



**MINUTES OF THE  
ORDINARY COUNCIL MEETING  
8 FEBRUARY 2023**

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**MINUTES OF THE ORDINARY COUNCIL MEETING OF  
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 8 FEBRUARY 2023 IN THE  
COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,  
64 FITZROY STREET, WARWICK AT 9:00AM**

**ACKNOWLEDGEMENT TO COUNTRY**

**1. PRAYERS & CONDOLENCES**

Jason Gay from Warwick Christian College offered a prayer for the meeting and condolences were acknowledged

**2. ATTENDANCE**

Present: Crs Pennisi (Chair), Bartley, Gale, Gliori, Gow (via Teams), McDonald, McNally, Tancred and Windle

Officers: Dave Burges (Chief Executive Officer), Leon Love (Director Organisational and Customer Services), Gary Murphy (Director Infrastructure Services), Scott Riley (Director Planning and Environmental Services), Angela O'Mara (Manager Planning and Development), Tonya Collier (Planning Services Coordinator), Nicole Collett (Waste Management Coordinator), Mitchell Hay (Student Planning Officer) and Marion Seymour (Minute Secretary)

**3. APOLOGIES**

Nil

**4. READING AND CONFIRMATION OF MINUTES**

**4.1 Ordinary Council Meeting - 25 January 2023**

**Resolution**

**Moved Cr A Gale**

**Seconded Cr S Tancred**

THAT the minutes of the Ordinary Council Meeting held on Wednesday 25 January 2023 be adopted.

**Carried**

**5. ACTIONS FROM COUNCIL MEETINGS**

Nil

**6. DECLARATIONS OF CONFLICTS OF INTEREST**

Nil

## 7. MAYORAL MINUTE

Nil

## 8. READING AND CONSIDERATION OF CORRESPONDENCE

### 8.1 Correspondence

#### Resolution

**Moved Cr C McDonald**

**Seconded Cr S Tancred**

THAT:

1. The report of the Chief Executive Officer in relation to Correspondence be received.
2. Council write to Australia Post raising concerns in relation to the issues raised in correspondence item 1.
3. Consider the submission of a motion on this issue to this year's Australian Local Government Association Conference and the Local Government Association of Queensland Conference.

**Carried**

*The Mayor tabled a letter from the Department of State Development, Infrastructure, Local Government and Planning as late correspondence.*

### 8.1.1 Late Correspondence

#### Resolution

**Moved Cr R Bartley**

**Seconded Cr A Gale**

THAT Council receive the attached late correspondence from the Department of State Development, Local Government and Planning and refer the matter to a future Council Information Session.

**Carried**

#### Attachments

1. Correspondence from Department of State Development, Infrastructure, Local Government and Planning - **Attached to the Minutes Under Separate Cover**

## 9. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

Nil

## 10. EXECUTIVE SERVICES REPORTS

Nil

## **11. CUSTOMER AND ORGANISATIONAL SERVICES REPORTS**

### **11.1 23\_045 Supply and Delivery Bagged Cement**

#### **Resolution**

**Moved Cr S Tancred**

**Seconded Cr A Gale**

THAT Council:

1. In accordance with Section 224 of the *Local Government Regulations 2012* enter into a contract with Wilmot's Rough & Tumbled for the supply and delivery of bagged cementitious products.
2. Delegate authority to the Chief Executive Officer to enter into any variations to the contract terms as deemed necessary for the duration of the contract.

**Carried**

### **11.2 Community Engagement Activities October - December 2022**

#### **Resolution**

**Moved Cr R Bartley**

**Seconded Cr M Gliori**

THAT Council note the details of community engagement activities undertaken during the first quarter period, 1 October 2022 to 31 December 2022.

**Carried**

### **11.3 YMCA Monthly Report - November/ December 2022 - WIRAC**

#### **Resolution**

**Moved Cr J McNally**

**Seconded Cr S Windle**

THAT Council receive the November/ December 2022 monthly report from Brisbane Young Men's Christian Association in relation to the operation of the Warwick Indoor Recreation and Aquatic Centre.

