



**MINUTES OF THE  
ORDINARY COUNCIL MEETING  
23 AUGUST 2023**

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**MINUTES OF THE ORDINARY COUNCIL MEETING OF  
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 23 AUGUST 2023  
IN THE COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,  
61 MARSH STREET, STANTHORPE AT 9:00AM**

**ACKNOWLEDGEMENT TO COUNTRY**

**1. PRAYERS & CONDOLENCES**

Pastor Markus Repo from Your Church Stanthorpe offered a prayer for the meeting and Council acknowledged condolences.

**2. ATTENDANCE**

Present: Crs Pennisi (Chair), Bartley, Gale, Gliori (Via Telephone and Teams), Gow, McNally, 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), Gurbindar Singh (Chief Financial Officer – Via Teams), James Varughese (Manager Works), Angela O'Mara (Manager Planning and Development – Via Teams), Sean Beck (Acting Planning Services Coordinator – Via Teams) and Marion Seymour (Minute Secretary)

**3. APOLOGIES**

**3.1 Apology - Cr McDonald**

**Resolution**

**Moved Cr R Bartley**

**Seconded Cr J McNally**

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

**Carried**

**4. READING AND CONFIRMATION OF MINUTES**

**4.1 Ordinary Council Meeting - 24 July 2023**

**Resolution**

**Moved Cr C Gow**

**Seconded Cr S Tancred**

THAT the minutes of the Ordinary Council Meeting held on Monday 24 July 2023 be adopted.

**Carried**

## 5. ACTIONS FROM COUNCIL MEETINGS

### 5.1 Actions from Ordinary Council Meeting 12 July 2023 and 24 July 2023

#### Resolution

Moved Cr S Windle

Seconded Cr C Gow

THAT Council receive the report and note the contents.

**Carried**

## 6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precise	Nature of Conflict
13.7	Material Change of Use – Belinda Hohenhaus & James Charles C/- Precinct Urban Planning: 29 Homestead Rose, Rosenthal Heights	Mayor Pennisi 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 the planning company involved in this application, currently has an application in place with Council lodged on the Mayor's behalf. Although Mayor Pennisi has a declarable conflict of interest, he does not believe a reasonable person could have a perception of bias because of his declaration. Therefore, Mayor Pennisi will choose to remain in the meeting. However, he will respect the decision of the meeting on whether he can remain and participate in the decision. Following a resolution from Council, Mayor Pennisi participated in the discussion and voting on this matter/was asked to leave the meeting for discussion and vote.
13.7	Material Change of Use – Belinda Hohenhaus & James Charles C/- Precinct Urban Planning: 29 Homestead Rose, Rosenthal Heights	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 result of the Town Planner in this matter is a firm he has engaged to submit a planning development application on his behalf, with the submission currently with planning staff. Although Cr Tancred has a declarable conflict of interest, he does not believe a reasonable person could have a perception of bias because of his declaration. Therefore, Cr Tancred will choose to remain in the meeting. However, he will respect the decision of the meeting on whether he can remain and participate in the decision. Following a resolution from Council, Cr Tancred participated in the discussion and voting on this matter/was asked to leave the meeting for discussion and vote.

9:13am     *The Mayor handed the Chair to the Deputy Mayor during discussions on Declarations of Conflicts Interest*

## **6.1 Conflict of Interest - Cr Tancred - Agenda Item 13.7**

### **Resolution**

**Moved Cr A Gale**

**Seconded Cr S Windle**

THAT Council, following the declarable conflict of interest by Cr Tancred in Agenda Item 13.7, determines that it is in the public interest that he participates and votes on the matter as his declarable conflict is not of sufficient significance that it will lead him to making a decision on the matter that is contrary to the public interest and would not prevent him from performing his Councillor responsibilities and serving the public interest of the region by remaining in the room for the discussion and voting on the matter.

**Carried**

## **6.2 Conflict of Interest - Mayor Pennisi - Agenda item 13.7**

### **Resolution**

**Moved Cr A Gale**

**Seconded Cr S Windle**

THAT Council, following the declarable conflict of interest by Mayor Pennisi in Agenda Item 13.7, determines that it is in the public interest that he participates and votes on the matter as his declarable conflict is not of sufficient significance that it will lead him to making a decision on the matter that is contrary to the public interest and would not prevent him from performing his Councillor responsibilities and serving the public interest of the region by remaining in the room for the discussion and voting on the matter.

**Carried**

9:16am     *The Mayor resumed the Chair*

## **7. MAYORAL MINUTE**

Nil

## **8. READING AND CONSIDERATION OF CORRESPONDENCE**

### **8.1 Correspondence**

#### **Resolution**

**Moved Cr A Gale**

**Seconded Cr C Gow**

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 Organisation Information Reports 23 August 2023**

#### **Resolution**

**Moved Cr A Gale**

**Seconded Cr C Gow**

THAT Council note the contents of the Information Reports.

