **Error! Bookmark not defined.**
  - 6.2 Conflict of Interest - Cr Pennisi ..... **Error! Bookmark not defined.**
  - 6.3 Conflict of Interest - Cr McNally ..... **Error! Bookmark not defined.**
7. **MAYORAL MINUTE** .....ERROR! BOOKMARK NOT DEFINED.
  - 7.1 Mayoral Minute - June 2018..... **Error! Bookmark not defined.**
8. **READING AND CONSIDERATION OF CORRESPONDENCE** ..... ERROR! BOOKMARK NOT DEFINED.
  - 8.1 Correspondence..... **Error! Bookmark not defined.**
9. **RECEPTION AND READING OF PETITIONS AND JOINT LETTERS** ..... ERROR! BOOKMARK NOT DEFINED.

Nil
10. **EXECUTIVE**.....ERROR! BOOKMARK NOT DEFINED.
  - 10.1 Finance Report 31 May 2018..... **Error! Bookmark not defined.**
  - 10.2 Saleyards Advisory Committee Meeting Minutes 31 May 2018**Error! Bookmark not defined.**
  - 10.3 Endorsement of Submission to the Economics and Governance Committee on Electoral Legislation (Political Donations) Amendment Bill 2018 ..... **Error! Bookmark not defined.**
  - 10.4 Policy Review ..... **Error! Bookmark not defined.**
11. **ENGINEERING SERVICES DEPARTMENT REPORTS**ERROR! BOOKMARK NOT DEFINED.
  - 11.1 Engineering Services Department Monthly Report**Error! Bookmark not defined.**
  - 11.2 Southern Downs Road Safety Advisory Committee Minutes**Error! Bookmark not defined.**

- 12. PLANNING, ENVIRONMENT & CORPORATE SERVICES DEPARTMENT REPORTS**.....ERROR! BOOKMARK NOT DEFINED.
- 12.3 Adoption of the Local Government Infrastructure Plan**Error! Bookmark not defined.**
- 12.5 Material Change of Use – Windorah Holdings Pty Ltd, 79 High Street, Stanthorpe..... **Error! Bookmark not defined.**
- 12.7 Consideration of Change Representations - Terrain Solar Pty Ltd, Gleasons Road, Jensens Road, Robinson Road and Freestone Road, Sladevale ..... **Error! Bookmark not defined.**
- 12.8 Material Change of Use - Lucas J Riley, 14135 Cunningham Highway, Rosenthal Heights..... **Error! Bookmark not defined.**
- 12.8.1 Material Change of Use - Lucas J Riley, 14135 Cunningham Highway, Rosenthal Heights - Deferral..... **Error! Bookmark not defined.**
- 12.9 Heritage Streetscape Loan Scheme ..... **Error! Bookmark not defined.**
- 12.1 Appeal to Planning and Environment Court - United Petroleum Pty Ltd v Southern Downs Regional Council ..... **Error! Bookmark not defined.**
- 12.2 Appeal to Development Tribunals - Massland Group Pty Ltd, 98 Wallace Street, Warwick ..... **Error! Bookmark not defined.**
- 12.4 Draft Submission to Department re Model Meeting Procedures and Councillors Code of Conduct and supporting documentation**Error! Bookmark not defined.**
- 12.6 Material Change of Use – Murray C and Cheryl A Sondergeld , 128 Swan Creek School Road, Swan Creek .... **Error! Bookmark not defined.**
- 13. REPORTS OF DEPUTATION OR CONFERENCE & REPORTS FROM DELEGATES APPOINTED BY COUNCIL TO OTHER BODIES** .....ERROR! BOOKMARK NOT DEFINED.
- 13.1 Reports from Delegates ..... **Error! Bookmark not defined.**
- 14. NOTICES OF MOTION**.....ERROR! BOOKMARK NOT DEFINED.
- Nil
- 15. GENERAL BUSINESS** .....ERROR! BOOKMARK NOT DEFINED.
- 15.1 Learn to Ride a Bike Safely Area ..... **Error! Bookmark not defined.**

## Meeting In Camera

## Meeting Out Of Camera

- 16.1 RFT 18\_135 Award of Contract for Mulching of Greenwaste and Timber Waste Products..... **Error! Bookmark not defined.**
- 16.2 Purchase of Second Hand Machinery..... **Error! Bookmark not defined.**
- 16.3 PN 21635 - Second Request for Water Relief**Error! Bookmark not defined.**
- 16.4 Karara Non Potable Water ..... **Error! Bookmark not defined.**
- 16.5 April & May 2018 Monthly Reports from Warwick Indoor Recreation and Aquatic Centre from YMCA Brisbane..... **Error! Bookmark not defined.**
- 16.6 Renewal of Trustee Lease between Southern Downs Regional Council and the Allora Show Society Incorporated . **Error! Bookmark not defined.**

- 16.7 Renewal of Freehold Lease between Southern Downs Regional Council and the Eastern Suburbs Junior Rugby League Wawrick Incorporated **Error! Bookmark not defined.**
- 16.8 Renewal of Trustee Lease between Southern Downs Regional Council and the Warwick & District Lapidary Club Incorporated **Error! Bookmark not defined.**
- 16.9 Resolution for Procurement Exception..... **Error! Bookmark not defined.**
- 16.10 Renewal of Trustee Lease between Southern Downs Regional Council and the Warwick City Band Incorporated ... **Error! Bookmark not defined.**
- 16.11 Audit and Risk Management Committee Meeting Minutes - 18 June 2018 ..... **Error! Bookmark not defined.**

**MINUTES OF THE GENERAL COUNCIL MEETING OF  
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 27 JUNE 2018  
IN THE COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,  
64 FITZROY STREET, WARWICK AT 9:00AM**

**1. PRAYERS & CONDOLENCES**

Zak Churchill from The Salvation Army 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: David Keenan (Chief Executive Officer), Ken Harris (Director Planning, Environment and Corporate Services), Eric Kraak (Acting Director Engineering Services) and Marion Seymour (Minute Secretary)

**3. APOLOGIES**

Nil

**4. READING AND CONFIRMATION OF MINUTES**

**4.1 General Council Meeting - 23 May 2018**

**Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr M McNichol**

THAT the minutes of the General Council Meeting held on Wednesday 23 May 2018 be adopted.

**Carried**

**4.2 Special Council Meeting - 6 June 2018**

**Resolution**

**Moved Cr R Kelly**

**Seconded Cr S Windle**

THAT the minutes of the Special Council Meeting held on Wednesday 6 June 2018 be adopted.