**Carried**

## **12. INFRASTRUCTURE SERVICES REPORTS**

### **12.1 Infrastructure Services Monthly Status Report**

#### **Resolution**

**Moved Cr R Bartley**

**Seconded Cr S Windle**

THAT Council notes the operational details as outlined in the Infrastructure Services Monthly Status Report dated 8 February 2023.

**Carried**

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## **13. PLANNING AND ENVIRONMENTAL SERVICES REPORTS**

### **13.1 Planning & Environmental Services Monthly Status Report**

#### **Resolution**

**Moved Cr J McNally**

**Seconded Cr A Gale**

THAT Council notes the operational details as outlined in the Planning & Environmental Services Monthly Status Report.

**Carried**

### **13.2 Material Change of Use - Dennis Family Enterprises Pty Ltd, C/- Reel Planning Pty Ltd - 43 Percy Street, Warwick**

#### **Resolution**

**Moved Cr J McNally**

**Seconded Cr M Giori**

THAT the application for Material Change of Use - Warehouse (Storage Sheds) located at 43 Percy Street, Warwick, described as Lot 3 RP910006 be refused for the following reasons:

The subject property is within the Medium density residential zone as it is located within close proximity to the central business district of Warwick i.e. 830 metres walking distance or 662 metre radius from the Warwick Post Office. The subject site is accessible to employment, retail, commercial services, health care services and entertainment.

The proposed development is considered to bring limited employment to the region, outside of construction, with the facility being managed via a real estate agent and there will not be a manager or office on-site. The economic needs assessment report has not adequately demonstrated that there is an overwhelming need for this type of development within the Southern Downs region or localised to the Warwick area, to assist in justifying the need for an industry activity within a residential zone. The report indicates there is sufficient land available for development within the same zone as the subject property. However, the report fails to recognise that the majority of the land referenced is actually located outside of Council's Priority Infrastructure Plan (PIP) area. The subject property is within Council's mapped PIP area, making the subject property an ideal site for residential development due to the availability of services. All urban services are available to the subject property and therefore would represent and physically integrate with, a logical extension of residential development. This proposal is for a non-residential use which does require access to services but it could operate without all services and therefore is underutilising a property that is zoned for residential purposes. While this development is required to service a local demand, it is not a use that is required for a local function. Although the storage sheds may provide a service, it is a service that does not need to be within walking distance of the central business district, as the majority of patrons who utilise these types of facilities will generally drive to the subject property.

This residential area does provide a high standard of amenity and has a strong pre-war character house presence. To allow for an industry activity that will operate 24 hours a day will compromise the character of the locality. The proposed development is not considered to be consistent with the built form within the locality when considering an appropriate balance of built form and open space as there is only approximately 4% of the entire property being used for landscaping which is all located along the frontage of the site.

The single storey, slab on ground design is considered compatible within the locality however, it is the bulk that is located along the common boundaries that further justifies that the development is incompatible with the surroundings and streetscape character. The development results in built to boundary walls that are 3.4 metres in height, approximately

100 metres in length along the side boundaries and along the entire length of the rear boundary. The built form along the frontage will take up approximately 35 metres of a 50 metre frontage, limiting the development from contributing positivity to the street.

The roof design is skillion which is considered an appropriate roof form, however the highest point of the roof is along the common boundary and reduces in height internal to the subject property further contributing to the bulk of the development. Although the design does include vertical and horizontal colourbond cladding and coloured blockwork walls to create variation in the materials, the development presents with flat rooves, signage and no openings that address the street. There is no existing character elements that are displayed within Percy Street that are incorporated in the design of the storage facility. The front façade of the building creates a parapet wall which blocks off all visibility of the minimal roof variation that is provided.

No active transport has been provided in a location that is conveniently within close proximity to the subject property. While it is acknowledged that not every patron will visit the site each day, there is still the potential to generate more traffic movements than a residential development. Based on the purpose of a storage facility, this development will have multiple types of vehicles entering the property ranging from cars/utes to cars with trailers and medium rigid vehicles. Medium rigid vehicles would generate traffic above what would be expected if the subject property was developed for residential purposes. The development proposes 180 storage units that can be rented out separately. While these facilities generally do cater for domestic purposes there is still the potential for businesses to rent the spaces and collect goods from the facility daily, if not multiple times which will further increase traffic in an area that is predominately residential. The 24 hours, 7 days a week operation will further contribute to significantly changing the traffic movements within an area.

