



**MINUTES OF THE
ORDINARY COUNCIL MEETING
16 OCTOBER 2024**

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**MINUTES OF THE ORDINARY COUNCIL MEETING OF
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 16 OCTOBER 2024
IN THE COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,
61 MARSH STREET, STANTHORPE AT 9:00AM**

1. ACKNOWLEDGEMENT OF COUNTRY

2. PRAYERS & CONDOLENCES

3. ATTENDANCE AND APOLOGIES

Present: Crs Hamilton (Chair), Bartley, Deane, Harslett, McDonald, Pidgeon, Richters, Wantling and Windle

Officers: Steve Johnston (Acting Chief Executive Officer), Nick Wellwood (Director Infrastructure Services), Nicole Collett (Acting Director Planning and Environmental Services), Chris Collingwood (Manager Parks and Operations), Gurbindar Singh (Chief Financial Officer), Jon Charles (Manager Sustainability and Strategy), Belinda Armstrong (Manager Corporate Services), Izelle Barnard (Communications and Marketing Coordinator) and Marion Seymour (Minute Secretary)

4. READING AND CONFIRMATION OF MINUTES

4.1 Ordinary Council Meeting - 18 September 2024

Resolution

Moved Cr C McDonald

Seconded Cr S Deane

THAT the minutes of the Ordinary Council Meeting held on Wednesday 18 September 2024 be adopted.

Carried Unanimously

4.2 Special Council Meeting - 26 September 2024

Resolution

Moved Cr S Windle

Seconded Cr C McDonald

THAT the minutes of the Special Council Meeting held on Thursday 26 September 2024 be adopted.

Carried Unanimously

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Council Meetings September 2024

Resolution

Moved Cr S Windle

Seconded Cr C Pidgeon

THAT Council receive the report and note the contents.

Carried Unanimously

6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precis	Nature of Conflict
12.2	Organisation Information Reports	Cr McDonald declared a declarable conflict of interest in this matter (as defined in Section 150EQ(4)(a) of the <i>Local Government Act 2009</i>) as she is a primary producer and sells cattle at the Warwick and Stanthorpe Saleyards. Although Cr McDonald has a declarable conflict of interest, she does not believe a reasonable person could have a perception of bias because of her conflict. Therefore, Cr McDonald will choose to remain in the meeting, however, she will respect the decision of the meeting on whether she can remain and participate in the decision. Following a resolution from Council, Cr McDonald participated in the discussion and voting on this matter.
12.2	Organisation Information Reports	Cr Pidgeon declared a declarable conflict of interest in this matter (as defined in Section 150EQ(4)(a) of the <i>Local Government Act 2009</i>) as she is a primary producer that uses the Warwick Saleyards. Although Cr Pidgeon has a declarable conflict of interest, she does not believe a reasonable person could have a perception of bias because of her conflict. Therefore, Cr Pidgeon will choose to remain in the meeting, however, she will respect the decision of the meeting on whether she can remain and participate in the decision. Following a resolution from Council, Cr Pidgeon participated in the discussion and voting on this matter.
12.2	Organisation Information Reports	Cr Bartley declared a declarable conflict of interest in this matter (as defined in Section 150EQ(4)(a) of the <i>Local Government Act 2009</i>) as he is a user of the Warwick Saleyards and derives income from the sale of cattle. As a result of Cr Bartley's conflict, he will leave the meeting room while the matter is considered and voted on.

6.1 Conflict of Interest - Cr McDonald - Agenda Item 12.2

Resolution

Moved Cr M Harslett

Seconded Cr S Deane

THAT Council, following the declarable conflict of interest declaration by Cr McDonald for Agenda Item 12.2, determines that it is in the public interest that she participates and votes on the matter as her declarable conflict is not of sufficient significance that it will lead her to making a decision on the matter that is contrary to the public interest and would not prevent her from performing her Councillor responsibilities and serving the public interest of the region by remaining in the room for the discussion and vote on the matter.

Carried

The following votes were recorded:

For: Crs S Deane, M Hamilton, M Harslett, J Richters, R Wantling and S Windle (6)

Against: Nil (0)

Noting Cr Bartley and Cr Pidgeon did not participate in the vote due to a previously declared Conflict of Interest.

6.2 Conflict of Interest - Cr Pidgeon - Agenda Item 12.2

Resolution

Moved Cr S Windle

Seconded Cr S Deane

THAT Council, following the declarable conflict of interest declaration by Cr Pidgeon for Agenda Item 12.2, determines that it is in the public interest that she participates and votes on the matter as her declarable conflict is not of sufficient significance that it will lead her to making a decision on the matter that is contrary to the public interest and would not prevent her from performing her Councillor responsibilities and serving the public interest of the region by remaining in the room for the discussion and vote on the matter.

Carried

The following votes were recorded:

For: Crs S Deane, M Hamilton, M Harslett, J Richters, R Wantling and S Windle (6)

Against: Nil (0)

Noting Cr Bartley and Cr McDonald did not participate in the vote due to a previously declared Conflict of Interest.

7. MAYORAL MINUTE

Nil

In accordance with Section 21 of Council Meetings Policy PL-CS036 Cr McDonald moved the following Procedural Motion:

8.1 Procedural Motion - Notice of Motion - Public Attendance at Councillor Information Sessions

Resolution

Moved Cr C McDonald

THAT the Notice of Motion – Public Attendance at Councillor Information Sessions lay on the table.

Carried

The Mayor accepted a call for a Division on the motion from the floor and the following votes were recorded:

For: Crs S Deane, M Hamilton, C McDonald, C Pidgeon, J Richters and S Windle (6)

Against: Crs R Bartley, M Harslett and R Wantling (3)

Accordingly the Mayor declared the motion carried.

8. NOTICES OF MOTION

8.1 Notice of Motion - Public Attendance at Councillor Information Sessions

Notice of Motion – To Be Moved by Cr Bartley

THAT the public be permitted to attend Councillor Information Sessions.

