



**MINUTES OF THE
GENERAL MEETING OF COUNCIL
26 JUNE 2019**

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Meeting In Camera

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**MINUTES OF THE GENERAL COUNCIL MEETING OF
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 26 JUNE 2019 IN
THE COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,
64 FITZROY STREET, WARWICK AT 9:00AM**

ACKNOWLEDGEMENT TO COUNTRY

1. PRAYERS & CONDOLENCES

Rev Anna Leibenberg from Warwick Killarney Uniting Church offered a prayer for the meeting and acknowledged condolences

2. ATTENDANCE

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

Officers: David Keenan (Chief Executive Officer), Jane Stroud (Director Sustainable Development), Joanne Morris (Director Corporate Services), Marion Seymour (Minute Secretary)

3. APOLOGIES

3.1 Apology - Cr McNally

Resolution

Moved Cr N Meiklejohn

Seconded Cr Y Stocks

THAT the apology of Cr McNally be received and leave of absence granted.

Carried

4. READING AND CONFIRMATION OF MINUTES

4.1 General Council Meeting - 22 May 2019

Resolution

Moved Cr S Windle

Seconded Cr C Gow

THAT the minutes of the General Council Meeting held on Wednesday 22 May 2019 be adopted.

Carried

4.2 Special Council Meeting - 3 June 2019

Resolution

Moved Cr M McNichol

Seconded Cr R Kelly

THAT the minutes of the Special Council Meeting held on Monday 3 June 2019 be adopted.

Carried

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Previous Council Meeting

Resolution

Moved Cr Y Stocks

Seconded Cr M McNichol

THAT Council receive the report and note the contents.

Carried

6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precis	Nature of Conflict
17.1	Community Grants	Cr Dobie 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 husband being Vice President of an applicant for a community grant and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.

7. MAYORAL MINUTE

7.1 Mayoral Minute

Resolution

Moved Cr Y Stocks

Seconded Cr R Kelly

THAT Council receive the Mayoral Minute for June 2019.

Carried

8. READING AND CONSIDERATION OF CORRESPONDENCE

8.1 Correspondence

Resolution

Moved Cr R Kelly

Seconded Cr S Windle

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 SERVICES REPORTS

10.1 Regional Water Education Campaign

Resolution

Moved Cr M McNichol

Seconded Cr N Meiklejohn

THAT Council participate in and commit funding to a regional water education campaign with Department of Natural Resources, Mines and Energy and surrounding local government authorities.

Carried

11. CORPORATE SERVICES REPORTS

11.1 Financial Report as at 31 May 2019

Resolution

Moved Cr R Kelly

Seconded Cr Y Stocks

THAT Council receive and note the Financial Report as at 31 May 2019.

Carried

11.2 Register of Delegations - Council to CEO

Resolution

Moved Cr N Meiklejohn

Seconded Cr R Kelly

THAT Council:

- a. Delegate all powers referred to in the document titled "Register of Delegations – Council to CEO" attached to this report from Council to the Chief Executive Officer of Council pursuant to section 257 of the *Local Government Act 2009*.
- b. Rescind the Delegations Register Guideline PL-GV072 due to it no longer being required.

Carried

Attachments

1. Register of Delegations Council to CEO - **Attached to the Minutes Under Separate Cover**

11.3 Show Holidays 2020

Resolution

Moved Cr M McNichol

Seconded Cr V Pennisi

THAT Council advise the Office of Industrial Relations of the following Show Holidays for 2020:

- (a) Stanthorpe Show Holiday - Friday, 31 January 2020;
- (b) Allora Show Holiday - Friday, 7 February 2020;
- (c) Killarney Show Holiday - Friday, 21 February 2020;
- (d) Warwick Show Holiday - Friday, 20 March 2020.

Carried

11.4 Asset Management Roadmap Update

Resolution

Moved Cr V Pennisi

Seconded Cr M McNichol

THAT Council receive the Asset Management Roadmap report.

Carried

11.5 Southern Downs Youth Council 2019 - Meeting No. 2

Resolution

Moved Cr S Windle

Seconded Cr N Meiklejohn

THAT Council:

1. Note the minutes of the Southern Downs Youth Council 2019, held Thursday 30 May 2019.
2. Receive the recommendations made by the Youth Council; and in particular, Council approve the following recommendations made by the Youth Council:
 - a. THAT Council supports the continuation of the UNLIMITED! event as the combined Youth Council and Southern Downs Regional Council's signature Youth Week event in 2020 and 2021, with a review to occur after the 2021 event.
 - b. THAT Council endorse the opportunity to include the Southern Downs Youth Council to provide input into management practices currently in place on the Southern Downs to improve sustainable practices around the Council area to combat climate change, protect the environment and address concerns about the future of the region, and development of the region's sustainability strategy.

Carried

11.6 Complaints About A Public Official (Chief Executive Officer) - Section 48A of the Crime and Corruption Act 2001

Resolution

Moved Cr N Meiklejohn

Seconded Cr S Windle

THAT Council adopt the policy Complaints About A Public Official (Chief Executive Officer) - Section 48A of the *Crime and Corruption Act 2001*.

Carried

Attachments

1. PL-GV087 Complaints About a Pubic Official - **Attached to the Minutes Under Separate Cover**

11.7 Leslie Dam Boat Ramp

Resolution

Moved Cr R Kelly

Seconded Cr S Windle

THAT Council partner with SunWater to extend the Leslie Dam Boat Ramp.

