



**MINUTES OF THE
GENERAL MEETING OF COUNCIL
25 JULY 2018**

ORDER OF BUSINESS:

1.	PRAYERS & CONDOLENCES.....	3
2.	ATTENDANCE	3
3.	APOLOGIES.....	3
4.	READING AND CONFIRMATION OF MINUTES.....	3
4.1	General Council Meeting - 27 June 2018.....	3
5.	ACTIONS FROM COUNCIL MEETINGS	3
5.1	Actions from Previous Council Meeting.....	3
6.	DECLARATIONS OF CONFLICTS OF INTEREST	4
6.1	Conflict of Interest - Cr Meiklejohn: Agenda Item 16.5	5
6.2	Conflict of Interest - Cr Windle: Agenda Item 12.5	5
6.3	Conflict of Interest - Cr McNally: Agenda Item 12.5.....	5
7.	MAYORAL MINUTE	6
7.1	Mayoral Minute - July 2018.....	6
8.	READING AND CONSIDERATION OF CORRESPONDENCE	6
8.1	Correspondence	6
9.	RECEPTION AND READING OF PETITIONS AND JOINT LETTERS.....	6
9.1	Petition - Invasive Pest Control Scheme	6
10.	EXECUTIVE.....	6
10.3	Quarterly Human Resources Report.....	6
10.4	Nomination of Representative to Griffith Rural Health Stream's Darling Downs and South Burnett Steering Committee	7
10.5	Submission - Transport and Public Works Committee Inquiry into Transport Technology	7
10.1	Finance Report as at 30 June 2018	7
10.2	Fourth Quarter Budget Review - Capital Works Program 2017/2018	7
10.6	Submission - Regional Telecommunications Independent Review Committee	8
11.	ENGINEERING SERVICES DEPARTMENT REPORTS.....	8
11.1	Engineering Services Department Monthly Report	8
12.	PLANNING, ENVIRONMENT & CORPORATE SERVICES DEPARTMENT REPORTS.....	8
12.1	Show Holidays 2019	8
12.2	Operational Plan Quarterly Report April to June 2018	8

12.3	Stanthorpe Library Feasibility	9
12.4	Waste Reduction and Recycling Plan 2018-2028	9
12.5	Material Change of Use - L Riley, 14135 Cunningham Highway, Rosenthal Heights	10
12.6	Maryvale Urban Design Project	16
13.	REPORTS OF DEPUTATION OR CONFERENCE & REPORTS FROM DELEGATES APPOINTED BY COUNCIL TO OTHER BODIES	17
	Nil	
14.	NOTICES OF MOTION	17
	Nil	
15.	GENERAL BUSINESS	17
15.1	Constitutional Recognition of Traditional Owners.....	17

Meeting In Camera

Meeting Out Of Camera

16.1	RFT 18_119 Mowing and General Maintenance Contract.....	20
16.2	Procurement Plan	20
16.3	Procurement Exception - Information Technology	21
16.4	Procurement Exception - Software	21
16.5	Guarantor Continuance Request	21
16.6	Guarantor Request	22
16.7	Leyburn Water Treatment Options.....	23
16.8	Renewal of Freehold Lease between Council and the Lions Club of Warwick Incorporated	23
16.9	Renewal of Freehold Lease between Council and the Warwick Cricket Association Incorporated	23
16.10	New Freehold Lease between Council and the Killarney and District Historical Society Incorporated	24
16.11	Renewal of Trustee Lease between Council and the Warwick Cricket Association Incorporated	24
16.12	Proposed disposal of Council owned property	24
16.13	Renewal of Trustee Lease Warwick Potters' Association	25
16.14	June 2018 Monthly Report from Warwick Indoor Recreation and Aquatic Centre from YMCA Brisbane	25
16.15	Audit and Risk Management Committee - new external representatives.	25

**MINUTES OF THE GENERAL COUNCIL MEETING OF
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 25 JULY 2018 IN THE
COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,
61 MARSH STREET, STANTHORPE AT 9:00AM**

1. PRAYERS & CONDOLENCES

Rev Kaye Ronalds from the Stanthorpe Uniting Church offered a prayer and acknowledged condolences, in particular Len Willett, Joyce Garland, Valerie Bondfield, Rose Cleary and Joe Lancuba

2. ATTENDANCE

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

Officers: David Keenan (Chief Executive Officer), Chris Whitaker (Acting Director Engineering Services), Peter Gribbin (Acting Director Planning, Environment and Corporate Services), Marion Seymour (Minute Secretary)

3. APOLOGIES

Nil

4. READING AND CONFIRMATION OF MINUTES

4.1 General Council Meeting - 27 June 2018

Resolution

Moved Cr M McNichol

Seconded Cr S Windle

THAT the minutes of the General Council Meeting held on Wednesday 27 June 2018 be adopted.