9. READING AND CONSIDERATION OF CORRESPONDENCE

9.1 Correspondence

Resolution

Moved Cr J Richters

Seconded Cr C McDonald

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

Carried Unanimously

10. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

Nil

11. PORTFOLIO REPORTS

Nil

12. EXECUTIVE SERVICES REPORTS

12.1 Acting Chief Executive Officer - Status Report

Resolution

Moved Cr M Harslett

Seconded Cr C Pidgeon

THAT Council receive and note the Acting Chief Executive Officer's Status Report.

Carried Unanimously

Cr McDonald declared a conflict of interest in Agenda Item 12.2, and following a resolution from Council participated in discussion and voting on the item.

Cr Pidgeon declared a conflict of interest in Agenda Item 12.2, and following a resolution from Council participated in discussion and voting on the item.

Cr Bartley declared a conflict of interest in Agenda Item 12.2, and left the meeting at 9:24am during discussion on the Warwick Saleyards.

09:26 am Cr R Bartley rejoined the meeting.

12.2 Organisation Information Reports

Resolution

Moved Cr J Richters

Seconded Cr S Windle

THAT Council note the contents of the Organisation Information Reports, except the recommendation for attachment 2.

Carried Unanimously

12.2.1 Organisation Information Reports - Southern Downs Youth Council Meeting 22 August 2024

Resolution

Moved Cr J Richters

Seconded Cr S Windle

THAT Council receive and note the minutes from the Southern Downs Youth Council Meeting held on 22 August 2024, and Council officers provide a further report to both the Youth Council and Council on the action items.

Carried Unanimously

12.3 Quarterly Organisation Information Reports October 2024

Resolution

Moved Cr C McDonald

Seconded Cr S Deane

THAT Council note the contents of the Quarterly Organisation Information Reports.

Carried Unanimously

12.4 Appointment of Selection Panel for Chief Executive Officer Recruitment

Resolution

Moved Cr J Richters

Seconded Cr C Pidgeon

THAT Council approve the appointment of Mayor Melissa Hamilton, Deputy Mayor Sheryl Windle, Councillor Sarah Deane as councillor representatives, and Dr John McVeigh from the University of Southern Queensland as the independent member, to the selection panel for the recruitment of the Chief Executive Officer for Southern Downs Regional Council.

Carried Unanimously

12.5 Review of Councillor Portfolios

Resolution

Moved Cr S Deane

Seconded Cr S Windle

THAT Council adopt the amendments to Councillor Portfolios included as Appendix A to the Councillor Portfolio Policy as presented.

Carried Unanimously

12.6.1 Acceptance of Late Agenda Item

Resolution

Moved Cr M Harslett

Seconded Cr J Richters

THAT Council accept the late agenda item, Southern Downs Women Support Centre, Willow Tree 37, Appointment of Councillor Representatives.

Carried Unanimously

12.6 Southern Downs Women Support Centre, Willow Tree 37 - Appointment of Councillor Representatives

Resolution

Moved Cr R Bartley

Seconded Cr J Richters

THAT Council appoint Cr Wantling and Cr Windle as Councillor representatives to the Southern Downs Women Support Centre, Willow Tree 37, Management/Steering Committee.

Carried Unanimously

13. CUSTOMER AND ORGANISATIONAL SERVICES REPORTS

13.1 Financial Services - Financial Report as at 30 September 2024

Resolution

Moved Cr M Harslett

Seconded Cr C Pidgeon

THAT Council receive and note the Financial Performance Report as at 30 September 2024.

Carried Unanimously

13.2 First Quarter Budget Review 2024-25

Resolution

Moved Cr R Bartley

Seconded Cr C Pidgeon

THAT Council adopt the Amended 2024/25 Budget as presented in the Attachments to the report, noting that Council is yet to make a decision regarding the relocation of Gunns Cottage.

Carried Unanimously

13.3 Adoption of Amended Fees and Charges 2024-25

Resolution

Moved Cr S Deane

Seconded Cr M Harslett

THAT Council adopt the revised Schedule of General Fees and Charges for 2024/2025.

Carried Unanimously

Attachments

1. Revised Schedule of Fees and Charges 2024/2025 - **Attached to the Minutes Under Separate Cover**

13.4 Review of Policies

Resolution

Moved Cr M Harslett

Seconded Cr S Deane

THAT Council adopt the amended policies as presented:

1. Non-Current Asset Accounting Policy
2. Portable and Attractive Item Policy
3. PL-FS025 Related Party Disclosure Policy

Carried Unanimously

13.5 Public Asset Naming Proposal - Matthew Denny

Resolution

Moved Cr C Pidgeon

Seconded Cr J Richters

THAT Council undertakes a public consultation process with the broader community, seeking public feedback on:

1. Naming the Allora Cricket Ground discus ring after Matthew Denny; and
2. Creating a walking path in Dalrymple Park, featuring markers that highlight the distance of the various records achieved by Matthew Denny.

Carried Unanimously

13.6 Eastern Suburbs Junior Rugby League Warwick Inc. - Lease - At Lot 46 ML1315, located at Jackie Howe Drive, WARWICK

Resolution

Moved Cr S Windle

Seconded Cr J Richters

THAT Council note the current status and progress made in relation to the Eastern Suburbs Junior Rugby League Warwick Incorporated lease arrangement for lot 46 on ML 1315.