**Carried**

**4.3 Special Council Meeting - 13 June 2018**

**Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr J McNally**

THAT the minutes of the Special Council Meeting held on Wednesday 13 June 2018 be adopted.

**Carried**

## 5. ACTIONS FROM COUNCIL MEETINGS

### 5.1 Actions from Previous Council Meeting

#### Resolution

**Moved Cr V Pennisi**

**Seconded Cr Y Stocks**

THAT Council receive the report and note the contents.

**Carried**

## 6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precise	Nature of Conflict
10.2	Saleyards Advisory Committee Meeting Minutes 31 May 2018	Cr Gow 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 his membership of the Stanthorpe Agricultural Society. Cr Gow dealt with the perceived conflict of interest by stating that it was his determination that his personal interest is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest and asked Council to consider his participation in the discussion and vote on this matter. Following a resolution from Council, Cr Gow participated in the discussion and voting on this matter.
10.4	Policy Review	Cr Pennisi 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 as he had been related to someone on dialysis, who had subsequently passed away. Cr Pennisi dealt with the perceived conflict of interest by stating that it was his determination that his personal interest is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest and asked Council to consider his participation in the discussion and vote on this matter. Following a resolution from Council, Cr Pennisi participated in the discussion and voting on this matter.
12.7	Consideration of Change Representations – Terrain Solar Pty Ltd, Gleasons Road, Jensens Road, Robinson Road and Freestone Road, Sladevale	Cr McNally declared that a perceived conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i> ), may exist as her residence in Murphy Street runs parallel to the substation in East Street where the powerlines will run to from the development. 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.
16.4	Karara Non Potable Water	Cr Kelly declared a real conflict of interest in this matter (as defined in section 175 of the <i>Local Government Act 2009</i> ) due to his wife's first cousin being a home property owner in Karara Town and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.

### 6.1 Conflict of Interest - Cr Gow

#### Resolution

**Moved Cr Y Stocks**

**Seconded Cr M McNichol**

THAT Council resolve that Cr Gow, who declared a perceived Conflict of Interest in respect to matters contained in Agenda Item 10.2 due to his membership of the Stanthorpe Agricultural Society, is permitted to remain and participate in the meeting in relation to the matter and vote on the matter.

**Carried**

### 6.2 Conflict of Interest - Cr Pennisi

#### Resolution

**Moved Cr N Meiklejohn**

**Seconded Cr Y Stocks**

THAT Council resolve that Cr Pennisi, who declared a perceived Conflict of Interest in respect to matters contained in Agenda Item 10.4 as he had been related to someone on dialysis who had subsequently passed away, is permitted to remain and participate in the meeting in relation to the matter and vote on the matter.

**Carried**

### 6.3 Conflict of Interest - Cr McNally

#### Resolution

**Moved Cr R Kelly**

**Seconded Cr S Windle**

THAT Council resolve that Cr McNally, who declared a perceived Conflict of Interest in respect to matters contained in Agenda Item 12.7 as her residence in Murphy Street runs parallel to the substation in East Street where the powerlines will run to from the development, is permitted to remain and participate in the meeting in relation to the matter and vote on the matter.

**Carried**

## **7. MAYORAL MINUTE**

### **7.1 Mayoral Minute - June 2018**

#### **Resolution**

**Moved Cr M McNichol**

**Seconded Cr R Kelly**

THAT Council receive the Mayoral Minute for June 2018.

**Carried**

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

### **8.1 Correspondence**

#### **Resolution**

**Moved Cr M McNichol**

**Seconded Cr R Kelly**

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

**Carried**

## **9. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS**

Nil

## **10. EXECUTIVE**

### **10.1 Finance Report 31 May 2018**

#### **Resolution**

**Moved Cr J McNally**

**Seconded Cr R Kelly**

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

**Carried**

*Cr Gow declared that a perceived conflict of interest in Agenda Item 10.2 (as defined in section 175 of the Local Government Act 2009) may exist due to his membership of the Stanthorpe Agricultural Society. Cr Gow dealt with the perceived conflict of interest by stating that it was his determination that his personal interest is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest and asked Council to consider his participation in the discussion and vote on this matter. Following a resolution from Council (6.1), Cr Gow participated in the discussion and voting on this matter.*



## **10.2 Saleyards Advisory Committee Meeting Minutes 31 May 2018**

### **Resolution**

**Moved Cr J McNally**

**Seconded Cr R Kelly**

THAT Council:-

1. Receive the minutes of the Saleyards Advisory Committee Meeting held on 31 May 2018.
2. Endorse Matthew Grayson as a member of the Saleyards Advisory Committee.

**Carried**

*Cr Gow voted for the motion*

## **10.3 Endorsement of Submission to the Economics and Governance Committee on Electoral Legislation (Political Donations) Amendment Bill 2018**

### **Resolution**

**Moved Cr J McNally**

**Seconded Cr N Meiklejohn**

THAT Council endorse the attached submission to the Economics and Governance Committee on Electoral Legislation (Political Donations) Amendment Bill 2018.

**Carried**

### **Attachments**

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

*Cr Pennisi declared that a perceived conflict of interest in Agenda Item 10.4 (as defined in section 175 of the Local Government Act 2009), may exist as he had been related to someone on dialysis who had subsequently passed away. Cr Pennisi dealt with the perceived conflict of interest by stating that it was his determination that his personal interest is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest and asked Council to consider his participation in the discussion and vote on this matter. Following a resolution from Council (6.2), Cr Pennisi participated in the discussion and voting on this matter.*

## 10.4 Policy Review

### Resolution

**Moved Cr J McNally**

**Seconded Cr R Kelly**

THAT Council adopt the attached revised Policies:

- PL-FS018 – Investment Policy
- PL-FS025 – Related Party Disclosure Policy
- PL-FS035 – Relief from Water Consumption Charges Policy
- PL-FS057 – Debt Recovery Policy
- PL-FS062 – Rate Exemption by Resolution Policy
- PL-FS068 – Home Haemodialysis Water Allowance Policy
- PL-FS080 - Project Decision Framework Policy
- PL-FS076 – Rates Concession Policy

**Carried**

### Attachments

1. PL-FS018 Investment Policy - **Attached to the Minutes Under Separate Cover**
2. PL-FS025 Related Party Disclosure Policy - **Attached to the Minutes Under Separate Cover**
3. PL-FS035 Relief from Water Consumption Charges Policy - **Attached to the Minutes Under Separate Cover**
4. PL-FS057 Debt Recovery Policy - **Attached to the Minutes Under Separate Cover**
5. PL-FS062 Rate Exemption by Resolution Policy - **Attached to the Minutes Under Separate Cover**
6. PL-FS068 Home Haemodialysis Water Allowance Policy - **Attached to the Minutes Under Separate Cover**
7. PL-FS080 Project Decision Framework Policy - **Attached to the Minutes Under Separate Cover**
8. PL-FS076 Rates Concession Policy - **Attached to the Minutes Under Separate Cover**

*Cr Pennisi voted for the motion*

## 11. ENGINEERING SERVICES DEPARTMENT REPORTS

### 11.1 Engineering Services Department Monthly Report

#### Resolution

**Moved Cr N Meiklejohn**

**Seconded Cr R Kelly**

THAT Council receive the Engineering Services Department Monthly Report.