Carried

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Previous Council Meeting

Resolution

Moved Cr Y Stocks

Seconded Cr N Meiklejohn

THAT Council receive the report and note the contents.

Carried

6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precs	Nature of Conflict
12.5	Material Change of Use – L Riley, 14135 Cunningham Highway, Rosenthal Heights	Cr Windle 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 she knows some shooters who had previously used the facility, but no longer do. Cr Windle dealt with the perceived conflict of interest by stating that it was her determination that her personal interest is not of sufficient significance that it would lead to her making a decision on this matter that is contrary to the public interest and asked Council to consider his participation in the discussion and vote on this matter. Following a resolution from Council, Cr Windle participated in the discussion and voting on this matter.
12.5	Material Change of Use – L Riley, 14135 Cunningham Highway, Rosenthal Heights	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 as Councillors had received correspondence from the applicant's Town Planning Consultant, whose relatives do work for her family's business. 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 his 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.
16.5	Guarantor Continuance Request	Cr Meiklejohn 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 son being a member of the Club. Cr Meiklejohn dealt with the perceived conflict of interest by stating that it was his determination that his personal interest is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest and asked Council to consider his participation in the discussion and vote on this matter. Following a resolution from Council, Cr Meiklejohn participated in the discussion and voting on this matter.
16.5	Guarantor Continuance Request	Cr McNally declared a real conflict of interest in this matter (as defined in section 175 of the <i>Local Government Act 2009</i>) due to her business being the major sponsor of the Club and dealt with the

		real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
16.6	Guarantor Request	Cr McNally declared a real conflict of interest in this matter (as defined in section 175 of the <i>Local Government Act 2009</i>) due to her business being a sponsor of the Club 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 Meiklejohn: Agenda Item 16.5

Resolution

Moved Cr R Kelly

Seconded Cr Y Stocks

THAT Council resolve that Cr Meiklejohn, who has a conflict of interest in respect to matters contained in Agenda Item 16.5 due to his son's membership of the Club, is permitted to remain and participate in the meeting for discussion and voting on the matter.

Carried

6.2 Conflict of Interest - Cr Windle: Agenda Item 12.5

Resolution

Moved Cr V Pennisi

Seconded Cr R Kelly

THAT Council resolve that Cr Windle, who has a conflict of interest in respect to matters contained in Agenda Item 12.5 as she knows some of the shooters who had previously used the facility but no longer do, is permitted to remain and participate in the meeting for discussion and voting on the matter.

Carried

6.3 Conflict of Interest - Cr McNally: Agenda Item 12.5

Resolution

Moved Cr N Meiklejohn

Seconded Cr Y Stocks

THAT Council resolve that Cr McNally, who has a conflict of interest in respect to matters contained in Agenda Item 12.5 as Councillors had received correspondence from the applicant's Town Planning Consultant, whose relatives do work for her family's business, is permitted to remain and participate in the meeting for discussion and voting on the matter.

Carried

7. MAYORAL MINUTE

7.1 Mayoral Minute - July 2018

Resolution

Moved Cr S Windle

Seconded Cr N Meiklejohn

THAT Council receive the Mayoral Minute for July 2018.

Carried

8. READING AND CONSIDERATION OF CORRESPONDENCE

8.1 Correspondence

Resolution

Moved Cr V Pennisi

Seconded Cr N Meiklejohn

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 - Invasive Pest Control Scheme

Resolution

Moved Cr S Windle

Seconded Cr V Pennisi

THAT Council receive the Petition requesting changes to the Invasive Pest Control Scheme and that a further report on the issues raised be considered by Council.

Carried

10. EXECUTIVE

10.3 Quarterly Human Resources Report

Resolution

Moved Cr S Windle

Seconded Cr R Kelly

THAT Council receive and note the summary of human resource and employee statistics for the April to June 2018 quarter.

Carried

10.4 Nomination of Representative to Griffith Rural Health Stream's Darling Downs and South Burnett Steering Committee

Resolution

Moved Cr J McNally

Seconded Cr S Windle

THAT Council nominate Cr Neil Meiklejohn to the Griffith Rural Health Stream's Darling Downs and South Burnett Steering Committee.

Carried

10.5 Submission - Transport and Public Works Committee Inquiry into Transport Technology

Resolution

Moved Cr M McNichol

Seconded Cr S Windle

THAT Council endorse the attached Submission to the Transport and Public Works Committee Inquiry into Transport Technology.