Carried Unanimously

13.7 Review of Policies

Resolution

Moved Cr J Richters

Seconded Cr C McDonald

THAT Council:

1. Adopt the amended Polices as presented:
 - a. PL-GV24 Unreasonable Customer Conduct Policy
 - b. PL-EX086 Councillor Acceptable Requests and Administrative Support Guidelines
 - c. PL-CS029 Complaints Management Policy
 - d. PL-GV061 Risk Management Policy
 - e. PL-GV087 Complaints about a Public Official Policy
2. Adopt the new Policies as presented:
 - a. Administrative Action Complaint Procedure
 - b. Human Rights Policy
 - c. Delegations and Authorisations Policy
 - d. Employee Conflicts of Interest Policy
 - e. Councillor Use of Confidential Information Policy
 - f. Guideline for Managing Confidential Information

Carried Unanimously

In accordance with Section 21 of Council Meetings Policy PL-CS036 Mayor Hamilton moved the following Procedural Motion:

18.1 Procedural Motion - Meeting Adjournment

Resolution

Moved Mayor M Hamilton

THAT the meeting adjourn for morning tea.

Carried Unanimously

The meeting adjourned for morning tea at 10:28am and reconvened at 10:48am at which time there were present Crs Hamilton, Bartley, Deane, Harslett, McDonald, Pidgeon, Richters, Wantling and Windle

14. INFRASTRUCTURE SERVICES REPORTS

14.1 Warwick Walking Network Plan Adjustments

Resolution

Moved Cr S Windle

Seconded Cr R Bartley

THAT Council endorse the proposed adjustments to the Warwick Walking Network Plan, following TMR suggested improvements.

Carried Unanimously

15. PLANNING AND ENVIRONMENTAL SERVICES REPORTS

15.1 Material Change of Use - 134 Bisley Street, Warwick

Resolution

Moved Cr J Richters

Seconded Cr C McDonald

THAT the application for Material Change of Use for the purpose of Short-term accommodation (One (1) dwelling unit) on Lot 5 RP218138, located at 134 Bisley Street, Warwick, 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	-	-

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

Land Use and Planning Controls

3. This approval allows for the use of the proposed Dwelling house for the purpose of Short-term accommodation only, as defined in the Southern Downs Planning Scheme, v 5.
4. The maximum number of guests accommodated at any one time must not exceed six (6) persons.
5. No person is to reside in any building identified for short term accommodation for more than 45 days consecutively, or more than 90 days in any 12 month period. The approved accommodation must not be occupied by persons for the purpose of permanent accommodation, excluding those persons in a manager's residence for the premises.
6. The short term accommodation building is to be rented as a whole, not as individual rooms.

Building and Site Design

7. The building is to be set back generally 5 metres from the north-eastern property boundary.
8. The design, colours and materials of the building is to be in accordance with the residential character of the area. **Details of the design, colours and materials of the building and pavement are to be submitted to and approved by Council's Planning Department prior to the issue of any Development Permit for Building Work.** The building is to be constructed in the approved design, colours and materials.
9. To ensure privacy for adjoining residents, the window located on the north-eastern building elevation must either:
 - (i) have a minimum window sill height of 1.5 metres above floor level;
 - (ii) be fitted with translucent glazing; or
 - (iii) be fitted with a fixed external screen.
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 an approved waste management facility.
13. A sufficient number of suitable waste receptacles must be provided on site at all times. Waste receptacles must be regularly serviced to prevent unsightly accumulations of waste or environmental harm being caused.
14. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
15. Advertising Devices relating to the Short-term accommodation use may **only** be erected on the subject land, i.e. Lot 5 RP218138. 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.
16. 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.

Fencing, Landscaping and Buffers

17. A screen fence 1.8 metres high shall be erected along the north-eastern side boundary, from

the road frontage to the southern extent of the proposed building 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.

18. **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.
19. All earthworks, including batters must be fully contained within the site.
20. The street trees within the road reserve of Bisley Street are to be retained. These trees are to be protected during construction. If it is not possible to design the development to preserve all the trees in their current locations, the tree/s must be relocated at the developer's cost. The relocation of the tree/s is to be carried out by a suitably qualified and experienced person. If the tree/s die within 12 months of the relocation, the dead tree must be replaced with an advanced tree of the same species and height.
21. A 2.0 metre wide landscaped area, including irrigation, is to be provided along the north-eastern boundary of the site so as to provide a visual buffer. This area is to be densely planted with trees and shrubs suitable to grow to heights of between 1.5 to 4 metres at maturity.

This landscaped area shall be planted and maintained in accordance with the approved Landscaping Plan.

22. **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 or planting of the landscaped area, whichever is the sooner.** The Landscaping Plan 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

23. Vehicle access is to be constructed to the proposed building in accordance with Council's standard. (Council's Development Engineer can provide details regarding Council's standard.) The access must be constructed along Bisley Street at a location which provides adequate sight distance in either direction.
24. At least two (2) car parking spaces are to be provided on site.
25. All car parking, driveway and loading areas shall be constructed in gravel or similar materials or sealed, drained and regularly maintained.

Roadworks

26. 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

27. The proposed development must have a lawful point of discharge determined in accordance with the *Queensland Urban Drainage Manual* (QUDM). A stormwater management plan, including plans for any proposed stormwater infrastructure, may be required to demonstrate compliance with QUDM. Any required stormwater management plan must be prepared by a suitably qualified RPEQ and submitted for endorsement by Council prior to the commencement of the use.

For any proposed use where it cannot be satisfactorily demonstrated that stormwater associated with the use can be directed to the frontage kerb or alternative lawful point of

discharge, an inter-allotment drainage system must be designed and constructed in accordance with QUDM.

Inter-allotment drainage systems and overland flow paths, including those affecting adjacent properties, must be wholly contained within easements. Easements are to have a minimum width of three (3) metres, and be provided to Council at no cost to Council.

Water Supply and Waste water

28. The building is to be connected to Council's reticulated water supply in accordance with Council standards.
29. A sewerage reticulation system is to be provided to service the building. This system is to be connected to Council's wastewater sewerage system.

