



Dear Councillors

Your attendance is hereby requested at the Special Meeting of Council to be held in the Council Chambers, Southern Downs Regional Council, 64 Fitzroy Street, Warwick on **Monday, 12 November 2018** at **9:00AM**.

Notice is hereby given of the business to be transacted at the meeting.

David Keenan

CHIEF EXECUTIVE OFFICER

9 November 2018

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- 1. ATTENDANCE**
- 2. APOLOGIES**
- 3. DECLARATIONS OF CONFLICTS OF INTEREST**

4. PLANNING, ENVIRONMENT & CORPORATE SERVICES DEPARTMENT REPORTS

4.1 Consideration of Change Application Process - L J Riley, 14135 Cunningham Highway, Rosenthal Heights

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: Special Council Meeting	
	Reporting Officer:	Meeting Date: 12 November 2018
	Planning and Compliance Coordinator	ECM Function No/s: MCU\01934

Recommendation

THAT, in relation to a Change Application for the Low impact Industry (Motor vehicle workshop and Chiller boxes for storage of game meat) on land at 14135 Cunningham Highway, Rosenthal Heights, Council advises that in accordance with the *Planning Act 2016*:

- (a) a proposed change to allow semi-trailers to access the land to collect carcasses can be dealt with as a 'minor change'; and
- (b) a proposed change to allow shooters to access the site to deliver carcasses between the hours of 9.00pm and 7.00am must be dealt with as an 'other change'.

Report

A Negotiated Decision Notice was issued on 5 September 2018 for a Low impact Industry (Motor vehicle workshop and Chiller boxes for storage of game meat) on land at 14135 Cunningham Highway, Rosenthal Heights.

Conditions 4(b) and 7 of the approval state as follows:

- 4.(b) The unloading and loading of vehicles associated with the chiller boxes is limited to between the hours of 6.00am and 7.00pm. No vehicles associated with this use are to enter the land outside these times to wait for unloading/loading.
- 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.

The applicant has indicated that he wishes to make a Change Application in relation to these conditions as follows:

- (i) To change Condition 4(b) to allow shooters to deliver carcasses to the chiller boxes between the hours of 9.00pm and 7.00am; and
- (ii) To change Condition 7 to allow semi-trailers to access the land to collect carcasses between the currently approved hours of 6.00am to 7.00pm.

The applicant has requested advice on whether Council will consider the proposed Change Application as a 'minor change' or an 'other change'.

Change Applications

Under the *Planning Act 2016*, there are two distinct process for dealing with Change Application; a simpler process when a change is a '**minor change**' only, and another process for a change 'other than a minor change', i.e. an '**other change**'.

A 'minor change' for a development approval is a change that would not:

- (a) result in substantially different development;
- (b) result in prohibited development;
- (c) cause referral to a referral agency, other than the State Assessment Referral Agency (SARA); and
- (d) require public notification, if public notification was not required for the original development application.

When assessing a change application for a 'minor change', Council must consider any properly made submissions to the original development application, all matters Council would assess the application against if it were a development application, and any other matter Council considers relevant.

A change application for an 'other change' must undergo the development assessment process as though it was an original development application. This means that a change application for an 'other change' may be required to undergo public notification.

Therefore, the process for a 'minor change' is a quicker, simpler process than that associated with an 'other change', and as public notification is not required, it does not give rise to third party appeal rights.

Consideration of Request

The applicant has indicated that he wishes to make a change application to allow the use of semi-trailers to collect carcasses, and to allow shooters to deliver carcasses between the hours of 9.00pm and 7.00am.

The proposed changes meet the requirements (b), (c) and (d) outlined above for a 'minor change'. But to be dealt with as a 'minor change', the proposed changes must still meet (a) outlined above, i.e. they must not result in 'substantially different development'.

What qualifies as 'substantially different development' is to be determined by the assessment manager, i.e. Council, having regard to the individual circumstances of the development in the context of the change proposed. Some guidance as to what constitutes 'substantially different development' is provided by Schedule 1 of the Development Assessment Rules, which provides that a change may be considered to result in a substantially different development if any of the following apply to the proposed change:

- (a) involves a new use; or
- (b) results in the application applying to a new parcel of land; or
- (c) dramatically changes the built form in terms of scale, bulk and appearance; or
- (d) changes the ability of the proposed development to operate as intended; or
- (e) removes a component that is integral to the operation of the development; or
- (f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or
- (g) introduces new impacts or increase the severity of known impacts; or
- (h) removes an incentive or offset component that would have balanced a negative impact of the development; or
- (i) impacts on infrastructure provisions.

Of these matters, only two need further consideration in relation to the subject development, and that is whether the proposed changes:

- significantly impact on traffic flow and the transport network, such as increasing traffic to the site; or

— introduce new impacts or increase the severity of known impacts.

The following Advisory Note was included on the approval:

- (xi) Any change application to allow semi-trailers or B-doubles to access the land for purposes associated with either the motor vehicle workshop or the chiller boxes, must include referral to the State Assessment and Referral Agency to allow a reassessment of the Department of Transport and Main Roads' requirements for access from the Cunningham Highway.

The following advice was received from the Department of Transport and Main Roads (DTMR) on Wednesday, 24 October 2018:

I can confirm with you that should Council agree to the change of development request (from rigid to articulated 19m vehicles) that the driveway is currently designed and constructed to accommodate an articulated vehicle (19m semi). As such this department would have no objection to the request and would not require any changes to the conditions already imposed on the development.

Based on this advice, and that the proposed change relates only to the size of vehicles and the times vehicles access the site, the proposal does not significantly impact on traffic flow or the transport network.

With regards to whether the proposed change will introduce new impacts or increase the severity of known impacts, Council needs to consider the potential increase in dust, noise and light impacts.

The applicant argues that a semi-trailer has no greater impact than a rigid truck with respect to dust, noise and light impacts. It is considered that this aspect of the proposed change can be considered as a 'minor change' having regard to the following matters:

- (i) there is no proposal to extend the times during which trucks will be accessing the site (i.e. between 6.00am and 7.00pm);
- (ii) the DTMR has no objection to the use of semi-trailers, and does not require any change to SARA's conditions;
- (iii) the impacts associated with a semi-trailer are similar to those associated with a large rigid truck; and
- (iv) the concerns submitters raised regarding the use of semi-trailers must still be considered.

With regards to the proposed change to allow shooters to access the site between 9.00pm to 7.00am, this change will introduce new impacts; specifically noise and light impacts associated with vehicles accessing the site throughout the night. Therefore, this proposed change would result in substantially different development, and this proposed change can only be dealt with as an 'other change'. A change application for this proposed change would be required to undergo public notification.