Carried

Attachments

1. Submission - Transport and Public Works Committee Inquiry into Transport Technology - **Attached to the Minutes Under Separate Cover**

10.1 Finance Report as at 30 June 2018

Resolution

Moved Cr J McNally

Seconded Cr Y Stocks

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

Carried

10.2 Fourth Quarter Budget Review - Capital Works Program 2017/2018

Resolution

Moved Cr J McNally

Seconded Cr Y Stocks

THAT Council receive and note the revised budget following the fourth quarter budget review 2017/18 as per Attachment 1.

Carried

Attachments

1. Revised Budget - Fourth Quarter Review - **Attached to the Minutes Under Separate Cover**

10.6 Submission - Regional Telecommunications Independent Review Committee

Resolution

Moved Cr J McNally

Seconded Cr Y Stocks

THAT Council endorse the attached Submission to the Regional Telecommunications Independent Review Committee.

Carried

Attachments

1. Submission - Regional Telecommunications Independent Review - **Attached to the Minutes Under Separate Cover**

11. ENGINEERING SERVICES DEPARTMENT REPORTS

11.1 Engineering Services Department Monthly Report

Resolution

Moved Cr S Windle

Seconded Cr N Meiklejohn

THAT Council receive the Engineering Services Department Monthly Report.

Carried

12. PLANNING, ENVIRONMENT & CORPORATE SERVICES DEPARTMENT REPORTS

12.1 Show Holidays 2019

Resolution

Moved Cr N Meiklejohn

Seconded Cr Y Stocks

THAT Council advise the Office of Industrial Relations of the following Show Holidays for 2019:

- (a) Stanthorpe Show Holiday - Friday, 1 February 2019;
- (b) Allora Show Holiday - Friday, 8 February 2019;
- (c) Killarney Show Holiday - Friday, 22 February 2019;
- (d) Warwick Show Holiday - Friday, 22 March 2019.

Carried

12.2 Operational Plan Quarterly Report April to June 2018

Resolution

Moved Cr J McNally

Seconded Cr R Kelly

THAT Council receive the contents of the Operational Plan Quarterly Review – April to June 2018.

Carried

12.3 Stanthorpe Library Feasibility

Resolution

Moved Cr V Pennisi

Seconded Cr J McNally

THAT Council:

1. Receive the Stanthorpe Library Feasibility Study prepared by consultants Complete Urban;
2. Undertake community consultation relating to the four preferred options.

Carried

12.4 Waste Reduction and Recycling Plan 2018-2028

Resolution

Moved Cr C Gow

Seconded Cr N Meiklejohn

THAT Council:

1. Note the report and content of the DRAFT Waste Reduction and Recycling Plan 2018-2028; and
2. Endorse the public notification of the DRAFT Waste Reduction and Recycling Plan 2018-2028 for community consultation for a period of 21 days.

Carried

10:25am Presentation of Casual for a Cause Donation to State Emergency Service

The meeting adjourned for morning tea at 10:30am and reconvened at 10.43am at which time there were present Crs Dobie, McNally, Kelly, Stocks, Gow, Pennisi, Windle, McNichol and Meiklejohn

Cr Windle declared that a perceived conflict of interest in Agenda Item 12.5 (as defined in section 175 of the Local Government Act 2009), may exist as she knows some shooters who had previously used the facility, but no longer do. Cr Windle dealt with the perceived conflict of interest by stating that it was her determination that her personal interest is not of sufficient significance that it would lead to her making a decision on this matter that is contrary to the public interest and asked Council to consider his participation in the discussion and vote on this matter. Following a resolution from Council, Cr Windle participated in the discussion and voting on this matter.

Cr McNally declared that a perceived conflict of interest in Agenda Item 12.5 (as defined in section 175 of the Local Government Act 2009), may exist as Councillors had received correspondence from the applicant's Town Planning Consultant, whose relatives do work for her family's business. 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 his 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.