Electricity, Street Lighting and Telecommunications

30. Electricity connections must be provided to the proposed development to the standards of the relevant authorities.

Infrastructure Charges Notice

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

Advisory Notes

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning and Environmental 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 your responsibility to notify Council when a development, or part of, is nearing completion and ready for commencement of the use. The commencement of use is when the Infrastructure Charges associated with your development are to be paid, unless paid earlier.
- (iv) 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.
- (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) An application must be submitted and approved by Council for a permit under Local Law No. 1 (Administration) 2011 and Subordinate Local Law No. 1.19 (Rental Accommodation Other Than Excluded Accommodation) 2011.
- (vii) **Plumbing and Drainage Approval is to be obtained** in accordance with the *Plumbing and Drainage Act 2018* 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.
- (viii) **Building Approval is to be obtained** for a Class 1b 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.**

- (ix) From 1 July 2022 in Southern Downs Regional Council area Queensland Development Code MP4.2 will be applicable for any new class 1 buildings. Rainwater tanks with a minimum capacity of 5,000 litres are required for all new dwellings in water reticulated areas. Tanks are to be plumbed to service toilets, washing machines and an outdoor tap in accordance with the *Plumbing and Drainage Act 2018*. Appropriate area on the subject lot will be required to ensure compliance with these mandatory provisions.
- (x) The applicant is to permit Council officers access to the site in accordance with the powers of entry provisions of the *Local Government Act 2009*, subject to 48 hours notice and reasonable security and health restrictions on access, so as to ensure the use is being conducted in accordance with the conditions of the approval.
- (xi) Prior to constructing or upgrading an access, an application must be submitted and approved by Council for a permit under Local Law No. 1 (Administration) 2011 and Subordinate Local Law No. 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation) 2011.
- (xii) Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- (xiii) All Development Permits for Plumbing and Drainage Works should be obtained prior to the issue of a Development Permit for Building Works.
- (xiv) 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.
- (xv) This approval for Short-term Accommodation may potentially affect your rates and charges levied on your property. The potential impact may include, but is not limited to:
 - General Rates may change to a commercial category
 - State Emergency Management Levy may change classes
 - Sewerage Access Charges may change to a different category
 - Domestic Waste Collection may be removed and require a separate waste collection direct from a waste collection provider

For further information, please contact Council's Revenue section on 1300 697 372.

Carried Unanimously

15.2 Reconfiguring a Lot – Gary Hayes & Partners Pty Ltd , 216-218 Pratten Street, Warwick Resolution

Moved Cr J Richters

Seconded Cr S Windle

THAT the application for Reconfiguring a Lot, Subdivision (Two (2) lots into six (6) lots) and access easement on land at 216-218 Pratten Street Warwick on Lot 15 on RP 6058 and Lot 16 on RP 6058, 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 plan 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
PROPOSED SUBDIVISION – Lots 3 to 8 - Canceling of Lot 15 & 16 on RP6058 (As amended in red)	W6136-01	20-03-2023

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

Easements and Covenants

- An easement for access purposes is to be provided over Lot 5 in favour of rear allotments. A copy of the easement documentation is to be submitted to Council for approval prior to the signing of the Plan of Subdivision.
- Amend the easement boundaries, as required, to:
 - Provide space for passing within portion of the easement along the eastern boundary and sight distance.
 - Allow turning movements, to ensure vehicles can enter and exit the development in a forward gear.
 - Provide space for services, including easements in accordance with Council policies where required.

Engineering plans, prepared by a suitably qualified person (RPEQ), showing the location of services and vehicle movements are to be provided to demonstrate compliance. All vehicle movement areas are to be sealed and any allocated area i.e. turn around area, passing bay is to be identified with line marking and/or stencilling and 'no parking' signs are to be displayed.

- A statutory building covenant ensuring all fencing along the western edge of the access easement has a minimum 50% transparency is to be provided over all proposed lots bordering the easement. The covenant documentation is to be submitted to Council for approval prior to the signing of the Plan of Subdivision.

Building and Site Design

- All household drainage (including sewer house connection, stormwater drainage and inter-allotment drainage) and services (including electricity and telephone) associated with the existing dwelling on the land are to be relocated so that they are wholly contained within the lot it serves, or easements provided over this private drainage and services. A plan, drawn by a suitably qualified person, showing all drainage and services associated with the existing dwelling is to be submitted to Council to demonstrate compliance with this requirement.
- Proposed Lots 5 to 8 all must have a building area of 600 square metres or more that is free of obstacles i.e. access easements.

Amenity and Environmental Controls

8. During the construction phase of the development, all wastes must be separated into recyclables (where possible) and landfill wastes, and disposed of at an approved waste facility.

Fencing, Landscaping and Buffers

9. A screen fence 1.8 metres high shall be erected along the boundaries adjoining Lot 17 RP6058, Lot 6 SP179563, Lot 5 SP179563, Lot 4 RP130671, Lot 3 RP130671, Lot 2 RP130671 and Lot 2 RP150624 to provide visual screening along the outer parameters of the subject site. 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.
10. **Details of the proposed fencing are to be submitted to and approved by Council's Planning Department prior to Council signing the Plan of Subdivision.** Fencing is to be provided and maintained in accordance with the approved details.
11. Retaining structures and their foundations must be wholly contained within private allotments and not be constructed as Council owned infrastructure.
12. All earthworks, including batters must be fully contained within the site.

Car Parking and Vehicle Access

13. Sealed vehicle accesses are to be constructed to proposed Lot 4 and the access easement in accordance with Council's standard. (Council's Development Engineer can provide details regarding Council's standard.) Such entrance roadworks are to be sealed and are to include appropriate drainage works.
14. A concrete driveway at least 4.0 metres in width is to be constructed within the access handle of proposed Lot 5. The driveway is to connect from the road and make provision for passing vehicles.
15. Construct any new crossovers such that the edge of the crossover is no closer than 1.0 metre to any existing or proposed infrastructure including any stormwater gully pit, manhole, service infrastructure (eg power pole, telecommunications pit), road infrastructure (eg street sign, street tree, etc).