Options

Council:


1. Advises the applicant that a Change Application requesting semi-trailers be allowed to access the land to collect carcasses can be dealt with as a 'minor change', and a Change Application requesting shooters to be allowed to access the land to deliver carcasses between the hours of 9.00pm to 7.00am must be dealt with as an 'other change'; or
2. Advises the applicant that a Change Application requesting semi-trailers be allowed to access the land to collect carcasses, and requesting shooters to be allowed to access the land to deliver carcasses between the hours of 9.00pm to 7.00am, must be dealt with as an 'other change'.

Attachments

Nil

4.2 Waste & Recycling Domestic Collection Contract and Bulk Haulage Waste Contract 2019 - Invitation to Tender

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: Special Council Meeting	
	Reporting Officer:	Meeting Date: 12 November 2018
	Acting Manager Environmental Services	ECM Function No/s: 31.06.01

Recommendation

THAT Council resolve to issue a public tender to the open market for its Waste & Recycling Domestic Collection Contract and Bulk Haulage Waste Contract due to commence on or about the 1 July 2019.

Report

Summary

The purpose of this report is to advise Councillors of the pending tender for the Waste & Recycling Domestic Collection Contract and Bulk Haulage Waste Contract, and to seek Council's endorsement to advertise this tender to the marketplace.

The Waste Tender delivers a number of key objectives of Council's Waste Recycling and Reduction Plan adopted by Council on 26 September 2018, and contribute to long term solutions in sustainable waste management.

Introduction

The Waste, Recycling and Bulk Haulage Tender is being developed in response to the approaching expiration of the two current waste collection contracts that will cease on 30 June 2019. The two contracts in existence are for the former Stanthorpe and Warwick Shires and have been extended previously per contract options. The opportunity now presents itself to establish one Southern Downs Regional contract.

The Tender is being prepared in accordance with the Local Government Act 2009 and the Local Government (Finance, Plans and Reporting) Regulation 2010 which provides that major contracts must follow the tender process. Tenders will be called as soon as practicable after Council's endorsement, with a proposed closure date of 18 December 2018. The Tender will include the provision of waste, recycling and bulk collection services to the existing and an expanded area of the region.

It is noted that the timeframes associated with the procurement of a new contract are very tight. Given potential lead times for the successful contractor to procure new vehicles and bed down the requirements of the new contract, it is critical that the tender process is well managed and the assessment and evaluation process is undertaken in late December and early January 2019.

The Tender responses will highlight whether the proposed timeframes can be met by the prospective tenderers, and will inform Council of its options progressing forward.

Contract Specifications

The Tender documents are consistent with local government policies and have the following components:

- Request for Tender;
- Conditions of Contract;
- Performance Specifications;
- Information Brief; and,
- Returnables Schedule.

The performance specification has three components being:

- Domestic and Recycling Collection;
- Processing of Recycling Products; and,
- Bulk Haulage.

The contract has been drafted to allow for one contractor to perform all tasks, or several contractors to undertake tasks in separable portions.

The contract term is seven years with three one-year extensions (this is consistent with the current contract).

The timings for procurement are quite tight, given the Christmas period and are outlined below:

- Advertisement in LG Tender Box – 16 November;
- Closing Date - 18 December;
- Assessment - 19 December 2018 to 15 January 2019;
- Presentation to full Council – Late January; and
- New Contract begins – 1 July 2019.

Domestic Collection – General & Recycling:

- 12,720 properties (an increase from 11,890) with 240L bins. Those residents who previously received a service will continue to receive a service with the expansion area generally being located in areas in close proximity to existing serviced areas and areas near unsupervised bin compound (see attachments for proposed collection area);
- The contract allows for further expansion of the collection area should other residents request to 'opt in' to the service and this can be accommodated;
- The contractor will be responsible for all park bins as well as street bins;
- The contractor will need to provide bins for Council supported festivals and special events; and
- New bins will not be distributed through a new contract. New bins will be rolled out as bins become damaged or pass their life expectancy.

Bulk Haulage

- This involves taking domestic and recycling waste from the supervised transfer stations as well as unsupervised bin compounds to either the Stanthorpe or Warwick Landfills;
- The prospective tenderers will be advised on the closure of the Stanthorpe landfill and the construction of a new transfer station;

- The prospective tenderers will be advised on the current number of bins at each facility. The successful contractor will need to provide the bins at these sites; and
- The prospective tenderers have been advised (and is noted in the tender documents that some facilities may close during the contract).

The above matters were raised at the recent market sounding session.

Budget Implications

The expansion of the collection area will increase costs to Council, however this will be offset by revenues charged on those properties rates accounts.

It is expected that over time that the reliance (and the cost to Council) on some unsupervised bin compounds and some supervised waste transfer stations will reduce.

The implications of the contract will be managed through the ongoing monitoring and review of Council's waste management programs and operational budgets annually.

Policy Consideration

In preparing the tender documentation for this waste collection contract, several of council's broad strategic directions and objectives are addressed.

Community Plan 2030

There are several Community Plan Goals and Directions that are identified as being relevant to the SDRC Waste & Recycling Domestic Collection Contract & Bulk Haulage Waste Contract. They are as follows:

Sense of Community

1.14 Ensure community facilities, infrastructure, information and engagement activities are accessible, equitable, inclusive and safe for all.

Environmentally Sustainable

6.4 Encourage reuse and recycling in residential, commercial and industrial settings including the implementation of innovative recycling practices.

6.8 Increase awareness of environmentally sustainable practice through community education campaigns.

Well Governed

8.7 Provide opportunities for the community to learn about council processes to increase understanding.

8.10 Considering industry standards and input from the community, develop appropriate levels of service ensuring the Southern Downs "lives within its means".

8.15 Ensure preparedness for unforeseen circumstances that impact financially on the Southern Downs.

Corporate Plan 2014-2019 (Revised Edition)

Council's Corporate Plan identifies a number of objectives relevant to the Plan's review. They are:

Sense of Community

1.1 Undertake best value review of Council's services.

Economically strong, sustainable and diverse

4.12 Explore /review potential efficiencies and opportunities for Council's operations, infrastructure and assets.

Environmentally Sustainable

6.3 Utilise 'best' practice' waste management practices and further develop regional facilities in accordance with the Waste Management Plan.

6.9 Continue to promote, educate and implement awareness and best practice waste collection, recycling, environmental health and environmental protection strategies.

Well Governed

8.21 Research a Full Cost Recovery Model for Council Services.

Community Engagement

In the lead up to preparing the draft contract specification and conditions of contract, Council held a market sounding briefing session for interested prospective tenderers on 18 October 2018. Seven different companies attended the session held in Warwick. There was a good attendance and competitive proposals in response to the tender specification are anticipated.

Legislation/Local Law

Council has an obligation under the Local Government Act 2009 and the Local Government (Finance, Plans and Reporting) Regulation 2010, in preparing the waste collection and bulk haulage contract. The contract will provide Council with an integrated waste collection and bulk haulage system throughout the Southern Downs region.