Carried

12. INFRASTRUCTURE SERVICES REPORTS

12.1 Infrastructure Services Directorate Monthly Report

Resolution

Moved Cr M McNichol

Seconded Cr R Kelly

THAT Council receive the Infrastructure Services Directorate Monthly Report.

Carried

12.2 Water Contingency Plan

Resolution

Moved Cr M McNichol

Seconded Cr Y Stocks

THAT Council receive the attached Water Contingency Plan.

Carried

Attachments

1. Southern Downs Water Contingency Plan - **Attached to the Minutes Under Separate Cover**

12.3 Sealing of Barnes Road, Applethorpe

Resolution

Moved Cr R Kelly

Seconded Cr N Meiklejohn

THAT Council:

1. Undertake the annual maintenance grading with the inclusion of an additive, such as Polycom, to the 1.38km unsealed section of Barnes Road, being Border Road-Barnes Road intersection to Ch. 1.44km, to improve the quality of the road and reduce dust; and
2. Consideration for sealing is included in future years capital works programs in keeping with the unsealed roads level of service / asset management plan.

Carried

13. SUSTAINABLE DEVELOPMENT REPORTS

13.1 Reconfiguration of Lot – Gary Hayes & Partners Pty Ltd, 29 Amarina Avenue, Sladevale

Resolution

Moved Cr N Meiklejohn

Seconded Cr C Gow

THAT the application for Reconfiguration of a Lot being the Subdivision (1 lot into 6 lots) of land described as Lot 82 on SP 215201, located at 29 Amarina Avenue, Sladevale, be withdrawn at the request of the applicant.

Carried

13.2 Material Change of Use - Gary Hayes & Partners Pty Ltd, 74-80 Albion Street and 23 Oak Avenue, Warwick

Resolution

Moved Cr V Pennisi

Seconded Cr R Kelly

THAT the application for Material Change of Use for Food and drink outlet, Garden centre, Health care services, Low impact industry, Market, Office, Service Industry, Shop and Showroom, on land at 74-80 Albion Street and 23 Oak Avenue, Warwick, described as Lots 2 and 3 on RP51031, Lot 2 on RP44581, Lot 1 on RP45429, Lot 1 on RP64338, be approved subject to the following conditions:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

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

Plan Name	Plan No.	Date
Site Plan prepared by Gary Hayes & Partners Pty Ltd	W4539-11	24 January 2019
Elevations prepared by Brundell Designs	B1711 A.02	Amended 19 December 2018
Elevations prepared by Brundell Designs	B1711 A.03	2 May 2017
Concept Design prepared by Brundell Designs	B1711 A.04 and A.05	2 May 2017

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.

Reconfiguration of a Lot

3. The existing allotments are to be amalgamated into one allotment and a new Certificate of Title issued to cover the newly created allotment prior to the use of the site commencing.

Dedications

4. An area of land 2.0 metres wide along the Oak Avenue frontage of the site is to be dedicated for road purposes at no cost to Council. Any fencing or other private infrastructure is to be removed from within the dedicated area.

Easements and Covenants

5. Three (3) metre wide easements must be provided over all sewerage infrastructure located within private property.

Land Use and Planning Controls

6. This approval allows for the use of the site for the following uses only:
 - Food and drink outlet;
 - Garden centre;
 - Health care services;
 - Market;
 - Office;
 - Service industry;
 - Showroom;
 - Low impact industry; and

- Shop (not including supermarkets or shopping centres).

7. Any Low impact industry shall generally operate only between the hours of 7.00am to 6.00pm, Mondays to Saturdays, and not at all on Sundays and public holidays.

Building and Site Design

8. The building is to be set back at least 3.0 metres from the southern property boundary of Lot 1 RP64388.
9. The design, colours and materials of the buildings are to be in accordance with the character of the area. The final design of Building 2 must include gables and a hipped roof. **Details of the design, colours and materials of the buildings are to be submitted to and approved by Council's Planning Department prior to the issue of any Development Permit for Building Work.** The buildings are to be constructed in accordance with the approved design, colours and materials.
10. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)
11. A copy of the Form 11 (Certificate of Classification) issued for the building works is to be provided to Council prior to the use commencing. (See advisory note below.)

Amenity and Environmental Controls

12. During the construction phase of the development, all wastes must be separated into recyclables (where possible) and landfill wastes, and disposed of at the Warwick Central Waste Management Facility.
13. The loading and/or unloading of delivery and other service vehicles (excluding general waste collection vehicles) is limited between the hours of 7.00am and 7.00pm, Monday to Saturday, and between the hours of 8.00am and 3.00pm on Sundays. No heavy vehicles must enter the development site outside these times to wait for unloading/loading.
14. 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.
15. No materials or goods associated with the development are to be displayed or stored within the car park or landscaped areas, or outside the boundaries of the site.
16. 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.
17. 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.
18. 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 Council's Development and Environment Engineer prior to the issuing of any Development Permit for Building Works. Lighting is to be provided in accordance with the approved plan.

Fencing, Landscaping and Buffers

19. A screen fence 1.8 metres high shall be erected along the boundaries of the land, to provide visual screening. This screen fencing is to be provided at the developer's cost. This fencing shall reduce in height to be no more than 1.2 metres high within 6.0 metres of the road boundary. The fence shall be of acoustic materials, in accordance with the Department of Transport and Main Roads specification - MRTS15 (Noise Fences) so as to minimise noise

impacts upon adjoining development.