Roadworks

16. 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

17. The design, construction and operation of the stormwater drainage system must comply with the water quality objectives stated in the Assessment Benchmarks – Water Quality and Appendix 2 of the State Planning Policy.
18. All proposed lots must have a lawful point of discharge determined in accordance with the Queensland Urban Drainage Manual (QUDM). A stormwater management plan, including plans for any proposed stormwater infrastructure, may be required to demonstrate compliance with QUDM. Any required stormwater management plan must be prepared by a suitably qualified RPEQ and submitted for endorsement by Council prior to the lodgement of the survey plan.

For any proposed lot where it cannot be satisfactorily demonstrated that roof-water associated with future building works can be directed to the frontage kerb or alternative lawful point of discharge, an inter-allotment drainage system must be designed and constructed in accordance with QUDM.

Inter-allotment drainage systems and overland flow paths, including those affecting adjacent properties, must be wholly contained within easements. Easements are to have a minimum width of three (3) metres, and be provided to Council at no cost to Council.

Water Supply and Waste water

19. A reticulated water supply system is to be provided to service all allotments. This system is to be connected to Council's water supply system.
20. A sewerage reticulation system is to be provided to service all allotments. This system is to be connected to Council's wastewater sewerage system.

Electricity, Street Lighting and Telecommunications

21. Underground electricity connections must be provided to the proposed development to the standards of the relevant authorities. Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity connections, in accordance with the requirements of the relevant authorities prior to Council signing the Plan of Subdivision.
22. In accordance with the Federal Government's National Broadband Network (NBN) initiatives, the Developer (at the Developer's expense) is to install telecommunications infrastructure, such as lead-in conduits (LIC) or 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 infrastructure network. Prior to Council approving the plan of subdivision, written advice is to be provided from Telstra that the telecommunications infrastructure network has been installed in accordance with NBN Co's specifications.

Operational Works

23. All operational works are to be accepted on-maintenance prior to Council signing the Plan of Subdivision. (See advisory note below).

Infrastructure Charges Notice

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

Advisory Notes

- (i) 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*.
- (ii) 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.
- (iii) The applicant is to permit Council officers access to the site in accordance with the powers of entry provisions of the *Local Government Act 2009*, subject to 48 hours notice and reasonable security and health restrictions on access, so as to ensure the use is being conducted in accordance with the conditions of the approval.
- (iv) Prior to constructing or upgrading an access, an application must be submitted and approved by Council for a permit under Local Law No. 1 (Administration) 2011 and Subordinate Local Law No. 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation)

2011.

- (v) 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 services and access plan showing the location and dimension of all accesses, passing and turning areas, drainage and full engineering specifications of services layout;
- A Stormwater Management Plan; and
- An Erosion and Sediment Control Plan.

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

- (vi) 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.
- (vii) 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.
- (viii) All Development Permits for Operational Works and Plumbing and Drainage Works should be obtained prior to the issue of a Development Permit for Building Works.
- (ix) 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.
- (x) Any retaining structures above one 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.

Telecommunications in New Developments

- (xi) For information for developers and owner builders, on important Commonwealth telecommunication rules that need to be complied with, visit www.infrastructure.gov.au/tind

Aboriginal Cultural Heritage

- (xii) 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

Approval Times

- (xiii) In accordance with the *Planning Act 2016*, this approval will lapse four years from the day the approval takes effect, unless the Plan of Subdivision is submitted to Council within the currency period. **Council will NOT approve the plan unless all conditions of this approval have been complied with to the satisfaction of Council and within the currency period of the approval.**
- (xiv) The approved Plan of Subdivision must be lodged for registration in the Office of the Registrar of Titles within six months of the date of Council's Compliance Certificate and approval of the Plan of Subdivision. If the Plan of Subdivision is not registered within this timeframe, Council's approval of the Plan of Subdivision will lapse. Council may reapprove the Plan of Subdivision subject to payment of the applicable fee.

Carried Unanimously

11:05am Peter Swan from Resolution Town Planning addressed Council in relation to Agenda Item 15.3

15.3 Minor Change to Material Change of Use – Darryl J Wiggins and Roslyn E Wiggins ATF DJ & RE Wiggins Super Fund C/-Revolution Town Planning, 143 Old Stanthorpe Road, Morgan Park

Resolution

Moved Cr J Richters

Seconded Cr R Bartley

THAT the change application (Minor Change) for a Development Permit for a Material Change of Use for Extension to High Impact Industry (Composting Facility – Greater than 200 tonnes per annum) on land at 143 Old Stanthorpe Road, Morgan Park, described as Lot 2 RP818435, is approved and the conditions are amended as follows:

Schedule 1 - Conditions of Approval

Approved Plans

- The development of the site is to be generally in accordance with the following proposal plan 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
Wastecare Proposed Mulching Site Plan – Lot 2 RP818435 (Amended)	Lot 2 RP818435 – Proposed Plan Sheet 1 of 1 Revision 9A	27 November 2019 (received)
Site Plan	SK. 002 [C]	25 June 2024
Floor Plan	SK. 101 [C]	25 June 2024
Elevations	SK. 401 [C]	25 June 2024

- 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.
- 2A. Where there is any conflict between the conditions of this approval and the conditions of approval stipulated on the Environmental relevant activity (No. 53 Organic material processing by composting) issued by the Department of Environment and Science, relating to acoustic, air, land, water, the conditions stipulated on Environmental relevant activity prevail should the activity exceed 200 tonnes per annum.

Land Use and Planning Controls

3. This approval allows for the use of the site for the following uses only: Composting facility - that processes 200 tonnes (t) or more a year of organic material by composting.
This approval does not permit the usage of high risk waste to be dispersed on the site i.e. biosolids, septage.
- 3A. The workshop and office buildings are to remain ancillary to the High Impact Industry use at all times. The workshop is **only** to be used for the equipment and vehicles associated with the approved uses and is **not to be used** for patrons and/or vehicles and equipment not associated with this approved use.
4. The material change of use the subject of this development permit must be completed within a period of 6 years starting the day the original development permit had taken 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.

