



**MINUTES OF THE
GENERAL MEETING OF COUNCIL
12 DECEMBER 2018**

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**MINUTES OF THE GENERAL COUNCIL MEETING OF
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 12 DECEMBER 2018 IN THE
COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,
64 FITZROY STREET, WARWICK AT 9:00AM**

1. PRAYERS & CONDOLENCES

Pastor Brian Myer from Kings City Church offered a prayer and acknowledged condolences

2. ATTENDANCE

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

Officers: David Keenan (Chief Executive Officer), Graham O'Byrne (Director Infrastructure Services), Jane Stroud (Director Sustainable Development), Marion Seymour (Minute Secretary)

3. APOLOGIES

Nil

4. READING AND CONFIRMATION OF MINUTES

4.1 General Council Meeting - 21 November 2018

Resolution

Moved Cr N Meiklejohn

Seconded Cr M McNichol

THAT the minutes of the General Council Meeting held on Wednesday 21 November 2018 be adopted.

Carried

4.2 Special Council Meeting - 3 December 2018

Resolution

Moved Cr S Windle

Seconded Cr M McNichol

THAT the minutes of the Special Council Meeting held on Monday 3 December 2018 be adopted.

Carried

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Previous Council Meeting

Resolution

Moved Cr S Windle

Seconded Cr R Kelly

THAT Council receive the report and note the contents.

Carried

6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precis	Nature of Conflict
10.2 Item 4	Review of Advisory Committee Policy and Appointment of Representatives to Economic Development and Regional Promotion Advisory Committee	Cr McNally declared a conflict of interest in this matter (as defined in section 175C of the <i>Local Government Act 2009</i>) due to her husband's company having a contract with one of the nominees. Cr McNally advised she would deal with the conflict of interest by leaving the meeting room and taking no part in the debate or decision on the matter.
11.2	Connolly Dam	Cr Windle declared that a perceived conflict of interest in this matter (as defined in section 175D of the <i>Local Government Act 2009</i>), may exist due to her brother being a member of the Warwick District Fish Stocking Assoc. 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 her 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.
11.2	Connolly Dam	Cr Meiklejohn declared that a perceived conflict of interest in this matter (as defined in section 175D of the <i>Local Government Act 2009</i>), may exist as his father is a long term member of Warwick District Fish Stocking Association, including many years in a variety of executive roles, however he does not have a current executive role. 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.
12.1	Change Application for Material Change of Use – Lucas Riley, 14135 Cunningham Highway, Rosenthal Heights	Cr Meiklejohn declared that a perceived conflict of interest in this matter (as defined in section 175D of the <i>Local Government Act 2009</i>), may exist as the Applicant has lodged a complaint against him. Cr Meiklejohn determined 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. He believed that he would best perform his responsibility of serving the overall public interest of the whole of the Council's area by participating in the discussion and voting on this matter. However, the circumstances arising from the lodgement of the complaint, especially the Complainant's disclosure to other Councillors about the complaint, has compromised that position and as a direct consequence he will leave the meeting for the discussion and vote.
12.1	Change Application for Material Change of Use – Lucas Riley, 14135 Cunningham Highway, Rosenthal Heights	Cr McNally declared that a perceived conflict of interest in this matter (as defined in section 175D of the <i>Local Government Act 2009</i>), may exist as one the Applicant's planning consultant's husband and father-in-law occasionally work for her husband's company. 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.
12.7	Application for a Term Lease - Broadwater	Cr Gow declared a conflict of interest in this matter (as defined in section 175C of the <i>Local Government Act 2009</i>) as he is the current Chair of the Broadwater Rural Fire Brigade. Cr Gow advised he would deal with the conflict of interest by leaving the meeting room and taking no part in the debate or decision on the matter.
16.1	Sale of Land for Unpaid Rates	Cr Pennisi declared a conflict of interest in this matter (as defined in section 175C of the <i>Local Government Act 2009</i>) as he was part of the original development listed in item 14 of the list, but is now longer a stakeholder. Cr Pennisi advised he would deal with the conflict of interest

		by leaving the meeting room and taking no part in the debate or decision on the matter.
16.2	RFT 19_063 Tender to Construct Shared Community Facilities – Theo Cantor Park Warwick	Cr Meiklejohn declared that a perceived conflict of interest in this matter (as defined in section 175D of the <i>Local Government Act 2009</i>), may exist due to his role as Patron of the Warwick Men's Shed. 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	Request for Quotation 19_074 Construct Queensland Sign	Cr Windle declared a conflict of interest in this matter (as defined in section 175C of the <i>Local Government Act 2009</i>) as her husband is employed by a tenderer. Cr Windle advised she would deal with the conflict of interest by leaving the meeting room and taking no part in the debate or decision on the matter.
16.5	Request for Quotation 19_074 Construct Queensland Sign	Cr Kelly declared a conflict of interest in this matter (as defined in section 175C of the <i>Local Government Act 2009</i>) as his daughter's husband is an employee of one of the tenderers. Cr Kelly advised he would deal with the conflict of interest by leaving the meeting room and taking no part in the debate or decision on the matter.
16.8	Karara Water Supply	Cr Kelly declared that a perceived conflict of interest in this matter (as defined in section 175D of the <i>Local Government Act 2009</i>), may exist due to her wife's first cousin residing at Karara. Cr Kelly had previously left the room for discussion, however following changes in meeting rules, Cr Kelly 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 Kelly participated in the discussion and voting on this matter.
16.9	Legal Update with Irrigators	Cr Pennisi declared a conflict of interest in this matter (as defined in section 175C of the <i>Local Government Act 2009</i>) as he is Chair of the Stanthorpe Community Reference Panel (SCRIP) and some of the irrigators connected to the reuse scheme are members of SCRIP. Cr Pennisi also has workers staying in accommodation that he is providing for one of the growers involved in the dispute. Cr Pennisi advised he would deal with

