



**MINUTES OF THE
ORDINARY COUNCIL MEETING
19 FEBRUARY 2025**

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**MINUTES OF THE ORDINARY COUNCIL MEETING OF
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 19 FEBRUARY 2025
IN THE COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,
61 MARSH STREET, STANTHORPE AT 9:00AM**

1. ACKNOWLEDGEMENT OF COUNTRY

2. PRAYERS & CONDOLENCES

Rev Peter Evans from Stanthorpe Presbyterian 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: Rachel Brophy (Chief Executive Officer), Susie Glasson (Acting General Manager Customer and Organisational Services), Nick Wellwood (General Manager Infrastructure, Assets & Projects), Angela O'Mara (Acting Director Planning and Environmental Services), Gurbindar Singh (Chief Financial Officer), Michael Bell (Manager Community Services), Jon Charles (Manager Sustainability and Strategy), James Varughese (Manager Works), 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 - 22 January 2025

Resolution

Moved Cr S Windle

Seconded Cr C McDonald

THAT the minutes of the Ordinary Council Meeting held on Wednesday 22 January 2025 be adopted.

Carried Unanimously

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Ordinary Council Meeting 22 January 2025

Resolution

Moved Cr S Deane

Seconded Cr M Harslett

THAT Council receive the report and note the contents.

Carried Unanimously

6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precise	Nature of Conflict
12.1	Chief Executive Officer – Status Report	Cr Bartley declared a declarable conflict of interest in this matter (as defined in Section 150EQ(4)(a) of the <i>Local Government Act 2009</i>) as he is a user of the Warwick Saleyards and derives income from the sale of cattle. As a result of Cr Bartley's conflict, he will leave the meeting room while there is any discussion involving the Warwick Saleyards.
13.1	Financial Services – Financial Report as at 31 January 2025	Cr Bartley declared a declarable conflict of interest in this matter (as defined in Section 150EQ(4)(a) of the <i>Local Government Act 2009</i>) as he is a user of the Warwick Saleyards and derives income from the sale of cattle. As a result of Cr Bartley's conflict, he will leave the meeting room while there is any discussion involving the Warwick Saleyards.
14.5	Water Assets on 26-28 Willi 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 she lives across the road from the Water Treatment Plant. 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.
15.1	Material Change of Use – REL Events Pty Ltd C/- Precinct Urban Planning – 396 Keoghs Road & Hopgoods Road, Elbow Valley	Cr Harslett declared a declarable conflict of interest in this matter (as defined in Section 150EQ(4)(a) of the <i>Local Government Act 2009</i>) – in July 2024 she was contacted by media, as the then Portfolio holder for events, to comment on the future of the REL festival in the region. Although Cr Harslett 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 Harslett 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 Harslett participated in the discussion and voting on this matter.
15.1	Material Change of Use – REL Events Pty Ltd C/- Precinct Urban Planning – 396 Keoghs Road & Hopgoods Road, Elbow Valley	Cr Richters declared a declarable conflict of interest in this matter (as defined in Section 150EQ(4)(a) of the <i>Local Government Act 2009</i>) for the following reasons: the election material used by him in the 2024 local government elections supported festivals in the region; he attended the 2024 REL festival as an observer, he made a media statement regarding his position on pill testing, he met with the REL Director in September 2024 and had a telephone conversation with the REL Director to confirm they had seen the report for today's meeting. Although Cr Richters has a declarable conflict of interest, he does not believe a reasonable person could have a perception of bias because of his conflict. Therefore, Cr Richters will choose to remain in the meeting, however, he will respect the decision of the meeting on whether he can remain and participate in the decision. Following a resolution from Council, Cr Richters was unable to participate in the discussion and voting on this matter.

6.1 Conflict of Interest - Cr Windle: Agenda Item 14.5

Resolution

Moved Cr J Richters

Seconded Cr C McDonald

THAT Council, following the declarable conflict of interest declaration by Cr Windle for Agenda Item 14.5, 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

6.2 Conflict of Interest - Cr Harslett: Agenda Item 15.1

Resolution

Moved Cr S Windle

Seconded Cr S Deane

THAT Council, following the declarable conflict of interest declaration by Cr Harslett for Agenda Item 15.1, determines that it is in the public interest that she participates and votes on the matter as her declarable conflict is not of sufficient significance that it will lead her to making a decision on the matter that is contrary to the public interest and would not prevent her from performing her Councillor responsibilities and serving the public interest of the region by remaining in the room for the discussion and vote on the matter.

Carried

The following votes were recorded:

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

Against: Nil (0)

Noting Cr Richters did not participate in the vote due to a declared conflict of interest.

6.3 Conflict of Interest - Cr Richters: Agenda Item 15.1

Resolution

Moved Cr S Windle

Seconded Cr S Deane

THAT Council, following the declarable conflict of interest declaration by Cr Richters for Agenda Item 15.1, determines that it is in the public interest that he participates and votes on the matter as his declarable conflict is not of sufficient significance that it will lead him to making a decision on the matter that is contrary to the public interest and would not prevent him from performing his Councillor responsibilities and serving the public interest of the region by remaining in the room for the discussion and vote on the matter.

Lost

The following votes were recorded:

For: Crs S Deane, C Pidgeon and S Windle (3)

Against: Crs R Bartley, M Hamilton, C McDonald and R Wantling (4)

Noting Cr Harslett did not participate in the vote due to a declared conflict of interest.

7. MAYORAL MINUTE

Nil

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 Richters - Secure Communities

Resolution

Moved Cr S Deane

Seconded Cr M Harslett

THAT Council's Secure Communities Portfolio Report be received.

Carried Unanimously

12. EXECUTIVE SERVICES REPORTS

12.1 Chief Executive Officer - Status Report

Resolution

Moved Cr C Pidgeon

Seconded Cr M Harslett

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

Carried Unanimously

13. CUSTOMER AND ORGANISATIONAL SERVICES REPORTS

13.1 Financial Services - Financial Report as at 31 January 2025

Resolution

Moved Cr R Wantling

Seconded Cr S Deane

THAT Council receive and note the Financial Performance Report as at 31 January 2025.

Carried Unanimously

13.2 Operational Plan 2024-2025 Quarterly Review - October 2024 to December 2024

Resolution

Moved Cr C Pidgeon

Seconded Cr M Harslett

THAT Council receive and note the contents of the Operational Plan Quarterly Review – October 2024 – December 2024

Carried Unanimously

13.3 Minutes of the Audit & Risk Management Committee held 23 January 2025

Resolution

Moved Cr S Deane

Seconded Cr M Harslett

THAT Council receive and note the minutes from the Audit and Risk Management Committee meeting held on 23 January 2025

Carried Unanimously

13.4 Application for Permanent Road Closure - Adjacent to Lot 1 on SP165073 - 208 Amosfield Road, Stanthorpe 4380

Resolution

Moved Cr M Harslett

Seconded Cr S Deane

THAT Council, pursuant to Section 99(1) of the *Land Act 1994*, offer no objection to the application for a permanent road closure over part of the Road Reserve adjacent to Lot 1 on SP165073, so long as the two Lots are amalgamated.

Carried Unanimously

13.5 Warwick Motocross Club - Request for Support

Resolution

Moved Cr R Wantling

Seconded Cr S Deane

THAT Council approve the allocation of \$13,000 to the Warwick Motocross Club for materials to assist the club construct an external safety fence to meet safety and security requirements for events held at their facility located in Morgan Park.

Carried Unanimously

14. INFRASTRUCTURE SERVICES REPORTS

14.1 Acacia Avenue Electric Vehicle Charger

Recommendation

Moved Cr M Harslett

Seconded Cr S Windle

THAT Error! No document variable supplied.:-

1. Delegate to the Chief Executive Officer the negotiation and achievement of the transfer of the operation of the Electric Vehicle Charger located as defined in the executed agreement.
2. Delegate to the Chief Executive Officer in the event the transfer is not successful to seek alternate providers for the site.
3. Commence a public engagement for the cessation of the free Electric Vehicle charge service at the Acacia Avenue site.
4. Delegate to the Chief Executive Officer in the event no agreements with providers can be made within six months the site be closed.

Amendment

Mayor Hamilton proposed the following Amendment to Agenda Item 14.1:

THAT Council:-

1. Delegate to the Chief Executive Officer to negotiate and achieve the transfer of the operation of the Electric Vehicle Charger located at Acacia Avenue and as defined in the executed agreement.
2. Delegate to the Chief Executive Officer in the event the transfer is not successful to seek alternate providers for the site.
3. Commence a public engagement for the cessation of the free Electric Vehicle charge service at the Acacia Avenue site.
4. If no agreements with providers can be made in 6 months, delegate to the Chief Executive Officer to cease operation.

Amendment

Cr Richters proposed the following Amendment to Agenda Item 14.1:

THAT Council:-

1. Delegate to the Chief Executive Officer to negotiate and achieve the transfer of the operation of the Electric Vehicle Charger located at Acacia Avenue and as defined in the executed agreement.
2. Delegate to the Chief Executive Officer in the event the transfer is not successful to seek alternate providers for the site.
3. Commence a public engagement for the cessation of the free Electric Vehicle charge service at the Acacia Avenue site.

