



**MINUTES OF THE
ORDINARY COUNCIL MEETING
20 NOVEMBER 2024**

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**MINUTES OF THE ORDINARY COUNCIL MEETING OF
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 20 NOVEMBER 2024
IN THE COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,
64 FITZROY STREET, WARWICK AT 9:00AM**

1. ACKNOWLEDGEMENT OF COUNTRY

2. PRAYERS & CONDOLENCES

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

3. ATTENDANCE AND APOLOGIES

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

Officers: Steve Johnston (Acting Chief Executive Officer), Nick Wellwood (Director Infrastructure Services), Angela O'Mara (Acting Director Planning and Environmental Services), Gurbindar Singh (Chief Financial Officer) Belinda Armstrong (Manager Corporate Services), Michael Bell (Manager Community Services), James Varughese (Manager Works), Jon Charles (Manager Sustainability and Strategy), Graham Sweetlove (Manager Water) Nicole Collett (Manager Environmental Services), Tonya Collier (Coordinator Planning Services) and Marion Seymour (Minute Secretary)

4. READING AND CONFIRMATION OF MINUTES

4.1 Ordinary Council Meeting - 16 October 2024

Resolution

Moved Cr J Richters

Seconded Cr C Pidgeon

THAT the minutes of the Ordinary Council Meeting held on Wednesday 16 October 2024 be adopted.

Carried Unanimously

4.2 Special Council Meeting - 13 November 2024

Resolution

Moved Cr S Deane

Seconded Cr C McDonald

THAT the minutes of the Special Council Meeting held on Wednesday 13 November 2024 be adopted.

Carried Unanimously

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Ordinary Council Meeting 16 October 2024

Resolution

Moved Cr S Windle

Seconded Cr M Harslett

THAT Council receive the report and note the contents.

Carried Unanimously

6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precis	Nature of Conflict
15.2	Material Change of Use: 26 Palmerin St Pty Ltd C/- Context Planning QLD - 26 Palmerin Street, 31 Albion Street and Albert Street, Warwick	Cr Windle 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 future tenant of the building may be associated with a company who employs a relative. As a result of Cr Windle's conflict, she will leave the meeting room while the matter is considered and voted on.
15.3	Condamine Sport Club - 131 Palmerin Street, Warwick - Potential Addendum to Infrastructure Agreement for Car Parking	Cr Windle 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 she had previously been a board member of the applicant for 1 year over 20 years ago. Although Cr Windle has a declarable conflict of interest, she does not believe a reasonable person could have a perception of bias because of her conflict. Therefore, Cr Windle will choose to remain in the meeting. However, she will respect the decision of the meeting on whether she can remain and participate in the decision. Following a resolution from Council, Cr Windle participated in the discussion and voting on this matter.
15.5	Reconfiguring a Lot - Bartranz Petroleum, 1 New England Highway, Allora	Cr Pidgeon declared a declarable conflict of interest in this matter (as defined in Section 150EQ(4)(a) of the <i>Local Government Act 2009</i>) as she is a customer of the applicant. As a result of Cr Pidgeon's conflict, she will leave the meeting room while the matter is considered and voted on.
15.7	Minor Change to Reconfiguration of Lot – Graeme J & Marie P McMillan	Cr Wantling 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 his a close relative owns a property adjoining the proposed development. As a result of Cr Wantling's conflict, he will leave the meeting room while the matter is considered and voted on.

6.1 Conflict of Interest - Cr Windle: Agenda Item 15.3

Resolution

Moved Cr C McDonald

Seconded Cr S Deane

THAT Council, following the declarable conflict of interest declaration by Cr Windle for Agenda Item 15.3, determines that it is in the public interest that she participates and votes on the matter as her declarable conflict is not of sufficient significance that it will lead her to making a decision on the matter that is contrary to the public interest and would not prevent her from performing her Councillor responsibilities and serving the public interest of the region by remaining in the room for the discussion and vote on the matter.

Carried Unanimously

Cr Windle did not vote.

7. MAYORAL MINUTE

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

7.1 Procedural Motion: Amendment of Agenda to include Late Agenda Item 15.10

Resolution

Moved Mayor M Hamilton

THAT Council amend the Agenda for today's Ordinary Council Meeting to include late Agenda Item 15.10.

Carried Unanimously

8. NOTICES OF MOTION

Nil

9. READING AND CONSIDERATION OF CORRESPONDENCE

Nil

10. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

Nil

11. PORTFOLIO REPORTS

11.1 Portfolio Report - Cr Harslett: Inspired Communities

Resolution

Moved Cr S Windle

Seconded Cr S Deane

THAT Council's Inspired Communities Portfolio Report be received.

Carried Unanimously

12. EXECUTIVE SERVICES REPORTS

12.1 Organisation Information Reports

Resolution

Moved Cr C McDonald

Seconded Cr S Deane

THAT Council note the contents of the Organisation Information Reports.

Carried Unanimously

12.2 Council Statutory Meeting Schedule for January to December 2025

Resolution

Moved Cr J Richters

Seconded Cr R Bartley

THAT Council adopt the Schedule for Council Statutory Meetings for January to December 2025.

Carried Unanimously

13. CUSTOMER AND ORGANISATIONAL SERVICES REPORTS

13.1 Financial Services - Financial Report as at 31 October 2024

Resolution

Moved Cr J Richters

Seconded Cr C Pidgeon

THAT Council receive and note the Financial Performance Report as at 31 October 2024

Carried Unanimously

13.2 Closing Report and Management Letter - 2023-2024

Resolution

Moved Cr J Richters

Seconded Cr M Harslett

THAT Council receive and note the Final Management Letter and Closing Report relating to the 2023-24 external audit.

Carried Unanimously

13.3 Information, Communications & Technology Steering Committee Terms of Reference Resolution

Moved Cr M Harslett

Seconded Cr C Pidgeon

THAT Council endorse the revisions to the ICT Steering Committee Terms of Reference.

Carried Unanimously

13.4 Operational Plan 2024-2025 Quarterly Review - July to September 2024

Resolution

Moved Cr M Harslett

Seconded Cr S Deane

THAT Council receive and note the contents of the Operational Plan Quarterly Review – July 2024 to September 2024.

Carried Unanimously

13.5 Review of Policies

Resolution

Moved Cr C Pidgeon

Seconded Cr S Windle

THAT Council adopt the reviewed and amended policies as presented:

1. PL-GV012 Advertising Expenditure Policy
2. PL-IS071 CCTV Objectives and Operating Policy
3. PL-CS084 Community Housing Policy
4. PL-CS079 Community Housing Notifications Policy
5. PL-GV011 Entertainment & Hospitality Expenditure Policy
6. PL-CS075 Grants to Community Policy
7. PL-CS107 Public Art Policy
8. PL-CS084 Public Art Procedure
9. PL-CS091 Public Interest Disclosure Policy
10. PL-CS024 Reimbursement of Expenses & Provision of facilities for Councillors
11. PL-EX082 Social Media and Digital Engagement Policy
12. PL-CS077 Southern Downs Youth Policy
13. PL-IS023 Works Near Council's Water and/or Sewer Infrastructure Policy
14. PL-CS062 Rate Exemption by Resolution
15. PL-FS076 Rate Concessions Policy

Carried Unanimously

13.6 Relinquishment of Trusteeship - Lot 51 and Lot 52 on Crown Plan L181, 13-18 Perceval Street LEYBURN

Resolution

Moved Cr J Richters

Seconded Cr S Windle

THAT Council:

1. Advise the Department of Resources that Council resolves to relinquish trusteeship of the following reserves, described as:
 - a. Lot 51 on Crown Plan L181; and
 - b. Lot 52 on Crown Plan L181; and
2. Delegate authority to the Chief Executive Officer for all negotiations in relation to the relinquishment of above-mentioned reserves.

Carried Unanimously

13.7 Minutes of the Audit & Risk Management Committee held 23 May 2024 and Audit Chair Final Report

Resolution

Moved Cr M Harslett

Seconded Cr C Pidgeon

THAT Council receive and note:

1. The minutes from the Special Audit and Risk Management Committee meeting held on 14 October 2024; and
2. The report from the Chair of the Audit and Risk Management Committee for the 2023-24 year.

Carried Unanimously

14. INFRASTRUCTURE SERVICES REPORTS

14.1 Victoria Street, Warwick - Cost Sharing Arrangement - Council Contribution to TMR Asphalt Works

Resolution

Moved Cr S Windle

Seconded Cr M Harslett

THAT Council:

1. Commits to support the Cost Sharing Arrangement for Department of Transport and Main Roads to resurface the parking lanes of Victoria Street between Albion Street and Guy Street, Warwick; and
2. Allocates the necessary funding as part of the 2024-25 Quarter 2 Budget Review.

Carried

The following votes were recorded:

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

Against: Cr J Richters (1)

14.2 Request for Water Connection to Property ID144510

Resolution

Moved Cr J Richters

Seconded Cr C Pidgeon

THAT Council:

1. Approve the request for a water connection to property ID144510.
2. Amend the approved Rural Water Supply Area to include this lot.
3. Require the payment of a Water Infrastructure Charge for this lot.
4. Inform the applicant of this decision.

Carried Unanimously

14.3 Naming of Unnamed Road - Lot 906 Plan H702 Railway Street Hendon

Resolution

Moved Cr J Richters

Seconded Cr C Pidgeon

THAT Council name the Unnamed Road Wallahra (Option1), constructed under Operational Works Permit OPW\000194, connecting Lot 906 on Plan H702 to Railway Street Hendon.

Carried Unanimously

14.4 Naming of Unnamed Road - Lot 100 SP 249599 Homestead Road, Rosenthal Heights 4370

Resolution

Moved Cr M Harslett

Seconded Cr C McDonald

THAT Council undertakes a public consultation process with the broader community, seeking public feedback on the proposed name "Mulcahy" for the Unnamed Road B in Sovereign Downs Stage 2, Lot 100 SP 249599 Homestead Road Rosenthal Heights 4370.

Carried Unanimously

14.5 Naming of Public Asset - Allora Discus Ring and Dalrymple Park Walk

Resolution

Moved Cr C Pidgeon

Seconded Cr S Windle

THAT Council recognise the accomplishments of Matthew Denny, Australian athlete and bronze medal winner of the discus throw at the Paris 2024 Olympics by:

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

Carried Unanimously

14.6 Sewage Treatment Plant Stanthorpe - Design Award

Resolution

Moved Cr M Harslett

Seconded Cr S Deane

THAT Council:

1. In accordance with Section 224 of the Local Government Regulation 2021 enter into a contract with Arup Australia Pty Ltd for the Sewage Treatment Plant Stanthorpe - Design; and
2. Delegate authority to the Chief Executive Officer to enter into any variations to the contract terms as deemed necessary for the duration of the contract.

Carried Unanimously

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

18.1 Procedural Motion - Meeting Adjournment

Resolution

Moved Cr J Richters

THAT the meeting adjourn for morning tea.