		the conflict of interest by leaving the meeting room and taking no part in the debate or decision on the matter.
16.9	Legal Update with Irrigators	Cr McNally declared a conflict of interest in this matter (as defined in section 175C of the <i>Local Government Act 2009</i>) due to her husband's company having a contract with one of the irrigators. Cr McNally advised she would deal with the conflict of interest by leaving the meeting room and taking no part in the debate or decision on the matter.
16.11	Funding Programs	Cr Pennisi declared a conflict of interest in this matter (as defined in section 175C of the <i>Local Government Act 2009</i>) as he is Chair of the Stanthorpe Community Reference Panel (SCRIP) and the SCRIP is supporting a competing application to the same fund. Cr Pennisi advised he would deal with the conflict of interest by leaving the meeting room and taking no part in the debate or decision on the matter.
16.13	Statement of Claim against Council – Court Number M17/2018	Cr Pennisi declared a conflict of interest in this matter (as defined in section 175C of the <i>Local Government Act 2009</i>) as he is Patron of Football Stanthorpe and has had to step into the role of Acting Chair until a new Chair is appointed. Cr Pennisi advised he would deal with the conflict of interest by leaving the meeting room and taking no part in the debate or decision on the matter.

6.1.1 Conflict of Interest - Cr Windle - Agenda Item 11.2

Resolution

Moved Cr J McNally

Seconded Cr Y Stocks

THAT Cr Windle has a perceived conflict of interest in Agenda Item 11.2 due to her brother's membership of the Warwick District Fish Stocking Association and, notwithstanding the conflict, Cr Windle may participate in the matter, discuss and vote upon it.

Carried

6.1.2 Conflict of Interest - Cr Kelly - Agenda Item 16.8

Resolution

Moved Cr N Meiklejohn

Seconded Cr S Windle

THAT Cr Kelly has a perceived conflict of interest in Agenda Item 16.8 due to his wife's first cousin residing in Karara and, notwithstanding the conflict, Cr Kelly may participate in the matter, discuss and vote upon it.

Carried

6.1.3 Conflict of Interest - Cr Meiklejohn - Agenda Item 16.2

Resolution

Moved Cr J McNally

Seconded Cr Y Stocks

THAT Cr Meiklejohn has a perceived conflict of interest in Agenda Item 16.2 as he is Patron of the Warwick Men's Shed and, notwithstanding the conflict, Cr Meiklejohn may participate in the matter, discuss and vote upon it.

Carried

6.1.4 Conflict of Interest - Cr Meiklejohn - Agenda Item 11.2

Resolution

Moved Cr J McNally

Seconded Cr Y Stocks

THAT Cr Meiklejohn has a perceived conflict of interest in Agenda Item 11.2 due to his father's involvement with the Warwick Fish Stocking Association and, notwithstanding the conflict, Cr Meiklejohn may participate in the matter, discuss and vote upon it.

Carried

6.1.5 Conflict of Interest - Cr McNally - Agenda Item 12.1

Resolution

Moved Cr S Windle

Seconded Cr R Kelly

THAT Cr McNally has a perceived conflict of interest in Agenda Item 12.1 due to one of the Applicant's planning consultants husband and father-in-law working for her husband's company and, notwithstanding the conflict, Cr McNally may participate in the matter, discuss and vote upon it.

Carried

The Mayor advised the meeting that Cr McNally and herself had been presented with the report on the De-amalgamation Proposal by representatives from the Granite Belt Community Association on 11 December 2018. The Granite Belt Community Association requested that the report not be made public at this time.

7. MAYORAL MINUTE

7.1 Mayoral Minute - November 2018

Resolution

Moved Cr Y Stocks

Seconded Cr N Meiklejohn

THAT Council receive the Mayoral Minute for October 2018.

Carried

8. READING AND CONSIDERATION OF CORRESPONDENCE

8.1 Correspondence

Resolution

Moved Cr R Kelly

Seconded Cr M McNichol

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 as at 30 November 2018

Resolution

Moved Cr J McNally

Seconded Cr R Kelly

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

Carried

Cr McNally declared a conflict of interest in Agenda Item 10.2 (as defined in section 175C of the Local Government Act 2009) due to her husband's company having a contract with one of the nominees. Cr McNally advised she would deal with the conflict of interest by leaving the meeting room and taking no part in the debate or decision on the matter. Cr J McNally left the meeting at 9:31AM.

10.2.1 Appointment of Representatives to Economic Development and Regional Promotion Advisory Committee

Resolution

Moved Cr R Kelly

Seconded Cr Y Stocks

THAT Council appoint the following community representatives to the Economic Development and Regional Promotion Advisory Committee:-

- Paul McMahon
- Ray Taylor
- Lyndall McCormack
- Rachel Perkins (under 25)
- David Martin (Warwick Chamber of Commerce)
- Scott Bradburn (Stanthorpe Chamber of Commerce)

Carried

09:34 AM Cr J McNally rejoined the meeting

10.2 Review of Advisory Committee Policy, Adoption of Terms of Reference for Shaping Southern Downs Advisory Committee and Economic Development and Regional Promotion Advisory Committee and Appointment of Representatives

Resolution

Moved Cr M McNichol

Seconded Cr S Windle

THAT Council:-

1. Adopt the attached revised Advisory Committee Policy.
2. Adopt the attached Terms of Reference for:
 - a. Shaping Southern Downs Advisory Committee
 - b. Economic Development and Regional Promotion Advisory Committee
3. Appoint the following community representatives to the Shaping Southern Downs Advisory Committee:-
 - Cynthia McDonald
 - Desmond Neijens
 - Rohan Keogh (under 25)
 - Jacqueline Wedge
 - Richard Humphries
4. Write to the community representatives of the former Economic Development Advisory Committee and the Regional Promotion, Tourism and the Arts Advisory Committee thanking them for their involvement and contribution to each of the Advisory Committees.