While this development does propose a 3.4-metre-high solid fence around the perimeters, there is still the potential for noise impacts and while this fence will assist with splays from lighting on adjoining properties, there is still the potential for increasing emissions on adjoining and nearby properties. As the design allows for a one way in and a one way out in a U-shaped development, not all of the emissions can be located centrally within the site which could further assist in mitigating these impacts. A noise report was provided in the lodgement of the application which has not adequately demonstrated that there will not be any adverse impacts on nearby properties or that compliance with the Environmental Protection (Noise) Policy 2019 is achieved.

The proposed development is considered to introduce noise and lighting impacts above what is expected within a residential zone. The development is bulky in appearance and does not complement the surroundings or contribute positivity to the streetscape, with a blockwork wall up to 4 metres in height. There are a number of adjoining properties that are currently being used for residential purposes and as it has not been adequately demonstrated that there won't be any introductions of new impacts/emissions making this site not suitable for the proposed industry use. The subject property adjoins eleven (11) residential properties and is not considered to be a development that may act as a buffer between non-residential uses and existing residential development. This development for a storage facility will not create major employment for nearby residents, does not provide for the day to day needs of the community and will take away residential land that has been zoned for residential purposes and is located within Council's Priority Infrastructure Area.

Therefore, the proposed development cannot comply with the following provisions of the Southern Down Planning Scheme:

### **Part 3 – Strategic framework**

#### **3.3 Settlement pattern**

##### **3.3.3. *Element – Residential development***



*Vibrant, pleasant places to live and safe, healthy communities are promoted in the residential areas of the Southern Downs.*

#### **3.3.3.1 Specific outcomes**

- (2) *Development within the residential areas of the towns provides residents with a high standard of amenity, visual character and access to support services and provides a choice of housing types as well as connection to all available service infrastructure in the town.*

#### **3.3.3.3 Land use strategies**

- (6) *The residential area close to the central business district in Warwick is characterised by character housing reflecting the waves of growth and development in the Warwick urban area since early settlement. The streets of character housing do not contain buildings of the same vintage or design but the existing buildings in combination with the large lots on which they are located, wide tree lined streets and established gardens significantly add to the ambience, character and identity of Warwick. New development within these central residential areas of Warwick will respect the existing character and visual amenity.*
- (7) *Within the Medium density residential zone medium density housing comprising multiple dwelling and dual occupancy is expected to be the dominant form of development. Areas included in this zone will be one of the more vital places to live in the Southern Downs with easy access to employment, retail and commercial services, medical centres and entertainment.*
- (8) *In all parts of the residential area multiple dwellings and small lot subdivision will be carefully designed in terms of building size, scale, landscaping and position so that the use is complementary to the existing urban fabric. Provided that residential amenity and character is not compromised, urban infill development is supported where it creates a convenient, compact urban form that facilitates active transport and incorporates buffers from incompatible uses and is provided with all available urban infrastructure.*

#### **3.3.7 Element – Industrial Areas**

##### **3.3.7.2 Land use strategies**

- (2) *Industrial activities are important to the economy for the provision of goods and services that support transport, infrastructure and development, and the day-to-day materials for our homes and workplaces. Equally, industrial activities can cause impacts from air, noise and odour emissions, as well as hazardous materials. Air and acoustic environments are protected and managed to maintain the health and wellbeing of the community and individuals.*

#### **3.9 Economic Development**

##### **3.9.1 Strategic outcomes**

- (2) *A strong economy contributes to the well-being of the communities in the region. The economic advantages of the region include a stable, reliable workforce, its location which provides an ideal transport and logistic centre to service the eastern seaboard and its diversity which includes thriving industries in primary production, retail and wholesale, manufacturing and transport and logistics. Planning recognises and promotes these economic advantages.*

## **Part 6 - Zones**

### **6.2.7 - Medium density residential zone code**

#### **6.2.7.2 Purpose**

- (2) *The purpose of the medium density residential zone code is to provide for medium density multiple dwellings supported by community uses and small-scale services and facilities that cater for local residents.*

(2) The overall outcomes sought for the zone code are as follows:

(c) the scale and density of new development is consistent with residential neighbourhoods. New development will maintain a compact urban form, and be located and designed having regard to integration and compatibility with the height and bulk of the dwellings in the immediate area and streetscape character.