12.5 Material Change of Use - L Riley, 14135 Cunningham Highway, Rosenthal Heights

Resolution

Moved Cr Y Stocks

Seconded Cr C Gow

- A. THAT, in accordance with Section 63(5)(e) of the *Planning Act 2016*, the following sufficient grounds have been identified to favourably consider 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, despite conflict with the Southern Downs Planning Scheme:
1. This development complies with the rural zone outcomes as it has minimal impacts on agricultural land.
 2. The scale of the development does not impact on the current settlement pattern. This is a very small scale operation and most of the chiller boxes activities will be occurring offsite unlike the activities of abattoirs that co-exist in many instances in very closely settle areas.
 3. The integrity of the area is protected. This development is in keeping with activities and buildings that are common within rural practices and the amenity of rural areas throughout the region.
 4. This development will protect the productive capacity of all rural land by going some way to managing the effects of current and future pressure on the competition for feed being experienced on valuable grazing pastures and the productive and potentially productive area of land will be protected for ongoing agricultural use.
 5. This activity will complement and value-add to existing rural activities, and will not conflict with natural resources or nearby rural activities, and Council's Planning Scheme encourages this type of activity. This activity also supports ongoing economic viability through the pursuit of new markets and industries associated with increased rural production.
 6. This development does not impact on the agricultural values of the precinct and does provide for farm diversification.
 7. This development results in increased grazing and does not erode any current agricultural uses.
 8. This development is not located within a dam catchment. Air quality will not be impacted and other impacts such as visual impacts can be conditioned.
 9. Farm diversification activities may be located in this precinct as it does not conflict with or reduce the productive capacity of the land.
- B. 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 approved subject to the following conditions:

Schedule 1 – Southern Downs Regional Council Conditions of Approval

Approved Plans

1. The development of the site is to be generally in accordance with the 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 building for the following uses only:
 - Motor vehicle workshop
 - Chiller boxes for storage of game meat

Note: This does not allow the site to be used as a wrecking yard or scrap metal recovery. There are to be no vehicle sales from the property or display of vehicles on the subject land. There is to be no processing of game meat on site.

4. The development shall generally operate only between the hours of 8.00am to 6.00pm, Mondays to Saturdays, and not at all on Sundays and public holidays. The loading and/or

unloading of delivery and other service vehicles (excluding general waste collection vehicles) is limited between the hours of 8.00am and 6.00pm, Monday to Saturday. No heavy vehicles must enter the development site outside these times to wait for unloading/loading.

5. All activities related to the motor vehicle workshop must be carried out within the confines of the workshop.
6. On-site sales are prohibited from the site. There are to be no customers attend the site and all sales are to be finalised at another location.
7. The only trucks that are to access the land for purposes associated with either the Motor vehicle workshop or the Chiller boxes are to be rigid vehicles only. No semi-trailers or B-doubles are to access the land for purposes associated with these uses.

Building and Site Design

8. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)
9. A copy of the Form 11s (Certificates of Classification) issued for the Change of Classification for the existing class 10 shed to a workshop, and for the chiller boxes, are to be provided to Council prior to the use commencing. (See advisory note below.)

Amenity and Environmental Controls

10. Any fixed noise emitting device (e.g. air conditioning unit, refrigeration unit, compressor, generator, etc.) located outside the workshop or chiller boxes must be placed within an appropriate acoustic enclosure.
11. 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.
12. If complaints are received (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief) in relation to noise impacts associated with the proposed motor vehicle workshop or chiller boxes, a report prepared by a suitably qualified person(s) on noise emissions and sound attenuation measures required to achieve a noise level no greater than 5 dBA above background when measured at the boundary of the property of an affected residential dwelling, is to be submitted to and approved by the Manager Environmental Services. Any measures recommended in the approved report to overcome potential noise impacts associated with the development are to be implemented in accordance with the approved report.
13. 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. A waste collection contractor must be engaged to supply suitable waste and recycling receptacles and service waste and recycling receptacles.
14. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
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. Anyone operating under this approval must be trained in the use of the spill kit.
16. No materials or goods associated with the development are to be displayed or stored outside of the shed/chiller boxes. There is to be no materials or goods associated with the development displayed or stored within the car park or landscaped areas, or outside the boundaries of the site.
17. 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.
18. There are to be no advertising devices relating to the Motor vehicle workshop and/or Chiller boxes erected on the subject land, i.e. Lot 640 ML68. 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 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.
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. All trade waste as defined in AS/NZS 3500.0:2015 that is generated from the Workshop and Chiller boxes must be contained, treated and disposed of through an approved on-site wastewater management system. The trade waste disposal must comply with advisory note (viii).

Fencing, Landscaping and Buffers

22. The existing trees along the Cunningham Highway frontage are to be retained. These trees are to be protected during construction of the driveway and vehicle access. If any tree dies, the dead tree must be replaced with an advanced tree of the same species and height.
23. By 30 October 2018, a 20.0 metre wide landscaped buffer, including mounding of 1.0 metre above ground level **and irrigation**, is to be provided around the workshop and chiller boxes area so as to provide a visual buffer. This area is to be densely planted with advanced trees and shrubs, 1.5 metres in height, suitable to grow to heights of between 3.0 to 20.0 metres at maturity. Within the 20 metres of this buffer area, random plantings of a variety of native trees and shrubs of differing growth habits are to be provided at spacings of 4-5 metres i.e. 5 row of trees, 5.0 metres apart. The trees and shrubs must be of species that are fast growing, frost resistant and drought hardy. The vegetated buffers are to be maintained so they form an effective buffer.