20. **Details of the proposed fencing are to be submitted to and approved by Council's Planning Department prior to the issue of a Development Permit for Building Work.** Fencing is to be provided and maintained in accordance with the approved details.
21. Retaining structures and their foundations must be wholly contained within private allotments and not be constructed as Council owned infrastructure. All earthworks, including batters must be fully contained within the site.
22. Landscaped areas are to be provided on the site in accordance with Plan No. W4539-11 dated 24 January 2019 prepared by Gary Hayes & Partners Pty Ltd.
23. **A Landscaping Plan is to be submitted to and approved by Council's Planning Department 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

24. Vehicle access from Oak Avenue is to be constructed to the site in accordance with Council's standard. (Council's Development and Environment Engineer can provide details regarding Council's standard.) The access must be constructed along Oak Avenue at a location which provides adequate sight distance in either direction. Such entrance roadworks are to be sealed and are to include appropriate drainage works. If necessary, the property access gateway must be located within a setback such that all vehicles proposed to enter and/or exit the land are able to stand clear of the carriageway whilst the property gateway is being opened and/or closed.
25. A 2.0 metre height restriction bar is to be constructed at the Oak Avenue entrance to the site.
26. 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.
27. Car parking shall be provided on site in accordance Plan No W5439-11 dated 24 January 2019 prepared by Gary Hayes & Partners Pty Ltd. All car parking, driveway and loading areas shall be sealed, line marked, drained, laid out and regularly maintained.
28. All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.
29. All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
30. All loading and unloading of goods related to the development must be carried out within the confines of the allotment's boundary. Under no circumstances will the loading or unloading of goods on the public roadway system or footpath be permitted.

Roadworks

31. 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

32. 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.

33. A stormwater drainage system serving the development is to be constructed and the stormwater disposed of to a lawful point of discharge, in accordance with the Queensland Urban Drainage Manual (QUDM). Where the finished levels of a proposed allotment are such that stormwater runoff from all or part of the allotment cannot be gravity discharged to the street, an underground drainage line shall be provided to discharge the runoff from the allotment. Where necessary, suitable easements may be required over adjoining properties. The easements shall be provided to Council, at the developer's cost. All drainage works should meet the requirements of the Queensland Urban Drainage Manual (QUDM).

Water Supply and Waste water

34. A reticulated water supply system, up to and including water meters, is to be provided to service all tenancies. This system is to be connected to Council's water supply system.
35. The connection to Council's reticulated water supply must be a combined fire and domestic metered connection located at a point nominated by Council.
36. The sewer through the land is to be relocated as shown on Plan No. W4539-11 dated 24 January 2019.
37. A sewerage reticulation system is to be provided to service all buildings. This system is to be connected to Council's wastewater sewerage system.

Pedestrian Works

38. A 2.0 metre wide concrete pedestrian footpath in accordance with Drawing No.W4539-11, including perambulator ramps at each kerb and tactile ground service indicators, is to be constructed within the path connecting both buildings with the existing footpath along Albion Street.

Electricity, Street Lighting and Telecommunications

39. Underground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
40. 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.

Operational Works

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

Infrastructure Charges Notice

42. Payment of \$180,861.25 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 Sustainable Development, prior to the use commencing, and then compliance maintained at all times while the use continues.
- (ii) Any proposal to increase the scale or intensity of the use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Planning Act 2016* and would have to comply with the requirements of the Planning Scheme.
- (iii) It is encouraged that you arrange for a free compliance inspection to be carried out prior to the use commencing. This will involve a physical inspection of the premises along with an internal audit of Council's records. Written advice will be provided for your records advising if compliance with the conditions has been achieved.
- (iv) Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Workplace Health and Safety* legislation and *Public Health Act 2005*.
- (v) The General Environmental Duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles dust, ash, fumes, light, odour or smoke, beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.
- (vi) **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.
- (vii) **Building Approval is to be obtained** for a Class 5, 6, 7b, 8 and 9a in accordance with the *Planning Act 2016* for the proposed building work. The building application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. The building plans are to accord with the plans approved in this approval. The building is to be constructed in accordance with the Building Approval prior to the commencement of the use. A **Form 11 (Certificate of Classification) must be issued for the building works prior to the use commencing**.
- (viii) The disposal of waste classified as Trade Waste under the *Plumbing and Drainage Act 2002* is to be in accordance with Council's Trade Waste Policy.
- (ix) 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;
 - A geotechnical report addressing the filling of the site and make recommendations as to how it will be possible for such filling to achieve compliance with AS3798-2007 (as amended) "*Guidelines on Earthworks for Commercial and Residential Developments*".

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.

- (x) 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 3 of the State Planning Policy for drainage control, erosion control, sediment control and water quality outcomes.
- (xi) 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.
- (xii) A Development Permit for Operational Works and a Compliance Permit for Plumbing and Drainage Works should be obtained prior to the issue of a Development Permit for Building Works.
- (xiii) 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.