**Carried**

## **11.2 Southern Downs Road Safety Advisory Committee Minutes**

### **Resolution**

**Moved Cr M McNichol**

**Seconded Cr S Windle**

THAT Council receive the minutes of the Southern Downs Road Safety Advisory Committee Meeting held on the 17 May 2018.

**Carried**

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

### **12.3 Adoption of the Local Government Infrastructure Plan**

#### **Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr S Windle**

THAT Council adopts the Southern Downs Local Government Infrastructure Plan, and amends the Southern Downs Planning Scheme for the Local Government Infrastructure Plan.

**Carried**

## 12.5 Material Change of Use – Windorah Holdings Pty Ltd, 79 High Street, Stanthorpe

### Resolution

**Moved Cr N Meiklejohn**

**Seconded Cr Y Stocks**

THAT, subject to agreement from the applicant, Council extend the decision period for the application for Material Change of Use for Short-term accommodation (Motel) on Lots 6 & 7 RP4888, located at 79-81 High Street, Stanthorpe, pending the submission of a new design for the proposed motel addressing the following non-compliances with the following sections of the Southern Downs Planning Scheme:

#### **6.2.7.2(2) Medium density residential zone code - Purpose**

The overall outcomes sought for the zone code are as follows:

- (c) The scale and density of new development is consistent with residential neighbourhoods. New development will maintain a compact urban form, and be located and designed having regard to integration and compatibility with the height and bulk of the dwellings in the immediate area and streetscape character.
- (d) Development provides a high level of amenity through compatible mixing of land uses, activities and building forms, access to services and facilities and cohesive streetscapes and quality urban design.
- (g) Non-residential uses have a scale and incorporate design elements that are consistent with the surrounding residential development, including roofline and architectural treatments that reflect residential building design.
- (h) Some uses such as tourist accommodation have a residential character and will generally be acceptable uses subject to scale and design.

#### **6.2.7.3 Assessment benchmarks**

**AO2** The maximum site coverage of all buildings and structures is 40%.

**PO2** The site cover of buildings and other roofed structures:

- (b) does not present an appearance of bulk to adjacent properties or roads

**AO7** *In partial fulfilment of the PO - (c)* Car parks are set back at least 6 m from the primary street frontage

**PO7** The appearance and siting of buildings, other structures, car parking areas or signage is compatible with the local streetscape character, and the style and design of nearby residential buildings.

**Carried**

*Cr McNally declared that a perceived conflict of interest in Agenda Item 12.7 (as defined in section 173 of the Local Government Act 2009), may exist as her residence in Murphy Street runs parallel to the substation in East Street where the powerlines will run to from the development. 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 (6.3), Cr McNally participated in the discussion and voting on this matter.*

## 12.7 Consideration of Change Representations - Terrain Solar Pty Ltd, Gleesons Road, Jensens Road, Robinson Road and Freestone Road, Sladevale

### Resolution

Moved Cr N Meiklejohn

Seconded Cr Y Stocks

THAT Council agrees with the change representations made in relation to the application for a Material Change of Use for Renewable energy facility (Solar farm) on land at Gleesons Road, Jensens Road and Freestone Road, Sladevale, described as Lots 1, 4 & 5 RP36424, Lot 416 SP141378, Lots 417 & 418 W3010, Lot 415 SP279264, Parish of Warwick, County of Merivale, and the conditions of approval be amended as follows:

### Schedule 1 - Southern Downs Regional Council Conditions

#### Approved Plans

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

Plan Name	Plan No.	Date
Site Layout	PR136472-01-A	28/03/2018 14/06/2018
Warwick Solar Farm Preliminary Layout	SP-01 Rev 4	10/01/2018
Landscape View Study	136472-5 L-0-01 Rev C-E	09/04/2018 18/06/2018
Landscape View Study	136472-5 L-0-02 Rev B	18/06/2018

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

#### Land Use and Planning Controls

3. This approval allows for the use of the site and existing dwellings for a Renewable energy facility (Solar farm) and ancillary activities including administration, research and education.
4. No solar panels are to be erected within the interface areas around the site in accordance with the Site Layout Plan (136472-01-A) and Landscape View Study (136472-5-L-0-01 Revision E and 136472-5-L-0-02 Revision B) a 60-metre wide buffer around the whole of the site. Within this the interface area, random plantings of a variety of native trees and shrubs of differing growth habits are to be provided. The trees and shrubs must be of species that are fast growing, frost resistant and drought hardy. The vegetated buffer around the periphery of the site is to be maintained so it provides an effective visual buffer.
5. The Renewable energy facility (Solar farm) may operate for a maximum of 25 years from the date the facility, or part of the facility, becomes operational. This timeframe may be extended for a further period of five years subject to soil tests demonstrating that there have been no adverse impacts on soil quality.
6. Site coverage of the solar panels must not exceed 30% of the total site area approximately.
7. A minimum separation distance of 2.5 metres must be provided between the rows of solar panels (at horizontal tilt).
8. The solar panels are to have a maximum height of 2.6 metres above finished ground level at maximum tilt.
9. The mounts for the solar panels are to be generally pile driven or screwed into the ground or have a matt finish.

10. All coatings on cables and structures must be anti-reflective.
11. The site is to be used for the grazing of stock.
12. **During operations**, grass cover is to be maintained throughout the site, except in those areas used for major access tracks **or in buffer planting areas**.
13. The solar panels are to be maintained in working order. If a panel is damaged or becomes inoperable, the panel is to be **removed replaced** as soon as practicable.
14. ~~Prior to commencement of construction~~, The following plans are to be submitted to Council for approval:
  - (a) **Prior to commencement of construction**
    - (i) Construction environmental management plan; **and**
  - (b) **Prior to commencement of the use:**
    - (i) Decommissioning program and asset removal schedule (including the removal of all on-site infrastructure associated with the Solar farm, including all underground infrastructure); and
    - ~~(e)(ii)~~ Land rehabilitation and monitoring plan (including how the land will be rehabilitated to allow for future agricultural use), **including restoration of landforms and contour banks if modified**.

