



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

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

**ACKNOWLEDGEMENT TO COUNTRY**

**1. PRAYERS & CONDOLENCES**

Pastor Wayne Humphries, Seventh-Day Adventist Church offered a prayer for the meeting and Council acknowledged condolences.

**2. ATTENDANCE**

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

Officers: Dave Burges (Chief Executive Officer), Leon Love (Director Customer and Organisational Services), Gary Murphy (Director Infrastructure Services), Scott Riley (Director Planning and Environmental Services), James Varughese (Manager Works), Angela O'Mara (Manager Planning and Development), Tonya Collier (Planning Services Coordinator), Sean Beck (Senior Planning Officer) and Marion Seymour (Minute Secretary)

**3. APOLOGIES**

Nil

**4. READING AND CONFIRMATION OF MINUTES**

**4.1 Ordinary Council Meeting - 22 February 2023**

**Resolution**

**Moved Cr R Bartley**

**Seconded Cr A Gale**

THAT the minutes of the Ordinary Council Meeting held on Wednesday 22 February 2023 be adopted.

**Carried**

**5. ACTIONS FROM COUNCIL MEETINGS**

**5.1 Actions from Ordinary Council Meeting 8 February 2023**

**Resolution**

**Moved Cr C Gow**

**Seconded Cr M Gliori**

THAT Council receive the report and note the contents.

**Carried**

## 6. DECLARATIONS OF CONFLICTS OF INTEREST

*The meeting adjourned at 9:10am to allow consideration of a request for the meeting to move into camera to discuss conflicts of interest, and reconvened at 9:27am at which time there were present Crs Pennisi, Bartley, Gliori, Gow, McNally (Teams), Windle, McDonald, Gale and Tancred.*

| Item No | Item Precis   | Nature of Conflict   |
|---------|---|--|
| 13.1    | Material Change of Use – Joel E Rickert & Samantha Ristuccia – 774 Roona Road, Junabee                      | Cr McNally 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 a result of McNally Constructions, whom she is a shareholder of, has been engaged at this point for preliminary work towards construction of a new dwelling. As a result of Cr McNally's conflict, she will leave the meeting while the matter is considered and voted on.  |
| 13.1    | Material Change of Use – Joel E Rickert & Samantha Ristuccia – 774 Roona Road, Junabee                      | Cr Bartley declared a declarable conflict of interest in this matter (as defined in Section 150EQ(4)(a) and (b) of the <i>Local Government Act 2009</i> ) as a result of his relationship as a close personal family friend of one of the applicants. As a result of Cr Bartley's conflict, he will leave the meeting while the matter is considered and voted on.   |
| 13.2    | Material Change of Use – Jason P Wilmot – 42 Halloran Drive, Thulimbah                                      | Cr Bartley declared a declarable conflict of interest in this matter (as defined in Section 150EQ(4)(a) and (b) of the <i>Local Government Act 2009</i> ) as a result of his relationship as a close personal friend of the applicant. As a result of Cr Bartley's conflict, he will leave the meeting while the matter is considered and voted on.  |
| 13.4    | Making Representations about an Infrastructure Charges Notice – MCU\02418 – 3 Smythe Street, Stanthorpe     | Cr Tancred 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 a complaint is currently being investigated by the Office of the Independent Assessor regarding the consideration of alleged Conflicts of Interest at the Council meeting of 25 January 2023, with respect to an agenda item involving the same applicant as the applicant for agenda items 13.4 being considered today and I do not want to prejudice that investigation. As a result of Cr Tancred's conflict, he will leave the meeting while the matter is considered and voted on. |
| 13.5    | Making Representations about an Infrastructure Charges Notice – MCU\02419 – 28 Pierpoint Street, Stanthorpe | Cr Tancred 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 a complaint is currently being investigated by the Office of the Independent Assessor regarding the consideration of alleged Conflicts of Interest at the Council meeting of 25 January 2023, with respect to an agenda item involving the same applicant as the applicant for agenda items 13.5 being considered today and I do not want to  |