Aboriginal Cultural Heritage

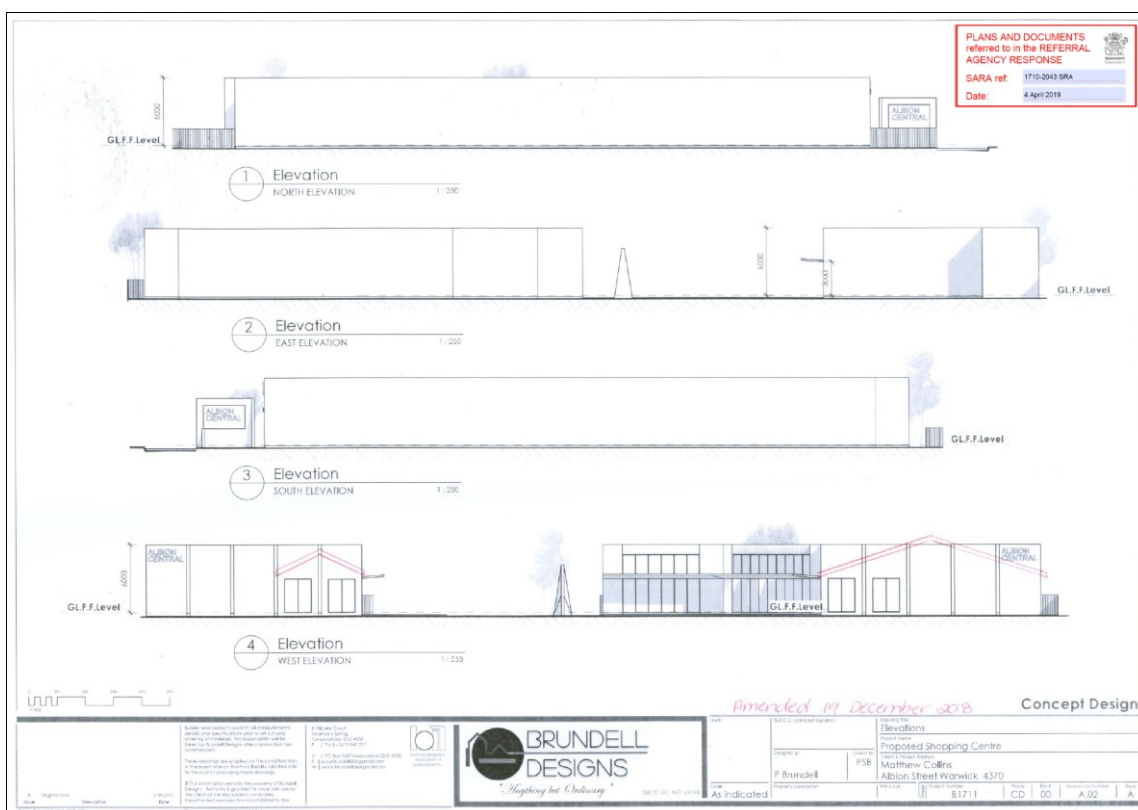
- (xiv) All reasonable and practicable measures must be taken to ensure that no harm is caused to Aboriginal cultural heritage (the “cultural heritage duty of care”). The cultural heritage duty of care is met if the development is conducted in accordance with gazetted cultural heritage duty of care guidelines. 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.datsip.qld.gov.au

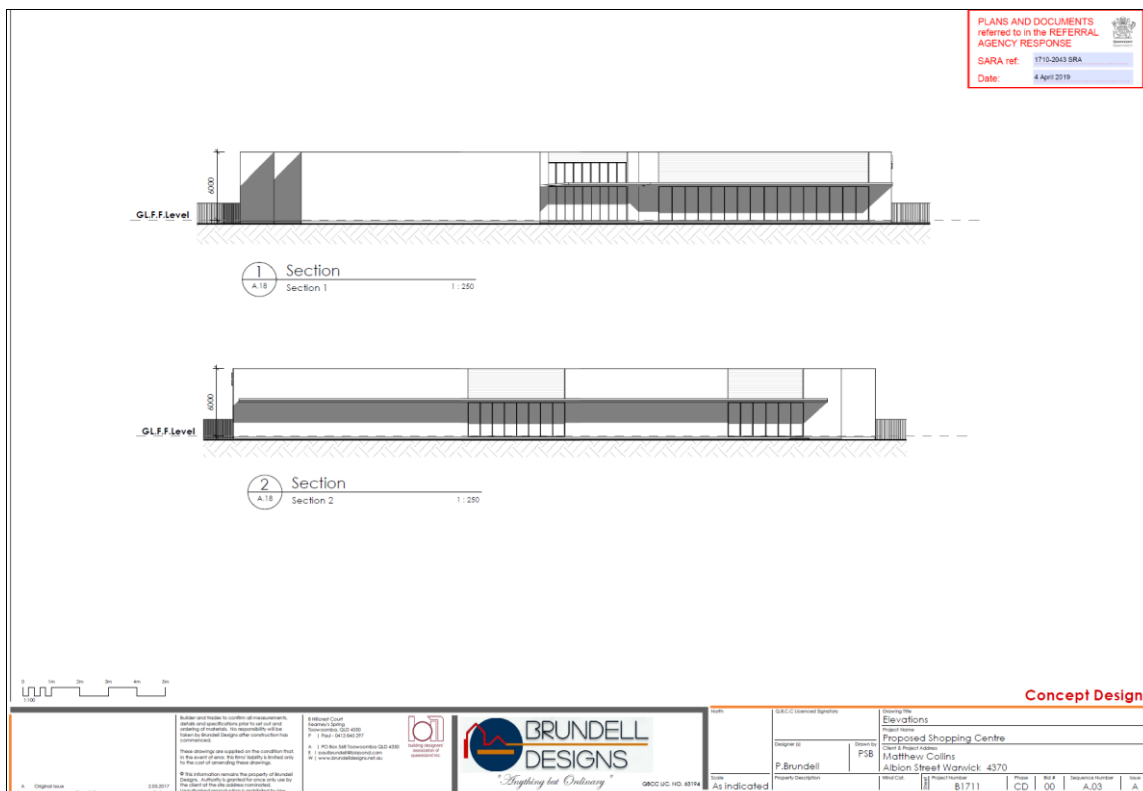
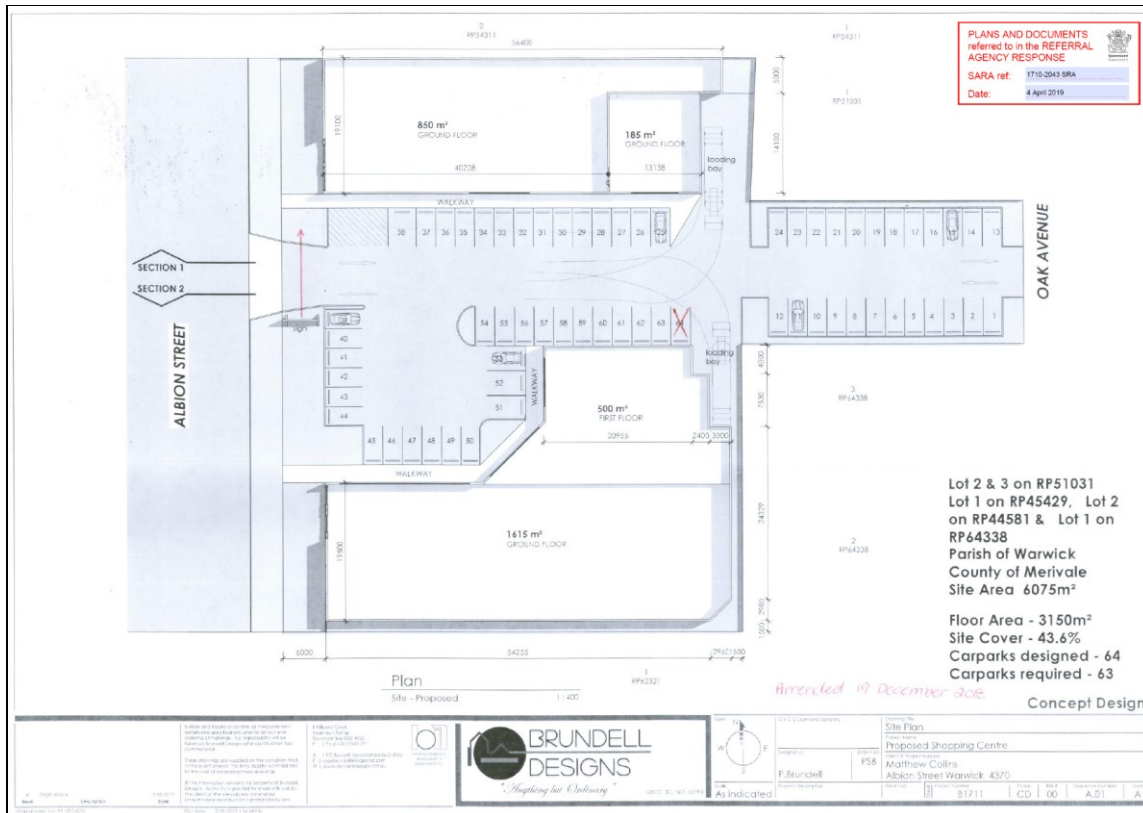
Schedule 2 - Department of State Development, Manufacturing, Infrastructure and Planning's conditions as a Concurrence agency