**Carried**

### **10.2 Terms of Reference for Councillors Appointed to Engagement and Operational Committees**

#### **Resolution**

**Moved Cr A Gale**

**Seconded Cr R Bartley**

THAT Council:

1. Adopt the following Terms of Reference as attached to the report:

#### **ENGAGEMENT COMMITTEES - SDRC**

- Audit and Risk Management Committee
- Border Regional Organisation of Councils
- Condamine Community Alliance
- Darling Downs and South West Queensland Council of Mayors
- Granite Belt Alliance
- Local Disaster Management Group
- Local Disaster Recovery Group
- Pest Management Advisory Committee
- Saleyards Advisory Committee
- Shaping Southern Downs Advisory Committee
- Southern Border Regional Roads and Transport Group
- Southern Downs Youth Council

#### **ENGAGEMENT COMMITTEES - EXTERNAL**

- Agricultural Transport & Logistics Working Group
- Condamine River Sports Group Committee
- Darling Downs Moreton Rabbit Board
- Darling Downs South West Regional Waste Management Strategy Project Steering Group
- Granite Belt Art and Craft Trail Committee
- Granite Belt Growers Association
- Headspace
- Morgan Park User Group
- Public Art Reference Group
- Queensland College of Wine Tourism Board of Management
- Southern and Darling Downs Regional Water Assessment Steering Group
- Southern and Darling Downs Regional Water Assessment Working Group
- Southern Downs Industry Education Association Board



- Stanthorpe Apple and Grape Committee
- Stanthorpe Community Reference Panel
- Stanthorpe Regional Art Gallery
- Stanthorpe Shire River Improvement Trust
- Stanthorpe Sports Association
- Warwick and District Community Road Safety Committee
- Warwick Art Gallery
- Warwick Shire River Improvement Trust
- Warwick Women's Work Camp

#### OPERATIONAL COMMITTEES - INTERNAL

- Asset Management Committee
- Economic Development Committee
- Environment Committee
- Finance Committee
- Water & Sewerage Committee

2. Endorses the appointment of Councillor Representatives to the Committees and Organisations as detailed in the Terms of Reference.

**Carried**

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

*For: Crs R Bartley, A Gale, C Gow, V Pennisi and S Tancred (5)*

*Against: Crs M Giori, J McNally and S Windle (3)*

*Accordingly the Mayor declared the motion carried.*

### **10.3 Granite Belt Alliance Meeting Minutes 19 June 2023**

#### **Resolution**

**Moved Cr S Tancred**

**Seconded Cr A Gale**

THAT Council receive the draft Granite Belt Alliance Meeting Minutes from the Special Meeting held on 31 July 2023.

**Carried**

### **10.4 Council Operations over the 2023/24 Christmas / New Year Period**

#### **Resolution**

**Moved Cr S Windle**

**Seconded Cr R Bartley**

THAT Council staff cease work, and offices and libraries close over the Christmas/New Year period at 5:00pm on Friday, 22 December 2023 with normal business operations resuming on Tuesday, 2 January 2024. Skeleton work crews and on-call staff remain on duty for essential services to the community.

**Carried**

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

### **11.1 Financial Services - Financial Report as at 31 July 2023**

#### **Resolution**

**Moved Cr S Tancred**

**Seconded Cr R Bartley**

THAT Council receive and note the Financial Report as at 31 July 2023.

**Carried**

### **11.2 Application for Permanent Road Closure - 1930 Warwick - Allora Road, Deuchar - Adjacent to Lot 89 on M34675**

#### **Resolution**

**Moved Cr A Gale**

**Seconded Cr C Gow**

THAT:

1. Council offer no objection to the application for the permanent closure of roads along the southern and eastern boundaries of Lot 89 on M34675; and
2. The Chief Executive Officer be authorised to sign any survey plans which may result from this application.

**Carried**

### **11.3 Application for Permanent Road Closure - 1998 Warwick - Allora Road, Deuchar - Adjacent to Lot 87 on ML677**

#### **Resolution**

**Moved Cr S Windle**

**Seconded Cr C Gow**

THAT:

1. Council offer no objection to the application for the permanent closure of the road reserve along the eastern boundary of Lot 87 on ML677; and
2. The Chief Executive Officer be authorised to sign any survey plans resulting from this application.

**Carried**

### **11.4 Rescission of Policies**

#### **Resolution**

**Moved Cr A Gale**

**Seconded Cr S Tancred**

THAT Council rescind the following policies:

1. PL-CS080 Project Decision Framework
2. PL-CS083 Community Development Policy
3. PL-SD089 Rural Water Tank Rebate Policy

**Carried**

### **11.5 Public Art Reference Group Assessment - Allora Murals**

#### **Resolution**

**Moved Cr R Bartley**

**Seconded Cr S Windle**

THAT Council approve the University of Southern Queensland's application 'Allora Murals' Public Art Project as recommended by the Public Art Reference Group ("PARG").

**Carried**

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

#### **Resolution**

**Moved Cr S Tancred**

**Seconded Cr A Gale**

THAT Council Approve the three (3) grant applications for funding under the Regional Arts Development Fund (RADF) program namely:

1. Bony Mountain Folk Festival Incorporated for \$10,000 for the project title 'Bony Mountain Folk Festival';
2. SCOTS PGC College P&F Association - Pipe Band Sub-group for \$9,986 for the project title 'Australian Juvenile Piping and Drumming Workshops'; and
3. CelticFest Incorporated for \$16,450 for the project title 'CelticFest Warwick - Celtic Music Program'.