Carried

Attachments

1. Advisory Committee Policy - **Attached to the Minutes Under Separate Cover**
2. Shaping Southern Downs Advisory Committee Terms of Reference - **Attached to the Minutes Under Separate Cover**
3. Economic Development and Regional Promotion Advisory Committee Terms of Reference - **Attached to the Minutes Under Separate Cover**

10.3 Saleyards Advisory Committee Minutes 15 November 2018 – Amendment to Motion Resolution

Moved Cr V Pennisi

Seconded Cr C Gow

THAT Council:

1. Receive the minutes of the Saleyards Advisory Committee Meeting held on 15 November 2018.
2. Refer the invitation to Matthew Grayson to be a member of the Southern Downs Saleyards Advisory Committee back to the Committee for clarification.

Carried

10.3.1 Saleyards Advisory Committee Minutes 15 November 2018

Resolution

Moved Cr J McNally

Seconded Cr S Windle

THAT Council:

1. Receive the minutes of the Saleyards Advisory Committee Meeting held on 15 November 2018.
2. Refer the invitation to Matthew Grayson to be a member of the Southern Downs Saleyards Advisory Committee back to the Committee for clarification.

Carried

11. ENGINEERING SERVICES DEPARTMENT REPORTS

11.1 Infrastructure Services Department Monthly Report

Resolution

Moved Cr M McNichol

Seconded Cr S Windle

THAT Council receive the Infrastructure Services Department Monthly Report.

Carried

Cr Windle declared a perceived conflict of interest in Agenda Item 11.2 (as defined in section 175D of the Local Government Act 2009), may exist due to her brother being a member of the Warwick District Fish Stocking Assoc. 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 her 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 Meiklejohn declared that a perceived conflict of interest in Agenda Item 11.2 (as defined in section 175D of the Local Government Act 2009), may exist as his father is a long term member of Warwick District Fish Stocking Association, including many years in a variety of executive roles, however he does not have a current executive role. 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.

11.2 Connolly Dam

Resolution

Moved Cr C Gow

Seconded Cr R Kelly

THAT Council defer consideration of this matter to a future Briefing Session:

Carried

Cr Windle and Cr Meiklejohn voted for the motion

Cr Meiklejohn declared that a perceived conflict of interest in Agenda Item 12.1 (as defined in section 175D of the Local Government Act 2009), may exist as the Applicant has lodged a complaint against him. Cr Meiklejohn determined 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. He believed that he would best perform his responsibility of serving the overall public interest of the whole of the Council's area by participating in the discussion and voting on this matter. However, the circumstances arising from the lodgement of the complaint, especially the Complainant's disclosure to other Councillors about the complaint, has compromised that position and as a direct consequence he will leave the meeting for the discussion and vote. Cr N Meiklejohn left the meeting at 9:55am.

Cr McNally declared that a perceived conflict of interest in Agenda Item 12.1 (as defined in section 175D of the Local Government Act 2009), may exist as one the Applicant's planning consultant's husband and father-in-law occasionally work for her husband's company. 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.

12. PLANNING, ENVIRONMENT & CORPORATE SERVICES DEPARTMENT REPORTS

12.1 Change Application for Material Change of Use - Lucas Riley, 14135 Cunningham Highway, Rosenthal Heights

Resolution

Moved Cr V Pennisi

Seconded Cr S Windle

THAT Council approve the change application in relation to the Development Approval dated 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, described as Lot 640 ML68, Parish of Rosenthal, County of Merivale, and Condition 7 and Advisory Note (xi) be amended as follows:

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~~ either the Motor vehicle workshop or the Chiller boxes.

(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' (DTMR) requirements for access from the Cunningham Highway.

Carried

Cr McNally voted for the motion

09:58 AM Cr N Meiklejohn rejoined the meeting

12.2 Material Change of Use - Royal Duke Holdings Pty Ltd, 396 Keoghs Road, Elbow Valley

Council noted that the application for Material Change of Use for an Undefined use (commercial water extractive) on Lot 1000 on SP268215, located at 396 Keoghs Road, Elbow Valley, was withdrawn on the Applicant's request.

12.3 Material Change of Use - JYV Pty Ltd, Torrissi Terrace, Stanthorpe

Resolution

Moved Cr Y Stocks

Seconded Cr C Gow

THAT the application for Material Change of Use for a Retirement facility on Lot 43 on SP185955, located at Torrissi Terrace, Stanthorpe, be approved subject to the following conditions:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