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Material change of use		
10.8.2.3.2.1—Queensland Heritage—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment and Science 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 development must be carried out generally in accordance with the following plans: <ul style="list-style-type: none"> Site Plan, prepared by Brundell Designs, dated 19 December 2018, reference A.01 version A Elevations, prepared by Brundell Designs, dated 19 December 2018, reference A.02, version A Elevations, prepared by Brundell Designs, dated 2 May 2017, reference A.03, version A 	At all times.
2.	Provide written notice of the commencement of the material change of use to Environmental Policy and Planning, Department of Environment and Science at palm@des.qld.gov.au.	Within 10 working days of the commencement of the material change of use
3.	(a) Take photographs of the area where the works are undertaken from Wood Street: <ul style="list-style-type: none"> i. prior to the commencement of works; and ii. at the completion of works. (b) Submit both sets of the photographs to Environmental Policy and Planning, Department of Environment and Science at palm@des.qld.gov.au.	(a)(i) – (a)(ii) as indicated (b) Within 10 working days of completion of the works
4.	Within six weeks of completion of building 2, vegetative screening must be established along the southern boundary of Lot 1 on RP64338. Screening must be at least 6m in height.	As indicated.
10.9.4.2.4.1—State transport corridor—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 conditions:		
5.	(a) The development must be in accordance with Section 2 & 4 of the Stormwater Management Plan prepared by Vosloo Consulting Engineers dated 19 October 2018. (b) Registered Professional Engineer of Queensland certification must be provided to the Department of Transport and Main Roads, confirming that the development has been designed and constructed in accordance with part (a) of this condition.	(a) At all times (b) Prior to the commencement of use
6.	(a) The permitted road access location between the subject site and Albion Street is in accordance with: <ul style="list-style-type: none"> Site Plan prepared by Brundell Designs dated 19 December 2018, reference A.01 version A. 	(a) At all times

<p>(b) Road access works comprising of the following must be provided at the permitted access location:</p> <ul style="list-style-type: none"> • Auxillary Left Turn Treatment with a short turn slot (AUL(s)) • 10m wide commercial access <p>Road access works must be constructed generally in accordance with the Department of Transport and Main Road's Road Planning and Design Manual and Southern Downs Regional Council's standards for Commercial Accesses.</p> <p>(c) The existing road access works situated between Albion Street and Lot 3 on RP51031, Lot 1 on RP45429 and Lot 1 on RP45429, must be removed with all kerb and channel and concrete footpath reinstated between the pavement edge and the property boundary in accordance with the Department of Transport and Main Road's Road Planning and Design Manual.</p>	<p>(b) And (c) prior to commencement of use</p>
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PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