Resolution

Moved Cr J Richters

Seconded Cr R Bartley

Carried Unanimously

14.2 Dam Safety Review - Connolly Dam

Resolution

Moved Cr M Harslett

Seconded Cr C Pidgeon

THAT Council :-

1. Following Tender assessment, enter into a contract with GHD Pty Ltd (Company B) for the Dam Safety Review - Connolly Dam for an amount of \$297,645.50 exclusive of GST.
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

14.3 Supply of Plumbing Crews for Capital, Operational and Maintenance Works - Contract Award

Resolution

Moved Cr C Pidgeon

Seconded Cr M Harslett

THAT Council :-

1. Following the Tender assessment, enter into a contract with The Trustee For Comlek Plumbing Unit Trust (Company C) for the Supply of Plumbing Crews for Capital, Operational and Maintenance Works in the Southern Downs Region for the daily amount of \$11,628.76 exclusive of GST (estimated to be \$965,187.16, excluding GST, to 30 June 2025).
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 and authorise a six month extension to the contract at the same rates if required.

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)

14.4 2024/2025 Pikedale Cluster Fence Grid Replacement Assistance

Resolution

Moved Cr C Pidgeon

Seconded Cr C McDonald

That Council approve the request from Pikedale Cluster Fence Association (PCFA) and allocate funding of \$20,000 in Quarter 3 budget review for FY 25/26 budget allocation of capital funds of \$20,000 for installation by Council.

Carried Unanimously

14.5 Water Assets on 26-28 Willi Street, Warwick

Resolution

Moved Cr M Harslett

Seconded Cr C McDonald

THAT Council approve the final location of the planned 8ML Reservoir and Water Distribution Centre as part of future upgrades of the Treatment Plant, on the lot at 26-28 Willi Street, Warwick.

Carried

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

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

Against: Cr J Richters (1)

Accordingly the Mayor declared the motion carried.

Cr Harslett declared a conflict of interest in Agenda Item 15.1, and following a resolution from Council participated in discussion and voting on the item.

Cr Richters declared a conflict of interest in Agenda Item 15.1, and following a resolution from Council left the meeting at 9:50am.

15. PLANNING AND ENVIRONMENTAL SERVICES REPORTS

15.1 Material Change of Use – REL Events Pty Ltd c/- Precinct Urban Planning – 396 Keoghs Road & Hopgoods Road, Elbow Valley

Recommendation

Moved Cr M Harslett

Seconded Cr S Deane

THAT Council the application for Material Change of Use for the purpose of an Undefined Use (Music & art festival with associated camping areas, up to 12 days per year and up to 10,000 people) on land at 396 Keoghs Road & Hopgoods Road, Elbow Valley, described as Lot 1000 SP268215 and Lots 0-22 SP268215, be approved subject to conditions:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

- The development of the site is to be generally in accordance with the following proposal 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
Development Area Map, prepared by REL Events Pty Ltd	REL Map 2a/6, Issue/REVno. D2aV2	Undated
Area Use Map, prepared by REL Events Pty Ltd	REL Map 3/6, Issue/REVno. d3v2	undated
Bushfire Hazard and Management Plan, prepared by New Ground Environmental Pty Ltd.	2961-ELBOW VALLEY-R-02, Version 2	20 November 2024
Traffic Impact Assessment, prepared by RMA Engineers	24E-0136, Revision 2	19 November 2024

Ecology Assessment Report, prepared by new Ground Environmental.	2961-ELBOW VALLEY-R-01, Version 1	20 November 2024
Noise Level Impact Assessment, prepared by David Moore & Associates Pty Ltd.	R24062/D3896/Rev.0/10.09.24, Revision 1	18 November 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.

Land Use and Planning Controls

3. This approval allows for the use of the proposed development area for the following uses only: Undefined use (Music & art festival with associated camping areas, up to 12 days per year and up to 10,000 people).
4. The proposal is limited to the Development Area shown on Development Area Map, with reference REL Map 2a/6, Issue/REVno. D2aV2, undated, and prepared by REL Events Pty Ltd.
5. The approved Undefined use (Music & art festival with associated camping areas, up to 12 days per year and up to 10,000 people) is to cease operation within years (5) years from the date of commencement of the first event commencing under this approval.
6. In accordance with section 85 of the *Planning Act 2016*, the currency period of this development approval is six (6) years from the day the approval takes effect. This approval will lapse if the first use does not commence by this date.
7. No other uses approved on the subject property are to occur during the event including set up and pack up days.
8. The development shall generally operate only between the hours prescribed in the event-specific management plan.
9. The maximum number of guests accommodated at any one time must not exceed 10,000 persons.
10. Events are not permitted to be undertaken onsite where the site or surrounding areas are subject to an Extreme or Catastrophic fire danger rating as defined by Australian Fire Danger Rating system.
11. Prior to the commencement of any event being held a General Event Management Plan (GEMP) must be submitted to Council for endorsement. The GEMP must detail all operational aspects of each event and must be adapted to reflect the nature and scale of each event. The GEMP must detail each event including, but not limited to, the following:
 - Event details including length of event, setup and pack down duration, camping arrangements;
 - Community engagement and how surrounding residents will be notified of events;
 - Evidence of engagement with local emergency services including, but not limited to the Queensland Police Service, Queensland Ambulance Service, Queensland Fire Department, Rural Fire Service Queensland and local hospitals;
 - Electricity supply including operation of fuel powered generators;
 - Provision of safe drinking water;
 - Solid and liquid waste management;
 - Provisions to notify patrons of nearby dump points;
 - Provision of adequate toilets and showers;

- Environmental and waste management;
- Health and safety including preventing patrons accessing the onsite dam;
- Confirmation that all secondary permits can be obtained for events (i.e. food licence);
- Insurances;
- Noise management;
- Parking and traffic management;
- Access and wayfinding;
- Code of conduct and rules;
- Security arrangements; and
- Emergency management.

The GEMP must be submitted to Council via email mail@sdrcl.qld.gov.au within a minimum of 120 days from the proposed start date of any event.

12. Prior to the commencement of any event being held a Risk Assessment and Mitigation Plan (RAMP) must be submitted to Council for endorsement. The RAMP must evaluate potential risk and hazards and how to manage those risks and hazards during an event.

The RAMP must be submitted to Council via email mail@sdrcl.qld.gov.au within a minimum of 120 days from the proposed start date of any event.

13. Prior to the commencement of any event being held an Event Medical Response Plan (EMRP) must be submitted to Council for endorsement. The EMRP must include procedures to manage medical and other emergencies for the duration of an event.

The EMRP must be submitted to Council via email mail@sdrcl.qld.gov.au within a minimum of 120 days from the proposed start date of any event.

14. Prior to the commencement of any event being held an Emergency Management Plan (EMP) must be submitted to Council for endorsement. The EMP must detail agreed plans to be utilised in initiating and managing all responses to emergency incidents which might occur during an event.

The EMP must be submitted to Council via email mail@sdrcl.qld.gov.au within a minimum of 120 days from the proposed start date of any event.

15. Prior to the commencement of any event being held a Fire Management Plan (FMP) must be submitted to Council for endorsement. The FMP must include measures to manage bushfire risk and include actions that are generally in accordance with Chapter 5: Recommendations and Conclusions contained in the Bushfire Hazard and Management Plan, with reference 2961-ELBOW VALLEY-R-02, Version 2, dated 20 November 2024, and prepared by New Ground Environmental Pty Ltd.

The FMP must be submitted to Council via email mail@sdrcl.qld.gov.au within a minimum of 120 days from the proposed start date of any event.

16. Prior to the commencement of any event being held a Traffic Management Plan (TMP) must be submitted to Council for endorsement. The TMP must include measures to effectively manage event traffic and Emergency service vehicles, and include actions that are generally in accordance Section 8: Recommendations and Section 8.1: Implementation Plan contained in the Traffic Impact Assessment, with reference 24E-0136, Revision 2, dated 19 November 2024, and prepared by RMA Engineers.

The TMP must be submitted to Council via email mail@sdrcl.qld.gov.au within a minimum of 120 days from the proposed start date of any event.

17. Prior to the commencement of any event being held a Fauna Management Plan (FMP) must

be submitted to Council for endorsement. The FMP must include measures to effectively manage impacts on fauna and include actions that are generally in accordance Section 6.1: Summary and Conclusions contained in the Ecology Assessment Report, with reference 2961-ELBOW VALLEY-R-01, Version 1, dated 20 November 2024 and prepared by New Ground Environmental Pty Ltd.

The FMP must be submitted to Council via email mail@sdrc.qld.gov.au within a minimum of 120 days from the proposed start date of any event.