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

Plan Name	Plan No.	Date
3.1 Indicative Master Plan, prepared by SMEC and BDA	435400 Issue A	7 September 2018
3.2 Plan of Development, prepared by BDA	435400 Issue A	7 September 2018
3.4 Car Parking and Waste Management Plan, prepared by BDA	435400 Issue A	7 September 2018
3.5 Staging Plan, prepared by BDA	435400 Issue A	7 September 2018
3.6 Fencing Plan, prepared by BDA	435400 Issue A	7 September 2018
4.1 Colours & Materials, prepared by BDA	435400 Issue A	7 September 2018
4.3 Type A – Floor plan, prepared by BDA	435400 Issue A	7 September 2018
4.4 Type A - Elevations Type A1, prepared by BDA	435400 Issue A	7 September 2018
4.5 Type A - Elevations Type A2, prepared by BDA	435400 Issue A	7 September 2018
4.7 Type B – Floor Plan, prepared by BDA	435400 Issue A	7 September 2018
4.8 Type B - Elevations Type B1, prepared by BDA	435400 Issue A	7 September 2018
4.9 Type B - Elevations Type B2, prepared by BDA	435400 Issue A	7 September 2018
4.11 Type C – Floor Plan, prepared by BDA	435400 Issue A	7 September 2018
4.12 Type C - Elevations Type C1, prepared by BDA	435400 Issue A	7 September 2018
4.13 Type C - Elevations Type C2, prepared by BDA	435400 Issue A	7 September 2018
4.15 Type D – Floor Plan, prepared by BDA	435400 Issue A	7 September 2018
4.16 Type D - Elevations Type D1, prepared by BDA	435400 Issue A	7 September 2018
4.17 Type D - Elevations Type D2, prepared by BDA	435400 Issue A	7 September 2018
4.19 Type E – Floor Plan, prepared by BDA	435400 Issue A	7 September 2018
4.20 Type E - Elevations Type E1, prepared by BDA	435400 Issue A	7 September 2018
4.21 Type E - Elevations Type E2, prepared by BDA	435400 Issue A	7 September 2018
4.22 Type F – Floor Plan, prepared by BDA	435400 Issue A	7 September 2018
4.23 Type F - Elevations Type F1, prepared by BDA	435400 Issue A	7 September 2018
4.24 Type F - Elevations Type F2, prepared by BDA	435400 Issue A	7 September 2018
4.26 Type G – Floor Plan, prepared by BDA	435400 Issue A	7 September 2018
4.27 Type G - Elevations Type G1, prepared by BDA	435400 Issue A	7 September 2018
4.28 Type G - Elevations Type G2, prepared by BDA	435400 Issue A	7 September 2018
4.29 Central Facilities – Floor Plan, prepared by BDA	435400 Issue A	7 September 2018
4.30 Central Facilities – Elevations, prepared by BDA	435400 Issue A	7 September 2018
4.31 Central Facilities – Elevations, prepared by BDA	435400 Issue A	7 September 2018
Landscape Masterplan, prepared by SMEC	03 Rev B	September 2018
Central Facility Area - Detail Plan, prepared by SMEC	04 Rev B	September 2018
Open Space Activities Area - Detail Plan, prepared by SMEC	05 Rev B	September 2018
Main Entry - Detail Plan, prepared by SMEC	06 Rev B	September 2018

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

Staging

- The development may proceed in stages, provided that any road access and infrastructure services required to service a particular stage are constructed with that stage. Unless otherwise expressly

stated, the conditions must be read as being applicable to all stages. The stages are approved as follows:

Stage 1

- 24 dwellings.
- Extension of Torrissi Terrace.
- Main entry gates.
- Internal driveway and landscaping.
- Manager's residence.
- Secondary access from Torrissi Terrace.
- Temporary stormwater basin.

Stage 2

- 20 dwellings.
- Central recreation facility (gym, indoor pool, men's shed, activity rooms, cinema, library, function room and lounge space).
- Internal driveways and landscaping.

Stage 3

- 16 dwellings.
- Internal driveways and landscaping.

Stage 4

- 18 dwellings.
- Communal recreation/BBQ space.
- South-western stormwater basin.
- Internal driveways and landscaping.

Stage 5

- 11 dwellings.
- Caravan parking and maintenance shed.
- Internal driveways and landscaping.
- Southern stormwater basin.

Land Use and Planning Controls

4. This approval allows for the use of the site for the following uses only:
 - Retirement facility – a maximum of 90 dwelling units
5. The material change of use the subject of this development permit is to be completed within a period of 10 years starting the day this development permit takes effect. The development permit will lapse in respect of each aspect of the material change of use that has not been completed within this period.
6. The dwellings are to include a variety of the approved designs, Types A to G. The same dwelling design type cannot be used for more than three dwellings in a row. A variety of colours and materials are to be used in accordance with the colours and materials submitted with the application, i.e. 4.1 Colours & Materials, Issue A, dated 7 September 2018.

Amenity and Environmental Controls

7. Advertising Devices relating to the Retirement facility may **only** be erected on the subject

land, i.e. Lot 43 SP185955. The location, size, type and content of any advertising sign or device located on the land is to be compatible with the residential 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.

8. During the construction phase of the development, all wastes must be separated into recyclables (where possible) and landfill wastes, and disposed of at the Stanthorpe waste facility.
9. The wheelie bins are to be stored within the courtyard of each dwelling unit and screened from view from all roads and public places. A concrete pad is to be provided for the two bins in an appropriate location within each courtyard.
10. Sufficient waste receptacles must be provided to allow all residents access to a waste disposal and recycling service, to the satisfaction of the Manager Environmental Services. This may include a combination of industrial bins and wheelie bins.
11. Any external lighting must be installed so that light shines down and away from adjacent properties and roads, and does not exceed 8 lux at the property boundary.
12. Lighting is to be provided within the development including adjacent to the internal driveways. Any lighting is to be located such that there is no interference with any residences. Details of the proposed lighting are to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the issuing of any Development Permit for Building Works. Lighting is to be provided in accordance with the approved plan.
13. All cleared or lopped timber and vegetation must be processed on site by wood chipping, mulching or similar method. Any processing of trees or vegetation must be carried out in a safe manner and without any adverse environmental impacts from noise or dust emissions, and in accordance with any requirements under the *Environmental Protection Act 1994*.
14. At all times during the construction phase/s of the development, signage is to be installed advising of contact details for the project manager, or other appropriate person, members of the public may contact if they are experiencing nuisance associated with construction. The signage must be located so as to be easily viewed and from the road.
15. Dust mitigation measures are to be implemented during construction.
16. Vehicle access is to be controlled so as to prevent dust generation and tracking of material on to adjoin roadways, particularly during wet weather or when the site has been affected by wet weather.