SARA ref: 1710-2043 BRA

Date: 4 April 2019



STORMWATER MANAGEMENT PLAN FOR PROPOSED SHOPPING CENTRE AT ALBION STREET, WARWICK, QLD

For Matthew Collins

19 October 2018

Carried

13.3 Change Application - Outdoor Sport and Recreation, 21153 New England Highway, Dalveen

Resolution

Moved Cr R Kelly

Seconded Cr Y Stocks

THAT the change application in relation to the Development Permit dated 27 February 2003 (as amended by notice dated 3 September 2013) for Material Change of Use for a Sport and recreational use (4WD Park, camping facility and kiosk) on land at 21153 New England Highway, The Glen, described as Lot 6 RP196910, Parish of Rosenthal, County of Merivale, be approved such that the approved development is described as Outdoor sport and recreation (Motorsport park for 4WD Vehicles and motorbikes, including camping grounds and a kiosk, and facility for paintball activities) and the conditions of Schedule 1 of the Development Approval be amended as follows:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

- The development of the site is to be generally in accordance with the proposal plans submitted by the applicant with the application, as determined by the Director Planning and Development, as amended by the conditions of this approval.

Plan Name	Plan No.	Date
The Springs 4x4 (site plan)	-	14 January 2019 (Received by Council)
Erosion and Sediment Control Plan prepared by Iain Woods	-	3 November 2005 (Received by Council)
Site Based Management Plan prepared by Hetherington Exploration & Mining Title Service Pty Ltd	Rhea#29/ms	October 2002

Land Use & Planning Controls

- ~~Deleted. Any proposal to increase the size of the use on the subject land which is defined as assessable development under the Warwick Shire Planning Scheme would be subject to a separate application for assessment in accordance with the Integrated Planning Act and would have to comply with the requirements of the Planning Scheme.~~
- This approval allows for the following activities to be undertaken on the land:
 - Motorsport park for 4WD Park vehicles and motorbikes
 - Camping Grounds (maximum of 100 sites)
 - Kiosk
 - Paintball games
- The camping ground is to be located a minimum of 50 metres from any property boundary.
- The 4WD tracks used by 4WD vehicles and motorbikes are to be located a minimum of 50 metres from any adjoining property boundary.
- Any paintball game activities are to be conducted at least 50 metres from any adjoining property boundary.
- The total number of persons associated with the paintball game activity is limited to a maximum of 50 at any one time. ~~Only existing tracks and infrastructure are to be utilised in association with any paintball game activities.~~
- A maximum of 100 4WD vehicles OR 100 motorbikes are to use the motorsport park on any day. The Motorsport park is not to be used by both 4WD vehicles and motorbikes on the same day. ~~The number of 4WD vehicles to access the 4WD Park is limited to a maximum of 100 per day.~~

- 5A. ~~The use of 4WD vehicles and motorbikes shall generally only occur between the hours of 8.00am and 6.00pm. The total number of persons associated with the paintball game activity is limited to a maximum of 50 persons at any one time.~~
- 5B. No motorbike racing is to be conducted on site.
6. All 4WD vehicles accessing the property must be registered. ~~No motorbikes are to access the 4WD Park.~~

Building, Health & Development Compliance

7. ~~Deleted. The conditions of this approval are to be complied with prior to the use of the building or site commencing.~~
8. ~~Deleted. The applicant is to obtain Approval to Carry Out Building Work in accordance with the Integrated Planning Act for the proposed building(s). These building plans are to accord with the Warwick Shire Planning Scheme and the plans approved in this approval. The building is to be constructed in accordance with the approved building plans prior to the commencement of the use.~~
9. ~~Deleted. All conditions of this approval are to be carried out to the satisfaction of the Director Planning and Development.~~
10. ~~Deleted. An application must be submitted for a permit under Council's Local Law No. 16 (Camping Grounds). To support this application the applicant must demonstrate that a water supply of adequate quality and quantity is available to service the development.~~
11. ~~Deleted. The location of camp sites shall conform to Council's Local Law No. 16 (Camping Grounds) provisions in relation to siting in respect of available facilities.~~
12. ~~Deleted. The provision of toilet and shower facilities shall conform with the requirements of Local Law No. 16 (Camping Grounds).~~
13. There is to be no camping outside of the approved camping ground area shown on the applicant's plans.
14. ~~Deleted. The applicant is to permit Council officers unrestricted access to the site at any time subject to reasonable security and health restrictions on access, so as to ensure the use is being conducted in accordance with the conditions of the approval.~~
15. Provision shall be made for the storage and removal of refuse in accordance with the *Environmental Protection (Waste Management) Regulation 2000* to the satisfaction of the Director Planning and Development.

Amenity & Environmental Controls

16. There is to be no interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.
17. ~~Any advertising device is to be of a size and design compatible with the rural character of the area, and is to be located to the satisfaction of the Director Planning and Development.~~ Advertising Devices relating to the Outdoor sport and recreation use may **only** be erected on the subject land, i.e. Lot 6 RP196910. The location, size, type and content of any advertising sign or device located on the land is to be compatible with the rural character of the surrounding area. No advertising signs or devices are to be located on any other land, unless all applicable approvals are obtained under the Planning Scheme and the relevant local laws. No advertising signs or devices are to be located within the road reserve.
18. The applicant is to note that domestic animals are likely to impact on rural activities on adjoining land. The keeping of dogs or cats is prohibited on site except at the Manager's residence.
19. Firewood must be supplied for campers by the operator to minimise the potential destruction

of native vegetation by patrons of the camping grounds.