Carried Unanimously

The meeting adjourned for morning tea at 10:26am and reconvened at 10:45am at which time there were present Crs Hamilton, Bartley, Deane, Harslett, McDonald, Pidgeon, Richters, Wantling and Windle

15. PLANNING AND ENVIRONMENTAL SERVICES REPORTS

15.1.1 Material Change of Use: Gary Hayes & Partners Pty Ltd - 161 Palmerin Street, Warwick - Amendment

Resolution

Moved Cr J Richters

Seconded Cr C Pidgeon

THAT the application for Material Change of Use for the purpose of Hotel (Redevelopment of existing hotel), Short-term accommodation (six (6) units – two (2) x 3 bedroom units and four (4) x 2 bedroom units) and Shop (Two (2) x Retail tenancies), on land at 161 Palmerin Street, Warwick, described as Lot 1 RP5847, be approved subject to conditions, following an Infrastructure Agreement voluntarily being entered into by the developer for the payment of carparking contributions (per car parking space not provided on site) for the shortfall of **four (4)** carparking spaces prior to Council deciding the development application, **for the following reason:**

The development is located at the southern end of Palmerin Street business area and there is adequate and convenient nearby parking that is safe to use in accordance with the overall outcome in accordance with 9.4.2.2(2)(a).

Lost

The following votes were recorded:

For: Crs C Pidgeon and J Richters (2)

Against: Crs R Bartley, S Deane, M Hamilton, M Harslett, C McDonald, R Wantling and S Windle (7)

15.1 Material Change of Use: Gary Hayes & Partners Pty Ltd - 161 Palmerin Street, Warwick

Resolution

Moved Cr J Richters

Seconded Cr C Pidgeon

THAT the application for Material Change of Use for the purpose of Hotel (Redevelopment of existing hotel), Short-term accommodation (six (6) units – two (2) x 3 bedroom units and four (4) x 2 bedroom units) and Shop (Two (2) x Retail tenancies), on land at 161 Palmerin Street, Warwick, described as Lot 1 RP5847, be approved subject to the following conditions, following an Infrastructure Agreement being executed by all parties which requires the payment of carparking contributions (per car parking space not provided on site) by the developer for the shortfall of six (6) carparking spaces prior to Council deciding the development application.

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

- 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	Plan inconsistencies
Cover Page – prepared by Think Tank Architects	DA01	1 July 2024 (Submitted to Council)	-
Street View – prepared by Think Tank Architects	DA02	1 July 2024 (Submitted to	-

		Council)	
Overall Site Plan – prepared by Think Tank Architects (Amended by Council 25 July 2024)	DA01	25 July 2024 (Amended by Council)	-
Site Plan – Existing - prepared by Think Tank Architects	DA10	1 July 2024 (Submitted to Council)	-
Site Plan – Proposed - prepared by Think Tank Architects	DA03	27 March 2024 (Submitted to Council)	No stairway on DA11 Rev 1.
Site Plan – Proposed - prepared by Think Tank Architects (Amended by Council 19 August 2024)	DARFI 1 DA11 Rev 1	9 May 2024 (Amended by Council 19 August 2024)	
Floor Plan – Existing Ground Floor - prepared by Think Tank Architects	DA14	1 July 2024 (Submitted to Council)	-
Floor Plan – Existing Level 1 – prepared by Think Tank Architects	DA15	1 July 2024 (Submitted to Council)	-
Floor Plan – Proposed Ground Floor – prepared by Think Tank Architect	DA16 Rev 2	4 November 2024	-
Floor Plan – Proposed Level 1 – prepared by Think Tank Architects (Amended by Council 19 August 2024)	DA08	19 August 2024 (Amended by Council)	Internal stairway is to be located in a location as per DA18 Rev 1. No external stairway along eastern elevation on DA18 Rev 1.
Floor Plan – Proposed Level 1 – prepared by Think Tank Architects (Amended by Council 19 August 2024)	DARFI 1 DA18 Rev 1	9 May 2024 (Amended by Council 19 August 2024)	Room/Unit layout not approved for DA18 Rev 1. Refer to DA08 for correct room/unit layout.
Floor Plan – Proposed Level 2 – prepared by Think Tank Architects (Amended by Council 19 August 2024)	DA09	19 August 2024 (Amended by Council)	Internal stairway is to be located in a location as per DA20 Rev 1. No external stairway along eastern elevation on DA20 Rev 1.
Floor Plan – Proposed Level 2 – prepared by Think Tank Architects (Amended by Council 19 August 2024)	DARFI 1 DA20 Rev 1	9 May 2024 (Amended by Council 19 August 2024)	Room/Unit layout not approved for DA20 Rev 1. Refer to DA09 for correct room/unit layout.
Floor Plan – Proposed Roof – prepared by Think Tank Architects	DA10	27 March 2024 (Submitted to Council)	Stairway not approved in DA22. No external stairway along eastern elevation
Floor Plan – Proposed Roof – prepared by Think Tank Architects	DA22	19 August 2024 (Amended by	

(Amended by Council 19 August 2024)		Council)	on DA22.
Elevations – prepared by Think Tank Architects (Amended by Council 19 August 2024)	DA21	19 August 2024 (Amended by Council)	Ground Floor Elevations approved only for DA30. Ground Floor Elevations not approved in DA21.
Elevations – prepared by Think Tank Architects (Amended by Council 19 August 2024)	DA30	19 August 2024 (Amended by Council)	Level 1 and 2 Elevations approved only for DA21. Level 1 and 2 Elevations not approved in DA30.
Elevations – prepared by Think Tank Architects (Amended by Council 19 August 2024)	DA22	19 August 2024 (Amended by Council)	Ground Floor Elevations approved only for DA31. Ground Floor Elevations not approved in DA22.
Elevations – prepared by Think Tank Architects (Amended by Council 19 August 2024)	DA31	19 August 2024 (Amended by Council)	Level 1 and 2 Elevations approved only for DA22. Level 1 and 2 Elevations not approved in DA31.
Section Detail – prepared by Think Tank Architects	DA51	1 July 2024 (Submitted to Council)	-

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 site for the following uses only:
- Hotel;
 - Short-term accommodation (six (6) units); and
 - Shop (two (2) tenancies).
4. The maximum number of guests accommodated at any one time must not exceed 28 persons.
5. No person is to reside in any building identified for short term accommodation for more than 45 days consecutively, or more than 90 days in any 12 month period. The approved accommodation must not be occupied by persons for the purpose of permanent accommodation, excluding those persons in a manager's residence for the premises.
6. The area of the Hotel identified on the Floor Plan - Level 2 as 'Manager's suite' is only to be used for residential purposes and is only to be occupied by the manager of the Short-term accommodation. At no point is the 'Manager's suite' able to be utilised by anyone other than the manager/caretaker of the Short-term accommodation/Hotel, or able to be rented out on a

short or long term basis without the necessary approvals/permits.

Building and Site Design

7. There is to be no alteration or demolition of the windows or door of the exterior of the Local heritage Place without the necessary approvals/permits.
8. **An amended set of plans are to be submitted to and approved by Council's Planning Department prior to the issue of any Development Permit for Building Work.** The revised plans must demonstrate:
 - (i) The Level 1 and Level 2 floor plans for the Short-term accommodation units, noting that there is to be a total of six (6) units – two (2) x 3 bedroom units and four (4) x 2 bedroom units;
 - (ii) The elevations for the Short-term accommodation and Shop building; and
 - (iii) The location of the internal stairways.

The design, colours and materials of the building and pavement are to be in accordance with the character of the area. **Details of the design, colours and materials of the building and pavement are to be submitted to and approved by Council's Planning Department prior to the issue of any Development Permit for Building Work.** The building and pavement are to be constructed in the approved design, colours and materials.

9. A balcony and awning is to be constructed along the Palmerin Street and Percy Street frontages of the site in a location generally in accordance with the Plan No. DARFI 1, Sheet No. DA18, Rev 1, dated 9 May 2024 (Amended by Council 19 August 2024), prepared by Think Tank Architects. The balcony and awning is to be constructed from the front building line of the Hotel building to the front line of the existing awnings along Palmerin Street to create a continuous edge. The balcony and awning is to match the height and width of other awnings along Palmerin Street. The balcony is also to be constructed from the front building line of the Hotel building to the kerb line along Percy Street.

An Application Minor Works - Works Within a Road Reserve is to be submitted to Council for approval for the construction of the balcony and awning over the footpath along Palmerin Street and Percy Street, prior to the commencement of the works.

Alternatively, the façade of the Palace Hotel as it currently presents, is to generally remain unchanged, with the exception of reinstatement of the front entrance and other cosmetic works.

10. To ensure privacy for adjoining residents, any windows located on the western building elevation of the Short-term accommodation building must either:
 - (i) have a minimum window sill height of 1.5 metres above floor level;
 - (ii) be fitted with translucent glazing; or
 - (iii) be fitted with a fixed external screen.
11. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)
12. 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

13. During the construction phase of the development, all wastes must be separated into recyclables (where possible) and landfill wastes, and disposed of at an approved waste management facility.
14. A sufficient number of suitable waste receptacles must be provided on site at all times. Waste receptacles must be regularly serviced to prevent unsightly accumulations of waste or

environmental harm being caused. A waste collection contractor must be engaged to supply suitable waste and recycling receptacles and service waste and recycling receptacles.

15. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
16. A **Waste Management Plan is to be submitted to and approved by Council's Planning & Environmental Service Directorate prior to the issue of any Development Permit for Building Work.** The **Waste Management Plan** must include details of:
 - waste types and volumes to be stored on site;
 - storage methods for each waste type;
 - how each waste type will be collected;
 - where each waste type will be stored on collection day, noting all waste storage should be sited wholly within the confines of the allotment's boundary and screened from view;
 - the vehicle movements required to collect each waste type; and
 - where each waste type will be stored at all other times.

All vehicle movements associated with waste management within the easement along the western boundary of the site must not impede access, or conflict with the terms of the easement. Evidence demonstrating this requirement must be submitted as part of the Waste Management Plan.

17. No materials or goods associated with the development are to be displayed or stored within the car park or landscaped areas, or outside the boundaries of the site.
18. Advertising Devices relating to the Hotel, Shop and Short-term accommodation may **only** be erected on the subject land, i.e. Lot 1 RP5847. The location, size, type and content of any advertising sign or device located on the land is to be compatible with the character of the surrounding area. No advertising signs or devices are to be located on any other land, unless all applicable approvals are obtained under the Planning Scheme and the relevant local laws. No advertising signs or devices are to be located within the road reserve.
19. 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.
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 areas for the preparation and servicing of food and drink are required to be constructed and fitted out in accordance with Food Standards Australia New Zealand Safe Food Australia, Standard 3.2.3 - Food Premises and Equipment.

Note: These areas include Retail Tenancies 1 and 2, all dining areas, the restaurant area and the bar area.

Fencing, Landscaping and Buffers

22. Retaining structures and their foundations must be wholly contained within private allotments and not be constructed as Council owned infrastructure.
23. All earthworks, including batters must be fully contained within the site.
24. Landscaping is to be provided within the building setback of the Short-term accommodation and Shop building.
25. Landscaped areas are to be provided on the site in accordance with Plan No. DA16, Rev 2, dated 4 November 2024 prepared by Think Tank Architects.
26. The landscaped areas are to be separated from any carparking area by a raised kerb that is

designed to ensure that vehicles do not park on or over the landscaped area.