**Carried**

### **11.7 Warwick Saleyards Redevelopment - Detailed Designs**

#### **Resolution**

**Moved Cr S Tancred**

**Seconded Cr C Gow**

THAT Council:

1. Endorse the detailed designs for the Redevelopment of the Warwick Saleyards as prepared by EnviroAg Australia Pty Ltd and reviewed by the Design Review Panel;
2. Invite tenders for the construction phase of the Warwick Saleyards Redevelopment based on the detailed construction plans and bill of quantities.

**Carried**

## **12. INFRASTRUCTURE SERVICES REPORTS**

### **12.1.1 Request to Name Newly Constructed Road connecting to Junabee Road, diagonally opposite the intersection with Bakon Street, Warwick - Additional Name for Consideration**

#### **Resolution**

**Moved Cr R Bartley**

**Seconded Cr S Windle**

THAT Council consider the name Yangarella, in honour of the McPhee family, as a name for the newly constructed road connecting to Junabee Road, diagonally opposite the intersection with Bakon Street.

**Carried**

### **12.2 Community Consultation Outcome - Corner of Derain Drive and Amarina Avenue, Sladevale**

#### **Resolution**

**Moved Cr R Bartley**

**Seconded Cr S Tancred**

THAT Council resolve to name the newly constructed unnamed road at the corner of Derain Drive and Amarina Avenue, Sladevale, Purdon Court, in accordance with the proposed names in the report.

**Carried**

### **12.3 Condamine River Road - Response to Killarney Community Meeting**

#### **Resolution**

**Moved Cr A Gale**

**Seconded Cr C Gow**

THAT Council:

1. Acknowledge the sentiments of the community members who submitted concerns regarding the Condamine River Road crossings;
2. Proceed with the Condamine River Road crossings project as planned based on the engineering responses provided in the report and Attachment 2;
3. Continue to maintain the Condamine River Road in accordance with Council policies;
4. Monitor traffic volumes on Condamine River Road on a regular basis;
5. Cease to provide the monthly update to Council regarding the Condamine River Road as these matters have now been closed.

**Carried**

### **12.1 Request to Name Newly Constructed Road connecting to Junabee Road, diagonally opposite the intersection with Bakon Street, Warwick**

#### **Resolution**

**Moved Cr S Windle**

**Seconded Cr J McNally**

THAT the matter lay on the table to allow the opportunity for consultation with the developer regarding an alternate road name.

**Carried**

*The meeting adjourned for morning tea at 10:35am and reconvened at 10:58am at which time there were present Crs Pennisi, Bartley, McNally, Windle, Gow, Giori (via Teams), Tancred and Gale.*

*Presentation of Recognition of Volunteer Certificate to Neville Bryant.*

*The meeting adjourned at 11:08am and reconvened at 11:12am.*

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

#### **13.1 Consideration of Change Representations: Focon Pty Ltd C/- Plan A town Planning Pty Ltd - 22 Willow Street, Killarney**

##### **Resolution**

**Moved Cr M Giori**

**Seconded Cr J McNally**

THAT Council agree in part with the change representations made in relation to the application for Material Change of Use for the purpose of Food and drink outlet, Caretaker's accommodation and Office, on land at 22 Willow Street, Killarney, described as Lot 5 RP15701, and Conditions 16 and 18 of approval be amended as follows:

16. The three (3) street trees within the road reserve of Willow 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 of the trees in their current locations during construction, the tree/s must be reinstated in their current locations once construction is completed. The tree/s must be reinstated at the developer's cost with an advanced tree of the same species and similar height.~~
18. ~~Deleted. 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.~~

**Carried**

#### **13.2 Consideration of Change Representations - Gary & Christine Middleton C/- NSPIRE Planning & Design - 4-10 Poinsettia Street, Killarney**

##### **Resolution**

**Moved Cr A Gale**

**Seconded Cr S Tancred**

THAT Council refuse the change representations made in relation to the application for a Reconfiguration of Lot for the purpose of Subdivision of one lot into 14 lots on land at 4-10 Poinsettia Street, Killarney, described as Lots 49 & 50 RP844565, for the following reason:

- The requirement of a footpath on one side of the new road is consistent with Schedule 12A of the *Planning Regulation 2017*.

**Carried**

### **13.3 Proposed Ministerial Infrastructure Designation - Warwick Police Facility Amendment Resolution**

**Moved Cr J McNally**

**Seconded Cr S Windle**

THAT Council notes the contents of the report and advises the Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning and Minister assisting the Premier on Olympic and Paralympic Games Infrastructure, that no submission will be made against the development.

**Carried**

### **13.4 Request to Waive or Reduce Building Application Fee - PID 58730**

#### **Resolution**

**Moved Cr J McNally**

**Seconded Cr C Gow**

THAT Council, in accordance with Section 109 of the *Planning Act 2016*, waive 50% of the building application fee to be paid in accordance with Council's Schedule of General Fees and Charges, in relation to an Extension to a Class 9B Building at 29 Easey Street, Warwick.

**Carried**

### **13.5 Pest Management Advisory Committee Meeting**

#### **Resolution**

**Moved Cr J McNally**

**Seconded Cr C Gow**

THAT Council receive the Minutes of the Pest Management Advisory Committee meeting held in Stanthorpe on Thursday, 29 June 2023.