24. **A Landscaping Plan is to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the planting of the treed buffers.** The Landscaping Plan is to be prepared by an appropriately qualified person, and must include details of the location and species of plants, the irrigation system, and details of mounding. Plants are to be generally frost resistant and drought hardy, and must not include weed species. Root barriers are to be installed around trees that are located within 3 metres of any underground infrastructure. The site is to be landscaped and maintained in accordance with the approved Landscaping Plan.

25. Prior to 30 October 2018, a bond for the amount of \$15,000 shall be submitted to Council for the maintenance of the landscaped buffer. The bond must be in the form of cash, bank cheque or irrevocable bank guarantee. The bond shall be returned 12 months after the landscaped buffer is provided, subject to it having been satisfactorily established and maintained. Should the buffer not be provided, or the buffer is not maintained in accordance with the conditions of this approval, Council may call up the bond to undertake planting to satisfy the requirements of this approval. The terms and conditions of the bond will include details of its purpose and intended use. Council or its agents must be allowed access to the site to undertake any works required in accordance with this condition.

Car Parking and Vehicle Access

26. A sealed driveway at least 3.0 metres in width is to be constructed from the Cunningham Highway to the workshop and chiller boxes. The driveway is to connect from the road.
27. All car parking, driveway and loading areas shall be constructed, sealed, line marked, drained, laid out and regularly maintained.
28. 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.
29. By 30 September 2018, a plan showing the proposed construction standard and design of the carparking area, driveway and loading areas is to be submitted to Council for approval by the Director Planning, Environment and Corporate Services. All car parking, driveway and loading areas shall be constructed in accordance with the approved plan.

Stormwater Drainage

30. Site stormwater runoff must be collected, detained and discharged where appropriate in a manner that does not increase the quantity or concentration of stormwater flow in comparison to the pre-development condition. Where necessary, suitable easements to lawful points of discharge, which may include surrounding properties, shall be provided to Council, at the developer's cost.

Water Supply and Waste water

31. All wastewater generated from this property, including washdown water from the chiller boxes, vehicles and workshop, 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*.
32. Prior to the commencement of the use, a report demonstrating that adequate provision has been made for the supply of water, is to be submitted to and approved by the Director Planning, Environment and Corporate Services. If water is to be supplied for the development from a spring/bore/dam on the site, written advice must be supplied from the Department of Natural Resources, Mines and Energy that water may be lawfully supplied from that source. A water supply is to be provided in accordance with the approved report.

Operational Works

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

Infrastructure Charges Notice

34. Payment of **\$3,591.15** is to be made to Council in accordance with the Infrastructure Charges Notice attached to the decision notice. If payment is made more than two years after the date of the Infrastructure Charges Notice, the charge will increase in line with the Road and Bridge Construction Index for Queensland.

Advisory Notes

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning, Environment and Corporate Services, prior to the use commencing, and then compliance maintained at all times while the use continues.
- (ii) Any proposal to increase the scale or intensity of the use on the subject land, that is assessable

development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Planning Act 2016* and would have to comply with the requirements of the Planning Scheme.

- (iii) It is encouraged that you arrange for a free compliance inspection to be carried out prior to the use commencing. This will involve a physical inspection of the premises along with an internal audit of Council's records. Written advice will be provided for your records advising if compliance with the conditions has been achieved.
- (iv) The General Environmental Duty under the *Environmental Protection Act* 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) There must be no release that has been in contact with any contaminants at the site to any waters, watercourse, roadside gutter or stormwater drain.
- (vi) All regulated waste must be removed from the site by a regulated waste removal contractor. The records for this disposal must be kept on site and be available for viewing by an authorised officer.
- (vii) 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*.
- (viii) **Plumbing and Drainage Approval is to be obtained** in accordance with the *Plumbing and Drainage Act 2002*, *Queensland Plumbing and Wastewater Code* and all relevant Australian Standards 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 7b building in accordance with the *Planning Act 2016* for the proposed Chiller boxes for storage of game meat. 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) **Building Approval is to be obtained** in accordance with the *Planning Act 2016* for a Change of Classification of Building from Class 10a to Class 8 (workshop), to allow the use of the existing building for Low impact industry (Motor vehicle workshop) purposes. The application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. **Building works and modification of the existing building may be required to be undertaken** as part of the approval so as to accord with the requirements of the *Building Act 1975*.
- (xi) A Development Permit for Operational Works associated with the development must be obtained in accordance with the *Planning Act 2016*. This application must be submitted with the following:
 - DA Form 1;
 - The relevant fee in accordance with Council's Schedule of General Fees and Charges;
 - Detailed design drawings, schedules and specifications for all Operational Works, certified by a Registered Professional Engineer in Queensland (RPEQ);
 - A car parking plan showing the location and dimension of all parking areas, details of the proposed pavement treatment, and full engineering specifications of layout, construction, sealing, drainage and line marking;
 - A plan showing ingress and egress wheel and swept turning paths;
 - A Stormwater Management Plan; and
 - An Erosion and Sediment Control Plan.