27. The street trees within the road reserve of Palmerin Street and Percy Street are to be retained. These trees are to be protected during construction. If it is not possible to design the development to preserve all the trees in their current locations, the tree/s must be relocated at the developer's cost. The relocation of the tree/s is to be carried out by a suitably qualified and experienced person. If the tree/s die within 12 months of the relocation, the dead tree must be replaced with an advanced tree of the same species and height.
28. **A Landscaping Plan is to be submitted to and approved by Council's Planning Department prior to the issue of any Development Permit for Building Work.** The Landscaping Plan is to be prepared by an appropriately qualified person, and must include details of the location and species of plants, the irrigation system and the height and material of fencing. Plants are to be generally frost resistant and drought hardy, and must not include weed species. Root barriers are to be installed around trees that are located within 3 metres of any underground infrastructure. The site is to be landscaped and maintained in accordance with the approved Landscaping Plan.

Car Parking and Vehicle Access

29. In lieu of six (6) car parking spaces being provided on site, infrastructure contributions are to be paid in accordance with [Section within IA] the executed Infrastructure Agreement, dated [insert IA date], between Southern Downs Regional Council and [CDS Investments]. Full payment is to be made to Council in accordance with the agreement prior to the use commencing.
30. The western 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.)
31. All car parking, including on-site carparking and on-street carparking, shall be provided in accordance Plan No. DA16, Rev 2, dated 4 November 2024 prepared by Think Tank Architects. All car parking, driveway and loading areas shall be sealed, line marked, drained, laid out and regularly maintained. The car parking area is not to be used for storage of goods and materials.

The manoeuvring areas, queuing areas and driveways are to meet the design requirements of *Australian Standard AS 2890.1 – Parking facilities - Off-street car parking* and *AS 2890.2 Parking facilities – Off-street commercial vehicle facilities* and are to be constructed in accordance with *Planning Scheme Policy – Carpark Construction*.

32. All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.
33. All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
34. 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"*.
35. All loading and unloading of goods related to the development must be carried out within the confines of the allotment's boundary.

Alternatively,

The loading and unloading of goods related to the development may be carried out within the proposed loading and unloading bay within Percy Street, as shown in accordance with Plan No. DA16, Rev 2, dated 4 November 2024 prepared by Think Tank Architects. Confirmation

that the design of the loading bay complies with the relevant Australian Standards is to be submitted to **Council's Planning Department** from a suitably qualified RPEQ prior to **prior to the issue of any Development Permit for Building Work**.

Roadworks

36. 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.
37. The redundant vehicle crossing in Percy Street (eastern vehicle crossing) is to be reinstated back to kerbing and channelling, and the footpath reinstated.

Stormwater Drainage

38. 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

39. A reticulated water supply system, up to and including water meters, is to be provided to service all tenancies. This system is to be connected to Council's water supply system.
40. The connection to Council's reticulated water supply must be a combined fire and domestic metered connection located at a point nominated by Council.
41. A sewerage reticulation system is to be provided to service all buildings. This system is to be connected to Council's wastewater sewerage system.

Pedestrian Works

42. A concrete pedestrian footpath is to be constructed along the Percy Street frontage of the site, from the edge of the kerb and channel to the property boundary.

Note: The existing bitumen sealed footpath along Percy Street is to be replaced with concrete.

Electricity, Street Lighting and Telecommunications

43. Underground electricity connections must be provided to the proposed development to the standards of the relevant authorities.
44. In accordance with the Federal Government's National Broadband Network (NBN) initiatives, the Developer (at the Developer's expense) is to install telecommunications infrastructure, such as lead-in conduits (LIC) or a fibre ready pit and pipe network (including trenching and ducting, design and third party certification), to NBN Co's specifications, to allow for the installation of Fibre-to-the-Premises (FTTP) broadband services. Any fibre provider may be used, provided they meet NBN specifications and open access requirements. Ownership of the infrastructure is to be transferred to Telstra in exchange for the provision of fibre within that infrastructure network. Prior to commencement of the use, written advice is to be provided from Telstra that the telecommunications infrastructure network has been installed

in accordance with NBN Co's specifications.

Operational Works

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

Infrastructure Charges Notice

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

Advisory Notes

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning and Environmental Services, prior to the use commencing, and then compliance maintained at all times while the use continues.
- (ii) Any proposal to increase the scale or intensity of the use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Planning Act 2016* and would have to comply with the requirements of the Planning Scheme.
- (iii) It is your responsibility to notify Council when a development, or part of, is nearing completion and ready for commencement of the use. The commencement of use is when the Infrastructure Charges associated with your development are to be paid, unless paid earlier.
- (iv) It is encouraged that you arrange for a free compliance inspection to be carried out prior to the use commencing. This will involve a physical inspection of the premises along with an internal audit of Council's records. Written advice will be provided for your records advising if compliance with the conditions has been achieved.
- (v) Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Workplace Health and Safety* legislation and *Public Health Act 2005*.
- (vi) 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.
- (vii) 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*.
- (viii) Applications for licence under the *Food Act 2006* are to be submitted to Council prior to the commencement of the Hotel. Applications for Design Approval and Approval to Operate (including applications for licence under the *Food Act 2006*) are to be submitted to and approved by Council for the food premise, prior to the issue of a Development Permit for Building Work.
- (ix) An application must be submitted and approved by Council for a permit under Local Law No. 1 (Administration) 2011 and Subordinate Local Law No. 1.19 (Rental Accommodation Other Than Excluded Accommodation) 2011.
- (x) **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.

- (xi) **Building Approval is to be obtained** for a Class 3, 4 and 6 in accordance with the *Planning Act 2016* for the proposed building work. The building application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. The building plans are to accord with the plans approved in this approval. The building is to be constructed in accordance with the Building Approval prior to the commencement of the use. A **Form 11 (Certificate of Classification) must be issued for the building works prior to the use commencing.**
- (xii) 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.
- (xiii) The supply of water for human consumption, food preparation, food utensil washing or personal hygiene, including the supply of water for drinking water, showers, baths, hand basin and kitchen sinks, must be connected to a drinking water supply, in accordance with the *Plumbing Code of Australia* and the *Australian Drinking Water Quality Guidelines* produced by the *National Health and Medical Research*.
- (xiv) 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.
- (xv) A Development Permit for Operational Works associated with the development must be obtained in accordance with the *Planning Act 2016*. This application must be submitted with the following:
- DA Form 1;
 - The relevant fee in accordance with Council’s Schedule of General Fees and Charges;
 - Detailed design drawings, schedules and specifications for all Operational Works, certified by a Registered Professional Engineer in Queensland (RPEQ);
 - A Stormwater Management Plan;
 - An Erosion and Sediment Control Plan;
 - A geotechnical report addressing the filling of the site and make recommendations as to how it will be possible for such filling to achieve compliance with AS3798-2007 (as amended) “*Guidelines on Earthworks for Commercial and Residential Developments*”.
- Operational Works shall be subject to a 12 months Defect Liability Period commencing from the day the works are accepted on-maintenance. A bond will be held by Council as security, and refunded following a defect-free inspection at the end of the Defect Liability Period.
- (xvi) 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.
- (xvii) 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.
- (xviii) 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.
- (xix) 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.

(xx) This approval for Short-term Accommodation may potentially affect your rates and charges levied on your property. The potential impact may include, but is not limited to:

- General Rates may change to a commercial category
- State Emergency Management Levy may change classes
- Sewerage Access Charges may change to a different category
- Domestic Waste Collection may be removed and require a separate waste collection direct from a waste collection provider

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

(xxi) **Licensing of Beverage Manufacturers Under the *Food Act 2006***

- The *Food Act 2006* (The 'Act') requires operators of all 'licensable food businesses' within Queensland to hold a 'food business licence' with the relevant local government.
- Activities such as crushing, pressing, fermenting, maturing, blending or bottling conducted at a beverage manufacturer meets the definition of manufacture in section 16(1) of The Act.
- Section 48(1)a of the Act states that a food business that involves the manufacture of food is a *licensable food business*.

For information on how to obtain a food licence under the *Food Act 2006*, please contact Council on 1300 697 372 and ask to speak to an Environmental Health Officer or via email mail@sdrc.qld.gov.au

Telecommunications in New Developments

(xxii) 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

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

Carried Unanimously

Cr Windle declared a conflict of interest in Agenda Item 15.3 and left the meeting at 10:54am

15.2 Material Change of Use: 26 Palmerin St Pty Ltd C/- Context Planning QLD - 26 Palmerin Street, 31 Albion Street and Albert Street, Warwick

Resolution

Moved Cr J Richters

Seconded Cr S Deane

THAT the application for Material Change of Use for the purpose of a Showroom and Low impact industry (Motor vehicle workshop), on land at 26 Palmerin Street, 31 Albion Street and Albert Street, Warwick, described as Lots 1, 2, 3 and 4 RP5755, Lots 1 and 2 RP5756, Lot 1 RP5751, Lot 2 RP51389, Lots 1 and 2 RP57839, Lot 2 RP102587 and Lot 1 RP44563, be approved subject to the following conditions, following an Infrastructure Agreement being executed by all parties which requires the payment of carparking contributions (per car parking space not provided on site) by the developer for the shortfall of twenty-four (24) carparking spaces prior to Council deciding the development application.

Schedule 1 - Southern Downs Regional Council Conditions for Reconfiguring a Lot - Access easement

Approved Plans

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

Plan Name	Plan No.	Date
Proposed Easement – prepared by Gary Hayes and Partners Pty. Ltd.	W6248-02 Sheet 1/1	28 May 2024

2. All conditions of Schedule 1 of this Development Permit must be complied with prior to the signing of the Plan of Subdivision.

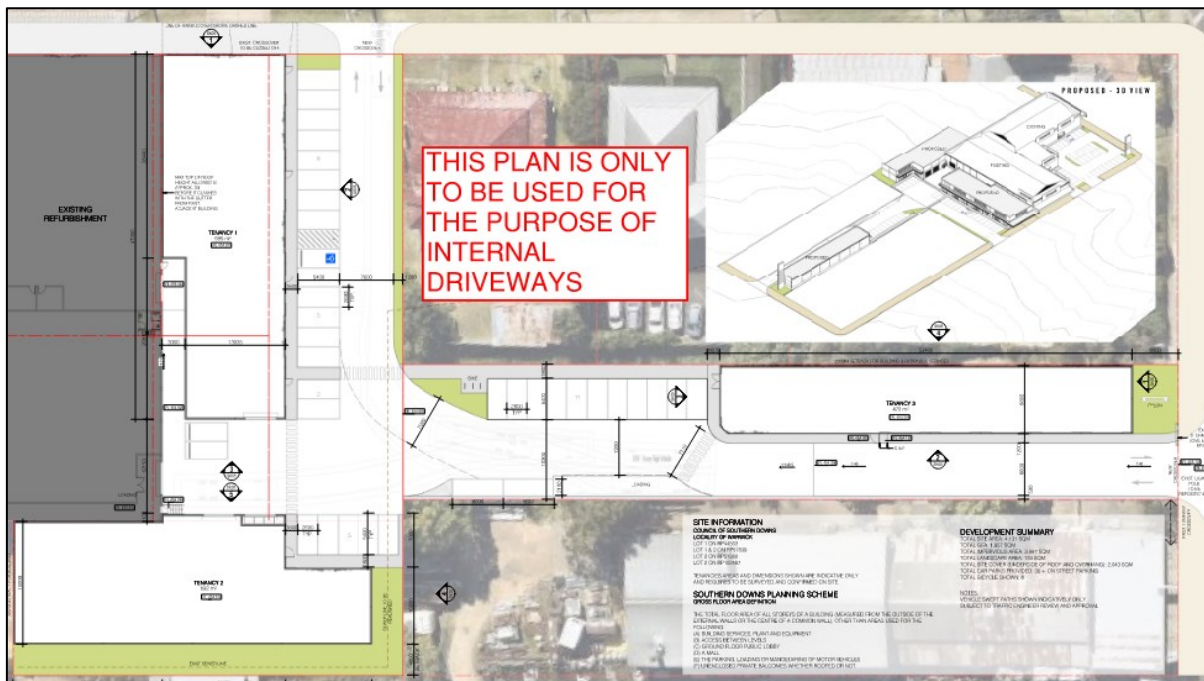
Easements and Covenants

3. An easement for access purposes is to be provided over Lot 1 RP44563 and Lots 1 and 2 RP57839 in favour of Lots 1 and 2 RP5756, Lot 1 RP5751 and Lots 1, 2, 3 and 4 RP5755. A copy of the easement documentation is to be submitted to Council for approval prior to the signing of the Plan of Subdivision.