**Carried**

### **13.6 Material Change of Use: Hutchison Quarries Pty Ltd C/- Groundwork Plus - Pink Gum Lane, Leslie Dam**

#### **Resolution**

**Moved Cr J McNally**

**Seconded Cr S Windle**

THAT the Other change application in relation to the Development Permit for Material Change of Use for the purpose of Extractive industry (Expansion of existing quarry from 400,000 tonnes per year to 750,000 tonnes per year), on land at Pink Gum Lane, Leslie Dam, described as Lot 8 SP315342, be approved and the conditions amended as follows:

#### **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 and specialist studies submitted with the application, and subject to the final development being amended in accordance with the conditions of this approval.

Document/Plan Name	Plan No.	Date
Proposed Onsite Layout Site Layout Plan prepared by Groundwork	Figure-4 1607.DRG.	12 February 2019 14 October 2022

Plus	030	
<del>Proposed Covenant Amendments</del> Air Quality Assessment prepared by Assured Environmental and Groundwork Plus	<del>Figure 2</del> 14346 R2	<del>31 March 2019</del> 20 December 2022
Stormwater Management Plan prepared by Geneng Solutions	Rev 2	2 November 2018
Site Based Environmental Management Plan prepared by Yarramine Environmental	Version 0.2	16 November 2018
Rehabilitation Plan prepared by Yarramine Environmental	Version 3	30 November 2018
<del>Environmental Noise Impact Assessment prepared by Yarramine Environmental</del> Noise & Vibration Impact Assessment prepared by Assured Environmental and Groundwork Plus	<del>Version 4</del> 14346 R2	<del>4 April 2018</del> 20 December 2022
Traffic and Pavement Impact Assessment Report prepared by Groundwork Plus	20220905_10646_TIA	September 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.

### Reconfiguration of a Lot

3. Deleted. This condition has already been fulfilled and is no longer required.

### Easements and Covenants

4. Deleted. This condition has already been fulfilled and is no longer required.
5. The covenanted area shown on the approved Proposed Covenant Amendments (Figure 2), and the existing buffer area shown on the approved Proposed Onsite Layout plan (Figure 1), both prepared by Yarramine Environmental, must not be used for activities associated with the extractive industry, other than for stormwater conveyance and access purposes as identified in the approved plans and documents. These areas are to be maintained as a vegetated buffer.

### Land Use and Planning Controls

6. This approval allows for the use of the sites for the following purposes only:
- Extractive industry (~~including concrete products deemed a 'resource'~~) – extraction and processing of up to ~~400,000~~ 750,000 tonnes of material per year, ~~and temporary extraction and processing of up to 260,000 tonnes over two (2) years only, until 20 May 2024.~~
- ~~The operator is to provide Council with weighbridge records to demonstrate the volume of material being supplied on a 6 monthly basis, commencing from date of this approval.~~
7. Once this approval is acted upon, all previous development approvals for extractive industries on Lots 2, 3 and 518 on RP814311 will cease to have effect.
8. The development shall generally operate within the following hours of operation:
- Extractive activities (defined as extraction, screening and crushing) are to be carried out between the hours of 7.00 am to 6.00 pm, Monday to Saturdays;
  - Administrative work, general maintenance of equipment and machinery, and loading of material are to be carried out between 6.00 am to 6.00 pm, Monday to Saturdays; and
  - Blasting is to be carried out between 9.00 am to 3.00 pm, Monday to Fridays, and 9.00 am to 1.00 pm on Saturdays.

- d. The site is not to operate on Sundays or Public Holidays.
- 9. All administrative work, general maintenance of equipment and machinery, and loading of material, conducted before 7.00 am must be undertaken in accordance with the approved Environmental Noise Impact Assessment prepared by Yarramine Environmental, and the relevant noise criteria of the *Environmental Protection Policy (Noise) 2008*.
- 9A. Separate blasting activities are not to be undertaken for the ancillary processing of concrete products deemed a 'resource'. These activities must be undertaken simultaneously with blasting activities associated with the primary use.

#### **Building, Health & Development Compliance**

- 10. **This approval is limited to a period of 40 years from the day the approval takes effect.** Any application to extend the approval will be subject to a review of compliance with the conditions of this Development Permit in accordance with Council's standard requirements at that time.
- 11. Deleted.
- 12. No explosives are to be stored on site. All explosives must be removed from the site at the completion of blasting activities.
- 13. The use of explosives and blasting must have no negative impact on the integrity of the Leslie Dam wall. Blast vibration monitoring must be conducted for each blasting event to ensure the use of explosives and blasting have no negative impact on the integrity of the Leslie Dam wall. Blasting and use of explosives must cease immediately if any damage to the Leslie Dam wall is identified by the administering authority to be caused by blasting activities at the quarry. If damage is found as a result of an investigation and the quarry is determined to be at fault, the damage is to be made good by the operator of the approved development.
- 14. The applicant is to undertake an annual self-audit **covering each financial year**, to the satisfaction of the Director Planning and Environmental Services, demonstrating compliance with the following conditions of this development permit in relation to the extraction, rehabilitation and site management activities undertaken:
  - 14.1 Condition 6 (the amount of tonnage processed each financial year);
  - 14.2 Condition 11 (location of extraction and screening areas in accordance with the approved Plans); and
  - 14.3 Condition 24 (buffer zone restoration works and quarry zone rehabilitation works per the approved Rehabilitation Plan).