18. A dedicated fauna spotter person is to be made available during each event including during setup and pack down of each event. Should native fauna been seen, the event is to stop immediately until the fauna has moved to a safe area, away from the event location.
19. Carry out the development generally in accordance with Chapter 5: Recommendations and Conclusions contained in the Bushfire Hazard and Management Plan, with reference 2961-ELBOW VALLEY-R-02, Version 2, dated 20 November 2024, and prepared by New Ground Environmental Pty Ltd.
20. A record of each event is to be maintained. The records is to:
 - (a) Contain the following details:
 - i. The time of commencement of setup day of the event;
 - ii. The time and commencement of the actually event;
 - iii. The time the event will conclude;
 - iv. The time the pack up of the event will conclude;
 - v. Details of the post event debrief that occurs with each relevant entity; and
 - vi. Total patronage at the event including performers, stall holders, staff, volunteers and organiser.
 - (b) Each entry recorded must be signed at the end of each event by the authorised representative of the applicant.
 - (c) Be provided to Council within 14 business days of the conclusion of each event.
21. Any recommendation/s recorded as part of event debrief is to be referenced in the next applicable Event Management Plan for an event of a similar size.
22. At the beginning of each year, the following actions must be undertaken:
 - (a) Prepare a calendar of all events to be held at the subject property, under this approval, for that year; and
 - (b) Publish the calendar in a district newspaper by 31 January each year; and
 - (c) Affix and keep posted to the gate of the site the proposed calendar of events and of the applicant's website which is to:
 - i. Contain details of each event in the calendar and the number of patrons expected
 - ii. Be easily identifiable as the website for the organiser
 - iii. Be maintained by the applicant.
 - (d) Forward a copy of that calendar (with any amendments) to the Southern Downs Regional Council by 31 January of that year; and
 - (e) Keep a current calendar of all events on the website mentioned in (c) above from 31 January each year.

If an event, under this approval, is scheduled after 31 January, for the same year, the above undertakings must be updated.

Amenity and Environmental Controls

23. No removal of vegetation is to occur on-site and if remnant vegetation is required to be removed for bushfire management, a copy of the relevant approval is to be provided to Council.
24. Prior to the commencement of any event being held a Noise Management Plan (NMP) must be prepared by an experienced and qualified acoustic engineer or similar and submitted to Council for endorsement. The NMP must include measures to manage noise impacts on

surrounding sensitive uses and include actions that are generally in accordance with the Environmental Noise Level Impact Assessment, with reference R24062/D3896/Rev.0/10.09.24, Revision 1, dated 18 November 2024 and prepared by David Moore & Associates Pty Ltd.

The NMP must be submitted to Council via email mail@sdrc.qld.gov.au within a minimum of 120 days from the proposed start date of any event.

25. The NMP must identify the measures proposed to manage or mitigate noise levels to ensure that there is no audible noise received by other sensitive receptors in the surrounding environs in compliance with the following noise level parameters:
 - i. before 7am, if the use causes audible noise; or
 - ii. from 7am to 10pm, if the use causes noise of more than 70 dB(A); or
 - iii. from 10pm to 2am, if the use causes noise of more than the lesser of the following:
 - a. 50 dB(A);
 - b. 10 dB(A) above the background level.
- Note:** No audible noise is permitted at any sensitive receivers between the hours of 2.00 a.m. and 7.00 a.m. on any day of the nominated event.
26. Noise from any source must be managed in compliance with the Noise Management Plan and the conditions of this approval for the duration of the event.
27. Any measures recommended in the approved NMP to overcome potential noise impacts associated with the conduct of the event are to be implemented in accordance with the approved report:
 - A complaint hotline is to be established for any customer that may be affected by noise related activities during the event;
 - That real time 24-hour noise monitoring will be undertaken at sensitive neighbouring locations around the event site for the duration of the event;
 - That all noise monitoring data is made available to Council on request within 48 hours of the event closing;
 - That effective communication is established between the acoustic consultant and the sound desk to enable immediate adjustments to noise levels from any stage to be reduced to mitigate / remove any further noise impact on sensitive neighbour locations at any time during the event;
 - That an authorised person has access to the site to review procedures and ensure the above measures are effectively implemented; and
 - That an authorised person has access during the peak periods of the event, and in liaison / consultation with the onsite acoustic consultant and the sound engineer to ensure that any noise complaints are addressed in real-time and immediately in response to any noise-related complaints received during the event.
28. Generators must be located and managed to minimise any noise impact on campers or noise sensitive neighbours.
29. Fuel loading of generators must be undertaken in a manner that minimises the potential for fuel spillage that may cause environmental nuisance or harm; and provisions made for the effective management and clean-up of any fuel spillage that may occur.
30. The volume of the Public Address (PA) and amplified music sound systems or the like must be turned down when required by either an authorised Council officer or a Police officer.
31. The approval holder must ensure that:

- Each speaker faces away from nearby residential areas;
 - All speakers are elevated and directed downwards; and
 - Fold back speakers are elevated and directed downwards, where practicable.
32. During the setup and pack up days, the loading and/or unloading of delivery and other service vehicles (excluding general waste collection vehicles) is limited between the hours of 7.00am and 7.00pm, Monday to Saturday, and between the hours of 8.00am and 3.00pm on Sundays. No heavy vehicles must enter the development site outside these times to wait for unloading/loading.

Safety, Medical and Emergency Management

33. Local emergency services including, but not limited to the Queensland Police Service, Queensland Ambulance Service, Queensland Fire Department, Rural Fire Service Queensland and local hospitals are to be notified of the Event at least 14 days prior the event.
34. Medical and first aid facilities and trained personnel are to be on the site at all times.
35. A communications system must be available to all key personnel on the site that can be accessed at all times in the event of an emergency.
36. Emergency response/s, personnel and the management of medical, first aid incidents, and natural events/disasters shall be undertaken in accordance with the submitted Rabbits Eat Lettuce Music & Arts Festival Emergency Management Plan and the HEST Paramedical Event Medical Response Plan and coordinated through the Event Control Centre.
37. The Event Control Centre is to be manned 24 hours per day for the duration of the event; and is responsible for the overall coordinated response to any medical incident and natural or other emergency events.

Waste

38. Prior to the commencement of any event being held a Waste Management Plan (WMP) must be submitted to Council for endorsement. The WMP must address the following
- (a) 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.
 - (b) All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment. All waste must be removed from the premises within 3 days of each event. 38(b). All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment. All waste must be removed from the premises within 5 days of each event.
 - (c) Rubbish bins, including recycling bins, shall be provided in appropriate locations throughout the site. Where appropriate, waste generated during the event is to be recycled.
 - (d) Any rubbish and litter resulting from events must be collected daily and disposed of immediately following the event at either the Warwick Central Waste Management facility or the Yangan Transfer Station. The site is to be left in a clean and tidy condition.
 - (e) Adequate refuse collection and disposal facilities must be provided to all proposed food outlets.

The WMP must be submitted to Council via email mail@sdrq.qld.gov.au within a minimum of 120 days from the proposed start date of any event.

Advertising

39. Unless relating to traffic management signage, Advertising Devices relating to the development may **only** be erected on the subject land, i.e. Lot 1000 on SP268215 & Lots 0-22 on SP268215. The location, size, type and content of any advertising sign or device located on the land is to be compatible with the Rural 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.
40. Unless relating to traffic management, signage associated with the Event may only be displayed on the land on which the event is being held. Prior approval from Council or Department Transport and Main Roads must be obtained for signage to be erected on any Main Roads - Road Reserves. Any request for signage must be submitted a minimum of eight (8) weeks prior to the event.
41. All signage relating to Event must be removed immediately following the event.
42. All equipment, goods and materials must be screened from view from all roads, other public places and adjoining land.

Fencing, Landscaping and Buffers

43. **Details of the proposed fencing i.e. temporary fencing and permanent fencing are to be submitted to and approved by Council's Planning Services team prior to each event.** Fencing is to be provided and maintained in accordance with the approved details. Over time, the fencing plan can indicate where permanent fencing is to be located to reduce the need for submitting new fencing plans for each event.

Car Parking and Vehicle Access

44. Traffic and car park areas are to be managed to minimise traffic hazards and ensure the safety of pedestrians.
45. The vehicular entrances must be managed so that vehicles are not queuing and blocking public roads.
46. Traffic, parking and vehicle interaction with campers will be managed in accordance with the Rabbits Eat Lettuce Music & Arts Festival, Consolidated Event Plan, Cherrabah Resort Edition August 2023.
47. Suitable barriers are to be installed between campers and entertainment venues/events to prevent vehicle access.
48. 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.

Water Supply and Waste water

49. All sewage generated from this property must be disposed of in accordance with the event-specific management plan and is not to be disposed of on-site.
50. There is not be no disposal of any (grey or black) wastewater associated with any caravan; self-contained recreational vehicle; or camp site (including tents; rooftop campers or camper trailers) to the ground. All wastewater must be disposed of at an approved dump point only.
51. Prior to the commencement of the event, a report demonstrating that adequate provision has been made for the supply of water, including a drinking water supply, is to be submitted to and approved by Council's Planning Department. If water is to be supplied for the development from a spring/bore/dam on the site, written advice must be supplied from the Department of Resources that water may be lawfully supplied from that source. A water supply is to be provided in accordance with the approved report.

52. The site must be provided with a water storage reservoir having a minimum of 40,000 litres of water for emergency fire fighting purposes. Such storage must be provided in addition to the water supply capacity required for the use and must be provided in the form of either the on-site dam or metal/concrete water tanks.