Delegations/Authorisations

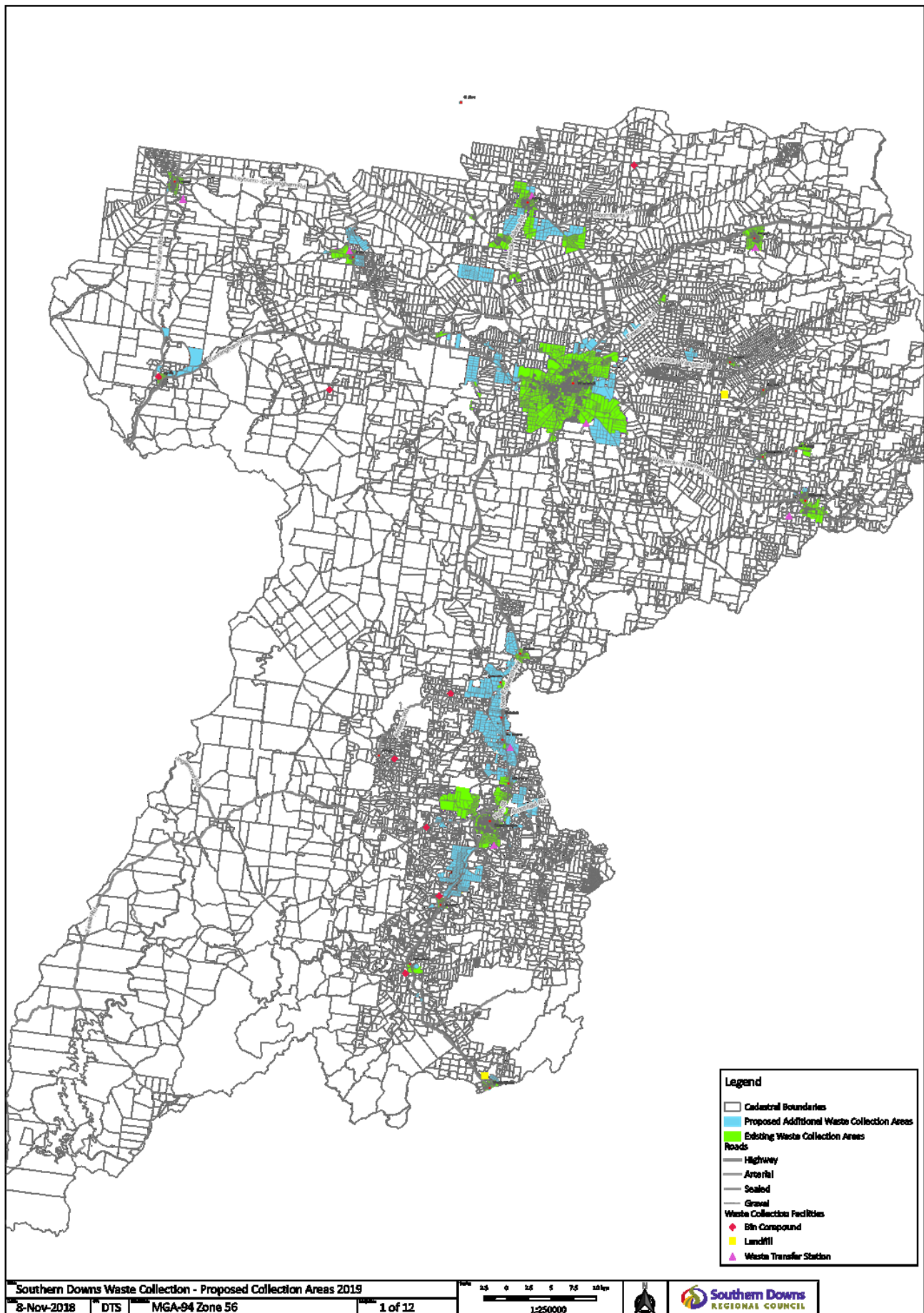
The responsibility of the new Contract will be managed by the Director Sustainable Development to ensure the governance of the contract will achieve Council's waste management goals and meet Council's relevant governance obligations.