Building and Site Design

- 4A. 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.)
- 4B. If applicable, a copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below)

Amenity and Environmental Controls

5. Appropriate and accessible, dated records must be kept detailing the tonnage of finished compost produced, and must be made available to Council officers on request.
6. Deleted.
7. Should processing not exceed 200 tonnes per annum - the operator must investigate and address all environmental nuisance and/or environmental harm complaints. The following details must be recorded and provided to Council upon request:
 - (a) time, date, name and contact details of the complainant;
 - (b) reasons for the complaint;
 - (c) any investigations undertaken;
 - (d) conclusions formed; and
 - (e) any actions taken.

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

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

8. Any relevant approvals required must be obtained from the relevant authority for the acceptance and reuse of any regulated waste.
9. Should processing not exceed 200 tonnes per annum - the registered operator of the activity must keep a record and provide to Council biannually the following details of all compost distributed from the subject property:

- (a) Date the compost is distributed
 - (b) Amount of compost distributed
 - (c) Name, contact details and address of the delivered compost
10. Should processing not exceed 200 tonnes per annum - the bund areas around the composting areas are to be constructed to cater for a 1 in 20 year rain event. Should rain occur where the water captured is unable to be disposed of, the water must be collected and disposed of in an appropriate manner.
11. The registered operator of the activity to which this approval relates must contact the Council as soon as practicable after becoming aware of any release of contaminants not in accordance with the conditions of this approval, or any event where environmental harm has been caused or may be threatened.
12. Any hazardous materials (e.g. oil and fuel) must be stored in a covered and bunded area.
13. Any liquid spills must be cleaned up immediately and disposed of in an appropriate manner that ensures environmental harm does not occur. An appropriate spill kit for the management of wastes and hazardous liquids associated with the activity must be readily available at the site. Anyone operating under this approval must be trained in the use of the spill kit.
- 13A. 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.

AIR

14. Should processing not exceed 200 tonnes per annum - all material stockpiles and trafficable areas associated with the approved activity must be maintained using all reasonable and practicable measures necessary to minimise the release of windblown dust or traffic generated dust to the atmosphere. Reasonable and practicable measures may include but are not limited to:
- (a) Using water sprays and/or a water truck;
 - (b) Adopting and adhering to speed limits;
 - (c) Using dust suppressants and wind breaks; and
 - (d) Sealing the areas.

NOISE

15. Noise levels emitted from the activity must not exceed 10 dB(A) above the background noise levels in the locality when measured at any boundary of the property.

WATER

16. Should processing not exceed 200 tonnes per annum - suitable banks and/or diversion drains must be installed and maintained to exclude stormwater runoff from entering any stockpile sites and ponds or other structures used for the storage or treatment of feedstocks, contaminants or wastes.
17. 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. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
18. 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.
19. The cleaning of plant equipment and vehicles must be carried out in an area and in a manner where wastewater can be suitably managed so as not to cause contaminants to release into

waterways or overland flow paths.

20. Advertising Devices relating to the High impact industry (Composting facility) may **only** be erected on the subject land, i.e. Lot 2 RP818435. The location, size, type and content of any advertising sign or device located on the land is to be compatible with the Industrial 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.
21. 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.

Fencing, Landscaping and Buffers

22. All earthworks, including batters must be fully contained within the site.
 23. The existing vegetation located along the Old Stanthorpe Road frontage of the site must be maintained to create a dense tree planting buffer to provide an effective visual screen. Extra tree planting may be required if vegetation is removed from the road reserve in the future. Vegetation must be retained and or enhanced to create a buffer in the 20m setback, to the satisfaction of the Director Sustainable Development and to Council's standards.
- 23A. Provide and maintain landscaping in the locations shown on Site Plan with reference SK. 002 [C], dated 25 June 2024, as amended in red to include landscaping to the northern boundary to screen the new building.

Car Parking and Vehicle Access

24. A sealed industrial crossover is to be constructed at the Old Stanthorpe Road entrance to the site in accordance with Council's standard. The crossover is to be sealed to a bitumen standard from Old Stanthorpe Road to the property boundary. (Council's Development Assessment Engineer can provide details regarding Council's standard.)
 25. All vehicular access to and from the site must be via Old Stanthorpe Road only.
 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. All internal driveways are to be of an all-weather standard.
 27. At least four (4) car parking spaces are to be provided on site.
 28. The car park area is to be defined by a low physical barrier along the edge of the car parking area and driveways.
- 28A. 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"*.
- 28B. All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
29. The new hardstand area and parking bay areas must be constructed in gravel. The existing carpark, driveway and loading areas may remain grass, provided it is appropriately maintained and does not cause a dust nuisance. If complaints are received (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief) or the vehicle entrance and driveway become eroded with material becoming deposited outside of the site or potholes form that would increase noise associated with vehicle movements, the carpark shall be constructed in gravel to Council's standards.

Roadworks

30. 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

31. The design, construction and operation of the stormwater drainage system must comply with the water quality objectives stated in Appendix 3 of the State Planning Policy.

31A. Prior to a Development Permit for Building Work a stormwater site based management plan is to be submitted and approved by Council's Planning Department. Any actions identified in this site based management plan are to be implemented to ensure appropriate stormwater management, prior to the use of the site commencing.

Water Supply and Waste water

32. Any sewage generated at this property must be disposed of by means of an on-site sewage facility (OSSF) in accordance with the AS/NZS 1547:2012 - *On-site Domestic Wastewater Management, Queensland Plumbing and Wastewater Code* and the *Standard Plumbing and Drainage Regulation 2019*.

32A. A reticulated water supply system is to be provided to service the development. This system is to be connected to Council's water supply system.

Electricity, Street Lighting and Telecommunications

33. Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities if an office building is provided on-site.