|      |   |  |
|------|---|--|
|      |   | prejudice that investigation. As a result of Cr Tancred's conflict, he will leave the meeting while the matter is considered and voted on.   |
| 13.6 | Making Representations about an Infrastructure Charges Notice – MCU\02420 – 37 Wallangarra Road, Stanthorpe | Cr Tancred 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 a complaint is currently being investigated by the Office of the Independent Assessor regarding the consideration of alleged Conflicts of Interest at the Council meeting of 25 January 2023, with respect to an agenda item involving the same applicant as the applicant for agenda items 13.6 being considered today and I do not want to prejudice that investigation. As a result of Cr Tancred's conflict, he will leave the meeting while the matter is considered and voted on. |
| 13.7 | Making Representations about an Infrastructure Charges Notice – MCU\02421 – 18 Clarke Street, Stanthorpe    | Cr Tancred 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 a complaint is currently being investigated by the Office of the Independent Assessor regarding the consideration of alleged Conflicts of Interest at the Council meeting of 25 January 2023, with respect to an agenda item involving the same applicant as the applicant for agenda items 13.7 being considered today and I do not want to prejudice that investigation. As a result of Cr Tancred's conflict, he will leave the meeting while the matter is considered and voted on. |

## 7. MAYORAL MINUTE

Nil

## 8. READING AND CONSIDERATION OF CORRESPONDENCE

### 8.1 Correspondence

#### Resolution

Moved Cr A Gale

Seconded Cr C McDonald

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

**Carried**

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

Nil

## **10. EXECUTIVE SERVICES REPORTS**

### **10.1 Chief Executive Officer Employment Contract**

#### **Resolution**

**Moved Cr C McDonald**

**Seconded Cr R Bartley**

THAT Council offer a new Employment Contract for the position of Chief Executive Officer to David Burges for a period of four (4) years commencing from 14 September 2023, and that the Mayor be delegated the authority to finalise the new Employment Contract.

**Carried**

### **10.2 Organisation Information Reports - February 2023**

#### **Resolution**

**Moved Cr C McDonald**

**Seconded Cr S Windle**

THAT Council note the contents of the attached Information Reports.

**Carried**

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

### **11.1 Regional Arts Development Fund 2022/23 - Application for Recommendation**

#### **Resolution**

**Moved Cr S Windle**

**Seconded Cr M Gliori**

THAT Council approve funding of \$4,475.00 for the Stanthorpe Pottery Club Inc. from the 2022/23 Regional Arts Development Fund (RADF), for the Australian Native Ceramic Workshop & Human Form Sculpture Workshop.

**Carried**

## **12. INFRASTRUCTURE SERVICES REPORTS**

### **12.1 RFT 23\_066 Homestead Road Bridge and Approaches**

#### **Resolution**

**Moved Cr R Bartley**

**Seconded Cr A Gale**

THAT Council enter into a contract with Lohman Contracting Pty Ltd for the sum of \$728,943.30 excluding GST for contract 23\_066 Homestead Road Bridge and Approaches [22-23].

**Carried**

### 13. PLANNING AND ENVIRONMENTAL SERVICES REPORTS

*Cr McNally declared a declarable conflict of interest pursuant to Section 150EQ(4)(a) of the Local Government Act 2009 in relation to Agenda Item 13.1 and left the meeting for the discussion and vote. Cr McNally left the meeting at 10:01am.*

*Cr Bartley a declarable conflict of interest pursuant to Section 150EQ(4)(a) and (b) of the Local Government Act 2009 in relation to Agenda Item 13.1 and left the meeting for the discussion and vote. Cr Bartley left the meeting at 10:01am.*

#### 13.1.1 Amendment - Material Change of Use - Joel E Rickert & Samantha Ristuccia - 774 Roona Road, Junabee

##### Resolution

**Moved Cr S Tancred**

**Seconded Cr C McDonald**

THAT Council amend Condition 3 of the recommended condition of approval as follows:

3. The building is to be set back at least 15 metres from the eastern property boundary and 40 metres from the Roona Road boundary.

**Carried**

#### 13.1 Material Change of Use - Joel E Rickert & Samantha Ristuccia - 774 Roona Road, Junabee

##### Resolution

**Moved Cr C McDonald**

**Seconded Cr S Tancred**

THAT the application for Material Change of Use for the purpose of a Dwelling house (not in accordance with building setbacks) on land at 774 Roona Road, Junabee, described as Lot 3 RP52844, be approved subject to 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 Location     | 2205819 page 4 of 10 Rev E | 30/01/2023 |
| Site Plan         | 2205819 page 5 of 10 Rev E | 30/01/2023 |
| Ground Floor      | 2205819 page 6 of 10 Rev E | 30/01/2023 |
| Elevations 1 of 2 | 2205819 page 7 of 10 Rev E | 30/01/2023 |
| Elevations 2 of 2 | 2205819 page 8 of 10 Rev E | 30/01/2023 |

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.