- 19A. A Bushfire Management Plan, prepared by a suitably qualified person and addressing the entire property, is to be submitted to and approved by Council's Planning Department the ~~Director Planning and Environment~~. The Bushfire Management Plan is to be submitted to Council 30 June 2019 ~~the Director by 31 January 2013~~. ~~This Bushfire Management Plan is to meet the specific outcomes of the State Planning Policy Guideline, Mitigating the Adverse Impacts of Flood, Bushfire and Landslide.~~ Recommendations of the approved Bushfire Management Plan are to be implemented.
20. All refuse disposal sites and storage yards are to be suitably screened and fenced.
21. The applicant is to ensure that the use of chemicals, including herbicides, fertilisers and insecticides, are strictly controlled to minimise the pollution of surface and ground water.
- 21A. If any motorbike is significantly noisier than other motorbikes on site, the motorbike must be tested to ensure compliance with section 11 of the *Manual of Motorcycle Sport*. If compliance with section 11 is not achieved, maintenance measures must be undertaken on the motorbike to reduce the noise levels.
- 21B. 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.
- 21C. Any liquid spills must be cleaned up as soon as practical and disposed of in an appropriate manner that ensures environmental harm does not occur.
- 21D. The applicant is to take measures to prevent and repair sites of erosion, in accordance with the Department of Environment and Resource Management Fact Sheet entitled "Erosion control on property roads and tracks - cross sections and locations". Tracks are trails are to be temporarily closed when erosion issues are identified to enable rehabilitation.
- 21E. The operator of the activity must record the following details for all complaints received and provide this information to Council on request:
- (a) time, date, name and contact details of the complainant;
 - (b) reasons for the complaint;
 - (c) any investigations undertaken;
 - (d) conclusions formed; and
 - (e) any actions taken.

All complaints received must be investigated and relevant strategies implemented to remedy the problem. The complainant must be informed of the outcome of the investigation and any actions take to avoid recurrence of the problem.

If the complaint is in relation to noise on certain tracks and/or trails, the tracks and/or trails must be closed while the complaint is investigated. If the use of the track and/or trail is determined to be creating a noise nuisance, a solution must be developed, such as installing a noise attenuating barrier or closing/moving the track and/or trail.

Landscaping and Buffers

22. ~~Deleted. The applicant shall seek to maintain the maximum number of existing trees on the subject land to the satisfaction of the Director Planning and Development.~~

Carparking and Vehicle Access

23. The applicant shall construct all weather vehicle access to the caretaker's dwelling and camping area site to the satisfaction of the Director Planning and Development.
24. ~~Deleted. The vehicle access tracks shall be constructed and maintained in accordance with the Department of Natural Resources' Fact Sheet entitled "Farm Access Tracks for Erosion~~

Control".

Water Supply & Sewerage

25. The applicant is to ensure that water usage is minimised and that all water fixtures and fittings, including landscape watering systems, are to be water efficient devices and the applicant is to implement water reduction strategies as part of the development.
26. ~~Deleted. Prior to the issue of building approval for any building or commencing any part of the development, the applicant is to demonstrate that adequate provision has been made for the supply of water, including a potable water supply and sufficient water for firefighting purposes, to the satisfaction of the Director Planning and Development. Written advice must be supplied from the Department of Natural Resources and Mines that water may be legally supplied for the development from any dam, pump or bore on site.~~

Electricity and Telecommunications

27. The applicant is to provide appropriate telecommunications to service the development, and is to ensure that a 24 hour emergency telecommunications system is installed at a central location that can be accessed at any time should the need arise.

Engineering and Performance Standards

28. All construction works shall be carried out ~~in accordance with the Erosion and Sediment Control Plan, submitted to Council on 3 November 2005,~~ so as to minimise the extent and effect of soil erosion. During all site and building works, and driveway and 4WD track construction, erosion and sediment control measures shall be implemented. ~~A suitable erosion and sediment control plan shall be submitted for approval prior to commencement of work. A detailed plan, drawn to scale, must be submitted showing the location of all 4WD tracks. This erosion and sediment control plan must include details of how the 4WD tracks are to be maintained to prevent erosion during the operation of the 4WD Park. 4WD tracks are to be closed during wet weather. If tracks become excessively eroded due to over-use the track must be closed and rehabilitated.~~

Advisory Notes

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

nuisance.

- (vii) The *Manual of Motorcycle Sport* must be adhered to whilst recreational motorbike riding is being conducted.
- (viii) 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.
- (ix) An approval must be maintained for the Operation of a Caravan Park in accordance with Local Law No. 1 (Administration) 2011.
- (x) The supply of water for human consumption, food preparation, food utensil washing or personal hygiene, including the supply of water for drinking water, showers, baths, hand basin and kitchen sinks, must be connected to a drinking water supply, in accordance with the *Plumbing Code of Australia* and the *Australian Drinking Water Quality Guidelines* produced by the *National Health and Medical Research*.
- (xi) No clearing of remnant vegetation or regulated regrowth vegetation is to occur under this approval. A Development Permit for Operational Works must be obtained from the Department of State Development, Manufacturing, Infrastructure and Planning for the clearing of any remnant vegetation, unless exempt under Schedule 21 of the *Planning Regulation 2017*.
- (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.

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

Carried

13.4 Quarterly Report on Development Approvals for the January to March Quarter 2019.

Resolution

Moved Cr V Pennisi

Seconded Cr M McNichol

THAT Council receives the Quarterly Development Assessment report for the January to March 2019 quarter.