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) Prior to constructing or upgrading an access, an application must be submitted and approved by Council for a permit under Local Law No. 1 (Administration) 2011 and Subordinate Local Law No. 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation) 2011.
- (iii) 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.
- (iv) 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.
- (v) There must be no release from the footprint of the approved activity, that has been in contact with any contaminants at the site to any waters, watercourse or stormwater drain.
- (vi) Any regulated waste must be removed from the site by a regulated waste removal contractor. The records for this disposal must be kept on site and be available for viewing by an authorised officer.
- (vii) 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.
- (viii) 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.

- (ix) **If Plumbing and Drainage Approval is to be obtained** it must be in accordance with the *Plumbing and Drainage Act 2018* for the proposed plumbing and drainage works. The application for Plumbing and Drainage approval must be submitted to Council with the appropriate **forms, plans and fees** associated with this application. A **Certificate of Compliance must be issued** for the works prior to the use commencing.
- (ix)A **Building Approval is to be obtained** for a Class 8 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.**
- (x) The applicant is to permit Council officers access to the site in accordance with the powers of entry provisions of the *Local Government Act 2009*, subject to 48 hours notice and reasonable security and health restrictions on access, so as to ensure the use is being conducted in accordance with the conditions of the approval.
- (xi) An Environmental Authority for Environmentally Relevant Activity No.53 (Organic material processing by composting) is to be obtained in accordance with the *Environmental Protection Act 1994* prior to the commencement of any Environmentally Relevant Activity.
- (xii) 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 Queensland Treasury for the clearing of any remnant vegetation, unless exempt under Schedule 21 of the *Planning Regulation 2017*.
- (xiii) 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

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

Schedule 2 – Queensland Treasury’s conditions as a Concurrence agency

RA6-N



Queensland Treasury

SARA reference: 1910-13795 SRA (related to 2007-17883 SRA)
Council reference: DE-DEIMCU/01907.01
Applicant reference: MCU/01907.01

28 July 2020

Chief Executive Officer
Southern Downs Regional Council
PO Box 26
WARWICK Qld 4370
mail@sdrq.qld.gov.au

Attention: Mr Sean Beck

Dear Sean

SARA response—143 Old Stanthorpe Road, Morgan Park

(Referral agency response given under section 56 of the Planning Act 2016)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency on 28 October 2019.

Response

Outcome: Referral agency response – with conditions.
Date of response: 28 July 2020
Conditions: The conditions in **Attachment 1** must be attached to any development approval.
Advice: Advice to the applicant is in **Attachment 2**.
Reasons: The reasons for the referral agency response are in **Attachment 3**.

Development details

Description: Development permit Other Change - Material change of use to increase the amount of compost produced per year to more than 200 tonnes

SARA role: Referral Agency.

SARA trigger: Schedule 10, Part 5, Division 4, Table 2, Item 1 (10.5.4.2.1) – Environmentally relevant activity (Planning Regulation 2017)
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (10.9.4.2.4.1) - Material change of use of premises near a state

Darling Downs South West regional office
128 Margaret Street, Toowoomba
PO Box 325, Toowoomba QLD 4350

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transport corridor or that is a future state transport corridor ((Planning Regulation 2017)

Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 (10.9.4.1.1.1) - Development impacting on state transport infrastructure (Planning Regulation 2017)

SARA reference: 1910-13795 SRA
Assessment Manager: Southern Downs Regional Council
Street address: 143 Old Stanthorpe Road, Morgan Park
Real property description: Lot 2 on RP818435
Applicant name: Mr Darryl Wiggins
Applicant contact details: PO Box 870
Warwick QLD 4370
darryl@vorstrom.com.au
Environmental Authority: This referral included an application for an environmental authority under section 115 of the *Environmental Protection Act 1994*. Below are the details of the decision:

- Approved
- Reference: EA0002396
- Effective date: Takes effect on the date the related development approval (MCUI101907.01) takes effect
- Prescribed environmentally relevant activity (ERA): ERA 53 - Organic material processing - Processing more than 200t of organic material in a year – (a) by composting the organic material.

If you are seeking further information on the environmental authority, the Department of Environment and Science's website includes a register. This can be found at: www.des.qld.gov.au

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in **Attachment 4**.

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

For further information please contact Ian McHugh, Principal Planning Officer, on (07) 4616 7320 or via email ToowoombaSARA@dscdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Warren Oxnam
A/Manager - DDSW (Planning)

cc Mr Darryl Wiggins, darryl@vorstrom.com.au
enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application)

No.	Conditions	Condition timing
Environmentally relevant activity		
10.5.4.2.1—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of 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 hardstand liner for the composting activity including the composting area, sedimentation dams and containment dam must be installed to achieve a maximum hydraulic conductivity of 1×10^{-7} m/s. Certification by a Registered Professional Engineer Queensland must be provided to the Department of Environment and Science.	Hardstand liner - prior to the commencement of use and to be maintained at all times. Certification - within three months of the completion of construction.
2.	"As constructed" engineering design drawings, certified by a Registered Professional Engineer of Queensland for the activity working area including the composting area, sedimentation dams and containment dam must be provided to the Department of Environment and Science.	Within three months of the completion of construction and prior to the commencement of use.

Carried Unanimously

15.4 Minor Change to Reconfiguring a Lot – Sharon E and Victor F Pennisi, 132-140 Eukey Road, Stanthorpe

Resolution

Moved Cr J Richters

Seconded Cr R Bartley

THAT:

1. The application for a Minor Change to a Reconfiguring a Lot one (1) into 4 lots, on land at 132-140 Eukey Road, Stanthorpe, described as Lot 11 SP302973, be approved and Condition 1.0 i be deleted for the following reasons:
 - a. The scale of the development in lot reduction is substantially less than that of the original proposal and has considerably less impact on the traffic infrastructure of the locality.
 - b. The conditioned isolated infrastructure is a safety hazard in the higher speed traffic environment of Eukey Road which is a 100km/hr rural collector road in Southern Downs Regional Council road network.
2. The following conditions be included/amended to rectify the previous discrepancies:

2.1 Building and Site Design

(a) All household drainage (including on-site waste water disposal system, stormwater drainage) and services (including water connection, electricity and telephone) associated with the existing buildings forming part of MCU\01864 on the land are to be relocated so that they are wholly contained within proposed Lot 1, or easements provided over this private drainage and services. **If the Manager's Residence is to be separated out of MCU\01864, all household drainage and services contained to the building are to be wholly contain within proposed Lot 2.** A plan drawn by a suitably qualified person, showing all drainage and services associated with the existing dwelling is to be submitted to Council to demonstrate compliance with this requirement.