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

53. Potable water in compliance with the Australian Drinking Water Guidelines must be made available to patrons for drinking, hand-washing, showering and teeth cleaning purposes.
54. All showers and hand basins must be provided with, and/or have access to, an adequate supply of potable water in compliance with the above guideline for the duration of the event.
55. An adequate supply of drinking water must be made available to ensure patrons can remain well hydrated for the duration of the event.
56. Water supplied to the event must be obtained from an approved potable water supply outlet.
57. The water supply provider must have a current water carrier licence issued by Southern Downs Regional Council for the transport and delivery of drinking water to the event site.
58. Any water supply point which provides water not suitable for drinking must be labelled "Unsuitable for Drinking" and provided with a symbol which is easily recognisable by non-English speaking people.
59. The supply of potable water to storage tanks and water bottle refill stations must be managed in compliance with the approved Event Management Plan, dated August 2023.

Note: additional drinking water may be required in the event of abnormally high temperatures.

Food Licencing

60. All food vendors must have a current Queensland mobile food vehicle licence issued by a Queensland local government authority; or
Must have a temporary food stall approval issued by Southern Downs Regional Council for the nominated event.
61. All food vendors must have access to a supply of potable water for all food handling activities conducted on site.
62. All food vendors must have a current public liability insurance cover for \$20,000,000 for the nominated event dates.
63. Any food vendor applications for a nominated event must be submitted to Council a minimum of sixty (60) days prior to the event date.

Electricity, Street Lighting and Telecommunications

64. Electricity connections must be provided to the proposed development to the standards of the relevant authorities.
65. All electrical cables must be tagged and tested by a suitable qualified and licensed electrician and all electrical cables buried in trenches in compliance with the approved Event Management Plan
66. Sufficient Lighting must be provided to ensure the safety of patrons in traversing the event site and within the event site, including adjacent to the internal driveways. Any lighting is to be located such that there is no interference with any residences.
67. Any lighting device is to be so positioned and shielded so as not to cause any glare nuisance to any nearby residential property; passing motorist; or onsite campers.

Facilities and Amenities

68. The following amenities are to be provided for use by those attending as follows:
- A minimum of 200 unisex toilets for patrons (male and female) and 5 disabled toilet facilities in the event area and the disability camping area (this may include the existing toilets on the site).
69. The provisions of toilets must include:
- Provision for disposal and removal of sanitary napkins;
 - An adequate supply of toilet paper and soap in all toilets;
 - Separate toilet and hand washing facilities for food handlers; and
 - The pump out and cleaning of toilets shall occur twice daily, or more frequently if required in compliance with the approved Event Management Plan.
70. The portable toilets brought onto the site for the event must be water flush, have hand basins provided, and be serviced by a regulated waste transporter with a current registration certificate with the Department of Environment, Tourism, Science and Innovation.

Waste tracking receipts are to be kept by the organiser of the event and available for viewing by an authorised officer.

Advisory Notes

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning and Environmental Services, prior to the use commencing, and then compliance maintained at all times while the use continues.
- (ii) Any proposal to increase the scale or intensity of the use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Planning Act 2016* and would have to comply with the requirements of the Planning Scheme.
- (iii) It is encouraged that you arrange for a free compliance inspection to be carried out prior to the use commencing. This will involve a physical inspection of the premises along with an internal audit of Council's records. Written advice will be provided for your records advising if compliance with the conditions has been achieved.
- (iv) An application must be submitted and approved by Council for a permit under Local Law No. 1 (Administration) 2011 and Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011.
- (v) The applicant is to permit Council officers access to the site in accordance with the powers of entry provisions of the *Local Government Act 2009*, subject to 48 hours notice and reasonable security and health restrictions on access, so as to ensure the use is being conducted in accordance with the conditions of the approval.
- (vi) 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*.
- (vii) No clearing of remnant vegetation or regulated regrowth vegetation is to occur under this approval. A Development Permit for Operational Works must be obtained from the Department of Infrastructure, Local Government and Planning for the clearing of any remnant vegetation, unless exempt under Schedule 21 of the *Planning Regulation 2017*.
- (viii) This area is expressly identified as being potentially impacted by lawful non-residential uses. In commencing a residential use, the owner(s) acknowledges and accepts that the use may be potentially impacted by emissions from the lawful non-residential use. It is the

responsibility of the property owner(s) to take all measures necessary to ensure that the proposed dwelling is developed and maintained in such a way as to mitigate odour, dust and noise impacts from the surrounding lawful non-residential use. These measures must be undertaken at the expense of the property owner(s).

- (ix) Council will not be sealing Old Stanthorpe Road as a result of any dust complaints received.

Aboriginal Cultural Heritage

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

Schedule 2 – Department of Housing, Local Government, Planning and Public Works’ conditions as a Concurrence agency

Nil

Schedule 3 – Ergon Energy’s conditions as a Concurrence agency

Table 2		
Condition	Timing	Purpose/Reason
<p>1</p> <p>Carry out the approved development generally in accordance with the approved plans and documents outlined within Table 1 and 2 of this approval and the following:</p> <ul style="list-style-type: none"> ▪ The specifications, facts and circumstances as set out in the development application submitted to Ergon; and ▪ Where a discrepancy or conflict exists between the written conditions of the approval and the approved plans, the requirements of the written conditions prevail 	At all times	To ensure the development is carried out generally in accordance with the plans of development submitted within the application
<p>2</p> <p>Any alterations to the plans and document(s) identified within Table 1 of this response are to be resubmitted to Ergon for comment.</p>	At all times	To ensure the development is carried out generally in accordance with the plans of development submitted within the application

3	The conditions of Easement C, D & E on SP196269 and Easement F & G on SP238534 are to be maintained.	At all times	To ensure the continued safe and efficient operation of the supply network
4	Statutory clearances from structures and overhead conductors must be maintained in accordance with the <i>Electrical Safety Regulation 2013</i> .	At all times	To ensure the continued safe and efficient operation of the supply network
5	No structures or buildings, temporary or permanent, are not to be located within Easements C, D & E on SP196269 and Easements F & G on SP238534.	At all times	To ensure the continued safe and efficient operation of the supply network
6	No ground level changes are approved within Easements C, D & E on SP196269 or Easements F & G on SP23853.	At all times	To ensure the continued safe and efficient operation of the supply network
7	Access to and along Easements C, D & E on SP196269 and Easements F & G on SP238534 must be made available to Ergon personnel and heavy equipment for construction, maintenance and emergency purposes. Where fencing prohibits access to and along Easements gates are to be supplied and installed by the developer/	At all times	To ensure the continued safe and efficient operation of the supply network

	<p>landowner. To enable travel along the easement at anytime the gates must be series locked with an Ergon padlock.</p> <p><i>Note - Both a padlock and design drawing of an acceptable gate will be made available by Ergon upon request.</i></p>		
8	<p>Existing access tracks must be re-instated, repaired or maintained if they are damaged during construction or other activities.</p>	At all times	To ensure the continued safe and efficient operation of the supply network
9	<p>All works proposed to be undertaken in close proximity to overhead or underground electrical lines are to be undertaken in accordance with Ergons' Works Practice Manual WP1323.</p> <p><i>Note: This document refers to various standards, guidelines, calculations, legal requirements, technical details, and other information relevant to working near high voltage infrastructure. A copy of WP1323 can be found online via Ergon's document library (Document library Ergon).</i></p>	At all times	To ensure the continued safe and efficient operation of the supply network

General Advice:

- Compliance with the Electrical Safety Act 2002, including any Code of Practice under the Act and the Electrical safety Regulation 2013 including any safety exclusion zones defined in the Regulation is mandatory.

Should any doubt exist in maintaining the prescribed clearance to the overhead conductors and electrical infrastructure then the applicant is obliged under the Act to seek advice from Ergon.

- Any costs incurred by Ergon as a result of the works on the easement are to be met by the property Developer / owner.
- This response does not constitute an approval to commence any works within the easement. Consent to commence works relevant to the conditions of the easement is required. All works on easement (including but not limited to earthworks, drainage and detention basins, road construction, underground and overhead services installation) require detailed submissions, assessment, and consent (or otherwise) by Ergon.

Amendment

Cr Harslett moved the following amendment:

THAT the conditions of approval for the application for Material Change of Use for the purpose of an Undefined Use (Music & art festival with associated camping areas, up to 12 days per year and up to 10,000 people) on land at 396 Keoghs Road & Hopgoods Road, Elbow Valley, described as Lot 1000 SP268215 and Lots 0-22 SP268215, be amended to include conditions in relation to the following:

1. No audible noise between 10:00pm and 7:00am.
2. Unsealed local roads are to be closed to traffic with the exception of local traffic during events at the full cost of the Applicant.

Resolution

Moved Cr M Harslett

Seconded Cr S Deane

Carried

The following votes were recorded:

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

Against: Crs R Bartley and R Wantling (2)

Resolution

Moved Cr M Harslett

Seconded Cr S Deane

THAT Council the application for Material Change of Use for the purpose of an Undefined Use (Music & art festival with associated camping areas, up to 12 days per year and up to 10,000 people) on land at 396 Keoghs Road & Hopgoods Road, Elbow Valley, described as Lot 1000 SP268215 and Lots 0-22 SP268215, be approved subject to the following conditions:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

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

Plan Name	Plan No.	Date
Development Area Map, prepared by REL Events Pty Ltd	REL Map 2a/6, Issue/REVno. D2aV2	Undated
Area Use Map, prepared by REL Events Pty Ltd	REL Map 3/6, Issue/REVno. d3v2	undated
Bushfire Hazard and Management Plan, prepared by New Ground Environmental Pty Ltd.	2961-ELBOW VALLEY-R-02, Version 2	20 November 2024
Traffic Impact Assessment, prepared by RMA Engineers	24E-0136, Revision 2	19 November 2024
Ecology Assessment Report, prepared by new Ground Environmental.	2961-ELBOW VALLEY-R-01, Version 1	20 November 2024
Noise Level Impact Assessment, prepared by David Moore & Associates Pty Ltd.	R24062/D3896/Rev.0/10.09.24, Revision 1	18 November 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.