Car Parking and Vehicle Access

4. Vehicle access from Albert Street is to be constructed to the site in accordance with Council's standard. (Council's Development Engineer can provide details regarding Council's standard.) The access must be constructed along Albert Street at a location which provides adequate sight distance in either direction. Such entrance roadworks are to be sealed and are to include appropriate drainage works.
5. Internal driveways are to be constructed in a location generally in accordance with the following diagram and in alignment with the proposed Access easement. The manoeuvring areas, queuing areas and driveways are to meet the design requirements of *Australian Standard AS 2890.1 – Parking facilities - Off-street car parking* and *AS 2890.2 Parking facilities – Off-street commercial vehicle facilities*.

The driveways are to be sealed and are to be constructed in accordance with *Planning Scheme Policy – Carpark Construction*.



Roadworks

6. 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.

Water Supply and Waste water

7. The development is to comply with Council's policy *Works Near Water Supply and/or Sewerage Infrastructure Policy*, which requires an application to be submitted to Council for approval, prior to the commencement of the works. It is not desirable to build over the infrastructure; alternative arrangements should be sought.

Advisory Notes

- (i) Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Workplace Health and Safety* legislation and *Public Health Act 2005*.
- (ii) The General Environmental Duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles dust, ash, fumes, light, odour or smoke, beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.
- (iii) The Flood hazard overlay is based on a 1% Annual Exceedance Probability (AEP) flood event. An event of this size may occur, on average, once every 100 years, however it may occur more frequently. Flood events may also be larger than the 1% AEP and therefore areas located outside of the overlay are not guaranteed of flood immunity.
- (iv) Prior to constructing or upgrading an access, an application must be submitted and approved by Council for a permit under Local Law No. 1 (Administration) 2011 and Subordinate Local Law No. 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation) 2011.
- (v) Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.

Aboriginal Cultural Heritage

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

Approval Times

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

Schedule 2 - Southern Downs Regional Council Conditions for Material Change of Use – Showroom and Low impact Industry (Motor vehicle workshop)

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
Proposed Development – prepared by i2c	SK04 Issue 12 2023-388	29 April 2024
Proposed Tenancy 1 and 2 Elevations – prepared by i2c	SK05 Issue 7 2023-388	29 April 2024
Proposed Tenancy 3 Elevations – prepared by i2c	SK06 Issue 6 2023-388	29 April 2024
Proposed 34 External Views – prepared by i2c	SK07 Issue 6 2023-388	29 April 2024
Albert Street O-Street Parking – prepared by Bitzios Consulting	P6467 Issue 001 Sheet 12	3 September 2024
31 Albion Street Warwick: Traffic Impact Assessment – prepared by Bitzios Consulting	P6467 Issue 002	2 May 2024
24-165 - Desktop Flood Report – prepared by Naxos Engineers Pty Ltd	24-165 Version 3	30 April 2024

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

Reconfiguration of a Lot

3. The existing allotments, being Lots 1, 2, 3 and 4 RP5755, Lots 1 and 2 RP5756, Lot 1 RP5751, Lot 2 RP51389, Lots 1 and 2 RP57839, Lot 2 RP102587 and Lot 1 RP44563 and Lot 1 RP44563, must be amalgamated into one allotment and a new Certificate of Title issued to cover the newly created allotment prior to the use of the site commencing.

ALTERNATIVELY,

A statutory covenant is to be provided over Lots 1, 2, 3 and 4 RP5755, Lots 1 and 2 RP5756, Lot 1 RP5751, Lot 2 RP51389, Lots 1 and 2 RP57839, Lot 2 RP102587 and Lot 1 RP44563 to retain these lots in the same ownership until such time as the use of the land for a Showroom and Low impact industry ceases. The covenant documentation is to be submitted to Council for approval.

ALTERNATIVELY,

The existing allotments, being Lots 1 and 2 RP57839, Lot 2 RP102587, Lot 2 RP51389 and Lot 1 RP44563, must be amalgamated into one allotment and a new Certificate of Title issued to cover the newly created allotment prior to the use of the site commencing.

In addition, the developer must enter into an agreement with Council that ensures eleven (11) carparking spaces on the land proposed for parking associated with the development, being the carpark on the corner of Albert Street and Palmerin Street, will remain available for parking for the life of the development.

Note: The land which contains the carpark on the corner of Albert Street and Palmerin Street is described as Lots 1, 2 and 4 RP5755.

Easements and Covenants

4. Easements must be provided over all reticulated sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the Council policy PL-132 Sewerage Infrastructure Policy.

Land Use and Planning Controls

5. This approval allows for the use of the site for the following uses only:
 - Showroom; and
 - Low impact industry (Motor vehicle workshop)
6. Any Low impact industry shall generally operate only between the hours of 7.00am to 6.00pm, Mondays to Saturdays, and not at all on Sundays and public holidays.
7. All activities pertaining to the Low impact industry use must be carried out within the confines of the Tenancy 1 and/or 2 building only.

Building and Site Design

8. An awning is to be constructed along the Albert Street frontage of the site in a location generally in accordance with the Plan No. SK04 Issue 12, 2023-388, dated 29 April 2024, prepared by i2c. The awning is to be constructed from the front building line of the Tenancy 1 building to the kerb and channel along Albert Street.

An Application Minor Works - Works Within a Road Reserve is to be submitted to Council for approval for the construction of the awning over the footpath along Albert Street, prior to the commencement of the works.
9. The design, colours and materials of the building are to be in accordance with the character of the area. The final design of the Tenancy 2 building must include a slightly hipped roof. Each of the buildings are to include either stepped or undulated parapets. **Details of the design, colours and materials of the building and pavement are to be submitted to and approved by Council's Planning Department prior to the issue of any Development Permit for Building Work.** The buildings are to be constructed in the approved design, colours and materials.
10. The floor level and all electrical meter boxes, switchboards, power points and switches for the proposed Tenancy 3 building must have a finished floor level with at least 300 millimetres freeboard above the Defined Flood Event (Q100 Level), in accordance with the recommendations set out in *24-165 - Desktop Flood Report – V3, dated 30 April 2024,*

prepared by *Naxos Engineers Pty Ltd.*

11. The balance cut and fill proposed for the construction of a building pad must be carried out such that on-site flood storage volumes within the Flood hazard overlay are retained for all flood events.
12. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)
13. 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

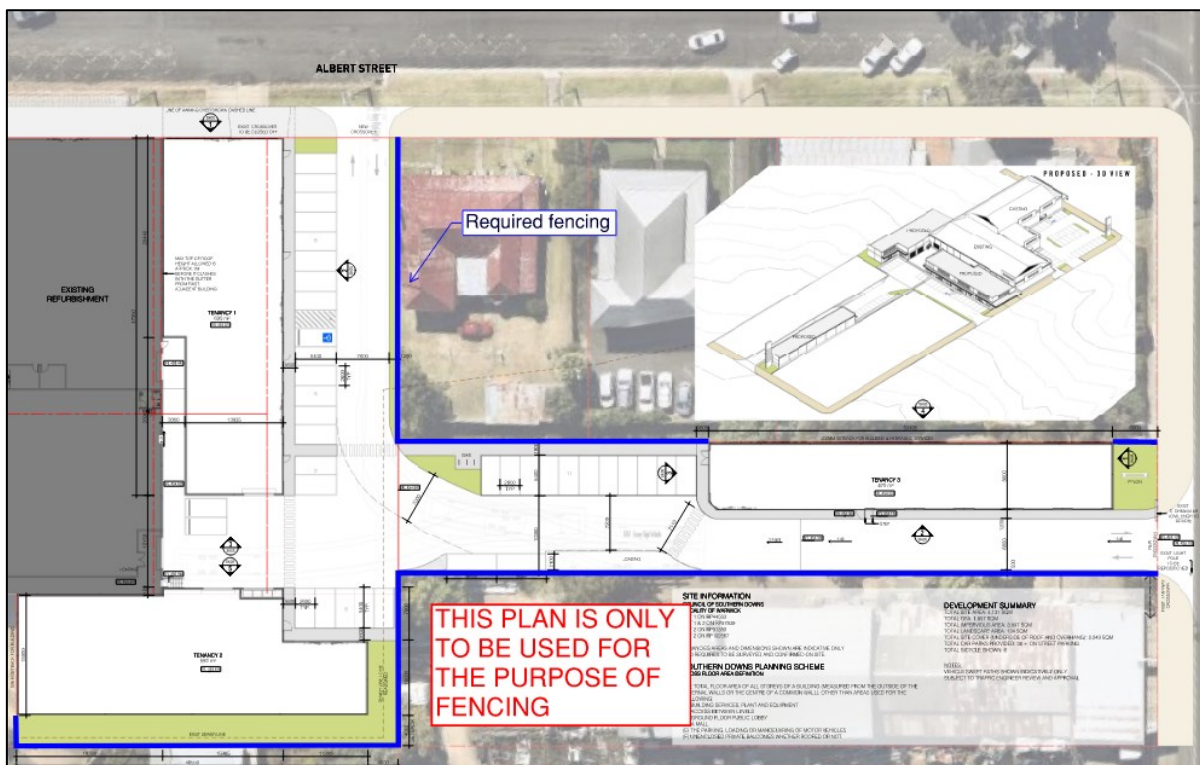
14. Any hazardous materials (e.g. oil and fuel) must be stored in a covered and bunded area. Any liquid spills that do occur must be cleaned up immediately and disposed of in an appropriate manner that ensures environmental harm does not occur. An appropriate spill kit for the management of wastes and hazardous liquids associated with the activity must be readily available at the site. Anyone operating under this approval must be trained in the use of the spill kit.
15. The ground floor of the Low impact industry (Motor vehicle workshop) is to be graded and trapped to capture any spilt oils and/or greases.
16. During the construction phase of the development, all wastes must be separated into recyclables (where possible) and landfill wastes, and disposed of at an approved waste management facility.
17. Noise levels emitted from the Low impact industry premises must not exceed 5dB(A) above the background noise levels in the locality when measured at the boundary of an affected residential dwelling and must not exceed 10dB(A) above the background noise levels in the locality when measured at the boundary of a commercial premises. This may include the need to use noise attenuating materials in the building.
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. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
20. No materials or goods associated with the development are to be displayed or stored within the car park or landscaped areas, or outside the boundaries of the site.
21. Advertising Devices relating to the development may **only** be erected on the subject land. The location, size, type and content of any advertising sign or device located on the land is to be compatible with the character of the surrounding area. No advertising signs or devices are to be located on any other land, unless all applicable approvals are obtained under the Planning Scheme and the relevant local laws. No advertising signs or devices are to be located within the road reserve.
22. 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.
23. All rooftop plant is to be screened from view. No rooftop plant is to be visible from the street or ground level.
24. 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.
25. Lighting is to be provided within the development including adjacent to the internal driveways. Any lighting is to be located such that there is no interference with any residences. Details of the proposed lighting are to be submitted to and approved by

Council's Planning Department prior to the issuing of any Development Permit for Building Works. Lighting is to be provided in accordance with the approved plan.