The Construction Environmental Management Plan must be prepared by a suitably qualified person and address the following:

- Hours of building and operational work activity
  - Air and noise quality management – emissions monitoring (day/night)
  - Stormwater quality management – including erosion and sediment control, how existing contour banks **and landforms** will be **retained modified, and how stormwater outcomes will be maintained or improved. The construction phase stormwater management plan shall include RPEQ certification.**
  - Waste management
  - Complaint monitoring and community engagement procedures
  - Dust suppression (road watering) program
  - Traffic management and monitoring plan
15. The site is to be decommissioned and rehabilitated in accordance with the approved Decommissioning program and asset removal schedule and Land rehabilitation and monitoring plan.

### **Amenity and Environmental Controls**

16. During the construction phase of the development, all wastes must be separated into recyclables (where possible) and landfill wastes, and disposed of at the Warwick Central waste facility.
17. Declared pest plants on **all** the land subject to this application must be destroyed to the satisfaction of the Manager Environmental Services.
18. The loading and/or unloading of delivery and other service vehicles (excluding general waste collection vehicles) is limited between the hours of 7.00am and 7.00pm, Monday to Saturday, and between the hours of 8.00am and 3.00pm on Sundays. No heavy vehicles must enter the development site outside these times to wait for unloading/loading.
19. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
20. 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.
21. Prior to commencement of construction, certification from a suitably qualified person is to be

submitted to Council demonstrating that electromagnetic radiation (EMR) levels from equipment and infrastructure will not exceed recommended levels in accordance with the National Health and Medical Research Council's *Interim Guidelines on the limits of exposure to 50/60Hz electric and magnetic fields* (1989).

All EMR sources within the Proposed Solar Farm are **to be** located at an appropriate distance from the property boundary to ensure the electro-magnetic radiation risk to the general public is negligible.

### Fencing, Landscaping and Buffers

22. A security fence shall be erected ~~within the site along all property boundaries of the solar farm~~ in accordance with the Landscape View Study Plan (136472-5-L-0-01 Revision ~~G-E~~ and 136472-5-L-0-02 Revision B). **Details of the proposed fencing are to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to construction of the fencing commencing.** Fencing is to be provided and maintained in accordance with the approved details.
23. Landscaping is to be provided ~~in the proposed 60 m buffer to include a 20 metre wide landscape strip in~~ in accordance with the Landscape View Study Plan (136472-5-L-0-01 Revision ~~G E~~ and 136472-5-L-0-02 Revision B) consisting of:
  - (a) in the 60 metre wide interface area: a 20 metre wide landscape strip and a 40 metre infrastructure buffer; and
  - (b) in the 20 metre wide interface area: a 10 metre wide landscape strip and a 10 metre infrastructure buffer.
24. **A detailed Landscaping Plan**, prepared by an appropriately qualified person, **is to be submitted to and approved by the Director Planning, Environment and Corporate Services** prior to construction commencing. The detailed Landscape Plan must include details of the location and species of plants, ~~and the irrigation system soil preparation and planting methods~~. Plants are to be generally fast growing, frost resistant and drought hardy, and must not include weed species. Root barriers are to be installed around trees that are located within 3 metres of any underground infrastructure. The site is to be landscaped and maintained in accordance with the approved Landscaping Plan, and to ensure it provides an effective visual buffer.

### Car Parking and Vehicle Access

25. A gravel crossover crossing, adequate to cater for construction traffic, is to be constructed at the Jensens Road entrance to the site. The access gateway to the property must be located within a setback such that all vehicles proposed to enter and/or exit the land are able to stand clear of the carriageway whilst the property gateway is being opened and/or closed.
26. All vehicular access to and from the Solar farm must be via Jensens Road only.
27. The internal driveways are to be designed and constructed to allow an 8.8 metre service vehicle to enter and leave the site in forward gear.
28. At least five (5) car parking spaces are to be provided on site. Provision is to be made for disabled parking.
29. All loading and unloading of goods related to the development must be carried out within the confines of the site boundary. Under no circumstances will the loading or unloading of goods on the public roadway system be permitted.

### Roadworks

30. A dedicated heavy vehicle access to the site shall be constructed at the location nominated on the Site Layout Plan (PR136472-01) prepared by RPS. The site access shall be constructed to an all-weather heavy vehicle standard and include measures to prevent the tracking of soil and silt from the site onto the road network.



31. A Road Safety Assessment, as recommended in the Traffic Impact Assessment Report prepared by Premise and dated 28 March 2018, is to be carried out by an RPEQ or accredited road safety auditor, and the recommendations of that assessment are to be carried out as part of the required works for the development. The Road Safety Assessment is to include Freestone Road between the Cunningham Highway and Freestone Creek Road, Robinson Road between Freestone Road and Jensen Road, and Jensens Road between Robinson Road and the site access. Where this condition requires works or alterations to Council's infrastructure, these alterations shall require an Operational Works Approval.
32. A pre-construction condition assessment, including joint inspections by the developers certifying engineer and Council's officers, is to be conducted on each of Robinson Road, Jensen Road, McMahon's Road and Gleeson Road. The roads are to be re-inspected upon completion of the construction period, and the developer shall rectify any damage caused to Council's infrastructure during the construction period. Inspections are to be organised and programmed by the developer. Please contact Council's Development Engineer to arrange these inspections.
33. If, once operational, the Solar farm generates traffic to the facility such that the number of vehicles using Robinson's Road and Jensens Road exceeds 150 vehicles a day, these roads are to be sealed to a 6.0 metre wide sealed road standard to provide sealed access from the intersection of Freestone Road and Robinson's Road to the entrance to the development site from Jensens Road. Such works are to include stormwater drainage.
34. Dust suppression measures are to be put in place on unsealed roads utilised by construction traffic to access the development, where those roads are within 200 metres of a dwelling house.

#### **Stormwater Drainage**

35. The developer's Consulting Engineer shall carry out catchment analyses and runoff modelling to confirm the suitability of existing stormwater infrastructure under Jensen's Road. The modelling shall account for partial area effects and determine the critical storm duration for the infrastructure. The provisions with regards to QUDM Table 4.5.4 regarding change from dryland broad-acre farming and grazing to retained groundcover are to be addressed in runoff modelling.
36. The modelling required by Condition 35 shall be based upon a detailed design surface of the site, which includes all contour banks, any drainage paths, access roads and other features which will concentrate stormwater flow.
37. Council's design standard for minor road culvert crossings is immunity up to and including 1 in 10 year ARI. Where the developers consulting engineer determines upgrades or modifications to the existing infrastructure are necessary, these works shall require an Operational Works Approval. Any works undertaken to the existing waterways shall conform to the DAF code for self-assessable waterway barrier works, & construction and maintenance of culverts.