Fencing, Landscaping and Buffers

17. Fencing is to be provided in accordance with 3.6 Fencing Plan, Issue A, dated 7 September 2018, prepared by BDA. Areas of private open space adjoining road frontages are to be screened to provide privacy for residents. Fencing along the road frontages of the land must be no higher than 1.2 metres. The height may be increased to 1.8 metres if the fence is at least 50% transparent.
18. Landscaping is to be provided in accordance with the following plans:
 - Landscape Masterplan, No. 03, Rev B, dated September 2018;
 - Central Facility Area – Detail Plan, No. 04, Rev B, dated September 2018;
 - Open Space Activities Area – Detail Plan, No. 05 Rev B, dated September 2018;
 - Main Entry - Detail Plan, No. 06, Rev B, dated September 2018.
19. **A Landscaping Plan is to be submitted to and approved by the Director Sustainable Development prior to the issue of any Development Permit for Building Work.** 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 the height and material of fencing. 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.

Car Parking and Vehicle Access

20. 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.
21. Carparking is to be provided in accordance with the approved plan 3.4 Car Parking and Waste Management Plan, 435400 Issue A, dated 7 September 2018 as prepared by BDA.
22. All roads/driveways within the development are to be constructed in asphaltic concrete.

Roadworks

23. Any footpaths, kerbing and channelling, roadworks and drainage works damaged during construction of the development are to be reinstated to the pre-existing condition, unless otherwise required by the Director Infrastructure Services.

Stormwater Drainage

24. The design, construction and operation of the stormwater drainage system must comply with the water quality objectives stated in Appendix 2 of the State Planning Policy.
25. A stormwater drainage system serving the development is to be constructed and the stormwater disposed of to a lawful point of discharge, in accordance with the Queensland Urban Drainage Manual (QUDM). Where the finished levels are such that stormwater runoff from all or part of the allotment cannot be gravity discharged to the street, an underground drainage line shall be provided to discharge the runoff from the allotment. Where necessary, suitable easements may be required over adjoining properties. The easements shall be provided to Council, at the developer's cost. All drainage works should meet the requirements of the Queensland Urban Drainage Manual (QUDM).

Site stormwater runoff must be collected, detained and discharged where appropriate in a manner that does not increase the quantity or concentration of stormwater flow in comparison to the pre-development condition. 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

26. The connection to Council's reticulated water supply must be a combined fire and domestic metered connection located at a point nominated by Council.
27. The proposed dwelling units are to be connected to Council's reticulated water supply system and sewerage system in accordance with the *Queensland Plumbing and Wastewater Code*. A separate water connection (including water meter) is to be provided for each dwelling unit within the development. A separate sewerage connection is to be provided for each dwelling unit.

Electricity, Street Lighting and Telecommunications

28. Underground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
29. In accordance with the Federal Government's National Broadband Network (NBN) initiatives, the Developer (at the Developer's expense) is to install a fibre ready pit and pipe network (including trenching and ducting, design and third party certification) to NBN Co's specifications, to allow for the installation of Fibre-to-the-Premises (FTTP) broadband services. Any fibre provider may be used, provided they meet NBN specifications and open access requirements. Ownership of the infrastructure is to be transferred to Telstra in

exchange for the provision of fibre within that pit and pipe network. Prior to commencement of the use, written advice is to be provided from Telstra that the pit and pipe network has been installed in accordance with NBN Co's specifications.

30. LED street lighting shall be provided in accordance with AS/NZS 1158 - Lighting for Roads and Public Spaces.

Operational Works

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

Infrastructure Charges Notice

32. Payment of \$665,000 is to be made to Council in accordance with the Infrastructure Charges Notice attached to the decision notice. If the development is staged, the payment of Infrastructure Charges may also be staged. If payment is made more than two years after the date of the Infrastructure Charges Notice, the charge will increase in line with the Road and Bridge Construction Index for Queensland.

Advisory Notes

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning, 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) **Plumbing and Drainage Approval is to be obtained** in accordance with the *Plumbing and Drainage Act 2002* 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.
- (v) **Building Approval is to be obtained** for Class 1a (dwellings) and Class 9c (communal facilities) buildings in accordance with the *Planning Act 2016* for the proposed building work. The building application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. The building plans are to accord with the plans approved in this approval. The building is to be constructed in accordance with the Building Approval prior to the commencement of the use. **Form 21s (Final Inspection Certificate for the dwellings) and Form 11a (Certificate of Classification for other buildings) must be issued for the building works prior to the use of the relevant building commencing.**
- (vi) In accordance with section 440R of the *Environmental Protection Act 1994*, no building works that make an audible noise are to be carried out before 6.30 a.m. or after 6.30 p.m., Monday to Saturday, or at all on Sundays and public holidays.
- (vii) A Development Permit for Operational Works associated with the development must be obtained in accordance with the *Planning Act 2016*. This application must be submitted with the following:
 - DA Form 1;

- The relevant fee in accordance with Council's Schedule of General Fees and Charges;
- Detailed design drawings, schedules and specifications for all Operational Works, certified by a Registered Professional Engineer in Queensland (RPEQ);
- A 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;
- 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.

- (viii) An Erosion and Sediment Control Plan (ESCP) must be submitted for approval with the application for Operational Works. The ESCP must demonstrate that release of sediment-laden stormwater is avoided for the nominated design storm, and minimised when the nominated design storm is exceeded, by addressing the objectives in Table A (Construction phase - stormwater management design objectives) in Appendix 2 of the State Planning Policy for drainage control, erosion control, sediment control and water quality outcomes.
- (ix) 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.
- (x) All Development Permits for Operational Works, and Compliance Permits for Plumbing and Drainage Works, should be obtained prior to the issue of a Development Permit for Building Works.
- (xi) All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- (xii) Any retaining structures above 1.0 metre in height must be separately certified for structural adequacy by a Registered Professional Engineer of Queensland at design submission and also on completion of construction for compliance with the design. A detailed inspection and as constructed record must be provided to Council by a Registered Professional Engineer of Queensland, prior to acceptance of the works, including certification that the wall's foundation ground conditions nominated in the design were inspected and achieved during construction. The approved design and/or construction of the retaining walls must not be modified or altered without Council's prior written approval.