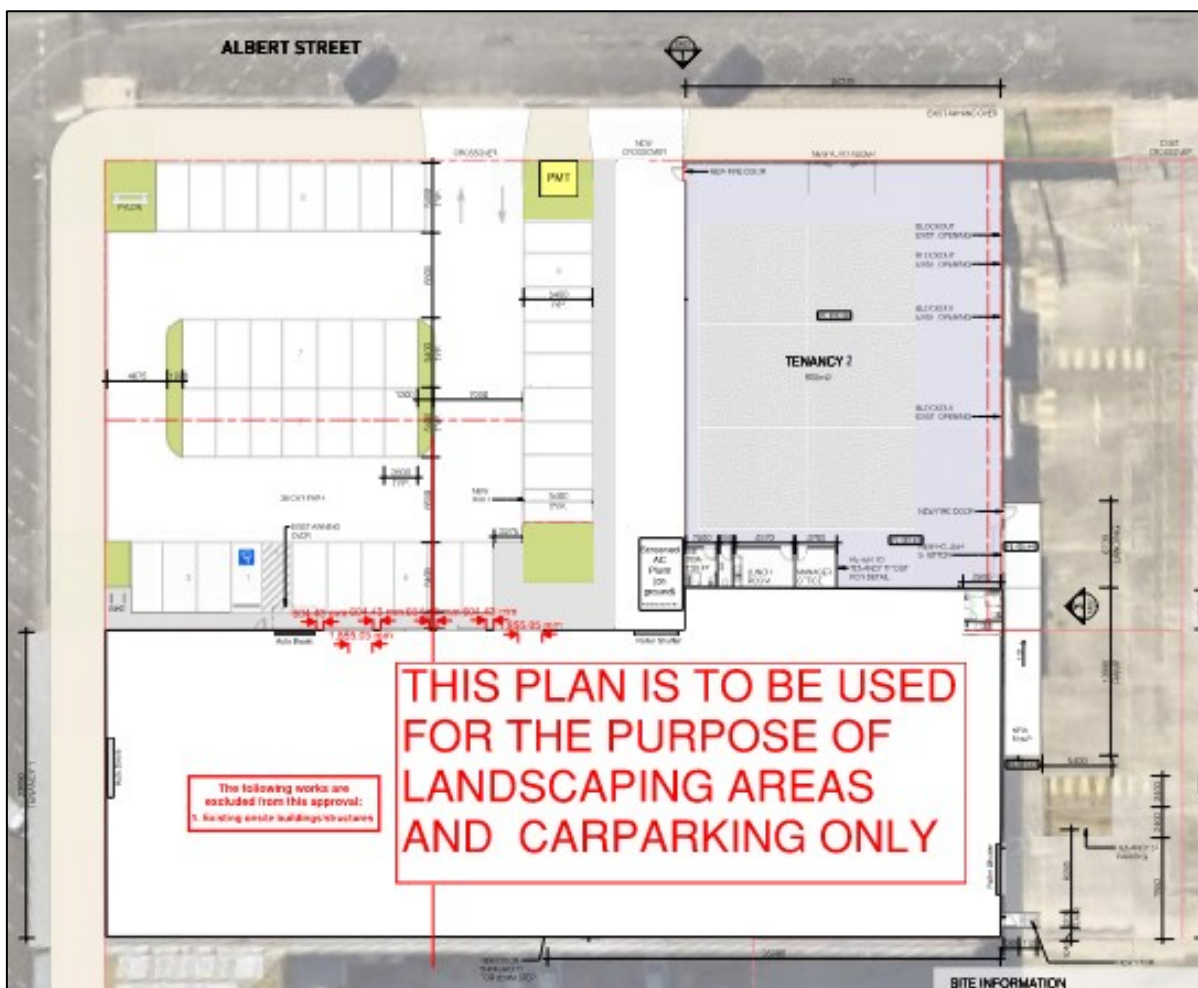
Fencing, Landscaping and Buffers

26. Fencing is to be provided in accordance with the following diagram. This fencing is to be provided at the developer's cost. This fencing shall reduce in height to be no more than 1.2 metres high within 6.0 metres of the road boundary.

All fencing erected within the Flood hazard overlay is to allow for flow through of flood waters on the ground.



27. **Details of the proposed fencing are to be submitted to and approved by Council's Planning Department prior to the issue of a Development Permit for Building Work.** Fencing is to be provided and maintained in accordance with the approved details.
28. Retaining structures and their foundations must be wholly contained within private allotments and not be constructed as Council owned infrastructure.
29. All earthworks, including batters must be fully contained within the site.
30. Landscaped areas are to be provided on the site in accordance with Plan No. SK04 Issue 12, 2023-388, dated 29 April 2024, prepared by i2c.
The landscaping provided within these landscaped areas are to be densely plated and are to provide a level of visual amenity.
Landscaping within the front setback for the Tenancy 1 building is to be densely planted to reduce any visual impacts associated with the car parking area.
31. Landscaped areas are to be provided within the carpark on the corner of Albert Street and Palmerin Street in accordance with the following diagram.



32. One (1) advanced tree with a minimum canopy at maturity of 3.0 metres in diameter is provided for every ten (10) carparking spaces (or part thereof). At least half of the required number of trees is to be located within all carpark areas (not around the periphery).

For each tree, a minimum mulched area of 3.0 square metres is provided around each tree. This area is to be planted with low growing shrubs or ground covers. The trees are to be protected by tree guards, bollards or similar.

33. The landscaped areas are to be separated from any carparking area by a raised kerb that is designed to ensure that vehicles do not park on or over the landscaped area.
34. There are to be no large shrubs or trees planted within 2.0 metres of Council's sewerage line.
35. **A Landscaping Plan is to be submitted to and approved by Council's Planning Department prior to the issue of any Development Permit for Building Work.** The Landscaping Plan is to be prepared by an appropriately qualified person, and must include details of the location and species of plants, the irrigation system and the height and material of fencing. Plants are to be generally frost resistant and drought hardy, and must not include weed species. Root barriers are to be installed around trees that are located within 3 metres of any underground infrastructure. The site is to be landscaped and maintained in accordance with the approved Landscaping Plan.

Car Parking and Vehicle Access

36. In lieu of twenty-four (24) car parking spaces being provided on site, infrastructure contributions are to be paid in accordance with [Section within IA] the executed Infrastructure Agreement, dated [insert IA date], between Southern Downs Regional Council and [26 Palmerin St Pty Ltd]. Full payment is to be made to Council in accordance with the

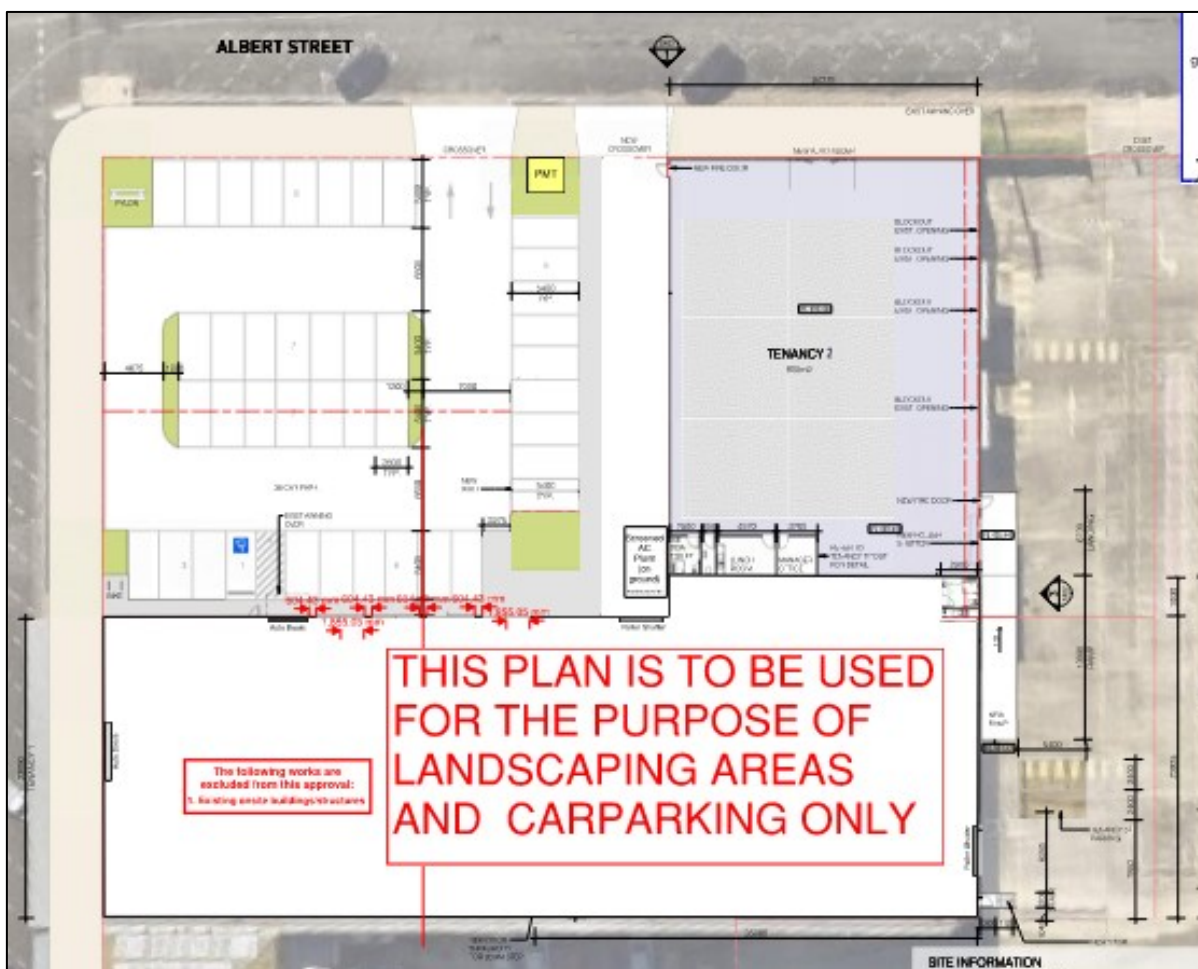
agreement prior to the use commencing.