#### **Water Supply and Waste water**

38. All sewage generated from this property must be disposed of by means of an on-site sewage facility (OSSF) in accordance with the AS/NZS 1547:2012 - *On-site Domestic Wastewater Management, Queensland Plumbing and Wastewater Code* and the *Standard Plumbing and Drainage Regulation 2003*.

**Carried**

*Cr McNally voted for the motion*

*Cr Pennisi voted against the motion and asked that his vote be recorded*



## 12.8 Material Change of Use - Lucas J Riley, 14135 Cunningham Highway, Rosenthal Heights

### Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

A. THAT the application for Material Change of Use for the purpose of a Low impact industry (Motor vehicle workshop and Chiller boxes for storage of game meat), on land at 14135 Cunningham Highway, Rosenthal Heights, described as Lot 640 ML68, Parish of Rosenthal, County of Merivale, be refused for the following reasons:

1. The proposed site is located within the Sandstone rises and traprock hills precinct of the Rural zone, where the surrounding area is closely settled and is surrounded by predominantly single detached dwellings on small rural and rural residential lots.

The proposed development has commenced without the appropriate approvals and has created adverse impacts on adjoining and surrounding areas. The use is considered to be in conflict to the surrounding rural and rural residential uses, has a negative visual impact and the scenic amenity and community values of the area have been compromised.

The proposed development is not considered to be appropriate in this location, has impacted on the efficiency of State-controlled road network and compromised public safety.

There is not sufficient grounds to justify the approval of this application, as the proposed development cannot comply with the following sections of the Southern Downs Planning Scheme:

#### **Rural zone code**

**PO1** *The rural or natural environment character of the land is retained. Uses established in the Rural zone do not conflict with rural land uses or the natural, scenic and community values of the area.*

**PO5** *There are no significant adverse impacts on public health and safety with regard to:*  
(a) *the siting scale and design of buildings or other works;*  
(b) *waste water disposal;*  
(c) *the permanent or temporary occupation of or access to areas subject to natural hazards.*

**PO6** *All uses are located, designed, oriented and constructed to minimise noise, dust, odour or other nuisance from existing lawful uses including rural and industry uses.*

#### **Sandstone rises and traprock hills precinct**

**PO1** *Sandstone rises and traprock hills Uses are limited to uses that do not conflict with or reduce the productive capacity, or scenic values of the land. In particular –*

- (b) *The use has low visual impact particularly where located on highways, main roads or tourist routes;*

**PO3** *The existing high level of scenic amenity in this precinct is retained.*

#### **Industry uses code**

**PO4** *Buildings conform to the general character and building style of the area.*

**PO5** *Uses do not result in sensitive land uses outside of the Industry zone experiencing a lower standard of amenity as a result of industrial air, noise and odour emissions.*

**PO7** *Uses are located and designed that the visual impact of the use is minimised.*

**PO9** Stormwater is controlled to minimise the environmental impacts of runoff from the industry use on the water quality of surface and ground water.

**PO10** Waste water is controlled to minimise the impacts from the use on water quality of surface and ground water.

### **Carparking and loading code**

**PO7** Vehicular accesses

- (a) are appropriate for:
  - (iv) The capacity of the carpark;
  - (v) The volume, frequency and type of vehicle usage; and
  - (vi) The function and configuration of the access road; and
- (b) minimise any potentially adverse impact on:
  - (iv) The safety and efficiency of the road;
  - (v) The integrity of any infrastructure within the road reserve; and
  - (vi) The safety of access to adjacent properties.

**PO8** (a) Property access to the highway does not impact on the flow and safety of through traffic.  
(b) Development that generates demand for cross highway movement is located at intersections with access or egress from a side road;  
(c) Entry and exit driveways are designed so that queues do not develop on external roads;

### **Physical infrastructure code**

**PO2** All development has a safe, effective means of sewage treatment and disposal that meets acceptable public health and environmental standards.

### **Strategic Framework**

#### **3.3 Settlement pattern**

##### **3.3.1 Strategic outcomes**

- (13) The health, wellbeing, amenity and safety of communities and individuals are protected from the impacts of air and noise emissions, as well as hazardous materials.

##### **3.3.7 Element Industrial areas**

##### **3.3.7.2 Land use strategies**

- (1) Industrial activities are important to the economy for the provision of goods and services that support transport, infrastructure and development, and the day-to-day materials for our homes and workplaces. Equally, industrial activities can cause impacts from air, noise and odour emissions, as well as hazardous materials. Air and acoustic environments are protected and managed to maintain the health and wellbeing of the community and individuals.

##### **3.3.10 Element Land use impacts**

*Incompatible uses are separated to maintain the well being and health of residents and support the ongoing activity of uses that are important to the Southern Downs' economy and the enjoyment of residents and visitors. The impacts of uses are contained within the site, identified buffer area or zoned area.*

##### **3.3.10.1 Specific outcomes**

- (6) The location of industry, intensive animal industry operations and sensitive uses, particularly residential activities, are managed to protect the health, well being, amenity and safety of communities and individuals from the impacts of air, noise and odour emissions and from the impacts of hazardous materials and to support

and protect industry and rural uses in appropriate locations.

### 3.7 Access and mobility

#### 3.7.2.2 Land use strategies

- (1) *The planning scheme promotes transport supportive development through development design policies. Development that would prejudice the safety or efficiency of the transport infrastructure is not supported. Land uses are generally located in order to make best use of existing transport infrastructure and promote walking, cycling and use of public transport where possible.*
- (2) *Major roads and the railway corridor land are protected from incompatible development. Development that is likely to impede the safe and efficient operation of the corridor, be incompatible with corridor uses as a result of noise or visual impacts, contribute to ribbon development or inhibit the long term operation of transport corridors is not supported.*

### 3.9 Economic Development

#### 3.9.3.1 Strategic outcomes

- (2) *Alternative locations for industries are available subject to satisfactory access provisions and compatible integration into the surrounding area and protection of the environment.*

#### 3.9.3.2 Land use strategies

- (7) *Development of land for industrial purposes outside the Industry zone may be acceptable particularly where the industry has a rural focus or is dependent on the use of goods produced in the rural area or in the case where the industry services a local catchment. The use of land for industrial purposes is only acceptable if the land has adequate sealed access and is flat, free from flooding and otherwise suitable for industrial development. Where land has these characteristics, development may be supported if the size, scale, location, design and nature of the proposed development is such that the amenity and character of the locality is maintained, the use does not have an adverse impact on the environment and the level of services required by the development, including electrical infrastructure, can be provided.*
  - (8) *New industrial development is not located on the edge of towns or villages where it contributes to the piecemeal or unplanned development of these centres or where it potentially contributes to ribbon development.*
2. A number of submissions were received which contained grounds that warrant refusal of the application.