##### Building and Site Design

3. The building is to be set back at least 15 metres from the eastern property boundary and 40 metres from the Roona Road boundary.
4. The Dwelling house is to include mechanical ventilation i.e. air-conditioning, to reduce odour, noise, drift sprays and dust impacts from nearby non-residential uses e.g. rural industry activities.
5. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)
6. A copy of the Form 21 (Final Inspection Certificate) issued for the building works is to be provided to Council prior to the use commencing. (See advisory note below.)

### **Amenity and Environmental Controls**

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

### **Fencing, Landscaping and Buffers**

8. A five (5) metre wide landscaped buffer is to be planted in line with the proposed Dwelling house to reduce any potential lawful nuisances from adjoining properties. The landscaping buffer is to be planted along the eastern boundary and along the Roona Road frontage in accordance with the plan titled Site plan, drawing number 2205819, Rev E and dated 30 January 2023. The buffer is to contain random plantings of a variety of native, preferably endemic, trees and shrub species of differing growth habits. The trees and shrubs must be of species that are fast growing, frost resistant and drought hardy. The buffer is to have a mature tree height of at least 3.0 metres. Vegetated buffers are to be maintained so they form an effective buffer.

### **Car Parking and Vehicle Access**

9. Vehicle access is to be constructed and/or maintained to the site in accordance with Council's standard. (Council's Development Engineer can provide details regarding Council's standard.)

### **Water Supply and Waste water**

10. The proposed new dwelling is to be provided with on-site water storage as follows:
  - (a) if two bedrooms or less – 45,000 litres ; or
  - (b) if more than two bedrooms - 67,500 litres.

On-site water storage may include the provision of a bore, dams, water storage tanks or a combination of these.

11. All sewage generated from 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 2003*.

### **Electricity, Street Lighting and Telecommunications**

12. Reticulated electricity connections must be provided to the proposed development to the standards of the relevant authorities.

*Alternatively,*

An adequate on-site energy supply with a system capacity of at least 6.5 kWh/day and a back of for at least four (4) days is to be provided. Fuel generators are not to be provided for required energy supply or required back up.

### **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 encouraged that you arrange for a free compliance inspection to be carried out prior to the use commencing. This will involve a physical inspection of the premises along with an internal audit of Council's records. Written advice will be provided for your records advising if compliance with the conditions has been achieved.
- (iv) **Plumbing and Drainage Approval is to be obtained** in accordance with the *Plumbing and Drainage Act 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.
- (v) **Building Approval is to be obtained** for a Class 1a 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 21 (Final Inspection Certificate) must be issued for the building works prior to the use commencing.**
- (vi) This area is expressly identified as being potentially impacted by lawful non-residential uses. In commencing a residential use, the owner(s) acknowledges and accepts that the use may be potentially impacted by emissions from the lawful non-residential use. It is the responsibility of the property owner(s) to take all measures necessary to ensure that the proposed dwelling is developed and maintained in such a way as to mitigate odour, dust and noise impacts from the surrounding lawful non-residential use. These measures must be undertaken at the expense of the property owner(s).
- (vii) Council will not be sealing Roona Road as a result of any dust complaints received.
- (viii) 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.
- (ix) Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- (x) All Development Permits for Operational Works and Plumbing and Drainage Works should be obtained prior to the issue of a Development Permit for Building Works.
- (xi) **Telecommunications in New Developments**

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

*Cr McNally rejoined the meeting at 10:16 am.*

*Cr Bartley declared a declarable conflict of interest pursuant to Section 150EQ(4)(a) and (b) of the Local Government Act 2009 in relation to Agenda Item 13.2 and left the meeting for the discussion and vote. Cr Bartley had previously left the meeting at 10:01am.*

### **13.2 Material Change of Use - Jason P Wilmot - 42 Halloran Drive, Thulimbah**

#### **Resolution**

**Moved Cr M Gliori**

**Seconded Cr C McDonald**

THAT the application for Material Change of Use for the purpose of a Dwelling house (not in accordance with building setbacks) on land at 42 Halloran Drive, Thulimbah, described as Lot 1 SP218465 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 (as amended in red by Council 28 February 2023) | 22/1773/01 | 13/01/2022 |
| Floor Plan  | 22/1773/02 | 13/01/2022 |
| Elevations  | 22/1773/03 | 13/01/2022 |

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.