37. Vehicle access from Albert Street is to be constructed to the site in accordance with Council's standard. (Council's Development Engineer can provide details regarding Council's standard.) The access must be constructed along Albert Street at a location which provides adequate sight distance in either direction. Such entrance roadworks are to be sealed and are to include appropriate drainage works.
38. 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.
39. At least thirty-six (36) car parking spaces are to be provided on site within the development area. Provision is to be made for disabled parking. All car parking, driveway and loading areas shall be sealed, line marked, drained, laid out and regularly maintained.

The manoeuvring areas, queuing areas and driveways are to meet the design requirements of *Australian Standard AS 2890.1 – Parking facilities - Off-street car parking* and *AS 2890.2 Parking facilities – Off-street commercial vehicle facilities* and are to be constructed in accordance with *Planning Scheme Policy – Carpark Construction*.

Note: The development area is defined as Lots 1 and 2 RP57839, Lot 2 RP51389, Lot 2 RP102587 and Lot 1 RP44563. The required thirty-six (36) carparking spaces does not include carparking spaces within the carpark on the corner of Albert Street and Palmerin Street.

40. Car parking shall be provided on site in accordance with the following diagram for the carpark on the corner of Palmerin Street and Albert Street only.



41. On-Street car parking shall be provided in accordance Plan No P6467 Issue 001 Sheet Number 12, dated 3 September 2024 prepared by Bitzios Consulting for on-street carparking

along Albert Street only.

42. Specific pedestrian routes are provided, lit and clearly marked with the development.
43. **A Carparking Plan is to be submitted to and approved by Council's Planning and Development Department prior to the issue of any Development Permit for Building Work.** The Carparking Plan is to detail the location of both customer and staff parking.

Note: As per Australian Standard AS 2890.1 – Parking facilities - Off-street car parking, the minimum width of customer carparks for the proposed use with an aisle width of 6.5 metres is 2.7 metres. The Carparking Plan should show customer carparks with a width of at least 2.7 metres.

44. All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.
45. All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
46. 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"*.
47. 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

48. 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.
49. The redundant vehicle crossing in Albert Street that provides access to Lot 2 RP57839 and Lot 2 RP51389 is to be decommissioned and the kerb and channelling between the pavement edge and the property boundary must be reinstated at no cost to Council. The reinstated kerb and channel is to align with the existing kerb and channel to the east and west.

Stormwater Drainage

50. The stormwater inlets along the frontage of Albert Street and Albion Street, as referenced in *31 Albion Street Warwick: Traffic Impact Assessment, P6467 Issue 002, dated 2 May 2024*, prepared by *Bitzios Consulting*, are to be relocated as so they are not impeding the proposed accesses from these streets to the development, or other existing development within the vicinity. The works are to be completed at the developer's cost.
51. 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

52. A reticulated water supply system, up to and including water meters, is to be provided to service all tenancies. This system is to be connected to Council's water supply system.
53. The connection to Council's reticulated water supply must be a combined fire and domestic metered connection located at a point nominated by Council.
54. A sewerage reticulation system is to be provided to service all buildings, generally in accordance with Plan No. 2023-388 Dwg No SK04 Issue 12 dated 29 April 2024 prepared by i2c.
55. The sewerage reticulation system is to be connected to Council's wastewater sewerage system. The system is to be located within a 4.0 metre wide easement that is clear of structures (driveways and carparking within the easement may be permitted subject to prior approval from Council's Water Department). Where a reticulated sewerage system cannot reasonably be constructed to service a particular existing building in accordance with this requirement, the existing sewer may be adopted as sanitary drainage and an easement provided for this purpose, subject to relevant plumbing and drainage approvals. A manhole or similar must be provided to delineate between the adopted sanitary drainage and the new sewer main.

Note: All buildings within the subject land, being Lots 1, 2, 3 and 4 RP5755, Lots 1 and 2 RP5756, Lot 1 RP5751, Lot 2 RP51389, Lots 1 and 2 RP57839, Lot 2 RP102587 and Lot 1 RP44563, both existing and proposed, are to have/maintain a reticulated sewerage connection.

56. The development is to comply with Council's policy *Works Near Water Supply and/or Sewerage Infrastructure Policy*, which requires an application to be submitted to Council for approval, prior to the commencement of the works. It is not desirable to build over the infrastructure; alternative arrangements should be sought.

Pedestrian Works

57. A concrete pedestrian footpath is to be constructed along the Albert Street frontage of the site. The footpath is to be constructed for the full width from the property boundary to the kerb and channel.

Electricity, Street Lighting and Telecommunications

58. The power poles located along Albion Street and Albert Street, as referenced in *31 Albion Street Warwick: Traffic Impact Assessment, P6467 Issue 002, dated 2 May 2024*, prepared by *Bitzios Consulting*, that conflict with the location of the proposed vehicle crossovers to the development are to be relocated to a location suitable to the relevant authorities. The works are to be completed at the developer's cost.
59. Reticulated electricity connections must be provided to the proposed development to the standards of the relevant authorities.
60. In accordance with the Federal Government's National Broadband Network (NBN) initiatives, the Developer (at the Developer's expense) is to install telecommunications infrastructure, such as lead-in conduits (LIC) or a fibre ready pit and pipe network (including trenching and ducting, design and third party certification), to NBN Co's specifications, to allow for the installation of Fibre-to-the-Premises (FTTP) broadband services. Any fibre provider may be used, provided they meet NBN specifications and open access requirements. Ownership of the infrastructure is to be transferred to Telstra in exchange for the provision of fibre within that infrastructure network. Prior to commencement of the use, written advice is to be provided from Telstra that the telecommunications infrastructure network has been installed in accordance with NBN Co's specifications.

Operational Works

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

Infrastructure Charges Notice

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

Advisory Notes

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning and Environmental Services, prior to the use commencing, and then compliance maintained at all times while the use continues.
- (ii) Any proposal to increase the scale or intensity of the use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Planning Act 2016* and would have to comply with the requirements of the Planning Scheme.
- (iii) It is your responsibility to notify Council when a development, or part of, is nearing completion and ready for commencement of the use. The commencement of use is when the Infrastructure Charges associated with your development are to be paid, unless paid earlier.
- (iv) It is encouraged that you arrange for a free compliance inspection to be carried out prior to the use commencing. This will involve a physical inspection of the premises along with an internal audit of Council's records. Written advice will be provided for your records advising if compliance with the conditions has been achieved.
- (v) Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Workplace Health and Safety* legislation and *Public Health Act 2005*.
- (vi) 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.
- (vii) 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*.
- (viii) **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.
- (ix) **Building Approval is to be obtained** for a Class 6, 7b and 8 in accordance with the *Planning Act 2016* for the proposed building work. The building application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. The building plans are to accord with the plans approved in this approval. The building is to be constructed in accordance with the Building Approval prior to the commencement of the use. A **Form 11 (Certificate of Classification) must be issued for the building works prior to the use commencing**.
- (x) 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.

- (xi) The Flood hazard overlay is based on a 1% Annual Exceedance Probability (AEP) flood event. An event of this size may occur, on average, once every 100 years, however it may occur more frequently. Flood events may also be larger than the 1% AEP and therefore areas located outside of the overlay are not guaranteed of flood immunity.
- (xii) 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.
- (xiii) A Development Permit for Operational Works associated with the development must be obtained in accordance with the *Planning Act 2016*. This application must be submitted with the following:
 - DA Form 1;
 - The relevant fee in accordance with Council's Schedule of General Fees and Charges;
 - Detailed design drawings, schedules and specifications for all Operational Works, certified by a Registered Professional Engineer in Queensland (RPEQ);
 - A car parking plan showing the location and dimension of all parking areas, details of the proposed pavement treatment, and full engineering specifications of layout, construction, sealing, drainage and line marking;
 - A plan showing ingress and egress wheel and swept turning paths;
 - A Stormwater Management Plan;
 - If the development involves new roads, the proposed names for new roads;
 - An Erosion and Sediment Control Plan;
 - A geotechnical report addressing the filling of the site and make recommendations as to how it will be possible for such filling to achieve compliance with AS3798-2007 (as amended) "*Guidelines on Earthworks for Commercial and Residential Developments*".

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

- (xiv) 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.
- (xv) 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.
- (xvi) A Development Permit for Operational Works and a Compliance Permit for Plumbing and Drainage Works should be obtained prior to the issue of a Development Permit for Building Works.
- (xvii) 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.
- (xviii) Any retaining structures above one metre in height must be separately certified for structural adequacy by a Registered Professional Engineer of Queensland at design submission and also on completion of construction for compliance with the design.

A detailed inspection and as constructed record must be provided to Council by a Registered Professional Engineer of Queensland, prior to acceptance of the works, including certification that the wall's foundation ground conditions nominated in the design were inspected and achieved during construction.

The approved design and/or construction of the retaining walls must not be modified or altered without Council's prior written approval.

Telecommunications in New Developments

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

Aboriginal Cultural Heritage

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

Schedule 3 – Department of Housing, Local Government, Planning and Public Works' 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)