**Lost**

#### **12.8.1 Material Change of Use - Lucas J Riley, 14135 Cunningham Highway, Rosenthal Heights - Deferral**

##### **Resolution**

**Moved Cr V Pennisi**

**Seconded Cr S Windle**

THAT, subject to agreement from the applicant, Council extend the decision period for the application for Material Change of Use for the purpose of a Low impact industry (Motor vehicle workshop and Chiller boxes for storage of game meat), on land at 14135 Cunningham Highway, Rosenthal Heights, described as Lot 640 ML68, Parish of Rosenthal, County of Merivale, be further considered by Council at the July 2018 General Meeting.

**Carried**

## **12.9 Heritage Streetscape Loan Scheme**

### **Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr S Windle**

THAT Council endorse the Heritage Streetscape Loan Scheme as detailed in the report.

**Carried**

## **12.1 Appeal to Planning and Environment Court - United Petroleum Pty Ltd v Southern Downs Regional Council**

### **Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr S Windle**

THAT, for the matter of Planning and Environment Court Appeal No. BD1924 of 2018 - United Petroleum Pty Ltd v Southern Downs Regional Council, Council:

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

**Carried**

## **12.2 Appeal to Development Tribunals - Massland Group Pty Ltd, 98 Wallace Street, Warwick**

### **Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr S Windle**

THAT Council note that Massland Group Pty Ltd has lodged an appeal with the Development Tribunals in relation to a development approval for a Relocatable home park and Tourist park on land at 98 Wallace Street, Warwick, described as Lot 2 RP901732 and Lot 1 RP125874.

**Carried**

## **12.4 Draft Submission to Department re Model Meeting Procedures and Councillors Code of Conduct and supporting documentation**

### **Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr S Windle**

THAT Council submit the attached Submission to the Department of Local Government, Racing and Multicultural Affairs.

**Carried**

## **12.6 Material Change of Use – Murray C and Cheryl A Sondergeld , 128 Swan Creek School Road, Swan Creek**

### **Resolution**

**Moved Cr M McNichol**

**Seconded Cr S Windle**

THAT the application for Material Change of Use for the purpose of Medium Impact Industry (spray painting and sand blasting) on Lot 2 RP30728, Lot 34 SP209392, located at 128 Swan Creek School Road Swan Creek, be approved subject to the following conditions:

### **Schedule 1 - Southern Downs Regional Council Conditions**

#### **Approved Plans**

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

Plan Name	Plan No.	Date
Layout Plan	-	-
Site Plan	-	-

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

#### **Easements and Covenants**

3. A statutory covenant is to be provided over Lot 2 on RP30728 and Lot 34 on SP209392 to retain these lots in the same ownership until such time as the use of the land for a Medium Impact Industry ceases. The covenant documentation is to be prepared by Council's solicitors at the developer's cost. The covenant documentation is to be submitted to Council for approval.

#### **Land Use and Planning Controls**

4. This approval allows for the use of the buildings for the following uses only:
  - Medium Impact Industry (spray painting and sand blasting).
5. The material change of use the subject of this development permit must be completed within a period of 4 years starting the day this development permit takes effect.
6. The development shall operate only between the hours of 7.00am to 6.00pm, Mondays to Saturdays, and not at all on Sundays and public holidays.
7. All material shall be stored so as not to:
  - (a) Provide any harbourage or attraction for pests and vermin; or
  - (b) Provide a breeding place for mosquitoes; or
  - (c) Be unsightly.

#### **Building and Site Design**

8. 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).
9. The existing shipping container is to be removed from the site.

#### **Amenity and Environmental Controls**

10. Any hazardous materials (e.g. oil and fuel) must be stored in a covered and bunded area. Any liquid spills that do occur must be cleaned up immediately and disposed of in an appropriate manner that ensures environmental harm does not occur. An appropriate spill kit for the management of wastes and hazardous liquids associated with the activity must be readily available at the site. Anyone operating under this approval must be trained in the use

of the spill kit.

11. The operator must investigate and address all environmental nuisance and/or environmental harm complaints. The following details must be recorded and provided to Council upon request:
  - a) time, date, name and contact details of the complainant;
  - b) reasons for the complaint;
  - c) any investigations undertaken;
  - d) conclusions formed; and
  - e) any actions taken.

When requested by Council, an assessment, including monitoring and/or sampling must be undertaken by a suitably qualified person(s) to investigate any complaint of environmental nuisance and/or environmental harm (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief). Upon completion of the assessment, the results must be submitted to Council within 10 business days. This must be undertaken in accordance with any direction given by Council at the time.

If the results of the assessment indicate, or where it is determined by an authorised person, that environmental nuisance and/or environmental harm is being caused, abatement or control measures must be implemented as recommended by a suitably qualified person and/or Council.

12. All activities must be carried out within the confines of the workshop/spray booth/blasting chamber.
13. The operator of an activity to which this approval relates must contact the Council as soon as practicable after becoming aware of any release of contaminants not in accordance with the conditions of this approval, or any event where environmental harm has been caused or may be threatened.
14. Any fixed noise emitting device (eg air conditioning unit, compressors, generator etc) located outside the workshop/facility must be placed within an appropriate acoustic enclosure.
15. The washing down of the workshop, the cleaning of waste containers or the washing of any other items that generate contaminated water, is not permitted unless the contaminated water is directed to an approved wastewater treatment system prior to release.
16. All surface coating booths and abrasive blasting chambers must be constructed and located in accordance with the approved plans.
17. Abrasive blasting is to be conducted within a fully enclosed chamber, vented to the atmosphere through an effective dust extraction system and designed to enable frequent or continuous recovery of spent abrasives. The abrasive blasting chamber is to be constructed to a standard that minimises noise emissions from the activity.
18. All filtration systems associated with the surface coating booth and the abrasive blasting chamber must be regularly maintained in accordance with the manufacturers' recommendations.
19. All surface coating must be conducted in the spray booth, built to *Australian Standard 4114.1:2003 Spray painting booths, designated spray painting areas and paint mixing rooms Part 1: Design, construction and testing*; and *Australian Standard 4114.2:2003 Spray painting booths, designated spray areas and paint mixing rooms Part 2: Installation and maintenance*; and *Australian Standard AS4323.1:1995 Stationary Source Emissions - Selection of Sampling Positions*.
20. The spray booth must be certified by an industry-qualified practitioner, with documentary evidence provided to Council to the satisfaction of the Director Planning Environment and