Aboriginal Cultural Heritage

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

Schedule 2 - Department of State Development, Manufacturing, Infrastructure and Planning

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Material change of use for retirement facility		
State-transport infrastructure—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition:		
1.	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road.</p> <p>(b) Any works on the land must not:</p> <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the state-controlled road; (ii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road; (iii) surcharge any existing culvert or drain on the state-controlled road; (iv) reduce the quality of stormwater <p>(c) RPEQ certification with supporting documentation must be provided to the Department of Transport and Main Roads, confirming that the development has been constructed in accordance with part/s (a) and (b) of this condition.</p>	<p>(a) At all times.</p> <p>(b) At all times</p> <p>(c) Prior to the commencement of use</p>

Carried

12.4 Review of Wallangarra Urban Design Framework

Resolution

Moved Cr N Meiklejohn

Seconded Cr C Gow

THAT Council receive the report in relation to the review of the Wallangarra Urban Design Framework.

Carried

12.5 Maryvale Urban Design Framework

Resolution

Moved Cr S Windle

Seconded Cr C Gow

THAT Council defer further consideration of the Maryvale Futures: An Urban Design Framework report to the January 2019 General Meeting.

Carried

12.6 Invasive Pests Control Scheme Update

Resolution

Moved Cr C Gow

Seconded Cr R Kelly

THAT Council receive the progress report on the implementation of the 2018/2019 Invasive Pests Control Scheme (IPCS).

Carried

Cr Gow declared a conflict of interest in this matter (as defined in section 175C of the Local Government Act 2009) as he is the current Chair of the Broadwater Rural Fire Brigade. Cr Gow advised he would deal with the conflict of interest by leaving the meeting room and taking no part in the debate or decision on the matter. Cr C Gow left the meeting at 10:11AM.

12.7 Application for a Term Lease - Broadwater

Resolution

Moved Cr V Pennisi

Seconded Cr S Windle

THAT Council advise the Department of Natural Resources Mines and Energy that it has no objection to the application for a term lease over part of Lot 224 on BNT1580, Broadwater.

Carried

10:13AM Cr C Gow rejoined the meeting

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

13.1 Report on Warwick Women's Work Camp

Resolution

Moved Cr J McNally

Seconded Cr Y Stocks

THAT the verbal report from Cr Windle in relation to the Warwick Women's Work Camp be received.

Carried

14. NOTICES OF MOTION

Nil

15. GENERAL BUSINESS

10:17am Presentation of Casual for a Cause Donation to Youngcare

10:20am Acknowledgement of National Town Crier's Award to the region's Town Crier, Bob Townshend

The meeting adjourned for morning tea at 10:25am and reconvened at 10:51am at which time there were present Crs Dobie, McNally, Stocks, Gow, McNichol, Pennisi, Windle, Kelly and Meiklejohn

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 Sale of Land for Unpaid Rates

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.

16.2 RFT 19_063 Tender to Construct Shared Community Facilities - Theo Cantor Park Warwick

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 - 94520 - 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 PID 93770 - Request to Waive Wastewater Charges

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(h) of the *Local Government Regulation 2012*, as it contains information relating to and 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 Request for Quotation 19_074 Construct Queensland Sign

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.

16.6 Leyburn Water Quality Upgrade

Reason for Confidentiality

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

16.7 Allora Reservoir Roof Repair

Reason for Confidentiality

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

16.8 Karara Water Supply

Reason for Confidentiality

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

16.9 Legal Update with Irrigators

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 November 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.

16.11 Funding Programs

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.

16.12 Renewal of Trustee Lease between Council and the Warwick Racing Pigeon 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.

16.13 Statement of Claim against Council - Court Number M17/2018

Reason for Confidentiality

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

16.14 Proposed sale of land - Stanthorpe

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.

16.15 Proposed sale of land - Wallangarra

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.

16.162019 Australia Day Awards and Australia Day Awards Policy

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.

16.17RFT 19_006 Construction of Storm King Dam Raw Water Pipeline

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 V Pennisi

Seconded Cr M McNichol

THAT the meeting move into closed session.

Carried

The Meeting moved into closed session at 10:52am.

10:53 AM Cr V Pennisi left the meeting during discussion on Agenda Item 16.1

10:54AM Cr Pennisi rejoined the meeting

11:23 AM Cr S Windle left the meeting during discussion on Agenda Item 16.5

11:23 AM Cr R Kelly left the meeting during discussion on Agenda Item 16.5.

11:24 AM Cr S Windle rejoined the meeting.

11:24 AM Cr R Kelly rejoined the meeting.

11:43 AM Cr V Pennisi left the meeting during discussion on Agenda Item 16.9

11:43 AM Cr J McNally left the meeting during discussion on Agenda Item 16.9

11:46 AM Cr J McNally rejoined the meeting.

11:46 AM Cr V Pennisi rejoined the meeting.

Meeting Out Of Camera

Resolved

THAT the meeting resume in open session at 11:51AM.

Carried

The meeting came out of camera to allow Cr Pennisi to declare a conflict of interest in Agenda Item 16.11 (as defined in section 175C of the *Local Government Act 2009*) as he is Chair of the Stanthorpe Community Reference Panel (SCRIP) and the SCRIP is supporting a competing application to the same fund. Cr Pennisi advised he would deal with the conflict of interest by leaving the meeting room and taking no part in the debate or decision on the matter.