Land Use and Planning Controls

3. This approval allows for the use of the proposed development area for the following uses only: Undefined use (Music & art festival with associated camping areas, up to 12 days per year and up to 10,000 people).
4. The proposal is limited to the Development Area shown on Development Area Map, with reference REL Map 2a/6, Issue/REVno. D2aV2, undated, and prepared by REL Events Pty Ltd.
5. The approved Undefined use (Music & art festival with associated camping areas, up to 12 days per year and up to 10,000 people) is to cease operation within years (5) years from the date of commencement of the first event commencing under this approval.
6. In accordance with section 85 of the *Planning Act 2016*, the currency period of this development approval is six (6) years from the day the approval takes effect. This approval will lapse if the first use does not commence by this date.
7. No other uses approved on the subject property are to occur during the event including set up and pack up days.
8. The development shall generally operate only between the hours prescribed in the event-specific management plan.
9. The maximum number of guests accommodated at any one time must not exceed 10,000 persons.
10. Events are not permitted to be undertaken onsite where the site or surrounding areas are subject to an Extreme or Catastrophic fire danger rating as defined by Australian Fire Danger Rating system.
11. Prior to the commencement of any event being held a General Event Management Plan (GEMP) must be submitted to Council for endorsement. The GEMP must detail all operational aspects of each event and must be adapted to reflect the nature and scale of each event. The GEMP must detail each event including, but not limited to, the following:

- Event details including length of event, setup and pack down duration, camping arrangements;
- Community engagement and how surrounding residents will be notified of events;
- Evidence of engagement with local emergency services including, but not limited to the Queensland Police Service, Queensland Ambulance Service, Queensland Fire Department, Rural Fire Service Queensland and local hospitals;
- Electricity supply including operation of fuel powered generators;
- Provision of safe drinking water;
- Solid and liquid waste management;
- Provisions to notify patrons of nearby dump points;
- Provision of adequate toilets and showers;
- Environmental and waste management;
- Health and safety including preventing patrons accessing the onsite dam;
- Confirmation that all secondary permits can be obtained for events (i.e. food licence);
- Insurances;
- Noise management;
- Parking and traffic management;
- Access and wayfinding;
- Code of conduct and rules;
- Security arrangements; and
- Emergency management.

The GEMP must be submitted to Council via email mail@sdrq.qld.gov.au within a minimum of 120 days from the proposed start date of any event.

12. Prior to the commencement of any event being held a Risk Assessment and Mitigation Plan (RAMP) must be submitted to Council for endorsement. The RAMP must evaluate potential risk and hazards and how to manage those risks and hazards during an event.

The RAMP must be submitted to Council via email mail@sdrq.qld.gov.au within a minimum of 120 days from the proposed start date of any event.

13. Prior to the commencement of any event being held an Event Medical Response Plan (EMRP) must be submitted to Council for endorsement. The EMRP must include procedures to manage medical and other emergencies for the duration of an event.

The EMRP must be submitted to Council via email mail@sdrq.qld.gov.au within a minimum of 120 days from the proposed start date of any event.

14. Prior to the commencement of any event being held an Emergency Management Plan (EMP) must be submitted to Council for endorsement. The EMP must detail agreed plans to be utilised in initiating and managing all responses to emergency incidents which might occur during an event.

The EMP must be submitted to Council via email mail@sdrq.qld.gov.au within a minimum of 120 days from the proposed start date of any event.

15. Prior to the commencement of any event being held a Fire Management Plan (FMP) must be submitted to Council for endorsement. The FMP must include measures to manage bushfire risk and include actions that are generally in accordance with Chapter 5: Recommendations

and Conclusions contained in the Bushfire Hazard and Management Plan, with reference 2961-ELBOW VALLEY-R-02, Version 2, dated 20 November 2024, and prepared by New Ground Environmental Pty Ltd.

The FMP must be submitted to Council via email mail@sdrq.qld.gov.au within a minimum of 120 days from the proposed start date of any event.

16. Prior to the commencement of any event being held a Traffic Management Plan (TMP) must be submitted to Council for endorsement. The TMP must include measures to effectively manage event traffic and Emergency service vehicles, and include actions that are generally in accordance Section 8: Recommendations and Section 8.1: Implementation Plan contained in the Traffic Impact Assessment, with reference 24E-0136, Revision 2, dated 19 November 2024, and prepared by RMA Engineers.

The TMP must be submitted to Council via email mail@sdrq.qld.gov.au within a minimum of 120 days from the proposed start date of any event.

17. Prior to the commencement of any event being held a Fauna Management Plan (FMP) must be submitted to Council for endorsement. The FMP must include measures to effectively manage impacts on fauna and include actions that are generally in accordance Section 6.1: Summary and Conclusions contained in the Ecology Assessment Report, with reference 2961-ELBOW VALLEY-R-01, Version 1, dated 20 November 2024 and prepared by New Ground Environmental Pty Ltd.

The FMP must be submitted to Council via email mail@sdrq.qld.gov.au within a minimum of 120 days from the proposed start date of any event.

18. A dedicated fauna spotter person is to be made available during each event including during setup and pack down of each event. Should native fauna been seen, the event is to stop immediately until the fauna has moved to a safe area, away from the event location.
19. Carry out the development generally in accordance with Chapter 5: Recommendations and Conclusions contained in the Bushfire Hazard and Management Plan, with reference 2961-ELBOW VALLEY-R-02, Version 2, dated 20 November 2024, and prepared by New Ground Environmental Pty Ltd.
20. A record of each event is to be maintained. The records is to:
 - (a) Contain the following details:
 - i. The time of commencement of setup day of the event;
 - ii. The time and commencement of the actually event;
 - iii. The time the event will conclude;
 - iv. The time the pack up of the event will conclude;
 - v. Details of the post event debrief that occurs with each relevant entity; and
 - vi. Total patronage at the event including performers, stall holders, staff, volunteers and organiser.
 - (b) Each entry recorded must be signed at the end of each event by the authorised representative of the applicant.
 - (c) Be provided to Council within 14 business days of the conclusion of each event.
21. Any recommendation/s recorded as part of event debrief is to be referenced in the next applicable Event Management Plan for an event of a similar size.
22. At the beginning of each year, the following actions must be undertaken:
 - (a) Prepare a calendar of all events to be held at the subject property, under this approval, for that year; and
 - (b) Publish the calendar in a district newspaper by 31 January each year; and
 - (c) Affix and keep posted to the gate of the site the proposed calendar of events and of the applicant's website which is to:
 - i. Contain details of each event in the calendar and the number of patrons expected

- ii. Be easily identifiable as the website for the organiser
- iii. Be maintained by the applicant.
- (d) Forward a copy of that calendar (with any amendments) to the Southern Downs Regional Council by 31 January of that year; and
- (e) Keep a current calendar of all events on the website mentioned in (c) above from 31 January each year.

If an event, under this approval, is scheduled after 31 January, for the same year, the above undertakings must be updated.

Amenity and Environmental Controls

23. No removal of vegetation is to occur on-site and if remnant vegetation is required to be removed for bushfire management, a copy of the relevant approval is to be provided to Council.
24. Prior to the commencement of any event being held a Noise Management Plan (NMP) must be prepared by an experienced and qualified acoustic engineer or similar and submitted to Council for endorsement. The NMP must include measures to manage noise impacts on surrounding sensitive uses and include actions that are generally in accordance with the Environmental Noise Level Impact Assessment, with reference R24062/D3896/Rev.0/10.09.24, Revision 1, dated 18 November 2024 and prepared by David Moore & Associates Pty Ltd.

The NMP must be submitted to Council via email mail@sdrcl.qld.gov.au within a minimum of 120 days from the proposed start date of any event.

25. The NMP must identify the measures proposed to manage or mitigate noise levels to ensure that there is no audible noise received by other sensitive receptors in the surrounding environs in compliance with the following noise level parameters:
 - i. before 7am, if the use causes audible noise; or
 - ii. from 7am to 10pm, if the use causes noise of more than 70 dB(A); or
 - ~~iii. from 10pm to 2am, if the use causes noise of more than the lesser of the following:
 - ~~a. 50 dB(A);~~
 - ~~b. 10 dB(A) above the background level.~~~~

Note: No audible noise is permitted at any sensitive receivers between the hours of ~~2.00 a.m.~~ 10:00pm and 7.00 a.m. on any day of the nominated event.