In addition to the annual self-audit, auditing by a suitably qualified auditor must be undertaken when requested by Council to address concerns that cannot be addressed through the self-auditing process or compliance action by Council. **The results of each audit are to be submitted to Council no later than 31 July each year.**

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

- 15. Prior to the removal of vegetation, the applicant is to inspect for signs of wildlife. Should any wildlife be identified, removal of vegetation should not occur until the animal has vacated the area of immediate danger. Work should be suspended overnight if possible. If the animal does not move from the area of danger, the Department of Environment and Science should be notified, and a qualified handler employed at the developer's cost to transport the animal to a safe place.
- 16. The operator shall comply with all measures identified within the approved Site Based Environmental Management Plan prepared by Yarramine Environmental to address potential nuisance generated from the site. The Site Based Environmental Management Plan is to be amended for the ~~temporary~~ **increased** extraction and processing described in Condition 6 and a copy provided to the Director Planning and Environmental Services. This includes the



management procedures and practice, monitoring and reporting, responsibility, corrective actions and auditing and review for the following:

- (i) Air quality (dust);
  - (ii) Blasting;
  - (iii) Chemical storage and handling;
  - (iv) Cultural heritage;
  - (v) Landscape rehabilitation;
  - (vi) Noise;
  - (vii) Traffic;
  - (viii) Vegetation and fauna;
  - (ix) Waste; and
  - (x) Water Quality.
17. The crushing and screening of hard rock material won is to occur only within the existing crushing floor.
18. 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.
19. The cleaning of plant equipment and vehicles must be carried out in an area where wastewater can be suitably managed so as not to cause contaminants to release into waterways or overland flow paths.
20. 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.
21. All cleared or lopped timber and vegetation must be processed on site by wood chipping, mulching or other method approved by the Manager Environmental Services. 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 the *Environmental Protection Act 1994*. All green waste mulch must be used on site, unless disposal or removal to another site is approved by the Manager Environmental Services.

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

22. Fencing is to be provided around the full perimeter of the site, including stockpiles and operations.
23. Unless otherwise approved by the Manager Environmental Services, for the purposes of building or maintaining stormwater conveyance structures, all existing trees and other vegetation within the buffer zone are to be retained, and allowed to naturally regenerate.
24. Buffer zone restoration works and quarry zone rehabilitation works are to be undertaken in accordance with Sections 3 and 4 respectively of the approved Rehabilitation Plan prepared by Yarramine Environmental.
25. Vegetated buffer areas are to be established, monitored and maintained in accordance with the approved Rehabilitation Plan and **Amended** Site Based Environmental Management Plan, prepared by Yarramine Environmental.

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

26. The applicant is to erect "No Unauthorised Entry" signs on all gates to the site.
27. Vehicle access and egress for all development traffic is to be via the existing approved haul

route; i.e. Pink Gum Lane, Rabbit Road and the Cunningham Highway. This route is the only route to be used by traffic associated with the quarry.

28. Vehicle access to ~~Lot 8 SP315342 Lot 2 on RP81431~~ from Pink Gum Lane is restricted to light vehicles only. If 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, this entrance must be sealed to Council's standards.
29. The portion of the internal light vehicle access track located within the existing and proposed buffer within Lot 518 on RP814311 adjacent Sandy Creek is to be relocated outside of the buffer area (as shown in Figure 1 – Proposed Onsite Layout of the approved Rehabilitation Plan Version 3, dated 30 November 2018, prepared by Yarramine Environmental).
30. At least twenty-one (21) car parking spaces are to be provided on site. Provision is to be made for disabled parking. The existing carpark may remain gravel, provided it is appropriately maintained and does not cause a dust nuisance. If the car parking area becomes eroded or potholes form, Council may require the carpark to be sealed to Council's standards.
31. All loading and unloading of goods related to the development must be carried out within the confines of the allotment's boundary. Under no circumstances will the loading or unloading of goods on the public roadway system or footpath be permitted

#### **Decommissioning and site stability**

32. A draft Quarry Closure and Decommissioning Plan (excluding final engineering specifications) is to be provided to Council within 10 years of the date of this approval. The plan must include a post closure monitoring and measurement program focused on those aspects of the site that have the potential to cause pollution or are being used as an indicator to verify the success or failure of final rehabilitation works.
33. Within 2 years prior to decommissioning of the quarry, a final Quarry Closure and Decommissioning Plan, incorporating a geotechnical assessment of the pit voids, is to be submitted to Council. The following matters will need to be addressed in the assessment and form part of the Quarry Closure and Decommissioning Plan:
  - (i) long term final void water levels;
  - (ii) height and inclination of slope and number and spacing of intermediate benches;
  - (iii) shear strength of the face soils and rocks;
  - (iv) density and orientation of fractures, faults, bedding planes, and any other discontinuities, and the strength along them; and
  - (v) the effects of the external factors, such as surface runoff.

#### **Roadworks**

34. Any 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.
- 34A. ~~Prior to the commencement of the temporary extraction and processing described in Condition 6 a condition assessment, including joint inspections by a Registered Professional Engineer of Queensland (RPEQ) and Council's officers, is to be conducted on each of Rabbit Road and Pink Gum Lane. The roads are to be re-inspected upon completion of the two (2) year period, and the developer shall rectify any damage caused to Council's infrastructure during this period. Inspections are to be organised and programmed by the developer.~~

~~Pink Gum Lane and Rabbit Road are to be re-inspected by a Registered Professional Engineer of Queensland (RPEQ) and Council Officer's one year after the commencement of the use.~~

Any damage to the road caused by traffic associated with the use shall be rectified at no cost to Council. Relevant approvals must be obtained for any such work.