(j) Non-residential uses are provided where they cater directly to the day to day needs of the immediate residential community, such as convenience stores and child care facilities, where the character and residential amenity is maintained, and where they do not replicate the uses in nearby centres. Non-residential development does not undermine the viability of nearby centres or the central business area contained in the Principal centre zone or District centre zone. In some locations it may be appropriate for non-residential uses to be clustered together in small groups, however the scale of the development and the associated hard surfaces will be limited in order to minimise impacts on the residential character and the grouping will not contribute to ribbon development. Non-residential uses have a scale and incorporate design elements that are consistent with the surrounding residential development, including roofline and architectural treatments that reflect residential building design.

(i) Non-residential uses which do not primarily form a local function or tourist accommodation may be appropriate where it is intended to re-use existing non-residential buildings or where a Local heritage place is proposed to be restored, protected and reused.

**AO2** - The maximum site coverage of all buildings and structures is 40%.

**PO2** - The site cover of buildings and other roofed structures:

- (e) does not present an appearance of bulk to adjacent properties or roads;
- (f) allows for soft landscaping between buildings and between buildings and the street;
- (g) allows for adequate area at ground level for outdoor recreation, entertainment, clothes drying, and vehicle access; and
- (h) facilitates on site stormwater management.

**AO8** - In partial fulfilment of the PO -

(c) The roof form is a gabled or hipped roof with secondary skillions. For larger buildings, roofs will incorporate multiple gables or hips to ensure that the roof remains in proportion to the wall heights.

(d) Building facades incorporate verandahs.

(c) Buildings incorporate a minimum overhang (eaves) of 400 mm.

(d) Buildings address the street by having their main entrance on the street elevation.

**PO8** - Non-residential buildings and structures reflect and display elements of domestic architecture including pitched roofs, variations in setbacks, architectural detailing and materials.

**PO9** - Development is physically integrated with and represents a logical extension of the existing residential fabric and is convenient to services and social infrastructure.

**AO10.3** - The use is not an industry activity.

**PO10** - Development for uses other than residential uses is located and designed to avoid significantly changing the conditions of privacy, safety, noise, odour and fumes, lighting and traffic generation experienced by occupants of nearby residential uses.

**PO11** - Uses are compatible with and complementary to the dominant existing use and amenity of the area.

**PO14** - All uses are located, designed, oriented and constructed to minimise noise, odour, lighting

and dust nuisance from existing lawful uses including industry and agricultural uses.

**AO15** - In partial fulfilment of the PO -

*The number of onsite car parking spaces required to be provided in conjunction with any use (other than Multiple dwellings) in accordance with Table 9.4.2.4 does not exceed 15.*

**PO15** - *The traffic generated by a use other than a residential use does not significantly increase the traffic that could normally be expected in the locality.*

## **Part 9 – Development Codes**

### **9.4.2 - Carparking and loading code**

#### **9.4.2.2 Purpose**

*(2) The purpose of the code will be achieved through the following performance outcomes:*

*(a) Carparking and loading is provided to meet the needs of development for adequate and convenient parking in a manner that does not compromise the safety or amenity of surrounding areas.*

**AO1.1** - *The number of parking and loading spaces is not less than the minimum number specified in Table 9.4.2.4. Where the calculation of applicable parking rates results in a fraction, the number required will be the next highest whole number. Council may accept an alternative to providing the required spaces on the development site in accordance with Planning Scheme Policy – Off Street Carparking*

**PO1** - *Sufficient carparking is provided to accommodate the number and type of vehicles likely to be generated by the development having regard to the following:*

- (a) the nature and operation of the use;*
- (b) the likely number of users including residents and employees;*
- (c) the hours of operation and the peak parking demand periods;*
- (d) the availability of alternative parking in the vicinity including on street car parking;*
- (e) in the case of residential development, the proximity to the Principal centre zone and the facilities contained within that zone;*
- (f) the feasibility of physically providing parking on site including access restrictions and size of the site; and*
- (g) The provisions of Planning Scheme Policy – Off Street Carparking.*