#### Corporate Services.

21. Install and maintain the lighting fixtures so that they do not emit glare or light above the levels stated in *Australian Standard 4282-1997 Control of Obtrusive Effects of Outdoor Lighting*.
22. During the construction phase of the development, all wastes must be separated into recyclables (where possible) and landfill wastes, and disposed of at the Warwick Central waste facility.
23. Noise levels emitted from the premises must not exceed 5dB(A) above the background noise levels in the locality when measured at the boundary of an affected residential dwelling and must not exceed 10dB(A) above the background noise levels in the locality when measured at the boundary of a commercial premises. This may include the need to use noise attenuating materials in the building.
24. A sufficient number of suitable waste receptacles must be provided on site at all times. Waste receptacles must be regularly serviced to prevent unsightly accumulations of waste or environmental harm being caused
25. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
26. 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.
27. Advertising Devices relating to the proposed use may **only** be erected on the subject land, i.e. Lot 34 on SP209392. 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.
28. 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.

#### Fencing, Landscaping and Buffers

29. Landscaping is to be provided adjacent to the "old Dairy" structure west of the proposed blasting shed to provide a visual buffer to the new building from the adjoining properties and road.

#### Car Parking and Vehicle Access

30. All vehicular access to and from the site must be via Swan Creek School Road only.
31. The vehicle entrance, driveway and carparking area may remain gravel, provided they are appropriately maintained and do not cause a dust nuisance. If complaints are received (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief) or the vehicle entrance and driveway become eroded with material becoming deposited outside of the site or potholes form that would increase noise associated with vehicle movements, the entrance, driveway and carparking area shall be sealed to Council's standards.
32. All loading and unloading of goods related to the development must be carried out within the confines of the allotment's boundary. Under no circumstances will the loading or unloading of goods on the public roadway system or footpath be permitted.

#### Roadworks

33. Any roadworks and drainage works damaged during construction of the development are to be reinstated to the pre-existing condition, unless otherwise required by the Director Engineering Services.

## Stormwater Drainage

34. 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.

### Advisory Notes

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning, Environment and Corporate Services, prior to the use commencing, and then compliance maintained at all times while the use continues.
- (ii) Any proposal to increase the scale or intensity of the use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Planning Act 2016* and would have to comply with the requirements of the Planning Scheme.
- (iii) It is encouraged that you arrange for a free compliance inspection to be carried out prior to the use commencing. This will involve a physical inspection of the premises along with an internal audit of Council's records. Written advice will be provided for your records advising if compliance with the conditions has been achieved.
- (iv) The General Environmental Duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles dust, ash, fumes, light, odour or smoke, beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.
- (v) Any storage of flammable and/or combustible liquids must comply with the minor storage provision of Australian Standard AS1940 *The Storage and Handling of Flammable and Combustible Liquids*.
- (vi) **Building Approval is to be obtained** for a Class 10 building in accordance with the *Planning Act 2016* for the existing and 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.**

### **Aboriginal Cultural Heritage**

- (vii) 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](http://www.datsima.qld.gov.au)

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

This application has been referred to the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) as an application involving State-controlled road, i.e.:

- MCU where any part of the land is within 25 metres of a State-controlled road OR abuts a road that intersects with a State-controlled road within 100 metres of the land

The following response was provided by DSDMIP:



1804-4937 SRA

**No requirements**

Under section 56(1)(a) of the *Planning Act 2016*, the department advises it has no requirements relating to the application.

A copy of this response has been sent to the applicant for their information.

For further information please contact Brittany Hughes, Planning Officer, on 46167307 or via email [ToowoombaSARA@dsdmip.qld.gov.au](mailto:ToowoombaSARA@dsdmip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Luke Lankowski  
Manager, Planning

cc Mr Jacob Sondergeld, [jnkcustoms15@gmail.com](mailto:jnkcustoms15@gmail.com)

**Carried**

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

10:17 AM Cr N Meiklejohn left the meeting

10:19 AM Cr N Meiklejohn rejoined the meeting

#### **13.1 Reports from Delegates**

##### **Resolution**

**Moved Cr V Pennisi**

**Seconded Cr S Windle**

THAT the verbal report from Cr Kelly on the Southern Queensland Country Tourism Conference held in Stanthorpe on 19 and 20 June 2018 be received.

**Carried**

### **14. NOTICES OF MOTION**

Nil

### **15. GENERAL BUSINESS**

Cr Gow tabled information from the QCWA on their Public Rural Crisis Fund that he received at the recent Border Divisional Conference. The Fund has been an initiative of the QCWA since 1990 to support families suffering any type of crisis, including drought, flood or fire. Cr Gow requested that Council publicise and share the information on the Fund with the community

The Mayor raised the issue of a letter she had received from an 8 year old student from Warwick West State School asking Council to consider developing a "Learn to Ride a Bike Safely" area.

#### **15.1 Learn to Ride a Bike Safely Area**

##### **Resolution**

**Moved Cr J McNally**

**Seconded Cr S Windle**

THAT Council investigate the possible creation of "Learn to Ride a Bicycle Safely" areas across the region where children can learn to ride a bike or scooter.

**Carried**

### **16. CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS**

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

## **Recommendation**

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

### **16.1 RFT 18\_135 Award of Contract for Mulching of Greenwaste and Timber Waste Products**

#### **Reason for Confidentiality**

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

### **16.2 Purchase of Second Hand Machinery**

#### **Reason for Confidentiality**

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

### **16.3 PN 21635 - Second Request for Water Relief**

#### **Reason for Confidentiality**

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

### **16.4 Karara Non Potable Water**

#### **Reason for Confidentiality**

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

### **16.5 April & May 2018 Monthly Reports from Warwick Indoor Recreation and Aquatic Centre from YMCA Brisbane**

#### **Reason for Confidentiality**

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

### **16.6 Renewal of Trustee Lease between Southern Downs Regional Council Council and the Allora Show Society Incorporated**

#### **Reason for Confidentiality**

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

### **16.7 Renewal of Freehold Lease between Southern Downs Regional Council and the Eastern Suburbs Junior Rugby League Warwick Incorporated**

#### **Reason for Confidentiality**

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

**16.8 Renewal of Trustee Lease between Southern Downs Regional Council and the Warwick & District Lapidary Club Incorporated**

**Reason for Confidentiality**

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

**16.9 Resolution for Procurement Exception**

**Reason for Confidentiality**

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

**16.10 Renewal of Trustee Lease between Southern Downs Regional Council and the Warwick City Band Incorporated**

**Reason for Confidentiality**

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

**16.11 Audit and Risk Management Committee Meeting Minutes - 18 June 2018**

**Reason for Confidentiality**

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

**Meeting In Camera**

**Resolution**

**Moved Cr J McNally**

**Seconded Cr V Pennisi**

THAT the meeting move into closed session.