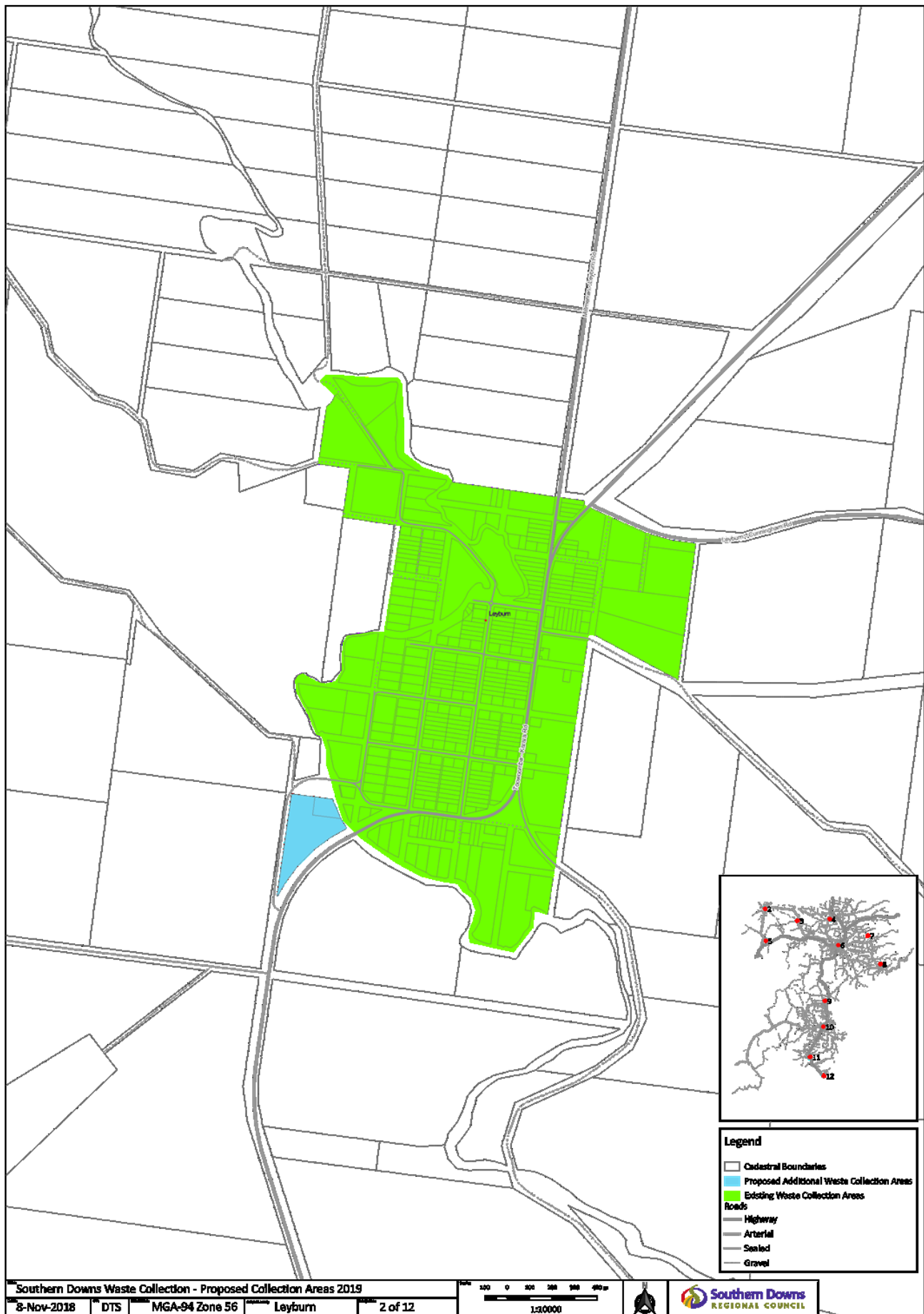
Options

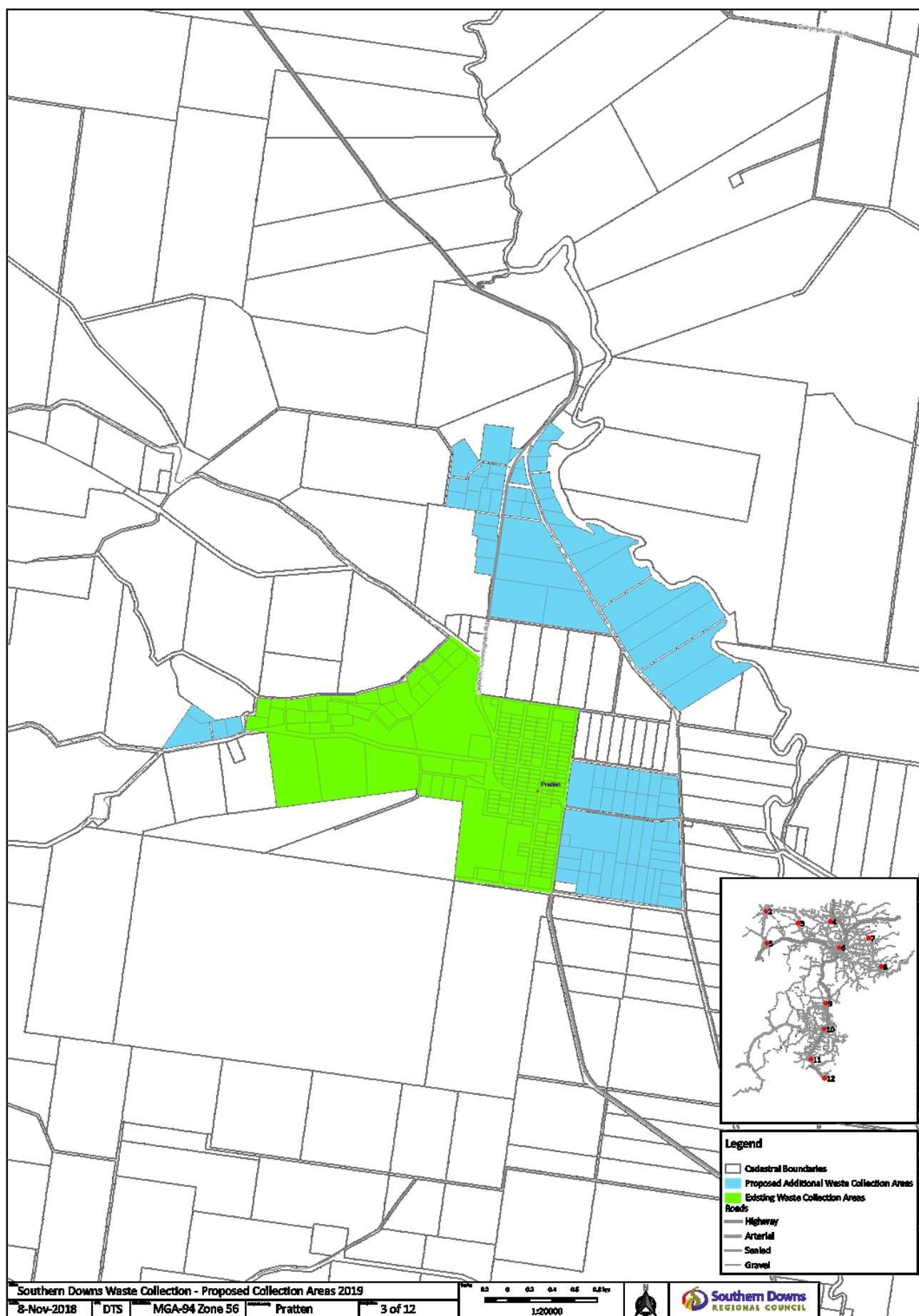
1. Council resolve to issue a public tender to the open market for its Waste & Recycling Domestic Collection Contract & Bulk Haulage Waste Contract due to commence on or about the 1st July 2019.
2. Council resolve not to issue a public tender to the open market for its Waste & Recycling Domestic Collection Contract & Bulk Haulage Waste Contract due to commence on or about the 1st July 2019.