Please contact Council's Development Engineer to arrange these inspections.

### **Stormwater Drainage**

35. The design, construction and operation of all stormwater drainage and retention systems must be in accordance with the approved Stormwater Management Plan, prepared by Geneng Solutions, dated May 2018.

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

36. The disposal of all waste water from the proposed development must be undertaken utilising the existing amenities facilities, discharge into a tanked on-site effluent system and pumped out and disposed of at a lawful sewerage treatment plant.

### **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) The General Environmental Duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles dust, ash, fumes, light, odour or smoke, beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.
- (v) Any storage of flammable and/or combustible liquids must comply with the minor storage provision of Australian Standard AS1940 *The Storage and Handling of Flammable and Combustible Liquids*.
- (vi) The disposal of waste classified as Trade Waste under the *Plumbing and Drainage Act 2002* is to be in accordance with Council's Trade Waste Policy.
- (vii) An Environmental Authority for Environmentally Relevant Activity No. 16 (Extractive and Screening Activities) is to be maintained in accordance with the *Environmental Protection Act 1994*.
- (viii) No clearing of remnant vegetation or regulated regrowth vegetation is to occur under this approval. A Development Permit for Operational Works must be obtained from the Department of State Development, Local Government, Infrastructure and Planning for the clearing of any remnant vegetation, unless exempt under Schedule 21 of the *Planning Regulation 2017*.
- (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 engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

## Aboriginal Cultural Heritage

- (xi) 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).

## Schedule 2 – Department of State Development, Infrastructure, Local Government and Planning’s conditions as a Concurrence agency

### 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) (Copies of the documents referenced below are found at Attachment 5)

No.	Conditions	Condition timing																
Other change to development permit for a material change of use - Extractive Industry (expansion of existing quarry from 400,000 tonnes per year to 750,000 tonnes per year)																		
Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 (Planning Regulation 2017) — Development impacting on state transport infrastructure—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:																		
1.	<p>(a) Pay a monetary contribution to the Department of Transport and Main Roads' towards protecting or maintaining the safety or efficiency of the state-controlled road network. The amount of the contribution:</p> <p>(i). must be calculated at twelve monthly commencing on the first day that material hauled under this approval is transported from the site by road; and</p> <p>(ii). is to be indexed based on the Road and Bridge Construction Index, Queensland – Class 3101, published quarterly by the Australian Bureau of Statistics (ABS Cat No. 6427, Series ID A2333727L) to the date of payment.</p> <table><tr><th>Material Hauled – tonnes/year</th><th>Contribution – cents/tonne</th></tr><tr><td>1-400,000</td><td>0</td></tr><tr><td>400,001-450,000</td><td>5.65</td></tr><tr><td>450,001-500,000</td><td>8.07</td></tr><tr><td>500,001-600,000</td><td>12.19</td></tr><tr><td>600,001-650,000</td><td>12.60</td></tr><tr><td>650,001-700,000</td><td>12.60</td></tr><tr><td>700,001-750,000</td><td>12.70</td></tr></table> <p>(b) Maintain records which document the quantity of material hauled on the State-controlled Road network and submit these records to the Department of Transport and Main Roads' (Darling Downs South West office) at the time of payment referenced in part (a) of this condition.</p>	Material Hauled – tonnes/year	Contribution – cents/tonne	1-400,000	0	400,001-450,000	5.65	450,001-500,000	8.07	500,001-600,000	12.19	600,001-650,000	12.60	650,001-700,000	12.60	700,001-750,000	12.70	<p>(a) Within 30 days of the end of June each year until the transportation of material hauled from the site by road under this approval ceases</p> <p>(b) As indicated</p>
Material Hauled – tonnes/year	Contribution – cents/tonne																	
1-400,000	0																	
400,001-450,000	5.65																	
450,001-500,000	8.07																	
500,001-600,000	12.19																	
600,001-650,000	12.60																	
650,001-700,000	12.60																	
700,001-750,000	12.70																	
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (Planning Regulation 2017)— Material change of use of premises near a state transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:																		
2.	The development must be carried out generally in accordance with sections 5.5, 6.2 and 6.3 and Attachment C - Stormwater Strategy Layout Plan, Dwg No GS329-003 Revision A, of the Stormwater Management Plan prepared by GenEng Solutions Pty Ltd dated 2 November 2018, referenced Hutchison Quarry, Warwick, and revision 2.0, (as amended in red).	At all times.																

**Carried**

Mayor Pennisi declared a conflict of interest in Agenda Item 13.7 and following a decision from Council remained in the meeting for discussion and vote.

Cr Tancred declared a conflict of interest in Agenda Item 13.7 and following a decision from Council remained in the meeting for discussion and vote.