##### **Building and Site Design**

3. The building is to be set back from the property boundaries at least as follows:
  - 30 metres from the eastern boundary;
  - 7.0 metres from the southern boundary to the carport and 13 metres to the Dwelling house;
  - 42 metres from the northern boundary; and
  - 60 metres from the western boundary.
4. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)
5. A copy of the Form 21 (Final Inspection Certificate) issued for the building works is to be provided to Council prior to the use commencing. (See advisory note below.)

##### **Amenity and Environmental Controls**

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

##### **Fencing, Landscaping and Buffers**

7. The areas identified in blue below are to be maintained as landscaping buffers where possible. If vegetation in these areas are removed or dies, replacement planting is to occur within Lot 1 SP218465. Any replacement planting that occurs within Lot 1 is to achieve a five (5) metre wide landscaped buffer and is to have a mature tree height of at least 3.0 metres to reduce any potential lawful nuisances from adjoining properties.

The area identified in green below is to be planted in proximity to the Dwelling house along the southern boundary. The landscaping is to be planted to achieve a hedge formation with a minimum width of 1.0 metre.

The planting is to contain random plantings of a variety of native, preferably endemic, trees and shrub species of differing growth habits. The trees and shrubs must be of species that are fast growing, frost resistant and drought hardy. Vegetated buffers are to be maintained so they form an effective buffer.



### Car Parking and Vehicle Access

8. Vehicle access is to be maintained to the site in accordance with Council's standard. (Council's Development Engineer can provide details regarding Council's standard.)

### Water Supply and Waste water

9. The proposed new dwelling is to be provided with on-site water storage as follows:
- (a) if two bedrooms or less – 45,000 litres ; or
  - (b) if more than two bedrooms - 67,500 litres.

On-site water storage may include the provision of a bore, dams, water storage tanks or a combination of these.

10. All sewage generated from 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 2003*.

### Electricity, Street Lighting and Telecommunications

11. Reticulated electricity connections must be provided to the proposed development to the standards of the relevant authorities.

*Alternatively,*

An adequate on-site energy supply with a system capacity of at least 6.5 kWh/day and a

back of for at least four (4) days is to be provided. Fuel generators are not to be provided for required energy supply or required back up.

### **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 encouraged that you arrange for a free compliance inspection to be carried out prior to the use commencing. This will involve a physical inspection of the premises along with an internal audit of Council's records. Written advice will be provided for your records advising if compliance with the conditions has been achieved.
- (iv) **Plumbing and Drainage Approval is to be obtained** in accordance with the *Plumbing and Drainage Act 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.
- (v) **Building Approval is to be obtained** for a Class 1a 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 21 (Final Inspection Certificate) must be issued for the building works prior to the use commencing**.
- (vi) This area is expressly identified as being potentially impacted by lawful non-residential uses. In commencing a residential use, the owner(s) acknowledges and accepts that the use may be potentially impacted by emissions from the lawful non-residential use. It is the responsibility of the property owner(s) to take all measures necessary to ensure that the proposed dwelling is developed and maintained in such a way as to mitigate odour, dust and noise impacts from the surrounding lawful non-residential use. These measures must be undertaken at the expense of the property owner(s).
- (vii) 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.
- (viii) 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.
- (ix) 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.

### **Aboriginal Cultural Heritage**

- (x) 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](http://www.datsip.qld.gov.au)

**Carried**

10:27am Cr Bartley rejoined the meeting.

The meeting adjourned for morning tea at 10:27am and reconvened at 11:00am at which time there were present Crs Pennisi, Bartley, Gliori, McNally (Teams), Windle, McDonald, Gale and Tancred.

Cr Gow joined the meeting at 11:05am.