Attachments

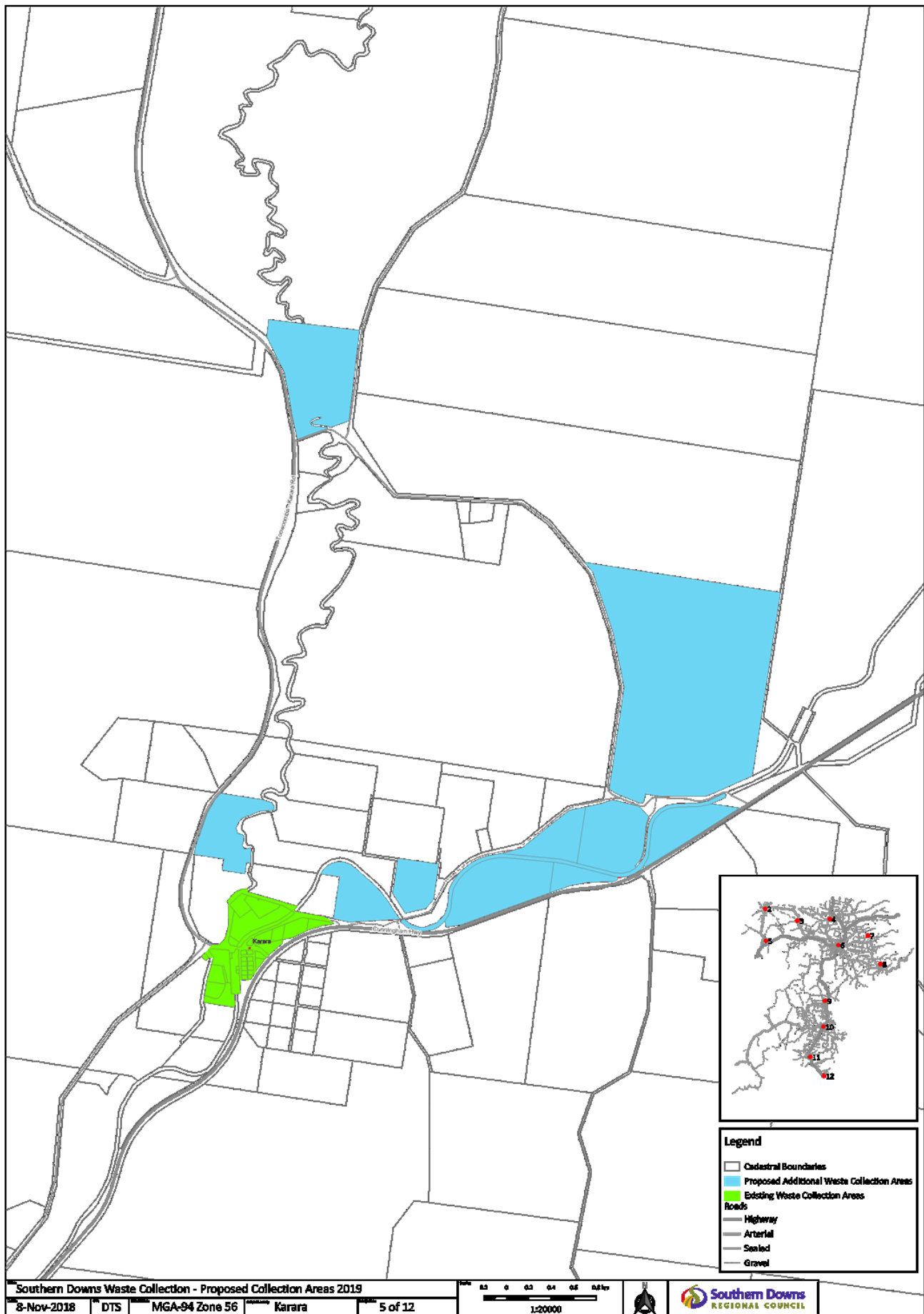
1. Maps of Proposed Collection Areas - 2019 Domestic Waste Collection Tender [View](#)