### **13.7 Material Change of Use – Belinda Hohenhaus & James Charles C/- Precinct Urban Planning: 29 Homestead Road, Rosenthal Heights**

#### **Resolution**

**Moved Cr S Windle**

**Seconded Cr A Gale**

THAT the application for Material Change of Use for the purpose of a Warehouse (Two (2) Sheds) on Lot 3 RP184516, located at 29 Homestead Road, Rosenthal Heights, be approved subject to the following conditions:

#### **Schedule 1 - Southern Downs Regional Council Conditions**

##### **Approved Plans**

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

Plan Name	Plan No.	Date
Site Plan prepared by Nspire Planning & Design	101SP, Issue DA02	13 October 2022
Floor Plan prepared by Nspire Planning & Design	110FR, Issue DA01	25 August 2022
Elevations prepared by Nspire Planning & Design	201EL, Issue DA01	25 August 2022
Elevation by R&F Steel Buildings	DWG-01, Issue A	21 July 2023
Floor Plan by R&F Steel Buildings	DWG-01, Issue A	21 July 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.

##### **Land Use and Planning Controls**

3. This approval allows for the use of the two buildings only, for the following uses only:

##### ***Warehouse:***

*Premises used for the storage and distribution of goods, whether or not in a building, including self-storage facilities or storage yards.*

*The use may include sale of goods by wholesale where ancillary to storage.*

*The use does not include retail sales from the premises or industrial uses.*

4. The development shall generally operate only between the hours of 7.00am to 5.00pm, Mondays to Fridays, and not at all on Saturdays, Sundays and public holidays.

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

5. 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**

6. The loading and/or unloading of delivery and other service vehicles (excluding general waste collection vehicles) is limited between the hours of 7.00am and 5.00pm, Monday to Friday.



No heavy vehicles must enter the development site outside these times.

7. Loading and unloading of delivery vehicles is limited to one (1) delivery to the site per week and must occur within the approved operating hours and within the confines of the property.

*Note: Part of the concrete apron is not within the confines of the property.*

8. No customers or other commercial vehicles associated with the Warehouse use are permitted to access the site.
9. No forklifts are permitted to load or unload goods on the site.
10. No dangerous goods associated with the Warehouse use are to be stored on site.
11. 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.
12. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
13. No advertising devices relating to the Warehouse may be erected on the subject land or within the road reserve.
14. All equipment, goods and materials must be located in a building or screened from view from all roads, other public places and adjoining land by fencing and/or dense landscaping.
15. 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**

16. A screen fence 1.8 metres high shall be erected along the Homestead Road frontage, from the outermost shed, to the northern boundary, to provide visual screening. This screen fencing is to be provided at the developer's cost. Fencing is to be provided and maintained in accordance with the approved details.
17. All earthworks, including batters must be fully contained within the site.
18. Four (4) planter boxes are to be provided in accordance with the following plans. The planter boxes are to be planted to achieve differing growth habits and heights, with species that are fast growing, frost resistant and drought hardy. The planter boxes, plantings and area under the planter boxes are to be continually maintained.

Elevation by R&F Steel Buildings	DWG-01, Issue A	21.07.2023
Floor Plan by R&F Steel Buildings	DWG-01, Issue A	21.07.2023

19. Landscaped areas are to be provided on the site in accordance with the approved Site Plan, Drawing No. 22 HOHE 101SP DA02, dated 13 October 2022, prepared by Nspire Planning & Design, along with the inclusion of the raised garden bed on the north-east corner of the outermost shed, on the Homestead Road frontage.

The screening landscaping along the northern side of the outermost shed is to achieve a mature tree height of at least 3.0 metres, to minimise the visual impact of the development from adjoining properties and roads. The trees and shrubs must be of species that are fast growing, frost resistant and drought hardy.

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

20. Two vehicle access points from Homestead Road are approved to service the development, to create one entry point and one exit point:
  - Vehicle access at the southern end of the apron is to be maintained to the site in accordance with Council's standard.

- Vehicle access at the northern end of the apron is to be constructed 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.

21. The area of the existing concrete apron, excluding the vehicle crossovers, which are within the road reserve are to be removed and the area reinstated to the pre-existing condition.

ALTERNATIVELY, measures are to be taken to ensure any vehicles associated with the property or the approved use are precluded from traversing or parking on this area of concrete.

*Note: The concrete apron has been constructed within the area of influence for Council's reticulated water supply, therefore the use of this area by vehicles and the like, has the potential to impact on the integrity of the infrastructure.*

22. Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.

23. All loading and unloading of goods related to the development must be carried out within the confines of the allotment's boundary. Under no circumstances will the loading or unloading of goods on the public roadway system or footpath be permitted.

#### **Roadworks**

24. 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.

25. Homestead Road shall be upgraded from the southern boundary of the site for the full frontage of the proposed development footprint.

The upgrade shall include construction of the half road on the eastern side of Homestead Road centreline to Council's standard. This will provide a 4.0 metre sealed width from the road centreline and kerb and channel to match the existing alignment located at the corner of Homestead Road and Bracker Road.

#### **Stormwater Drainage**

26. 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 storm-water 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**

27. In the location of the new vehicle access from Homestead Road, the water main along the Homestead Street frontage must be upgraded to a ductile iron pipe for the full width of the new vehicle access.

28. All fire hydrant valves, isolation valves, hydrant markers and RPMs must be accessible in

accordance with WSAA Codes and Council's standards.