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

- (xii) 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.

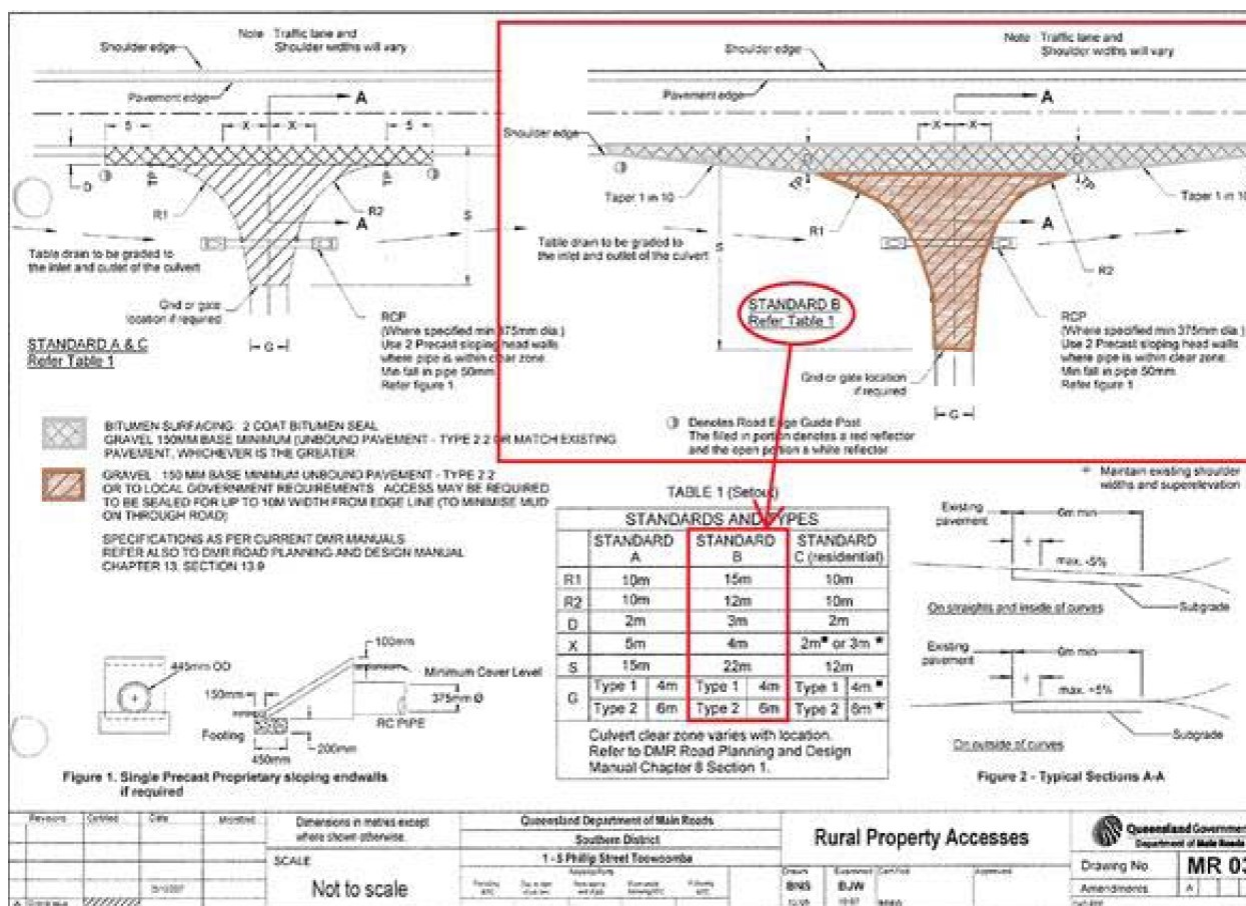
- (xiii) All permits for Operational Works and Plumbing and Drainage Works should be obtained prior to the issue of a Development Permit for Building Works.

Aboriginal Cultural Heritage

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

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

1802-3728 SRA		
Attachment 1—Conditions to be imposed		
No.	Conditions	Condition timing
Material Change of Use— (Low Impact Industry—Motor Vehicle Workshop and Chiller Boxes for Storage of Meat)		
10.9.4.2.4.1 – State-controlled road (SCR)—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads (DTMR) to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	The road access location, between Lot 640 on ML68 and the Cunningham Highway is to be located adjacent to the eastern property boundary.	At all times.
2.	The road access works must be designed and constructed generally in accordance with DTMR's Rural Property Access Design (MR037, dated 10/07), Standard B Type 1 with an indented gate setback 20 metres.	Prior to the commencement of use and to be maintained at all times.