**Carried**

The Meeting moved into closed session at 10.58am

*11:02 AM Cr R Kelly left the meeting during discussion on Agenda Item 16.4*

*11:15 AM Cr R Kelly rejoined the meeting*

**Meeting Out Of Camera**

**Resolution**

THAT the meeting resume in open session at 11.47am.

**Carried**

### **16.1 RFT 18\_135 Award of Contract for Mulching of Greenwaste and Timber Waste Products**

#### **Resolution**

**Moved Cr Y Stocks**

**Seconded Cr N Meiklejohn**

THAT Council enter into a contract with James Dewitt Pty Ltd for Mulching of Greenwaste and Timber Waste Products at Council's Waste Facilities.

**Carried**

### **16.2 Purchase of Second Hand Machinery**

#### **Resolution**

**Moved Cr Y Stocks**

**Seconded Cr V Pennisi**

THAT Council purchase a second hand Asphalt Zipper and Loader with Additive Distributor from Rural Road Repairs.

**Carried**

### **16.3 PN 21635 - Second Request for Water Relief**

#### **Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr R Kelly**

THAT Council does not offer relief of water consumption charges to Property Number 21635 as per Option 1 in this report. This is the second application for relief at this property and in accordance with Section 5.2 of the Relief from Water Consumption Charges Policy, no evidence has been provided to Council to indicate that this water meter has been monitored monthly since the last unapparent plumbing failure in October 2012.

**Carried**

*Cr Kelly declared a real conflict of interest in Agenda Item 16.4 (as defined in section 175 of the Local Government Act 2009) due to his wife's first cousin being a home property owner in Karara Town and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter. Cr Kelly left the meeting at 11:48am.*

#### **16.4 Karara Non Potable Water**

##### **Resolution**

**Moved Cr J McNally**

**Seconded Cr Y Stocks**

THAT Council:

1. Cease non-potable water supply to Karara residents after installation of the tank and appropriate connections.
2. Remove the water access charge from 2018\2019.
3. Supply residents (excluding vacant lots) with a 5000 gallon rain water tank and a once off fill of potable water to augment existing rain water storage.
4. Donate the Karara water system to the Rural Fire Brigade (QFES).
5. Reverse the declaration of a 'Defined Water Area'.

If the Karara Rural Fire Brigade (QFES) does not want to accept this donation, Council to delegate the decision to the Chief Executive Officer to decommission the system.

**Carried**

*11:49 AM Cr R Kelly rejoined the meeting*

#### **16.5 April & May 2018 Monthly Reports from Warwick Indoor Recreation and Aquatic Centre from YMCA Brisbane**

##### **Resolution**

**Moved Cr V Pennisi**

**Seconded Cr R Kelly**

THAT Council receive the April & May 2018 monthly reports from Brisbane YMCA in relation to the operation of the Warwick Indoor Recreation and Aquatic Centre.

**Carried**

## **16.6 Renewal of Trustee Lease between Southern Downs Regional Council and the Allora Show Society Incorporated**

### **Resolution**

**Moved Cr R Kelly**

**Seconded Cr Y Stocks**

THAT Council approve a 10 year Trustee Lease with the Allora Show Society Incorporated, commencing 1 July 2018, subject to the standard terms and conditions and in accordance with Council's Lease Policy and *section 236(1)(b)(ii) and (2) of the Local Government Regulation 2012*, with the following special condition included in the lease:

- The Allora Show Society will allow the Allora Heritage Committee to use the lease area for a specified time each year (for the term of the lease) and at a minimum this specified time will include the weekend that proceeds or precedes Australia Day, for the purpose of the Allora Heritage Weekend;
- For the purpose of the above clause the parties will enter into a binding agreement that allows the following:
  - The specification of the time period to be agreed in good faith by the parties;
  - Reasonable terms and conditions for use of the grounds including terms and conditions that relate to fees and address the risks for both parties.
- If the parties cannot agree on reasonable terms and conditions, the Council will upon notice, make the final determination as to the disputed terms within the agreement.

**Carried**

## **16.7 Renewal of Freehold Lease between Southern Downs Regional Council and the Eastern Suburbs Junior Rugby League Warwick Incorporated**

### **Resolution**

**Moved Cr S Windle**

**Seconded Cr Y Stocks**

THAT Council approve a 10 year Freehold Lease with the Eastern Suburbs Junior Rugby League Warwick Incorporated, commencing 1 July 2018, subject to the standard terms and conditions and in accordance with Council's Lease Policy and *section 236(1)(b)(ii) and (2) of the Local Government Regulation 2012*.

**Carried**

## **16.8 Renewal of Trustee Lease between Southern Downs Regional Council and the Warwick & District Lapidary Club Incorporated**

### **Resolution**

**Moved Cr S Windle**

**Seconded Cr R Kelly**

THAT Council approve a 10 year Trustee Lease with the Warwick & District Lapidary Club Incorporated, commencing 1 July 2018, subject to the standard terms and conditions and in accordance with Council's Lease Policy and *section 236(1)(b)(ii) and (2) of the Local Government Regulation 2012*.

**Carried**

## **16.9 Resolution for Procurement Exception**

### **Resolution**

**Moved Cr V Pennisi**

**Seconded Cr R Kelly**

THAT Council resolves not to request quotes or tenders for the purchase of library materials, due to the specialised nature of the supplies, pursuant to section 235(b) of the Local Government Regulation 2012.

**Carried**

## **16.10 Renewal of Trustee Lease between Southern Downs Regional Council and the Warwick City Band Incorporated**

### **Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr S Windle**

THAT Council approve a 10 year Trustee Lease with the Warwick City Band Incorporated, commencing 1 July 2018, subject to the standard terms and conditions and in accordance with Council's Lease Policy and *section 236(1)(b)(ii) and (2) of the Local Government Regulation 2012* and the special conditions outlined in the report.

**Carried**

## **16.11 Audit and Risk Management Committee Meeting Minutes - 18 June 2018**

### **Resolution**

**Moved Cr J McNally**

**Seconded Cr R Kelly**

THAT Council:

1. Adopt the amended minutes of the ARMC meeting held on 18 June 2018;
2. Adopt the business arising from the ARMC meeting held on 18 June 2018;
3. Adopt the attached amended Risk Register.

**Carried**

## **MEETING CLOSURE**

There being no further business, the meeting closed at 11:51am.