26. Noise from any source must be managed in compliance with the Noise Management Plan and the conditions of this approval for the duration of the event.
27. Any measures recommended in the approved NMP to overcome potential noise impacts associated with the conduct of the event are to be implemented in accordance with the approved report:
 - A complaint hotline is to be established for any customer that may be affected by noise related activities during the event;
 - That real time 24-hour noise monitoring will be undertaken at sensitive neighbouring locations around the event site for the duration of the event;
 - That all noise monitoring data is made available to Council on request within 48 hours of the event closing;
 - That effective communication is established between the acoustic consultant and the sound desk to enable immediate adjustments to noise levels from any stage to be reduced to mitigate / remove any further noise impact on sensitive neighbour locations at any time during the event;
 - That an authorised person has access to the site to review procedures and ensure the

above measures are effectively implemented; and

- That an authorised person has access during the peak periods of the event, and in liaison / consultation with the onsite acoustic consultant and the sound engineer to ensure that any noise complaints are addressed in real-time and immediately in response to any noise-related complaints received during the event.
28. Generators must be located and managed to minimise any noise impact on campers or noise sensitive neighbours.
 29. Fuel loading of generators must be undertaken in a manner that minimises the potential for fuel spillage that may cause environmental nuisance or harm; and provisions made for the effective management and clean-up of any fuel spillage that may occur.
 30. The volume of the Public Address (PA) and amplified music sound systems or the like must be turned down when required by either an authorised Council officer or a Police officer.
 31. The approval holder must ensure that:
 - Each speaker faces away from nearby residential areas;
 - All speakers are elevated and directed downwards; and
 - Fold back speakers are elevated and directed downwards, where practicable.
 32. During the setup and pack up days, the loading and/or unloading of delivery and other service vehicles (excluding general waste collection vehicles) is limited between the hours of 7.00am and 7.00pm, Monday to Saturday, and between the hours of 8.00am and 3.00pm on Sundays. No heavy vehicles must enter the development site outside these times to wait for unloading/loading.

Safety, Medical and Emergency Management

33. Local emergency services including, but not limited to the Queensland Police Service, Queensland Ambulance Service, Queensland Fire Department, Rural Fire Service Queensland and local hospitals are to be notified of the Event at least 14 days prior the event.
34. Medical and first aid facilities and trained personnel are to be on the site at all times.
35. A communications system must be available to all key personnel on the site that can be accessed at all times in the event of an emergency.
36. Emergency response/s, personnel and the management of medical, first aid incidents, and natural events/disasters shall be undertaken in accordance with the submitted Rabbits Eat Lettuce Music & Arts Festival Emergency Management Plan and the HEST Paramedical Event Medical Response Plan and coordinated through the Event Control Centre.
37. The Event Control Centre is to be manned 24 hours per day for the duration of the event; and is responsible for the overall coordinated response to any medical incident and natural or other emergency events.

Waste

38. Prior to the commencement of any event being held a Waste Management Plan (WMP) must be submitted to Council for endorsement. The WMP must address the following
 - (a) 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.
 - (b) All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment. All waste must be removed from the premises within 3 days of each event. 38(b). All

wastes are to be suitably collected and disposed of so as not to adversely impact on the environment. All waste must be removed from the premises within 5 days of each event.

- (c) Rubbish bins, including recycling bins, shall be provided in appropriate locations throughout the site. Where appropriate, waste generated during the event is to be recycled.
- (d) Any rubbish and litter resulting from events must be collected daily and disposed of immediately following the event at either the Warwick Central Waste Management facility or the Yangan Transfer Station. The site is to be left in a clean and tidy condition.
- (e) Adequate refuse collection and disposal facilities must be provided to all proposed food outlets.

The WMP must be submitted to Council via email mail@sdrcl.qld.gov.au within a minimum of 120 days from the proposed start date of any event.

Advertising

- 39. Unless relating to traffic management signage, Advertising Devices relating to the development may **only** be erected on the subject land, i.e. Lot 1000 on SP268215 & Lots 0-22 on SP268215. The location, size, type and content of any advertising sign or device located on the land is to be compatible with the Rural 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.
- 40. Unless relating to traffic management, signage associated with the Event may only be displayed on the land on which the event is being held. Prior approval from Council or Department Transport and Main Roads must be obtained for signage to be erected on any Main Roads - Road Reserves. Any request for signage must be submitted a minimum of eight (8) weeks prior to the event.
- 41. All signage relating to Event must be removed immediately following the event.
- 42. All equipment, goods and materials must be screened from view from all roads, other public places and adjoining land.

Fencing, Landscaping and Buffers

- 43. **Details of the proposed fencing i.e. temporary fencing and permanent fencing are to be submitted to and approved by Council's Planning Services team prior to each event.** Fencing is to be provided and maintained in accordance with the approved details. Over time, the fencing plan can indicate where permanent fencing is to be located to reduce the need for submitting new fencing plans for each event.

Car Parking and Vehicle Access

- 44. Traffic and car park areas are to be managed to minimise traffic hazards and ensure the safety of pedestrians.
- 45. The vehicular entrances must be managed so that vehicles are not queuing and blocking public roads.
- 46. Traffic, parking and vehicle interaction with campers will be managed in accordance with the Rabbits Eat Lettuce Music & Arts Festival, Consolidated Event Plan, Cherrabah Resort Edition August 2023.
- 47. Suitable barriers are to be installed between campers and entertainment venues/events to prevent vehicle access.
- 48. 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.

48A. Unsealed local roads are to be closed to traffic, with the exception of local traffic during events, at the full cost to the Applicant.

Water Supply and Waste water

49. All sewage generated from this property must be disposed of in accordance with the event-specific management plan and is not to be disposed of on-site.
50. There is not be no disposal of any (grey or black) wastewater associated with any caravan; self-contained recreational vehicle; or camp site (including tents; rooftop campers or camper trailers) to the ground. All wastewater must be disposed of at an approved dump point only.
51. Prior to the commencement of the event, a report demonstrating that adequate provision has been made for the supply of water, including a drinking water supply, is to be submitted to and approved by Council's Planning Department. If water is to be supplied for the development from a spring/bore/dam on the site, written advice must be supplied from the Department of Resources that water may be lawfully supplied from that source. A water supply is to be provided in accordance with the approved report.
52. The site must be provided with a water storage reservoir having a minimum of 40,000 litres of water for emergency fire fighting purposes. Such storage must be provided in addition to the water supply capacity required for the use and must be provided in the form of either the on-site dam or metal/concrete water tanks.

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

53. Potable water in compliance with the Australian Drinking Water Guidelines must be made available to patrons for drinking, hand-washing, showering and teeth cleaning purposes.
54. All showers and hand basins must be provided with, and/or have access to, an adequate supply of potable water in compliance with the above guideline for the duration of the event.
55. An adequate supply of drinking water must be made available to ensure patrons can remain well hydrated for the duration of the event.
56. Water supplied to the event must be obtained from an approved potable water supply outlet.
57. The water supply provider must have a current water carrier licence issued by Southern Downs Regional Council for the transport and delivery of drinking water to the event site.
58. Any water supply point which provides water not suitable for drinking must be labelled "Unsuitable for Drinking" and provided with a symbol which is easily recognisable by non-English speaking people.
59. The supply of potable water to storage tanks and water bottle refill stations must be managed in compliance with the approved Event Management Plan, dated August 2023.

Note: additional drinking water may be required in the event of abnormally high temperatures.

Food Licensing

60. All food vendors must have a current Queensland mobile food vehicle licence issued by a Queensland local government authority; or
Must have a temporary food stall approval issued by Southern Downs Regional Council for the nominated event.
61. All food vendors must have access to a supply of potable water for all food handling activities conducted on site.
62. All food vendors must have a current public liability insurance cover for \$20,000,000 for the

nominated event dates.

63. Any food vendor applications for a nominated event must be submitted to Council a minimum of sixty (60) days prior to the event date.

Electricity, Street Lighting and Telecommunications

64. Electricity connections must be provided to the proposed development to the standards of the relevant authorities.
65. All electrical cables must be tagged and tested by a suitable qualified and licensed electrician and all electrical cables buried in trenches in compliance with the approved Event Management Plan
66. Sufficient Lighting must be provided to ensure the safety of patrons in traversing the event site and within the event site, including adjacent to the internal driveways. Any lighting is to be located such that there is no interference with any residences.
67. Any lighting device is to be so positioned and shielded so as not to cause any glare nuisance to any nearby residential property; passing motorist; or onsite campers.

Facilities and Amenities

68. The following amenities are to be provided for use by those attending as follows:
- A minimum of 200 unisex toilets for patrons (male and female) and 5 disabled toilet facilities in the event area and the disability camping area (this may include the existing toilets on the site).
69. The provisions of toilets must include:
- Provision for disposal and removal of sanitary napkins;
 - An adequate supply of toilet paper and soap in all toilets;
 - Separate toilet and hand washing facilities for food handlers; and
 - The pump out and cleaning of toilets shall occur twice daily, or more frequently if required in compliance with the approved Event Management Plan.
70. The portable toilets brought onto the site for the event must be water flush, have hand basins provided, and be serviced by a regulated waste transporter with a current registration certificate with the Department of Environment, Tourism, Science and Innovation.

Waste tracking receipts are to be kept by the organiser of the event and available for viewing by an authorised officer.

Advisory Notes

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning and Environmental Services, prior to the use commencing, and then compliance maintained at all times while the use continues.
- (ii) Any proposal to increase the scale or intensity of the use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Planning Act 2016* and would have to comply with the requirements of the Planning Scheme.
- (iii) It is encouraged that you arrange for a free compliance inspection to be carried out prior to the use commencing. This will involve a physical inspection of the premises along with an internal audit of Council's records. Written advice will be provided for your records advising if compliance with the conditions has been achieved.
- (iv) An application must be submitted and approved by Council for a permit under Local Law No. 1 (Administration) 2011 and Subordinate Local Law No. 1.12 (Operation of Temporary

Entertainment Events) 2011.