### **9.4.4 - Landscaping code**

#### **9.4.4.2 Purpose**

*(1) The purpose of the Landscaping code is to promote landscaping of sites:*

- (a) to improve the living and working environment with planting;*
- b) to retain or reinforce the natural landscape character of the site, streetscape and locality;*
- (d) that includes appropriate plantings that are of a scale and density commensurate with building height, bulk and scale to buffer development and conflicting land uses; (e) that retains existing vegetation;*

*(2) The purpose of the code will be achieved through the following overall outcomes. (a) Sites are landscaped in a manner that improves the environment of people living and working on the site by providing visual relief, shade, buffering, beauty and passive heating and cooling.*

*(c) Plantings compliment the development on the same site and on adjoining sites. Where buffering is required plantings are of sufficient density and height to effectively contribute to*

*the required buffer*

### **9.3.5 -Industry uses code**

#### **9.3.5.2 Purpose**

(2) *The purpose of the code will be achieved through the following overall outcomes.*

*All industry uses:*

- (d) Occur only on land that is suited to the development and operation of industrial uses;*
- (e) Are located, designed and operated in a manner that prevents unacceptable environmental and amenity impacts on adjoining land uses;*
- (f) Are sited and designed in a manner that is appropriate to the character, including heritage character and environmental values of the locality;*
- (k) Are responsive to and contribute positively to the local streetscape character;*
- (l) Provide for industrial development that meets the needs of the Region.*

**AO3.3** – *(a) Where the site adjoins land in the Low density residential or Medium density residential zone the maximum site coverage is 40%. A landscaped buffer strip at least 3 m wide is provided adjoining all side and rear boundaries.*

*Where the site adjoins land in the Rural residential zone the maximum site coverage is 10%. A landscaped buffer strip at least 10 m wide is provided adjoining all side and rear boundaries.*

**PO3** - Buildings and or structures are designed and constructed in a manner that complements the existing built form in the immediate area.

**Carried**

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

*For: Crs V Pennisi, R Bartley, M Giori, C Gow, J McNally and S Windle (6)*

*Against: Crs A Gale, C McDonald and S Tancred (3)*

*Accordingly the Mayor declared the motion carried.*

### **13.3 Request for Tender 23\_008- Mulching of Green Waste and Timber Waste Products and Shredding of Mattresses at Waste Facilities**

#### **Resolution**

**Moved Cr A Gale**

**Seconded Cr S Tancred**

THAT Council:

1. Enter into a contract with 100% Treecycle, trading as GDE Mulching Services, for Separable Portion A of Contract 23\_008, for the mulching of green waste and timber products at Council's waste facilities;
2. Delegate authority to the Chief Executive Officer to enter into any variations to the contract terms as deemed necessary; and
3. Not award Separable Portion B for the shredding of mattresses.

**Carried**

### **13.4 Pest Management Advisory Committee Meeting**

#### **Resolution**

**Moved Cr J McNally**

**Seconded Cr A Gale**

THAT Council receive the Minutes of the Pest Management Advisory Committee meeting held at Stanthorpe on Thursday, 8 December 2022.

**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 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 60355 Relief from Water Consumption Charges**

##### **Reason for Confidentiality**

This item is considered confidential in accordance with section 254J(3)(d) of the *Local Government Regulation 2012*, as it contains information relating to rating concessions.

## **Meeting In Camera**

### **Resolution**

**Moved Cr J McNally**

**Seconded Cr C McDonald**

THAT the meeting move into closed session.

**Carried**

*The Meeting moved into closed session at 10:27am.*

## **Meeting Out Of Camera**

### **Resolved**

THAT the meeting resume in open session at 10:36am.

**Carried**

## **17.1 60355 Relief from Water Consumption Charges**

### **Resolution**

**Moved Cr R Bartley**

**Seconded Cr S Tancred**

THAT Council approve the request for water consumption relief to the value of \$330.00 for Property ID 60355 due to the exceptional circumstances surrounding this matter.

**Carried**

*10:35am Presentation by Pam Hockings and Deb Wheeler of transcribed diaries of WWII Veteran Reece Tart, killed in action in September 1943 in Papua New Guinea.*

## **MEETING CLOSURE**

There being no further business, the meeting closed at 10:48am.