Carried

13.5 Installation of Water Tanks with New Buildings

Resolution

Moved Cr N Meiklejohn

Seconded Cr S Windle

THAT Council makes an application to the Minister of Housing and Public Works to apply all performance requirements of MP 4.2 and MP 4.3 of the Queensland Development Code in those parts of Southern Downs Region within a reticulated town water area.

Carried

13.6 Making of Amendment Subordinate Local Law No. 1 (Animal Management) 2019

Resolution

Moved Cr V Pennisi

Seconded Cr R Kelly

THAT Council:

1. Makes *Amendment Subordinate Local Law No. 1 (Animal Management) 2019* (as attached); and
2. Adopts a new consolidated version of *Subordinate Local Law No. 2 (Animal Management) 2011* (as attached) to include the amendments made by *Amendment Subordinate Local Law No. 1 (Animal Management) 2019*.

Carried

Attachments

1. Amendment Subordinate Local Law No. 1 (Animal Management) - **Attached to the Minutes Under Separate Cover**
2. Subordinate Local Law No. 2 (Animal Management) - **Attached to the Minutes Under Separate Cover**

13.7 Medicines and Poisons Bill 2019

Resolution

Moved Cr R Kelly

Seconded Cr N Meiklejohn

THAT Council endorse the submission made to the State Development, Natural Resources and Agricultural Industry Development Committee on the Medicines and Poisons Bill 2019.

Carried

13.8 Noise Control Measures for Using Scare Guns

Resolution

Moved Cr M McNichol

Seconded Cr R Kelly

THAT Council defer the 'Noise Control Measures for Using Scare Guns' procedure and fact sheet to allow further consideration.

Carried

13.9 Plumbing and Drainage Reforms

Resolution

Moved Cr N Meiklejohn

Seconded Cr M McNichol

THAT Council:

1. Note the plumbing and drainage reforms that come into effect on 1 July 2019; and
2. Resolve to opt out of providing for fast-track applications in the short-term and consider, by 1 September 2019, a review and recommendation on providing for fast-track applications.

Carried

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

Nil

15. NOTICES OF MOTION

Nil

16. GENERAL BUSINESS

NIL

17. CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS

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

Recommendation

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

17.1 2019/20 - Grants to Community - Community Grant - Round One (1)

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.

17.2 May 2019 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.

17.3 Binding Agreements for Funding

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.

17.4 Evaluation report - RFT19_075 - Construction and Operation of a Materials Recovery Facility (Specification B) as part of the Waste Collection, , Recycling Processing and Bulk Haulage 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.

Meeting In Camera

Resolution

Moved Cr N Meiklejohn

Seconded Cr Y Stocks

THAT the meeting move into closed session.

Carried

The Meeting moved into closed session at 10.14am.

The meeting adjourned for morning tea at 10.15am and reconvened at 10.25am at which time there were present Crs Dobie, Stocks, Gow, McNichol, Pennisi, Windle, Kelly and Meiklejohn.

10:25am The Mayor left the room during discussion on Agenda Item 17.1 and Cr Gow took the Chair.

11.00am The Mayor rejoined the meeting and took the Chair.

Meeting Out Of Camera

Resolved

THAT the meeting resume in open session at 11.16am

Cr Dobie declared a real conflict of interest in Agenda Item 17.1(as defined in section 175 of the Local Government Act 2009) due to her husband being Vice President of an applicant for a community grant 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 Dobie left the meeting at 11:17 am and Cr Gow took the chair.

17.1 2019/20 - Grants to Community - Community Grant - Round One (1)

Resolution

Moved Cr S Windle

Seconded Cr N Meiklejohn

THAT Council :

1. Approve twenty (20) short listed applicants be awarded \$134,323.60 from the 2019/20 Community Grant – Round One (1) funding budget, as attached.
2. Note that the balance of the 2019/20 Community Grant budget of \$206,922.12 will be used for the Round Two (2) funding allocation and associated media costs.

Carried

Attachments

1. 2019/20 Grants to Community - Round One - Successful Applicants - **Attached to the Minutes Under Separate Cover**

11:18 am Mayor T Dobie rejoined the meeting and took the chair.

17.2 May 2019 Monthly Report from Warwick Indoor Recreation and Aquatic Centre from YMCA Brisbane

Resolution

Moved Cr R Kelly

Seconded Cr N Meiklejohn

THAT Council receive the May 2019 monthly report from Brisbane YMCA in relation to the operation of the Warwick Indoor Recreation and Aquatic Centre.

Carried

17.3 Binding Agreements for Funding

Resolution

Moved Cr R Kelly

Seconded Cr Y Stocks

THAT Council resolve to approve the two Binding Agreements developed for the funding partnership between Granite Belt Wine & Tourism, Southern Downs Steam Rail Association and Southern Downs Regional Council.

Carried

17.4 Evaluation report - RFT19_075 - Construction and Operation of a Materials Recovery Facility (Specification B) as part of the Waste Collection, Recycling Processing and Bulk Haulage Contract

Resolution

Moved Cr C Gow

Seconded Cr S Windle

THAT Council enter into a contract with Cleanaway Pty Ltd for the construction and operation of a Materials Recovery Facility (MRF) (Specification B of the Waste Collection, Recycling Processing and Bulk Haulage Contract) located at the Warwick Waste Facility, for an average amount of \$851,000 per annum (over 7 years), based on current commodity prices and estimated incoming volumes.

Carried

MEETING CLOSURE

There being no further business, the meeting closed at 11.19am.