- (v) The applicant is to permit Council officers access to the site in accordance with the powers of entry provisions of the *Local Government Act 2009*, subject to 48 hours notice and reasonable security and health restrictions on access, so as to ensure the use is being conducted in accordance with the conditions of the approval.
- (vi) 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*.
- (vii) No clearing of remnant vegetation or regulated regrowth vegetation is to occur under this approval. A Development Permit for Operational Works must be obtained from the Department of Infrastructure, Local Government and Planning for the clearing of any remnant vegetation, unless exempt under Schedule 21 of the *Planning Regulation 2017*.
- (viii) This area is expressly identified as being potentially impacted by lawful non-residential uses. In commencing a residential use, the owner(s) acknowledges and accepts that the use may be potentially impacted by emissions from the lawful non-residential use. It is the responsibility of the property owner(s) to take all measures necessary to ensure that the proposed dwelling is developed and maintained in such a way as to mitigate odour, dust and noise impacts from the surrounding lawful non-residential use. These measures must be undertaken at the expense of the property owner(s).
- (ix) Council will not be sealing Old Stanthorpe Road as a result of any dust complaints received.

Aboriginal Cultural Heritage

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

Schedule 2 – Department of Housing, Local Government, Planning and Public Works’ conditions as a Concurrence agency

Nil

Schedule 3 – Ergon Energy’s conditions as a Concurrence agency

Table 2		
Condition	Timing	Purpose/Reason
<p>1</p> <p>Carry out the approved development generally in accordance with the approved plans and documents outlined within Table 1 and 2 of this approval and the following:</p> <ul style="list-style-type: none"> ▪ The specifications, facts and circumstances as set out in the development application submitted to Ergon; and ▪ Where a discrepancy or conflict exists between the written conditions of the approval and the approved plans, the requirements of the written conditions prevail 	At all times	To ensure the development is carried out generally in accordance with the plans of development submitted within the application
<p>2</p> <p>Any alterations to the plans and document(s) identified within Table 1 of this response are to be resubmitted to Ergon for comment.</p>	At all times	To ensure the development is carried out generally in accordance with the plans of development submitted within the application

3	The conditions of Easement C, D & E on SP196269 and Easement F & G on SP238534 are to be maintained.	At all times	To ensure the continued safe and efficient operation of the supply network
4	Statutory clearances from structures and overhead conductors must be maintained in accordance with the <i>Electrical Safety Regulation 2013</i> .	At all times	To ensure the continued safe and efficient operation of the supply network
5	No structures or buildings, temporary or permanent, are not to be located within Easements C, D & E on SP196269 and Easements F & G on SP238534.	At all times	To ensure the continued safe and efficient operation of the supply network
6	No ground level changes are approved within Easements C, D & E on SP196269 or Easements F & G on SP23853.	At all times	To ensure the continued safe and efficient operation of the supply network
7	Access to and along Easements C, D & E on SP196269 and Easements F & G on SP238534 must be made available to Ergon personnel and heavy equipment for construction, maintenance and emergency purposes. Where fencing prohibits access to and along Easements gates are to be supplied and installed by the developer/	At all times	To ensure the continued safe and efficient operation of the supply network

	<p>landowner. To enable travel along the easement at anytime the gates must be series locked with an Ergon padlock.</p> <p><i>Note - Both a padlock and design drawing of an acceptable gate will be made available by Ergon upon request.</i></p>		
8	<p>Existing access tracks must be re-instated, repaired or maintained if they are damaged during construction or other activities.</p>	At all times	To ensure the continued safe and efficient operation of the supply network
9	<p>All works proposed to be undertaken in close proximity to overhead or underground electrical lines are to be undertaken in accordance with Ergons' Works Practice Manual WP1323.</p> <p><i>Note: This document refers to various standards, guidelines, calculations, legal requirements, technical details, and other information relevant to working near high voltage infrastructure. A copy of WP1323 can be found online via Ergon's document library (Document library Ergon).</i></p>	At all times	To ensure the continued safe and efficient operation of the supply network

General Advice:

- Compliance with the Electrical Safety Act 2002, including any Code of Practice under the Act and the Electrical safety Regulation 2013 including any safety exclusion zones defined in the Regulation is mandatory.

Should any doubt exist in maintaining the prescribed clearance to the overhead conductors and electrical infrastructure then the applicant is obliged under the Act to seek advice from Ergon.

- Any costs incurred by Ergon as a result of the works on the easement are to be met by the property Developer / owner.
- This response does not constitute an approval to commence any works within the easement. Consent to commence works relevant to the conditions of the easement is required. All works on easement (including but not limited to earthworks, drainage and detention basins, road construction, underground and overhead services installation) require detailed submissions, assessment, and consent (or otherwise) by Ergon.

Lost

The following votes were recorded:

For: Crs S Deane, M Harslett, C Pidgeon and S Windle (4)

Against: Crs R Bartley, M Hamilton, C McDonald and R Wantling (4)

Accordingly the Mayor, using her casting vote, declared the motion lost.

The meeting adjourned for morning tea at 10:26am and reconvened at 10:40am at which time there were present Crs Hamilton, Bartley, Deane, Harslett, McDonald, Pidgeon, Richters, Wantling and Windle

15.2 Reconfiguring a Lot: Ovay Pty Ltd C/- Precinct Urban Planning - 2 Locke Street, Warwick

Resolution

Moved Cr J Richters

Seconded Cr S Windle

THAT the Reconfiguring a Lot – Subdivision of one (1) lot into (9) lots on land at 2 Locke Street, Warwick, described as Lot 1 SP204073, be approved subject to the following conditions:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

- The development of the site is to be generally in accordance with the following proposal 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 Reconfiguration (1 into 9 + SW EMT) prepared by Parkinson Surveys	Drawing No. 15225 PROPOSAL Rev E	5 September 2024
Earthworks Layout Plan – prepared by Baker RossoW Consulting Engineers	DA06 Rev B	21 October 2024

Dedications

2. A 6.0 metre x 3 chord truncation on the north east corner of proposed Lot 1, north west corner of proposed Lot 2 and the north east corner of proposed Lot 3 is to be dedicated for road purposes at no cost to Council. Any fencing or other private infrastructure is to be removed from within the dedicated area.

Easements and Covenants

3. Easements must be provided over all water, sewerage and stormwater infrastructure in accordance with Council's policies. Where not prescribed by a policy, the minimum width of any easement is the greater of 3.0 metres or that required to safely excavate the infrastructure.
4. A plan showing building envelopes is to be submitted for approval by Council's Planning Services team. The **building envelopes** must meet the following criteria:
 - Be located on lots with an area less than 600 square metres.
 - Demonstrate required clearance of easements for infrastructure purposes.

A covenant is to be provided over proposed Lots 1, 2, 4, 5, 6, 8 and 9 prohibiting the residential use of any building unless such buildings are constructed within the building envelopes approved in accordance with this condition. The covenant documentation is to be prepared by Council's solicitor at the developer's cost. The covenant documentation is to be submitted to Council for approval prior to the signing of the Plan of Subdivision.

Amenity and Environmental Controls

5. 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.
6. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
7. The cleaning of plant equipment and vehicles must be carried out in an area where wastewater can be suitably managed so as not to cause contaminants to release into waterways or overland flow paths.
8. Advertising Devices relating to the Subdivision 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 residential character of the surrounding area. No advertising signs or devices are to be located on any other land, unless all applicable approvals are obtained under the Planning Scheme and the relevant local laws. No advertising signs or devices are to be located within the road reserve.

Fencing, Landscaping and Buffers

9. A solid screen fence 1.8 metres high shall be erected along the side and rear boundaries to provide visual screening. This screen fencing is to be provided at the developer's cost. This fencing shall reduce in height to be no more than 1.2 metres high within 6.0 metres of the road boundary/forward of the building line.
10. **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.
11. Retaining structures and their foundations must be wholly contained within private allotments and not be constructed as Council owned infrastructure.
12. All earthworks, including batters must be fully contained within the site.
13. Street trees are to be planted within the road reserve of the proposed new road. The trees

are to be planted approximately 15.0 metres apart and on both sides of the sealed pavement. The trees are to be of a minimum height of 1.5 metres at the time of planting.

A Street trees plan is to be submitted to and approved by Council's Planning Services team prior to the planting of the street trees. This must include details of the location and species of trees, the height and root barriers are to be installed around trees that are located within 3 metres of any underground infrastructure. Tree are to be generally frost resistant and drought hardy, and must not include weed species.

Car Parking and Vehicle Access

14. Ten (10) on-street car parking spaces are to be line marked on the western side of Palmerin Street, north of the Palmerin Street/Locke Street intersection.

Note: These works can be included as part of the general operational works application.

15. Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.