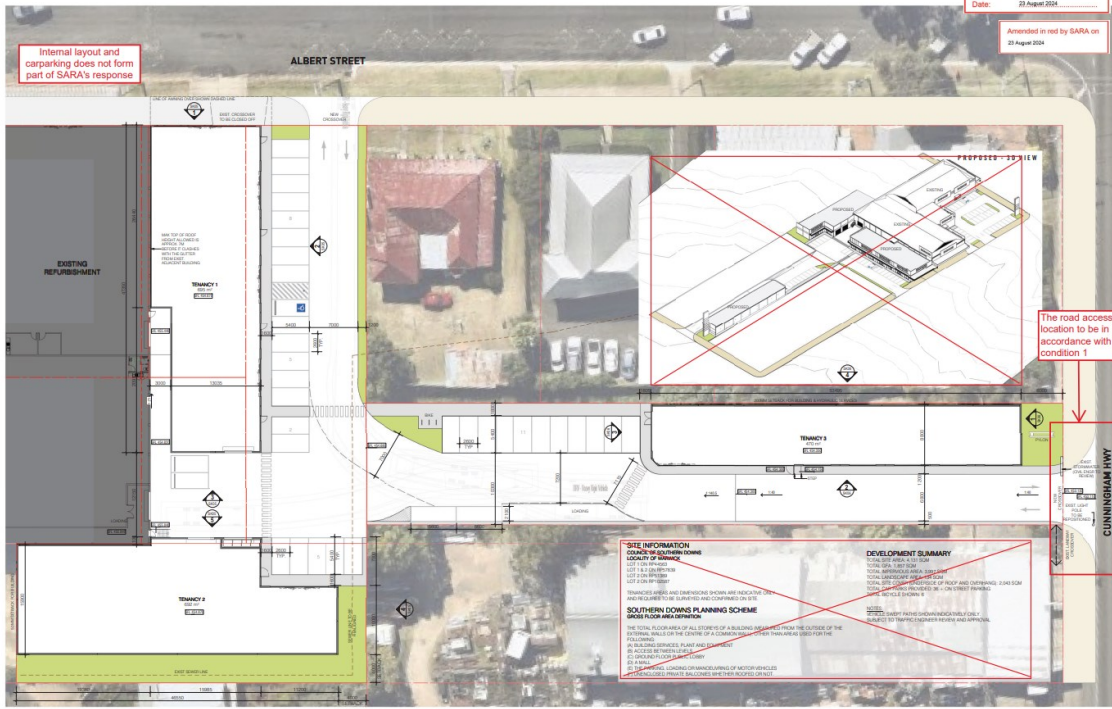
No.	Conditions	Condition timing
Material Change of Use		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	<p>(a) The road access location to Albion Street is to be located generally in accordance with Proposed Development, dated 29/04/24, drawing no. SK04, Issue 12, as amended in red by SARA.</p> <p>(b) Road access works at the road access location, comprising a commercial driveway crossover restricted to left-in / left-out movements only, must be provided generally in accordance with Albion Street Crossover, dated 02.05.2024, issue 002.</p> <p>(c) The road access works must be designed and constructed in accordance with the Southern Downs Regional Council's commercial driveway crossover standards and the Department of Transport and Main Roads' <i>Road Planning & Design Manual</i> (and any external standards referenced therein).</p>	<p>(a) At all times</p> <p>(b) and (c): Prior to the commencement of use</p>
2.	<p>(a) The existing vehicular property access located between Lot 1 on RP44563 and Albion Street must be permanently closed and removed.</p> <p>(b) The kerb and channelling and footpath between the pavement edge and the property boundary must be reinstated at no cost to the Department of Transport and Main Roads'.</p>	Prior to the commencement of use
3.	<p>Signage and line marking, indicating that the Albion Street access location is restricted to left-in / left-out movements only is to be provided in proximity to the access location and be installed in accordance with the Department of Transport and Main Roads' <i>Manual of Uniform Traffic Control Devices</i>.</p> <p>Physical signage must not be installed within the state-controlled road corridor.</p>	Prior to the commencement of use
4.	Any excavation, filling/backfilling/compaction, retaining structures, stormwater management works and other works involving ground disturbance must not encroach upon or de-stabilise or cause damage to the state-controlled road corridor, including all transport infrastructure or the land supporting this infrastructure, or cause similar adverse impact.	At all times
5.	(a) Carry out the stormwater management of the development generally in accordance with the Concept Services Plan, dated	(a) At all times

	<p>08.05.2024, drawing no. SK003, revision A.</p> <p>(b) Submit RPEQ certification with supporting documentation to Downs.South.West.IDAS@tmr.qld.gov.au within the Department of Transport and Main Roads, confirming that the development has been constructed in accordance with part (a) of this condition.</p>	<p>(b) Within 20 business days of the completion of works</p>
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Attachment 2—Advice to the applicant

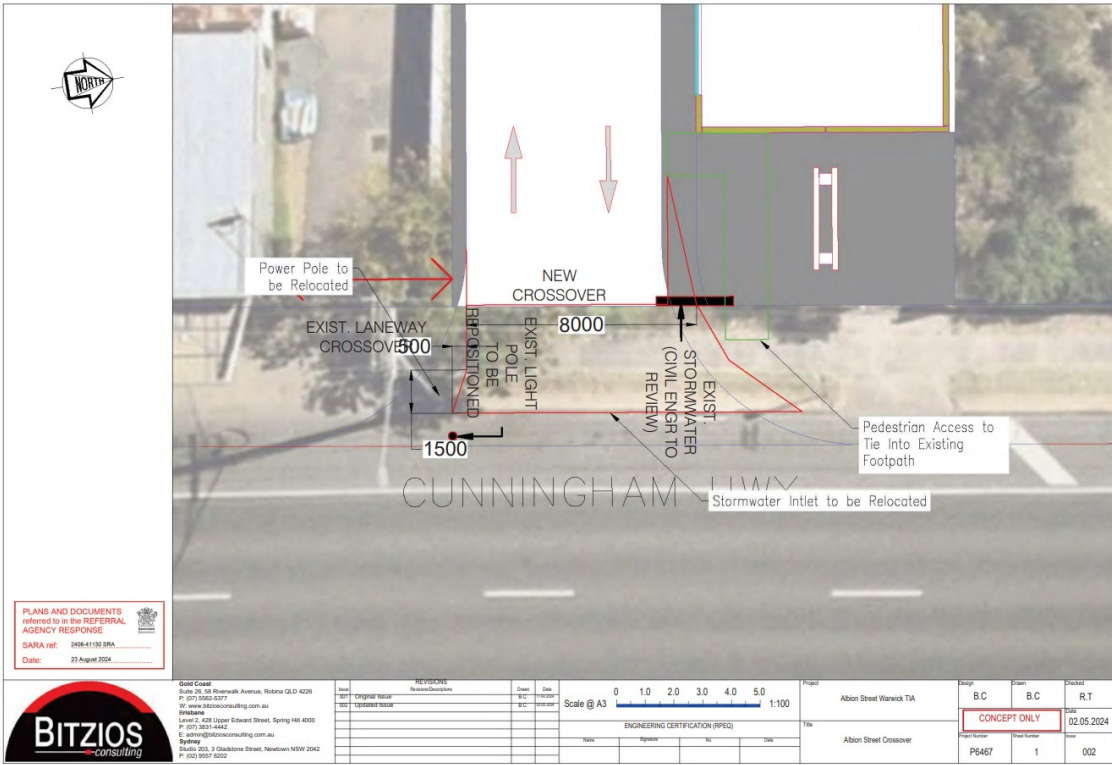
<p>General advice</p>	
<p>1.</p>	<p>Terms and phrases used in this document are defined in the <i>Planning Act 2016</i>, its regulation or the State Development Assessment Provisions (SDAP) (version 3.0). If a word remains undefined it has its ordinary meaning.</p>
<p>State-controlled roads</p>	
<p>2.</p>	<p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works on a State-controlled road. Please contact the Department of Transport and Main Roads on 07 4639 0828 to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road.</p> <p>The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>Please contact the Department of Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p> <p><i>Note: Reference to the approved plans imply conceptual approval only. Further modifications and inclusions are likely to be required in order for submitted detailed designs to comply with TMR standards at the roadworks application (s33 TIA) stage. In particular, detailed designs may require, but should not be limited to, necessary lane widening for provision of cycle lanes, lengthening of turn lanes, installation of lighting, signage and line marking, pavements, utilities and services, and roadsides and roadside furniture.</i></p>
<p>(a)</p>	<p>An application for a Road Corridor Permit is required for any ancillary works and encroachments on the state-controlled road under section 50(2) and Schedule 6 of the <i>Transport Infrastructure Act 1994</i> and Part 5 and Schedule 1 of the <i>Transport Infrastructure (State-Controlled Roads) Regulation 2006</i>. Please contact the Department of Transport and Main Roads on 4639 0743 to make an application for a Road Corridor Permit. Ancillary works and encroachments include but are not limited to advertising signs or other advertising devices, paths or bikeways, buildings/shelters, vegetation clearing, landscaping and planting.</p>

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE
 SARA ref: 2456-41132 SPA
 Date: 23 August 2024



SITE INFORMATION
 SOUTHERN DOWNS LOCAL GOVERNMENT
 LOCALITY OF BUNNINGS
 LOT 1 IN DIVISION 55
 LOT 2 IN DIVISION 55
 LOT 3 IN DIVISION 55
 LOT 4 IN DIVISION 55
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 LOT 100 IN DIVISION 55

WARWICK - LFR EX BUNNINGS RECONFIGURATION | DCS PROPERTY GROUP | Inspiring ideas to enhance human experience | PROPOSED DEVELOPMENT

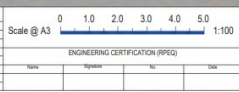


PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE
 SARA ref: 2456-41132 SPA
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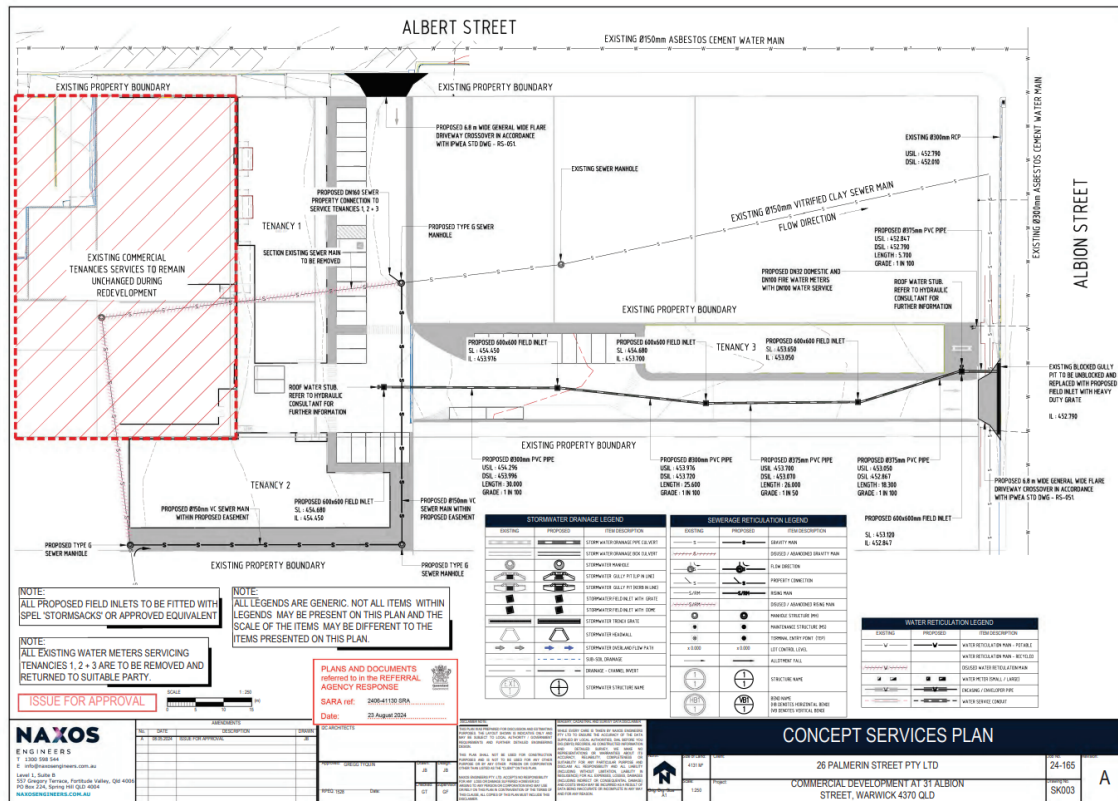
Gold Coast
 Suite 26, 55 Riverside Avenue, Robina QLD 4226
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 W www.bitziosconsulting.com.au
 Brisbane
 Level 9, 428 Upper Edward Street, Spring Hill 4000
 P (07) 3211 4442
 E geoff@bitziosconsulting.com.au
 Sydney
 Suite 203, 3 Chisholm Street, Newtown NSW 2042
 P (02) 9557 6202

REV	REVISIONS	DATE	BY	CHECKED
001	Original Issue	9/10/2024	geoff	geoff
002	Revised Issue	9/10/2024	geoff	geoff



Project: Albion Street Warwick TIA
 Title: Albion Street Crossover
 ENGINEERING CERTIFICATION (RPEQ)

Drawn	Checked	Project
B.C	B.C	R.T
CONCEPT ONLY		
02/05/2024		
P6467	1	002



Carried Unanimously

10:57am Cr Windle rejoined the meeting

Cr Windle declared a Conflict of Interest in relation to Agenda Item 15.3, and following a resolution from Council remained in the meeting for discussion and vote.