### **13.3 Material Change of Use (Minor Change) - Erik M Griswold - 305 Watters Road, Fletcher Resolution**

**Moved Cr A Gale**

**Seconded Cr M Gliori**

THAT the application for a Minor Change to a Material Change of Use for a Dwelling house (not in accordance with building setbacks) on land at 305 Watters Road, Fletcher, described as Lot 2 RP196402, be approved subject to the following amendment to the 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 ( <b>Proposed Dwelling House</b> ) | <b>01 A Our Ref: 2306</b> | <b>19 July 2022<br/>05/02/2023</b> |
| Plan / Elevations                            | 02 A                      | 19 July 2022                       |
| Elevations                                   | 03 A                      | 19 July 2022                       |

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.

##### **Building and Site Design**

3. The building is to be set back at least **40 21** metres from the southern property boundary and at least 60 metres from the frontage.
4. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)
5. A copy of the Form 21 (Final Inspection Certificate) issued for the building works is to be provided to Council prior to the use commencing. (See advisory note below.)

##### **Amenity and Environmental Controls**

6. 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.
7. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
8. If clearing is required, to achieve compliance with the Bushfire Attack Level report prepared by Crecer Consulting Engineers, dated 2 May 2022, all cleared or lopped timber and vegetation must be processed on site by wood chipping, mulching or similar method and should be relocated on the lot where biodiversity values can be enhanced.

Any processing of trees or vegetation must be carried out in a safe manner and without any

adverse environmental impacts from noise or dust emissions, and in accordance with any requirements under the *Environmental Protection Act 1994*.

### **Car Parking and Vehicle Access**

9. Vehicle access is to be constructed to the site in accordance with Council's standard. (Council's Development Engineer can provide details regarding Council's standard.)
10. The internal driveway to the proposed dwelling on Lot 2 RP196402 must be able to provide road access with a minimum clearances of 3.0 metres wide and 3.0 metres high for safe passage of emergency vehicles.

### **Water Supply and Waste water**

11. The proposed new dwelling is to be provided with on-site water storage as follows:
  - (a) if two bedrooms or less – 45,000 litres ; or
  - (b) if more than two bedrooms - 67,500 litres.

On-site water storage may include the provision of a bore, dams, water storage tanks or a combination of these.

12. All sewage generated from 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 2003*.
13. The site must be provided with a water storage reservoir having a minimum of 5000 litres of water for emergency fire fighting purposes. Such storage must be provided in addition to the water supply capacity required for the use and must be provided in the form of either an accessible dam, swimming pool or rainwater tank. If storage is to be provided in a rainwater tank, water storage for fire fighting purposes must be provided either in a separate rainwater tank or a reserve section in the main water supply tank on which:
  - (a) the domestic take off from the tank is at or above the 5000 litre point; and
  - (b) standard rural fire brigade fittings are fitted to the tank outlet for access by rural fire services vehicles.

All fire fighting connections are to be carried out in accordance with the *Plumbing and Drainage Act 2018*.

### **Electricity, Street Lighting and Telecommunications**

14. Underground/aboveground electricity connections must be provided to the proposed development to the standards of the relevant authorities.

OR

For electricity supply, a system capacity of at least 6.5KWh/day and back up for at least four days is to be provided. Fuel generators are not provided for the required energy supply or required back up.

### **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 encouraged that you arrange for a free compliance inspection to be carried out prior to the use commencing. This will involve a physical inspection of the premises along with an

internal audit of Council's records. Written advice will be provided for your records advising if compliance with the conditions has been achieved.

- (iv) **Plumbing and Drainage Approval is to be obtained** in accordance with the *Plumbing and Drainage Act 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.
- (v) **Building Approval is to be obtained** for a Class 1a 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 21 (Final Inspection Certificate) must be issued for the building works prior to the use commencing.**
- (vi) No clearing of remnant vegetation or regulated regrowth vegetation is to occur under this approval. A Development Permit for Operational Works must be obtained from the Department of Infrastructure, Local Government and Planning for the clearing of any remnant vegetation, unless exempt under Schedule 21 of the *Planning Regulation 2017*.
- (vii) This area is expressly identified as being potentially impacted by lawful non-residential uses. In commencing a residential use, the owner(s) acknowledges and accepts that the use may be potentially impacted by emissions from the lawful non-residential use. It is the responsibility of the property owner(s) to take all measures necessary to ensure that the proposed dwelling is developed and maintained in such a way as to mitigate nuisance impacts from the surrounding lawful non-residential use. These measures must be undertaken at the expense of the property owner(s).
- (viii) 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.
- (ix) 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.
- (x) 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.
- (xi) All Development Permits for Plumbing and Drainage Works should be obtained prior to the issue of a Development Permit for Building Works.