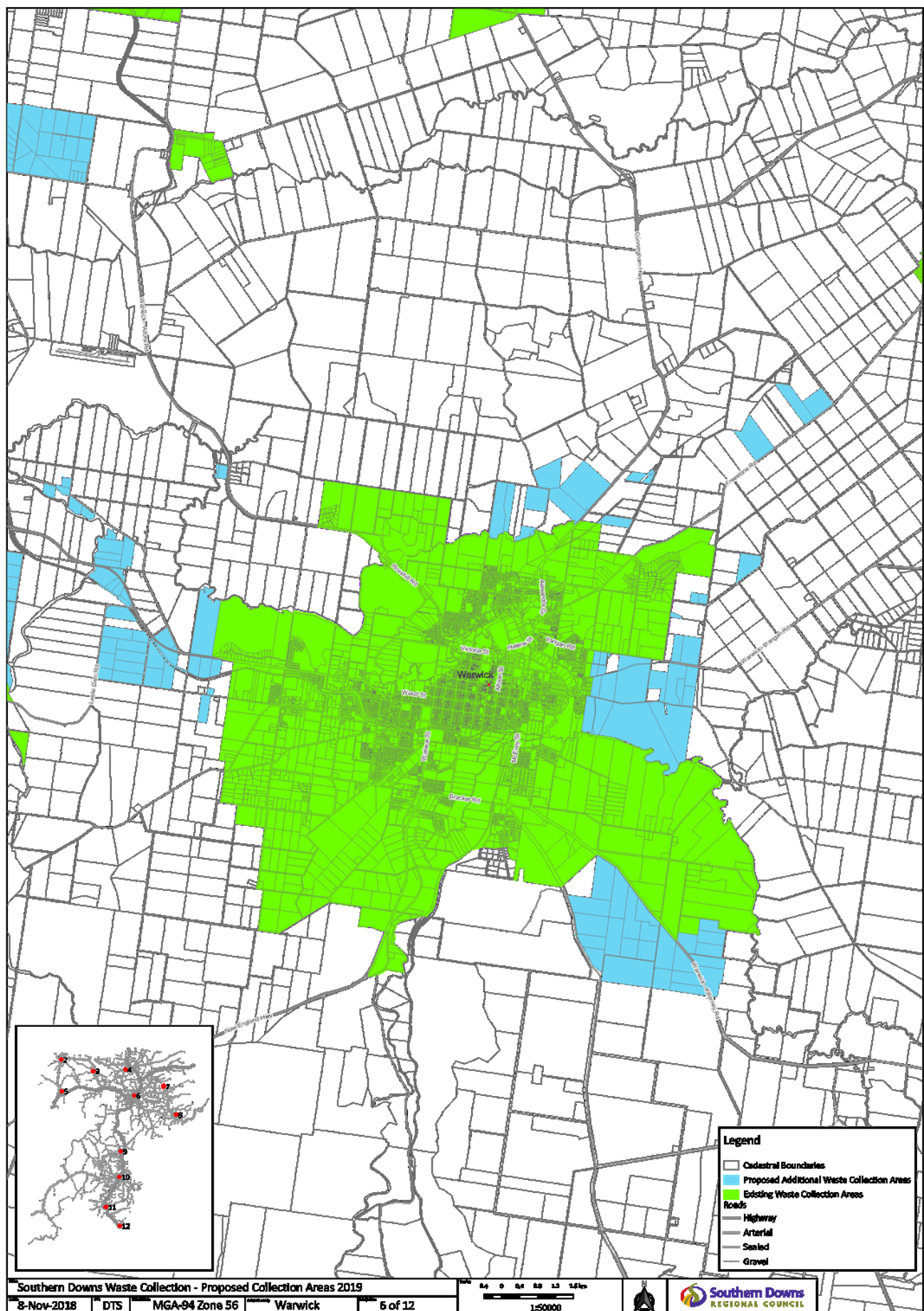




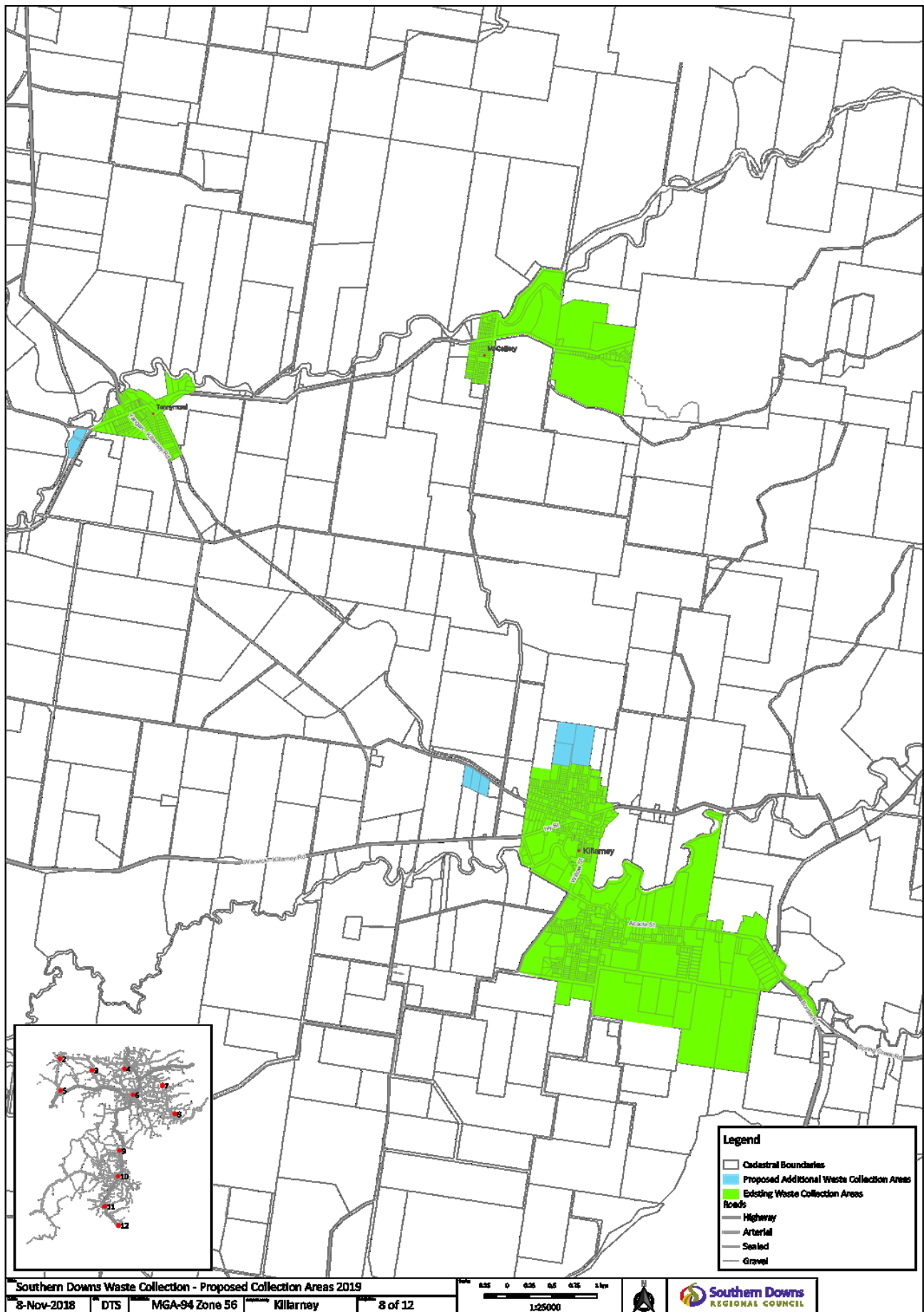


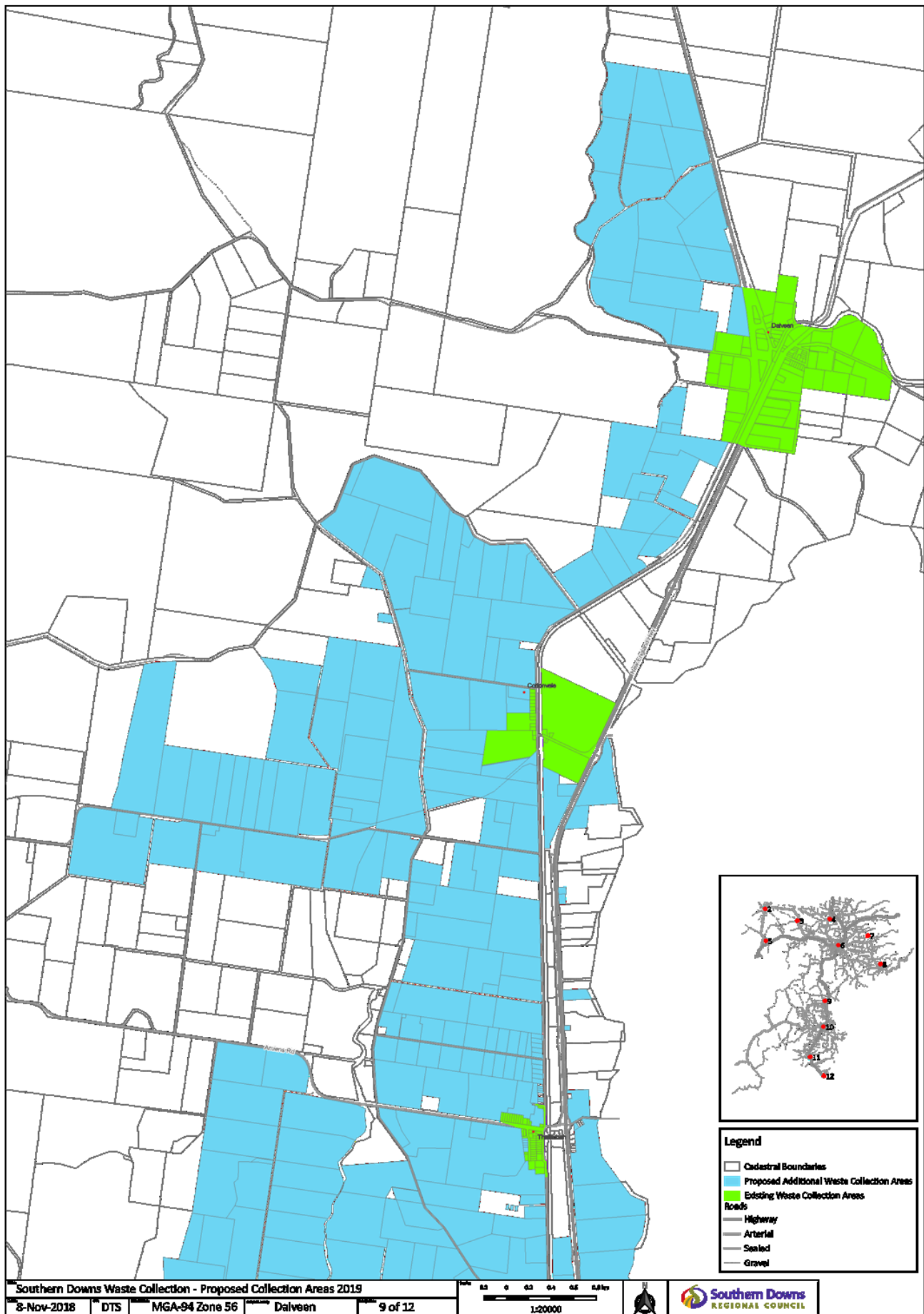


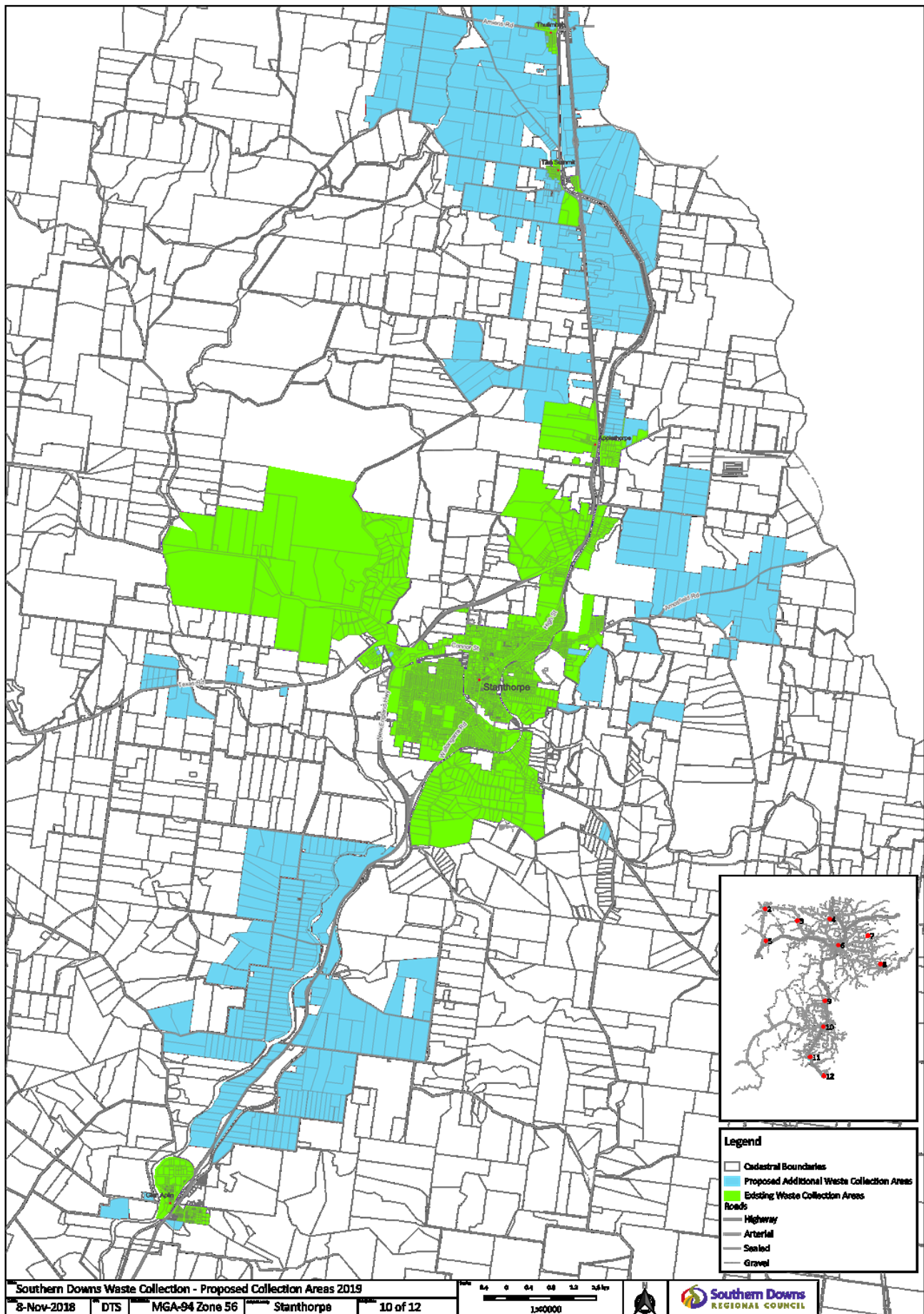


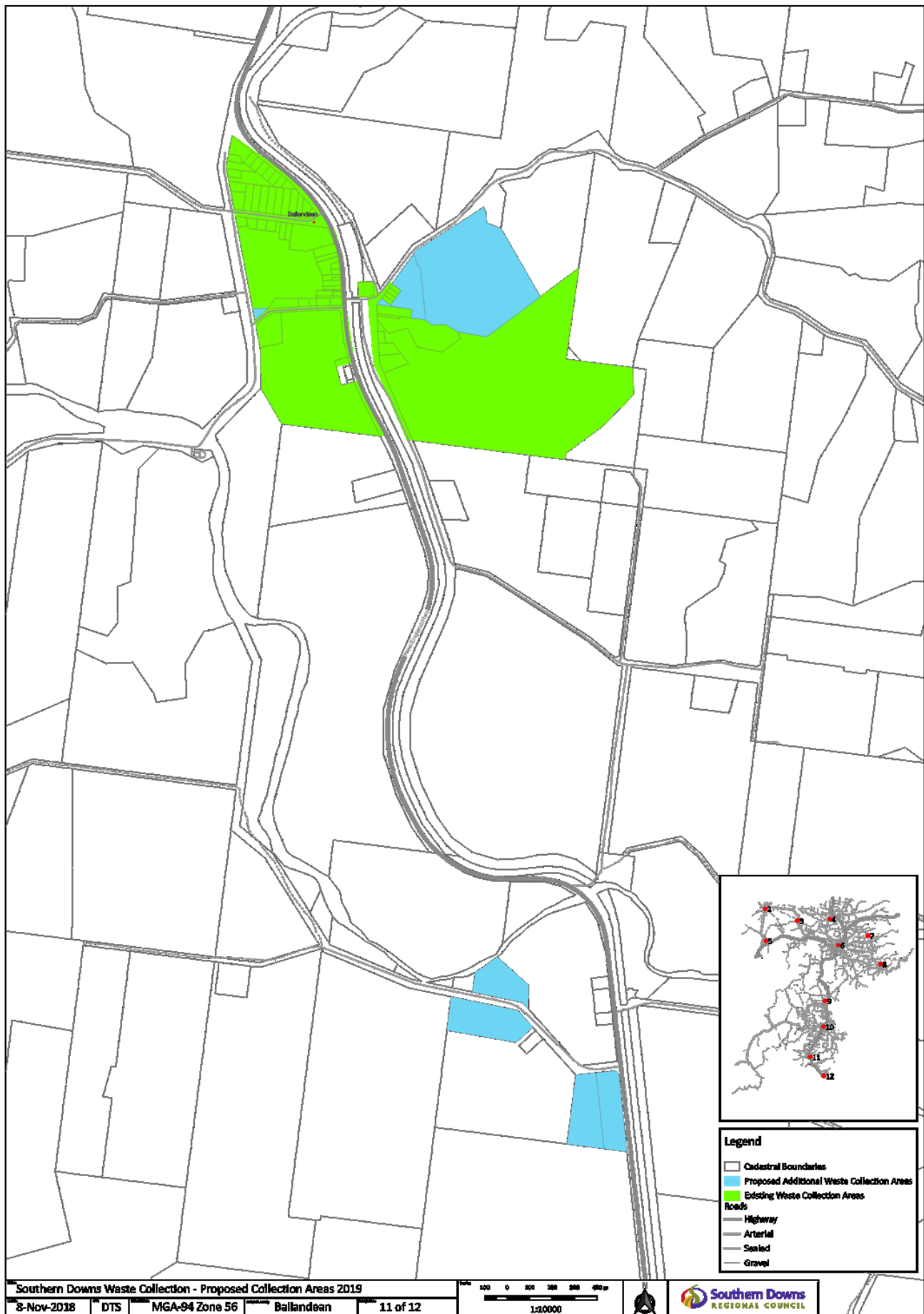


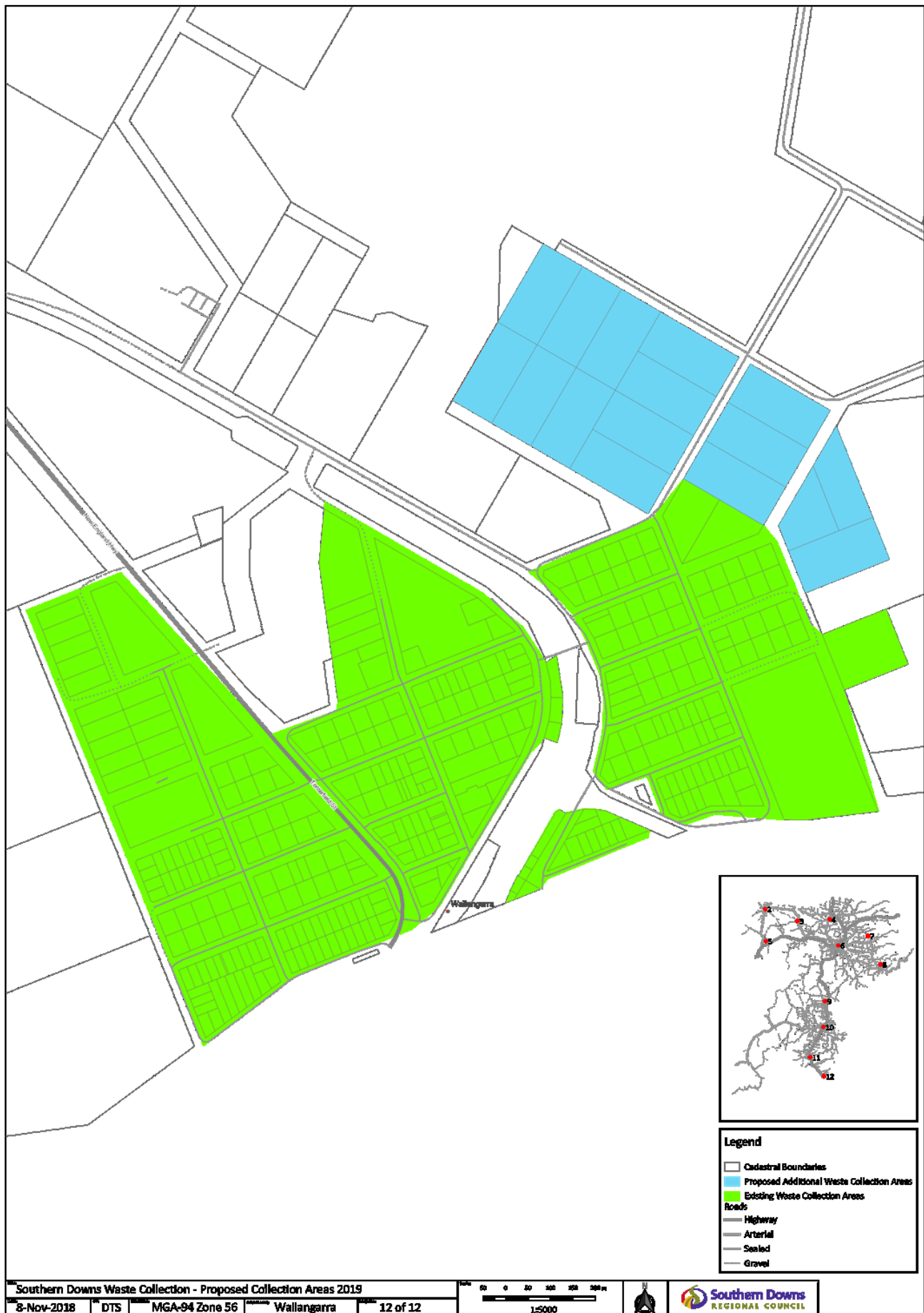













4.3 2017-18 Annual Report

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: Special Council Meeting	
	Reporting Officer:	Meeting Date: 12 November 2018
	Manager Corporate Services Governance and Risk Officer	ECM Function No/s: 11.4.3

Recommendation

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

Report

Council considered the Draft 2017-18 Annual Report at the General Meeting on 24 October 2018 and resolved:

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