Meeting In Camera

Resolution

Moved Cr M McNichol

Seconded Cr S Windle

THAT the meeting return into closed session.

Carried

The Meeting moved into closed session at 11:52am.

11:52 AM Cr V Pennisi left the meeting during discussion on Agenda Items 16.11 and 16.13

11:58 AM Cr V Pennisi rejoined the meeting.

Meeting Out Of Camera

Resolved

THAT the meeting resume in open session at 12:06pm.

Carried

Cr Pennisi declared a conflict of interest in Agenda Item 16.1 (as defined in section 175C of the Local Government Act 2009) as he was part of the original development listed in item 14 of the list, but is now longer a stakeholder. Cr Pennisi advised he would deal with the conflict of interest by leaving the meeting room and taking no part in the debate or decision on the matter. Cr Pennisi left the meeting at 12:07PM.

16.1 Sale of Land for Unpaid Rates

Resolution

Moved Cr R Kelly

Seconded Cr Y Stocks

THAT Council resolve:

- a. Pursuant to section 140(2) of the Local Government Regulation 2012, Council sell the land described below in the schedule for overdue rates and charges; and
- b. To delegate to the Chief Executive Officer its power to take all further steps under Chapter 4, Part 12, Division 3 of the Local Government Regulation 2012 to effect sale of the land (including, for avoidance of doubt, the power to end sale procedures).

Carried

12:07PM Cr Pennisi rejoined the meeting

Cr Meiklejohn declared that a perceived conflict of interest in Agenda Item 16.2 (as defined in section 175D of the Local Government Act 2009), may exist due to his role as Patron of the Warwick Men's Shed. 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.

16.2 RFT 19_063 Tender to Construct Shared Community Facilities - Theo Cantor Park Warwick

Resolution

Moved Cr C Gow

Seconded Cr V Pennisi

THAT:-

1. Council refuse all tenders for RFT 19_063 Tender to Construct Shared Community Facilities in Theo Cantor Park Warwick.
2. The scope of works for the project be revised.

Carried

Cr Meiklejohn voted for the motion

16.3 PN - 94520 - Second Request for Water Relief

Resolution

Moved Cr R Kelly

Seconded Cr N Meiklejohn

THAT Council does not offer relief of water consumption charges to Property ID 94520 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 at least monthly since relief of water consumption charges was granted on 25 May 2018.

Carried

16.4 PID 93770 - Request to Waive Wastewater Charges

Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

THAT Council resolve not to waive wastewater charges on the requested property.

Carried

Cr Windle declared a conflict of interest in Agenda Item 16.5 (as defined in section 175C of the Local Government Act 2009) as her husband is employed by a tenderer. Cr Windle advised she would deal with the conflict of interest by leaving the meeting room and taking no part in the debate or decision on the matter. Cr Windle left the meeting at 12:08PM.

Cr Kelly declared a conflict of interest in Agenda Item 16.5 (as defined in section 175C of the Local Government Act 2009) as his daughter's husband is an employee of one of the tenderers. Cr Kelly advised he would deal with the conflict of interest by leaving the meeting room and taking no part in the debate or decision on the matter. Cr Kelly left the meeting at 12:08PM.

16.5 Request for Quotation 19_074 Construct Queensland Sign

Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

THAT Council does not accept any offers due to the value of the contract exceeding both the budget allocation and procurement thresholds set under the Councils Procurement Policy for quotations.

Carried

Cr Windle and Cr Kelly rejoined the meeting at 12:08PM

16.6 Leyburn Water Quality Upgrade

Resolution

Moved Cr V Pennisi

Seconded Cr S Windle

THAT Council reallocate \$250,000 at the Second Quarter Budget review by postponing the delivery of 2 projects:

- 101988 – Warwick Saleyards – Truck Wash Effluent Treatment – Design \$119,726
- 101989 – Wastewater Network Planning Report \$189,534

to implement the improved treatment system at Leyburn Bore 1 as designed by Ganden Engineers within 2018/19 financial year.

Carried

16.7 Allora Reservoir Roof Repair

Resolution

Moved Cr Y Stocks

Seconded Cr S Windle

THAT Council:

- a) Approve an operation budget allocation of \$10,000 to complete all remedial works highlighted in the Hunter H2O condition assessment report.
- b) Approve use of the remaining 2018/19 capital budget to install a mains connection at Bradfield Road to mitigate the risk of mains break under Dalrymple Creek and engage a consultant to prepare tender documents for the design and construction of the Allora reservoir roof for construction 2019/2020 financial year.

Carried

Cr Kelly declared that a perceived conflict of interest in Agenda Item 16.8 (as defined in section 175D of the Local Government Act 2009), may exist due to her wife's first cousin residing at Karara. Cr Kelly had previously left the room for discussion, however following changes in meeting rules, Cr Kelly 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 Kelly participated in the discussion and voting on this matter.

16.8 Karara Water Supply

Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

THAT Council:

- a) Approve an operational budget allocation of \$99,610 to allow 11 property owners to engage a plumbing contractor to complete the installation of a 5,000 gallon tank and organise the first fill of potable water for all tanks. The Karara Tavern and Motel will be provided with an additional 3 x 5,000 gallon rainwater tanks.
- b) Approve the method of disbursement of funds:
 - (i) Council to receive and approve each quote prior to commencement
 - (ii) On completion of work property owners are to accept the work and responsibility of infrastructure
 - (iii) Council to pay contractors directly – this will not be carried out until (ii) is complete
 - (iv) Funds available up to 30 June 2019.
- c) Donate the Karara system to the Rural Fire Brigade (QFES).

If the Karara Rural Fire Brigade (QFES) does not want to accept this donation Council is to delegate the decision to the CEO to decommission the system. Council will retain the water allocation from Canal Creek.