#### **Telecommunications in New Developments**

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

#### **Aboriginal Cultural Heritage**

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

**Carried**

*Cr Pennisi left the meeting at 11:10am.*

*The Deputy Mayor took the Chair in the Mayor's absence.*

*Cr Tancred declared a declarable conflict of interest pursuant to Section 150EQ(4)(a) of the Local Government Act 2009 in relation to Agenda Items 13.4, 13.5, 13.6 and 13.7 and left the meeting for the discussion and vote. Cr Tancred left the meeting at 11:10am.*

**13.4 Making Representations about an Infrastructure Charges Notice - MCU\02418 - 3  
Smythe Street, Stanthorpe**

**Resolution**

**Moved Cr C Gow**

**Seconded Cr A Gale**

THAT Council, in accordance with the Applicant's request, defer the further consideration of the report referencing MCU\02418 until such time that the applicant and Council officers have had an opportunity to discuss the recommendations.

**Carried**

**13.5 Making Representations about an Infrastructure Charges Notice - MCU\02419 - 28  
Pierpoint Street, Stanthorpe**

**Resolution**

**Moved Cr C Gow**

**Seconded Cr S Windle**

THAT Council, in accordance with the Applicant's request, defer the further consideration of the report referencing MCU\02419 until such time that the applicant and Council officers have had an opportunity to discuss the recommendations.

**Carried**

**13.6 Making Representations about an Infrastructure Charges Notice - MCU\02420 - 37  
Wallangarra Road, Stanthorpe**

**Resolution**

**Moved Cr C Gow**

**Seconded Cr A Gale**

THAT Council, in accordance with the Applicant's request, defer the further consideration of the report referencing MCU\02420 until such time that the applicant and Council officers have had an opportunity to discuss the recommendations.

**Carried**

**13.7 Making Representations about an Infrastructure Charges Notice - MCU\02421 - 18  
Clarke Street, Stanthorpe**

**Resolution**

**Moved Cr C Gow**

**Seconded Cr S Windle**

THAT Council, in accordance with the Applicant's request, defer the further consideration of the report referencing MCU\02421 until such time that the applicant and Council officers have had an opportunity to discuss the recommendations.

**Carried**

*Mayor Pennisi and Cr Tancred rejoined the meeting at 11:20am.*

*The Mayor resumed the Chair.*

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

##### **14.1 Border Regional Organisation of Councils Meeting 23 February 2023**

###### **Resolution**

**Moved Cr A Gale**

**Seconded Cr R Bartley**

THAT the verbal report of Cr Gale in relation to his attendance at the Border Regional Organisation of Councils Meeting held in Inverell on 23 February 2023 be received.

**Carried**

#### **15. NOTICES OF MOTION**

*Cr McDonald declared a declarable conflict of interest in relation to Agenda Item 15.1 as the discussion extended to include the maintenance of Sunwater land. Cr McDonald has a close personal relationship with the Chief Executive Officer of Sunwater. Cr McDonald believed she could remain impartial and requested to remain in the meeting for the discussion and vote on this matter.*

##### **6.1 Conflict of Interest - Cr McDonald - Agenda Item 15.1**

###### **Resolution**

**Moved Cr R Bartley**

**Seconded Cr S Windle**

THAT Cr McDonald has a declared a declarable conflict of interest in relation to Agenda Item 15.1 due to a close personal relationship between herself and the Chief Executive Officer of Sunwater, however Council is of the view that Cr McDonald can remain impartial on this matter and it is in the public interest for her to remain in the meeting and vote on the matter.

**Carried**

##### **15.1 Notice of Motion - Extension of Lease of John Deere Mower to Warwick Fish Stocking Association**

###### **Resolution**

**Moved Cr A Gale**

**Seconded Cr M Giori**

THAT Council fund the extension of the current arrangement of the use of the John Deere Model 1585 Series II out-front mower with 72 inch cutting deck and air-conditioned cab currently used by the Warwick Fish Stocking Association, until Council has a policy position on this matter.

**Carried**

*Cr McDonald voted for the motion.*

**16. GENERAL BUSINESS**

Nil

**17. CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS**

Nil

**MEETING CLOSURE**

There being no further business, the meeting closed at 12noon.