Carried

McNally and Cr Windle voted for the motion

12.6 Maryvale Urban Design Project

Resolution

Moved Cr S Windle

Seconded Cr J McNally

THAT Council:

1. Receive the Maryvale Urban Design Study prepared by JFP Urban Consultants;
2. Undertake community consultation relating to the recommendations in the report.

Carried

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

Nil

14. NOTICES OF MOTION

Nil

15. GENERAL BUSINESS

15.1 Constitutional Recognition of Traditional Owners

Resolution

Moved Cr J McNally

Seconded Cr N Meiklejohn

THAT Council write to the Federal Minister for Indigenous Affairs, the Federal Member for Maranoa and all Queensland Senators requesting Constitutional Recognition of Indigenous Australians.

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_119 Mowing and General Maintenance Contract

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 Procurement 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.

16.3 Procurement Exception - Information Technology

Reason for Confidentiality

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

16.4 Procurement Exception - Software

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 Guarantor Continuance Request

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 Guarantor Request

Reason for Confidentiality

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

16.7 Leyburn Water Treatment Options

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.

16.8 Renewal of Freehold Lease between Council and the Lions Club of 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.

16.9 Renewal of Freehold Lease between Council and the Warwick Cricket Association 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.

16.10 New Freehold Lease between Council and the Killarney and District Historical 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.

16.11 Renewal of Trustee Lease between Council and the Warwick Cricket Association 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.

16.12 Proposed disposal of Council owned property

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.

16.13 Renewal of Trustee Lease Warwick Potters' Association

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.

16.14 June 2018 Monthly Report from Warwick Indoor Recreation and Aquatic Centre from YMCA Brisbane

Reason for Confidentiality

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

16.15 Audit and Risk Management Committee - new external representatives

Reason for Confidentiality

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

made by Southern Downs Regional Council.

Meeting In Camera

Resolution

Moved Cr Y Stocks

Seconded Cr N Meiklejohn

THAT the meeting move into closed session.

Carried

The Meeting moved into closed session at 11:21am.

11:28 AM Cr J McNally left the meeting during discussion on Agenda Items 16.5 and 16.6

11:38 AM Cr J McNally rejoined the meeting

12:31 PM Cr M McNichol left the meeting

12:34 PM Cr M McNichol rejoined the meeting

Meeting Out Of Camera

Resolved

THAT the meeting resume in open session at 12:40pm.

Carried

16.1 RFT 18_119 Mowing and General Maintenance Contract

Resolution

Moved Cr R Kelly

Seconded Cr V Pennisi

THAT Council enter into Contracts for Mowing and General Maintenance at Council's Water and Wastewater sites as per the Evaluation Report.

Carried

16.2 Procurement Plan

Resolution

Moved Cr J McNally

Seconded Cr M McNichol

THAT Council receive the draft Procurement Plan for the 2018-19 financial year.

Carried

16.3 Procurement Exception - Information Technology

Resolution

Moved Cr N Meiklejohn

Seconded Cr S Windle

THAT Council resolves not to request quotes or tenders for the purchase of software modules, licensing and consulting services from TechnologyOne, due to the specialised nature of the supplies, pursuant to section 235(b) of the *Local Government Regulation 2012*.

Carried

16.4 Procurement Exception - Software

Resolution

Moved Cr N Meiklejohn

Seconded Cr S Windle

THAT Council resolves not to request quotes or tenders for the purchase of software modules, licensing and consulting services from Data#3 Ltd, due to the specialised nature of the supplies, pursuant to section 235(b) of the *Local Government Regulation 2012*.

Carried

Cr McNally declared a real conflict of interest in Agenda Item 16.5 (as defined in section 175 of the Local Government Act 2009) due to her business being the major sponsor of the Club 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 McNally left the meeting at 12:42pm.

16.5 Guarantor Continuance Request

Resolution

Moved Cr M McNichol

Seconded Cr Y Stocks

THAT Council continue to act as Guarantor for the Warwick Redbacks AFC Inc for the total loan amount of \$380,000.

Carried

Cr McNally declared a real conflict of interest in Agenda Item 16.6 (as defined in section 175 of the Local Government Act 2009) due to her business being a sponsor of the Club and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.