15.3 Condamine Sport Club - 131 Palmerin Street, Warwick - Potential Addendum to Infrastructure Agreement for Car Parking

Resolution

Moved Cr M Harslett

Seconded Cr C Pidgeon

THAT Council maintain the executed Infrastructure Agreement Between Southern Downs Regional Council and the Condamine Sport Club Inc.

Lost

The following votes were recorded:

For: Crs M Hamilton and M Harslett (2)

Against: Crs R Bartley, S Deane, C McDonald, J Richters, R Wantling and S Windle (7)

15.3.1 Condamine Sport Club - 131 Palmerin Street, Warwick - Potential Addendum to Infrastructure Agreement for Car Parking

Resolution

Moved Cr J Richters

Seconded Cr S Deane

THAT Council amend the executed Infrastructure Agreement Between Southern Downs Regional Council and the Condamine Sport Club Inc to reduce the number of required car parks to seven (7), for the following reason:

- The development is located in a place where there is adequate and convenient nearby parking that is safe to use in accordance with the overall outcome in accordance with 9.4.2.2(2)(a).

Carried

The following votes were recorded:

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

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

Accordingly the Mayor declared the motion carried.

11:10am Deputations from the Submitters and the Applicant for Agenda Item 15.4 Material Change of Use – 214 Kerrick Road, Dalveen

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

15.4.1 Procedural Motion - Material Change of Use - Alexander G Kuhl & Belinda J Hackney C/- NAPIRE Planning & Design, 214 Kerrick Road, Dalveen

Resolution

Moved Cr C McDonald

THAT Agenda Item 15.4 lay on the table pending receipt of a Noise Impact Assessment from the Applicant.

Carried

The following votes were recorded:

For: Crs R Bartley, M Hamilton, M Harslett, C McDonald, C Pidgeon, R Wantling and S Windle (7)

Against: Crs S Deane and J Richters (2)

Cr Pidgeon declared a Conflict of Interest in Agenda 15.5 and left the meeting at 11:48am

15.5.1 Reconfiguring a Lot - Bartranz Petroleum, 1 New England Highway, Allora

Resolution

Moved Cr J Richters

Seconded Cr M Harslett

THAT the application for a Minor Change to an existing Development Permit for Reconfiguring a Lot – Subdivision of one (1) lot into two (2) lots, on land at 1 New England Highway, Allora, described as Lot 1 A 241 (Incl Lease A & B SP285679), be approved in part, and Condition 9 removed for the following reason:

- The condition is inconsistent with the character and amenity of the area in accordance with 9.4.7.2(2)(b).

Carried

The following votes were recorded:

For: Crs R Bartley, M Harslett, C McDonald, J Richters, R Wantling and S Windle (6)

Against: Crs S Deane and M Hamilton (2)

15.5 Reconfiguring a Lot – Bartranz Petroleum, 1 New England Highway, Allora

Recommendation

THAT the application for a Minor Change to an existing Development Permit for Reconfiguring a Lot – Subdivision of one (1) lot into two (2) lots, on land at 1 New England Highway, Allora, described as Lot 1 on A 241 (Incl Lease A & B SP285679), be approved in part and Condition 9 be amended as follows:

9. A sealed road, including concrete edge strip and stormwater drainage, is to be constructed along the ~~William Street and~~ Darling Street frontages of the site. The concrete edge strip is to align with the kerb and channel connecting to the New England Highway. Operational Works approval will be required from Council for the roadworks.

Lapsed

11:56am Cr Pidgeon rejoined the meeting

15.6 Minor Change Applications Gary Hayes & Partners Pty Ltd - 11-25 Carmody Street, Warwick

Resolution

Moved Cr J Richters

Seconded Cr M Harslett

THAT the:

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

Condition 18

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

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

Condition 27

With Stage 2, a 2.0 metre wide concrete pedestrian footpath is to be constructed ~~between the United Fuel Station and the footpath linking to the~~ ~~along the~~ Cleary Street ~~pedestrian access link~~ ~~frontage of the site~~, in a location suitable to the Director Infrastructure Services. ~~The footpath is to connect to the pedestrian access link.~~ **Provided that in order to reasonably construct the footpath no works are required which impact trunk infrastructure.**

AND

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

Carried Unanimously

15.7 Minor Change to Reconfiguration of Lot – Graeme J & Marie P McMillan - 49 Forde Street, Allora

Recommendation

THAT the application for a Minor Change to an existing Development Permit for Reconfiguring a Lot – Subdivision of one (1) into three (3) lots, on land at 49 Forde Street, Allora, described as Lot 409 A17081, be refused for the following reasons:

The development will result in additional residential lots with frontage to Wilson Lane which is a gravel constructed road. The land is within the Low density residential zone.

New lots in the Low density residential zone are to have safe and effective access to the town centre, and connection to all available infrastructure, including a sealed road.

The proposed change does not achieve compliance with the Planning Scheme.

Lapsed

15.7.1 Minor Change to Reconfiguration of Lot - Graeme J & Marie P McMillan - 49 Forde Street, Allora

Resolution

Moved Cr J Richters

Seconded Cr M Harslett

THAT:-

1. The application for a Minor Change to an existing Development Permit for Reconfiguring a Lot – Subdivision of one (1) into three (3) lots, on land at 49 Forde Street, Allora, described as Lot 409 A17081 be approved for the following reason:

- *Having regard to the amenity of the area and the lack of safety concerns the removal of condition 7 is in accordance with PO9 of Table 9.4.7.3.*

2. Condition 7 be deleted:

~~7. Deleted Wilson Lane is to be constructed to a sealed standard using asphaltic cement to connect the full frontage of proposed Lots 12 and 13 with either Drayton Road or Jubb Street. The sealed width is to be up to 6.0 metres and such works are to include stormwater drainage. Where kerb and channel is not provided, a concrete edge strip is to be installed.~~

Carried Unanimously

15.8 Adoption of Amended Fees and Charges 2024-25

Resolution

Moved Cr J Richters

Seconded Cr C Pidgeon

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

Carried Unanimously

15.9 Pest Management Advisory Committee- Endorsement of Membership

Resolution

Moved Cr C Pidgeon

Seconded Cr S Windle

THAT Council:

1. Amend Terms of Reference to include three (3) community representatives on the Committee.
2. Appoint the following community representatives to Council's Pest Management Advisory Committee:
 - a. Kim Rush
 - b. Liz Bourne
 - c. Paul Maher

Carried Unanimously

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

15.10.1 Procedural Motion - Sundried Events - Initiation NYE Festival - 28 Roona Road, Junabee

Resolution

Moved Cr J Richters

THAT Agenda Item 15.10 be adjourned to a Special Meeting to be scheduled on 27 November 2024.

Lost

The following votes were recorded:

For: Cr J Richters (1)

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

15.10 Sundried Events - Initiation NYE Festival - 28 Roona Road, Junabee

Resolution

Moved Cr M Harslett

Seconded Cr J Richters

THAT Council receive this report and approve the application for a temporary entertainment event for the Sundried Events Initiation NYE Festival under Council's Local Law No. 1 (Administration) 2011, subject to the conditions in Attachment 4.

Lost

The following votes were recorded:

For: Nil (0)

Against: Crs R Bartley, S Deane, M Hamilton, M Harslett, C McDonald, C Pidgeon, R Wantling, and S Windle - J Richters (Abstained) (9)

15.10.2 Sundried Events - Initiation NYE Festival - 28 Roona Road, Junabee

Resolution

Moved Cr R Bartley

Seconded Cr S Windle

THAT Council receive this report and refuse the application for a temporary entertainment event for the Sundried Events Initiation NYE Festival under Council's Local Law No. 1 (Administration) 2011 due to the proposed camping location being located within Council's flood overlay and being within a gazetted floodplain, and the associated safety issues.

Carried

The following votes were recorded:

For: Crs R Bartley, S Deane, M Hamilton, C McDonald, C Pidgeon, R Wantling and S Windle (7)

Against: Cr J Richters and M Harslett (Abstained) (2)

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

16.1 2024 LGAQ Annual State Conference

Resolution

Moved Cr C Pidgeon

Seconded Cr S Windle

THAT the Mayor's report on the 2024 LGAQ Annual State Conference be received.

Carried Unanimously

16.2 Darling Downs South West Queensland Council of Mayors Meeting - October 2024

Resolution

Moved Cr S Deane

Seconded Cr S Windle

THAT the Mayor's report on the Darling Downs South West Queensland Council of Mayors Meeting held 20 October 2024 be received.

Carried Unanimously

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 WIRAC Hydrotherapy Project - Lost Revenue Claim

Reason for Confidentiality

This item is considered confidential in accordance with section 254J(3)(g) of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

17.2 Sale of Land for Overdue Rates and Charges

Reason for Confidentiality

This item is considered confidential in accordance with section 254J(3)(e) of the *Local Government Regulation 2012*, as it contains information relating to legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

Meeting In Camera

Resolution

Moved Cr M Harslett

Seconded Cr S Deane

THAT the meeting move into closed session.

Carried Unanimously

The Meeting moved into closed session at 12:43pm.

Meeting Out Of Camera

THAT the meeting resumed in open session at 12:45pm.

17.1 WIRAC Hydrotherapy Project - Lost Revenue Claim

Resolution

Moved Cr J Richters

Seconded Cr C Pidgeon

THAT Council:-

1. Not make an ex gratia payment to the YMCA Queensland for the lost revenue claim as Council has no contractual obligation to make such payment and/or claim under the current contractual arrangement (Services Agreement Operation & Management of Warwick Indoor Recreation and Aquatic Centre, Stanthorpe Fitness Centre and Stanthorpe Swimming Pool); and
2. Continue to act in good faith and liaise with YMCA in regard to the necessary repairs to the Hydrotherapy Pool.

Carried Unanimously

17.2 Sale of Land for Overdue Rates and Charges

Resolution

Moved Cr J Richters

Seconded Cr R Wantling

THAT Council:

1. Pursuant to section 140(2) of the *Local Government Regulation 2012*, sell the land as described in the updated Attachment 1: Sale of Land for Overdue Rates List 2024/25; and
2. Delegate its power to the Chief Executive Officer to take all further steps under Chapter 4, Part 12, Division 3 of the *Local Government Regulation 2012* to complete the sale of the land or end the sale procedures if appropriate.

Carried Unanimously

18. GENERAL BUSINESS

Nil.

MEETING CLOSURE

There being no further business, the meeting closed at 12:47pm.