Carried

Cr Kelly voted for the motion

Cr Pennisi declared a conflict of interest in Agenda Item 16.9 (as defined in section 175C of the Local Government Act 2009) as he is Chair of the Stanthorpe Community Reference Panel (SCRIP) and some of the irrigators connected to the reuse scheme are members of SCRIP. Cr Pennisi also has workers staying in accommodation that he is providing for one of the growers involved in the dispute. Cr Pennisi advised he would deal with the conflict of interest by leaving the meeting room and taking no part in the debate or decision on the matter. Cr Pennisi left the meeting at 12:10pm.

Cr McNally declared a conflict of interest in Agenda Item 16.9 (as defined in section 175C of the Local Government Act 2009) due to her husband's company having a contract with one of the irrigators. Cr McNally advised she would deal with the conflict of interest by leaving the meeting room and taking no part in the debate or decision on the matter. Cr McNally left the meeting at 12:10pm.

16.9 Legal Update with Irrigators

Resolution

Moved Cr R Kelly

Seconded Cr S Windle

THAT Council notes Southern Downs Regional Council -ats- Irrigators: Supreme Court of Queensland Proceeding update and acknowledges and approves the costs to continue legal action.

Carried

Cr McNally and Cr Pennisi rejoined the meeting at 12:11PM

16.10 November 2018 Monthly Report from Warwick Indoor Recreation and Aquatic Centre from YMCA Brisbane

Resolution

Moved Cr V Pennisi

Seconded Cr R Kelly

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

Carried

Cr Pennisi declared a conflict of interest in Agenda Item 16.11 (as defined in section 175C of the Local Government Act 2009) as he is Chair of the Stanthorpe Community Reference Panel (SCRIP) and the SCRIP is supporting a competing application to the same fund. Cr Pennisi advised he would deal with the conflict of interest by leaving the meeting room and taking no part in the debate or decision on the matter. Cr Pennisi left the meeting at 12:12PM.

16.11 Funding Programs

Resolution

Moved Cr S Windle

Seconded Cr J McNally

THAT Council:

- a) Endorse the submission of the funding application for the South West Intermodal Freight Terminal (SWIFT) project under the Infrastructure Projects Stream of the Department of Industry, Innovation and Science's Building Better Regions Fund (BBRF) Round 3.
- b) Endorse the submission of the funding application for the Southern Downs Resident Attraction project under the Community Investments Stream of the Department of Industry, Innovation and Science's Building Better Regions Fund (BBRF) Round 3.
- c) Endorse the submission of the funding application for the Maryvale Native Vegetation Renewal project under the Department of Environment and Science's Land Restoration Fund Pilot Projects Program (Catalysing Action stream).
- d) Endorse the submission of the funding application for the Access to Connolly Dam Environmental Park project under the Department of Transport and Main Road's Transport and Tourism Connections Program.
- e) Endorse the submission of the funding application for the Warwick Recycled Water for Agriculture project under the Department of Infrastructure, Regional Development and Cities' National Water Infrastructure Development Fund.

Carried

Cr Pennisi declared a conflict of interest in Agenda Item 16.13 (as defined in section 175C of the Local Government Act 2009) as he is Patron of Football Stanthorpe and has had to step into the role of Acting Chair until a new Chair is appointed. Cr Pennisi advised he would deal with the conflict of interest by leaving the meeting room and taking no part in the debate or decision on the matter.

16.13 Statement of Claim against Council - Court Number M17/2018

Resolution

Moved Cr R Kelly

Seconded Cr S Windle

THAT Council prepare a 'Notice of Intention to Defend' a Statement of Claim in relation to Court Number M17/2018

Carried

Cr Pennisi rejoined the meeting at 12:13PM

16.12 Renewal of Trustee Lease between Council and the Warwick Racing Pidgeon Club Incorporated

Resolution

Moved Cr J McNally

Seconded Cr N Meiklejohn

THAT Council approve a 10 year Trustee Lease with the Warwick Racing Pidgeon Club Incorporated, commencing 1 July 2018, subject to the standard terms and conditions, an appropriate disputes resolution clause 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 Proposed sale of land - Stanthorpe

Resolution

Moved Cr Y Stocks

Seconded Cr R Kelly

THAT Council

1. Approve the sale by public tender, of Lot 22 on SP268883, situated at Tyrel Street, Stanthorpe.
2. Grant delegated authority to the Chief Executive Officer to negotiate the sale price of this land.

Carried

16.15 Proposed sale of land - Wallangarra

Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

THAT Council

1. Approve the sale by public tender, of Lot 356 on Crown Plan BNT1725 situated at Callandoon Street, Wallangarra.
2. Grant delegated authority to the Chief Executive Officer to negotiate the sale price of this land.

Carried

16.16 2019 Australia Day Awards and Australia Day Awards Policy

Resolution

Moved Cr J McNally

Seconded Cr M McNichol

THAT Council:-

1. Adopt the attached amended Australia Day Awards Policy.
2. Endorse the recommendations of the Australia Day Awards Selection Panel for the following 2019 Australia Day Awards:-
 - Southern Downs Citizen of the Year Award
 - Southern Downs Youth Citizen of the Year Award

Carried

Attachments

1. Australia Day and Awards Policy - **Attached to the Minutes Under Separate Cover**

16.17 RFT 19_006 Construction of Storm King Dam Raw Water Pipeline

Resolution

Moved Cr C Gow

Seconded Cr N Meiklejohn

THAT Council enters into negotiations with Newlands Civil Construction for the design and construction contract of the Storm King Dam Raw Water pipeline for a maximum total lump sum price of \$4,915,816.86 (excl GST).

Carried

MEETING CLOSURE

There being no further business, the meeting closed at 12:14PM.