16.6 Guarantor Request

Resolution

Moved Cr Y Stocks

Seconded Cr M McNichol

THAT Council agrees to act as Guarantor in relation to the loan to be taken out by the Warwick Cowboys Rugby League Football Club Inc for the amount of \$70,000 for a term of 20 years, provided that the following conditions are met:

1. Approval for Council to enter into a Type 1 Financial Arrangement from the Minister for Local Government, Racing and Multicultural Affairs.
2. The Warwick Cowboys Rugby League Football Club and Council enter into a new 10 year Trustee Lease commencing 1 September 2018.
3. Immediately upon the expiry of this Lease, the Warwick Cowboys Rugby League Football Club agree to enter into a further 10 year Trustee Lease.
4. All costs associated with the termination of the current Lease and the registering of the replacement Leases are the responsibility of the Warwick Cowboys Rugby League Football Club.
5. The new Leases are to incorporate clauses to give effect to the following:
 - a. If the Lessee either abandons the Lease or defaults on the payment of monies owed to Council, the Council can:
 - i. Recover the monies owed by the Lessee as a liquidated debt payable on demand;
 - ii. Treat the fixtures as abandoned by the Lessee in which case ownership of the fixtures passes to Council;
 - iii. Terminate the Lease.
 - b. In the event of a default on the Loan requiring the Council Guarantee to be exercised, Council can:
 - i. Terminate the Lease;
 - ii. Treat the fixtures as abandoned by the Lessee in which case ownership of the fixtures passes to Council.
6. All legal and other costs in preparing and executing the guarantee are to be paid by the Club.

Carried

12:44 PM Cr J McNally rejoined the meeting.

16.7 Leyburn Water Treatment Options

Resolution

Moved Cr J McNally

Seconded Cr V Pennisi

THAT Council adopt:

1. Stage One of Option 1 (i.e. UV treatment at bore) in this financial year to ensure improved water treatment at the Donald Street bore site to mitigate the immediate risk of pathogens such as Cryptosporidium and Giardia entering the Leyburn drinking water supply.
2. And consider Stage Two (option 1 in Garden budget document – Appendix A) in the next financial years (19/20 and 20/21).

Carried

16.8 Renewal of Freehold Lease between Council and the Lions Club of Warwick Incorporated

Resolution

Moved Cr N Meiklejohn

Seconded Cr S Windle

THAT Council approve a 10 year Freehold Lease with the Lions Club of 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

16.9 Renewal of Freehold Lease between Council and the Warwick Cricket Association Incorporated

Resolution

Moved Cr Y Stocks

Seconded Cr M McNichol

THAT Council approve a 10 year Freehold Lease with the Warwick Cricket Association 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

16.10 New Freehold Lease between Council and the Killarney and District Historical Society Incorporated

Resolution

Moved Cr R Kelly

Seconded Cr N Meiklejohn

THAT Council:

1. Approve a 10 year Freehold Lease with the Killarney and District Historical Society Incorporated, commencing 1 August 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*. This lease to be over land and buildings over part of Lot 1 on Registered Plan 15702; and
2. Grant Delegated Authority to the Chief Executive Officer to negotiate:
 - a. The actual area(s) under lease within the boundary of Lot 1 on Registered Plan 15702; and
 - b. Specific maintenance agreement over all shared buildings and land covered under this lease.

Carried

16.11 Renewal of Trustee Lease between Council and the Warwick Cricket Association Incorporated

Resolution

Moved Cr Y Stocks

Seconded Cr R Kelly

THAT Council approve a 10 year Trustee Lease with the Warwick Cricket Association 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

16.12 Proposed disposal of Council owned property

Resolution

Moved Cr V Pennisi

Seconded Cr N Meiklejohn

THAT Council:

1. Advertise tenders for the disposal of the building and land, or building only, situated at Lot 5 on SP144662; and
2. Grant delegated authority to the Chief Executive Officer to negotiate with tenderers.

Carried

16.13 Renewal of Trustee Lease Warwick Potters' Association

Resolution

Moved Cr R Kelly

Seconded Cr Y Stocks

THAT Council approve a 10 year Trustee Lease with the Warwick Potters' Association 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

16.14 June 2018 Monthly Report from Warwick Indoor Recreation and Aquatic Centre from YMCA Brisbane

Resolution

Moved Cr V Pennisi

Seconded Cr M McNichol

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

Carried

16.15 Audit and Risk Management Committee - new external representatives

Resolution

Moved Cr J McNally

Seconded Cr R Kelly

THAT Council appoint the following as members of the Audit and Risk Management Committee (ARMC) for a period of two years with an option for extension in favour of Council, commencing on 27 July 2018:

1. Mr Darren Laarhoven
2. Mr Graham Mathews
3. Mr Stephen Coates.

Carried

MEETING CLOSURE

There being no further business, the meeting closed at 12.48pm.