(b) A statutory covenant is to be provided over Lots 1 and 2 to retain these lots in the same ownership until such time as the use of the land under MCU\01864 ceases or changes occur to the approval so that all structures relating to the Short-term accommodation are wholly contained within one lot. The covenant documentation is to be prepared by Council's solicitor at the developer's cost. The covenant documentation is to be submitted to Council for approval.

6.0 Infrastructure charges Notice Attach a new Charges Notice to the Decision Notice with the following calculations:

Development Type	Network	Charge rate	Proposed	Credit	Charge
Subdivision rural residential	- Parks, road and stormwater	23% of \$21,500 per lot	4 lots	1 lot	\$14,835.00
					TOTAL: \$ 14,835.00

Carried Unanimously

Agenda Item 15.5 is withdrawn from today's Agenda following receipt of late information that needs to be further considered.

15.5 Minor change applications Gary Hayes & Partners Pty Ltd - 11-25 Carmody Street, Warwick - WITHDRAWN

Recommendation

THAT the:

- A. Change application (Minor Change - RC\01904.01) for a Development Permit - Reconfiguring a Lot – 3 lots into 34 lots (over two stages), on land at 11 - 25 Carmody Street, and 124 – 146 Cleary Street, Warwick, described as Lots 54, 100 and 101 SP339063 (Incl EMT A), in relation to Conditions 3, 18, 27 and 34, be approved in part and Condition 18 is amended as follows:

Condition 18

With Stage 1, sealed road widening, including mountable kerbing and channelling, is to be constructed such that new kerb and channel aligns with existing kerb and channel (on the western side of Carmody Street) and stormwater drainage, is to be constructed along the Carmody Street frontage of the site, **being Lots 1 and 2 and new road.**

Note: If stormwater drainage requires mounted kerb and channel for stormwater management purposes, the above requirement relating to stormwater is to be extended beyond lots 1 and 2 and new road.

AND

- B. Change application (Minor Change - RC\01905.01) for a Development Permit - Reconfiguring a Lot – 2 lots into 37 lots (over two stages), on land at 11 - 25 Carmody Street, and 124 – 146 Cleary Street, Warwick described as Lots 100 and 101 SP339063 (Incl EMT A), in relation to Conditions 3, 17 and 32, be refused.

15.6 Request to Reduce Building Application Fee - PID 66050

Resolution

Moved Cr J Richters

Seconded Cr M Harslett

THAT Council, in accordance with Section 109 of the *Planning Act 2016*, waive 50% of the building application fees to be paid in accordance with Council's Schedule of General Fees and Charges 2024/25, in relation to the proposed Garage and Awning at 140-142 McEvoy Street, Warwick.

Carried Unanimously

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

Nil

17. CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS

In accordance with the provisions of Section 254J(3) 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 254J(3) 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 Request for Capital Assistance Loan

Reason for Confidentiality

This item is considered confidential in accordance with section 254J(3)(c) of the *Local Government Regulation 2012*, as it contains information relating to the local government's budget.

17.2 Write Off Unrecoverable Overdue Debtor Accounts

Reason for Confidentiality

This item is considered confidential in accordance with section 254J(3)(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 Burial on Private Land - Fee Waiver

Reason for Confidentiality

This item is considered confidential in accordance with section 254J(3)(f) of the *Local Government Regulation 2012*, as it contains information relating to matters that may directly affect the health and safety of an individual or a group of individuals.

Meeting In Camera

Resolution

Moved Cr S Windle

Seconded Cr C Pidgeon

THAT the meeting move into closed session.

Carried Unanimously

The Meeting moved into closed session at 11:32am.

Meeting Out Of Camera

Resolved

THAT the meeting resume in open session at 11:50am.

Carried Unanimously

17.1 Request for Capital Assistance Loan

Resolution

Moved Cr M Harslett

Seconded Cr R Bartley

THAT Council not approve the financial assistance loan requested by the Southern Downs Steam Railway as it for operational purposes.

Carried

The following votes were recorded:

For: Crs R Bartley, S Deane, M Hamilton, M Harslett, C McDonald, C Pidgeon, R Wantling and S Windle (8)

Against: Cr J Richters (1)

17.2 Write Off Unrecoverable Overdue Debtor Accounts

Resolution

Moved Cr R Bartley

Seconded Cr S Windle

THAT Council resolve to write off unrecoverable sundry debtor charges as outlined in the report for:

- a) DN5006,
- b) DN 157617 and
- c) DN6446.

Carried

The following votes were recorded:

For: Crs R Bartley, S Deane, M Hamilton, C McDonald, C Pidgeon, J Richters, R Wantling and S Windle (8)

Against: Cr M Harslett (1)

17.3 Burial on Private Land - Fee Waiver

Resolution

Moved Cr R Bartley

Seconded Cr S Windle

THAT Council:

1. Note that the applicant has paid the new application fee of \$154.00 for a burial on private land, as per Council's Fees and Charges;
2. Note that the former Chief Executive Officer (CEO) had endorsed the reduction of the ensuing fee, consistent with advice from Council officers; and
3. Waive the remainder of the fee being charged to the applicant for burial on private land, amounting to \$3,845.

Carried Unanimously

18. GENERAL BUSINESS

Nil

MEETING CLOSURE

There being no further business, the meeting closed at 11:52am.