29. The site is to be serviced by an on-site effluent disposal system, in accordance with Council's standards, AS1547 and the Queensland Plumbing and Waste Water Code.

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

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

### **Operational Works**

31. An application for Operational Works must be submitted within three (3) months of this approval taking effect, unless otherwise agreed by Council.
32. All operational works are to be accepted on-maintenance within six (6) months of a Development Permit for Operational Works taking effect.

### **Infrastructure Charges Notice**

33. 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, within three months of this approval taking effect, 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. 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) **Building Approval is to be obtained** in accordance with the *Planning Act 2016* for a Change of Classification of Building from Class 10a to Class 7b, to allow the use of the existing building for Warehouse purposes. The application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. **Building works and modification of the existing building may be required to be undertaken** as part of the approval so as to accord with the requirements of the *Building Act 1975*.
- (v) From 1 July 2022 in Southern Downs Regional Council area Queensland Development Code MP4.3 will be applicable for any new commercial buildings (class 3 to 9). Commercial buildings will require tanks of 1,500 litres capacity per required pedestal, plumbed to service toilets and outdoor 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.
- (vi) 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.
- (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) 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);

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.

- (ix) 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.
- (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 Operational Works should be obtained prior to the issue of a Development Permit for Building Works.
- (xii) All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

### **Aboriginal Cultural Heritage**

- (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**

*Mayor Pennisi and Cr Tancred voted for the motion.*

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

### **14.1 Border Regional Organisation of Council and Warwick Redbacks AFC Inc**

#### **Resolution**

**Moved Cr C Gow**

**Seconded Cr S Tancred**

THAT Council receive the verbal reports from Cr Gale in relation to the following organisations:

1. Border Regional Organisation of Council Meeting held at Cunnamulla on 11 August 2023.
2. Warwick Redbacks AFC Inc

**Carried**

## **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 Rate Concessions Granted - 2022-2023**

#### **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.

### **17.2 Review of Rate Concessions Policy**

#### **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 A Gale**

**Seconded Cr S Windle**

THAT the meeting move into closed session.

**Carried**

The Meeting moved into closed session at 11:46am.

**Meeting Out Of Camera**

**Resolved**

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

**Carried**

**Meeting In Camera**

**Resolution**

**Moved Cr C Gow**

**Seconded Cr S Windle**

THAT the meeting move into closed session.

**Carried**

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

**Meeting Out Of Camera**

**Resolved**

THAT the meeting resume in open session at 12:02pm.

**Carried**

**17.1 Rate Concessions Granted - 2022-2023**

**Resolution**

**Moved Cr A Gale**

**Seconded Cr C Gow**

THAT Council receive and note the Rate Concession Report advising of the rate concessions granted during the 2022/2023 financial year.

**Carried**

## 17.2 Review of Rate Concessions Policy

### Resolution

Moved Cr A Gale

Seconded Cr R Bartley

THAT

1. Pursuant to sections 120, 121 and 122 of the *Local Government Regulation 2012*, Council grant a concession to ratepayers who are a member of a class of ratepayer stated below, by way or a rebate calculated as stated below, subject to the conditions stated below.

#### *Criteria for granting the concession*

- (a) Council is satisfied that due to a transcription error in the resolved differential general rates set for certain rating categories in the 2023/2024 financial year, the payment of general rates by ratepayers who are members of the stated classes of ratepayer set out below, will otherwise cause them hardship.

#### *Classes of ratepayer – rebate calculation*

- (b) Owners of land included in the Orchards and Vineyards 3 differential general rate category which were levied a minimum general rate, a rebate calculated as follows:
  - (i) Minimum general rate amount (\$8,690) as per the adopted 2023/24 Revenue Statement, less levied annual general rate, or calculated annual rate (new properties), as per the adopted 2022/23 Revenue Statement increased by 5.15%.
- (c) Owners of land included in the Small Crops and Fodder 1 differential general rate category which were levied more than the minimum general rate, a rebate calculated as follows:
  - (i) levied annual general rate as per the adopted 2023/24 Revenue Statement multiplied by 45% with the concession capped such that they do not pay less than the minimum general rate (\$1,630).
- (d) Owners of land included in the Small Crops and Fodder 2 differential general rate category which were levied more than the minimum general rate, a rebate calculated as follows:
  - (i) levied annual general rate as per the adopted 2023/24 Revenue Statement multiplied by 30% with the concession capped such that they do not pay less than the minimum general rate (\$2,510).
- (e) Owners of land included in the Small Crops and Fodder 3 differential general rate category which were levied more than the minimum general rate, a rebate calculated as follows:
  - (i) levied annual general rate as per the adopted 2023/24 Revenue Statement multiplied by 29% with the concession capped such that they do not pay less than the minimum general rate (\$4,035).

#### *Conditions*

- (f) The granting of this concession is applied to general rates calculated in relation to the 2023/24 financial year (only) and ends at 30 June 2024 or when a change to the rating category occurs, whichever is sooner.

2. Pursuant to Chapter 4, Part 10 of the Local Government Regulation 2012, Council adopt the revised Rate Concessions Policy (PL-FS076) as attached.

**Carried**

### **Attachments**

1. PL-FS076 Rate Concessions Policy - **Attached to the Minutes Under Separate Cover**

Attachment

### **MEETING CLOSURE**

There being no further business, the meeting closed at 12:07pm.