Following this resolution, some minor corrections were made to pages 12 and 20 of the report. The amended 2017-18 Annual Report is attached.

Budget Implications

Nil

Policy Consideration

Corporate Plan 2014-2019 (revised edition) 'The Southern Downs Sense of Community' and section 1.9 'Continue to develop and extend Council's public consultation processes'.

Community Engagement

Nil

Legislation/Local Law

Section 182 (1) of the *Local Government Regulation 2012* stipulates that local governments must prepare and adopt an Annual Report.

Sections 182 to 190 of the *Local Government Regulation 2012* and sections 41, 45 and 201 of the *Local Government Act 2009* outline the required contents of the Annual Report.

Options

Council:

1. Adopt the amended Annual Report for Southern Downs Regional Council for the period 1 July 2017 to 30 June 2018.
2. Does not adopt the amended Adopt the Annual Report for Southern Downs Regional Council for the period 1 July 2017 to 30 June 2018.

Attachments

1. 2017-18 Annual Report (Excluded from agenda - Provided under separate cover)[View](#)

5. 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:

5.1 Procurement Exception - Fibre Optic to Morgan Park

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.

5.2 RFT 18_193 Inverramsay Road Culvert Replacement

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.

5.3 RFT 19_020 Supply of One Articulated Motor Grader

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.

5.4 RFT 19-023 Supply of One Excavator

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.

5.5 RFT 19_032 Warwick Water Treatment Plant Gas Chlorine System Upgrade

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.