Roadworks

16. Any footpaths, kerbing and channelling, roadworks and drainage works damaged during construction of the development are to be reinstated to the pre-existing condition, unless otherwise required by the General Manager Infrastructure, Assets and Projects.
17. The proposed cul-de-sac is to be constructed in asphaltic concrete, and such works are to include mountable kerbing and channelling, stormwater drainage, street tree planting and the top dressing of footpaths with good quality top soil. The new road is to maintain widths in accordance with Council's Roads Asset and Service Management Master Plan / TAMP.
18. Sealed road widening, including mountable kerbing and channelling and stormwater drainage, is to be constructed along the Palmerin Street frontage of the site. The new kerb is to be generally aligned with the existing kerb in the southern part of Palmerin Street.
19. The design and construction of roads within the development are to incorporate:
 - (a) All intersections within the subdivision are to be designed as right angles, and treated so as to constrict vehicular movements and enhance both the safety and streetscape quality of the intersection, e.g. incorporating landscaping and pavement treatments.
20. Street name signs are to be provided in accordance with Council's standard design for street signs.

Stormwater Drainage

21. All proposed lots must have a lawful point of discharge determined in accordance with the *Queensland Urban Drainage Manual (QUDM)*. A stormwater management plan, including plans for any proposed stormwater infrastructure, is required to demonstrate compliance with QUDM.

The stormwater management plan must be prepared by a suitably qualified RPEQ and submitted in support of the application for operational works.

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

Any detention structure is to be designed to limit maintenance requirements to those typical of pipe infrastructure; where necessary to avoid high-maintenance detention designs, receiving stormwater infrastructure must be extended or upgraded.

Where not located within the road reserve, stormwater infrastructure including inter-allotment drainage systems and overland flow paths 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.

**Note: the road works required in Palmerin Street will require amendments to the stormwater management plan submitted in support of the development application.*

Water Supply and Waste water

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

Pedestrian Works

24. The existing footpath along the Locke Street frontage is to be maintained. The extension of this footpath, including perambulator ramps at each kerb and tactile ground service indicators, is to be constructed in accordance with the approved plan, to suit the new roadworks. The footpath width is to be consistent with the existing footpath.

Electricity, Street Lighting and Telecommunications

25. Underground electricity connections must be provided to proposed Lots 5-9 of the proposed development to the standards of the relevant authorities.

Reticulated electricity connections must be provided to proposed Lots 1-4.

Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity connections, in accordance with the requirements of the relevant authorities prior to Council signing the Plan of Subdivision.

26. In accordance with the Federal Government's National Broadband Network (NBN) initiatives, the Developer (at the Developer's expense) is to install telecommunications infrastructure, such as lead-in conduits (LIC) or a fibre ready pit and pipe network (including trenching and ducting, design and third party certification), to NBN Co's specifications, to allow for the installation of Fibre-to-the-Premises (FTTP) broadband services. Any fibre provider may be used, provided they meet NBN specifications and open access requirements. Ownership of the infrastructure is to be transferred to Telstra in exchange for the provision of fibre within that infrastructure network. Prior to Council approving the plan of subdivision, written advice is to be provided from Telstra that the telecommunications infrastructure network has been installed in accordance with NBN Co's specifications.
27. LED street lighting shall be provided in accordance with AS/NZS 1158 - Lighting for Roads and Public Spaces.

Operational Works

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

Infrastructure Charges Notice

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

Advisory Notes

- (i) Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Workplace Health and Safety* legislation and *Public Health Act 2005*.
- (ii) The General Environmental Duty under the *Environmental Protection Act 1994* prohibits

unlawful environmental nuisance caused by noise, aerosols, particles dust, ash, fumes, light, odour or smoke, beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.

- (iii) 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.
- (iv) 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;
 - If the development involves new roads, the proposed names for new roads;
 - An Erosion and Sediment Control Plan;

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

- (v) 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.
- (vi) 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.
- (vii) 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.
- (viii) 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

- (ix) 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

- (x) All reasonable and practicable measures must be taken to ensure that no harm is caused to Aboriginal cultural heritage (the “cultural heritage duty of care”). The cultural heritage duty of care is met if the development is conducted in accordance with gazetted cultural heritage

duty of care guidelines. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsip.qld.gov.au

Approval Times

- (xi) 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.**
- (xii) 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 – 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)

No.	Conditions	Condition timing
Development permit: Reconfiguring a Lot – Subdivision of one (1) Lot into ten (10) Lots		
Schedule 10, part 9, division 4, subdivision 2, table 1, item (Planning Regulation 2017) – Reconfiguring a lot near a state transport corridor —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of 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.	Provide fencing along the site boundary with the railway corridor, in accordance with: <ul style="list-style-type: none"> • Queensland Rail drawing number QR-C-S3229 - 1.8m High Chain Link Security Fence with Top & Bottom Rail Using 50mm Diamond Mesh General Arrangement, or • Queensland Rail drawing number QR-C-S3231 - Standard Timber Fence 1800mm High Timber Paling Fence. 	Prior to submitting the Plan of Survey to the local government for approval
2.	Stormwater management of the development must not cause worsening to the operating performance of the railway corridor, such that any works on the land must not: <ul style="list-style-type: none"> • create any new discharge points for stormwater runoff onto the railway corridor. • concentrate or increase the velocity of flows to the railway corridor • interfere with and/or cause damage to the existing stormwater drainage on the railway corridor • surcharge any existing culvert or drain on the railway corridor • reduce the quality of stormwater discharge onto the railway corridor • impede or interfere with any overland flow or hydraulic conveyance from the railway corridor. 	At all times

Attachment 2—Advice to the applicant

General advice	
1.	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.

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the SARA's decision are:

The development complies with State code 2: Development in a railway environment of the SDAP. Specifically, the development does not:

- create a safety hazard for users of a railway
- compromise the structural integrity of railways, rail transport infrastructure, other rail infrastructure or railway works
- result in a worsening of the physical condition or operating performance of railways and the rail network
- compromise the state's ability to construct, or significantly increase the cost to construct railways and future railways
- compromise the state's ability to maintain and operate, or significantly increase the cost to maintain and operate railways.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*.

Attachment 4—Representations about a referral agency response provisions

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Carried Unanimously

15.3 Material Change of Use - Preliminary Approval to vary the effects of the Planning Scheme - Lot 100 Homestead Road, Rosenthal Heights

Resolution

Moved Cr J Richters

Seconded Cr R Bartley

THAT the application for Preliminary Approval for Material Change of Use including Variation Request to vary the effects of the Southern Downs Planning Scheme (Version 5) – Dual occupancy (52 x Duplex dwellings on proposed Lots 60-81, 96, 99-106, 108-113, 115-122, 124-128 and 130-131) on land at Homestead Road, Rosenthal Heights, described as lot 100 SP249599, be approved subject to the following conditions:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

- The development of the site is to be generally in accordance with the following proposal 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 Subdivision Final Stages Cancelling Lot 100 on SP249599 Homestead Road Rosenthal Heights, amended to show lots subject to this variation	W5798-01	7 July 2012, amended plan submitted to Council on 14 August 2024
Variation Document (Amendment date 13.01.2025 prepared by Oasis Town Planning Pty Ltd and amended in red by Council	-	14 August 2024
Technical Memo prepared by Osborn Consulting Engineers Pty Ltd (Subject to amendments)	WK21-0240-Duplex-RFI	05 February 2025

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

Variation Approval Area

- The area affected by the preliminary approval – variation request is identified as Lot 100 on SP249599 (proposed Lots 60-81, 96, 99-106, 108-113, 115-122, 124-128 and 130-131), as shown on Plan of Development, dated 14 August 2024, prepared by Oasis Town Planning Pty Ltd.
- All future development of the affected area must be undertaken in accordance with the provisions of the approved Variation Document, dated 13 January 2025, prepared by Oasis Town Planning Pty Ltd and amended in red by Council.
- Where the Variation Document, dated 13 January 20225, prepared by Oasis Town Planning Pty Ltd does not state the way in which the approval will vary the effect of the Planning Scheme, the provisions contained in the Southern Downs Planning Scheme 2012 (Version 5) will take effect

Building and Site Design

- For any dual occupancy site with a total impervious area exceeding 40%, stormwater discharge is to be detained. The stormwater is to be detained such that the peak site discharge does not exceed that which would have discharged if the site had an impervious area of 40%.

A stormwater management plan is to be prepared by a suitably experienced Registered

Professional Engineer of Queensland (RPEQ) to demonstrate compliance with this requirement.

The stormwater management plan must not rely on the re-use of captured stormwater to create space for detention.

The stormwater management plan is to provide all details required to construct a compliant detention system.

7. The design, colours and materials of the building and pavement within the nominated lots are to be in accordance with the Low density residential character of the area. The final design and construction of residential uses within the nominated lots must provide for larger variation in appearance than that shown in the concept design plans submitted with the application. Variation is to be achieved through the use of colours, materials, architectural treatments, and changes to roof lines. **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 residential uses are to be constructed in the approved design, colours and materials.
8. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)
9. A copy of the Form 21 (Final Inspection Certificate) issued for the building works is to be provided to Council prior to the use commencing. (See advisory note below.)

Amenity and Environmental Controls

10. During the construction phase of the development, all wastes must be separated into recyclables (where possible) and landfill wastes, and disposed of at an approved waste facility.
11. One set of wheelie bins (one general waste and one recycling bin) must be provided for each unit. The wheelie bins are to be stored within the courtyard of each dwelling unit and screened from view from all roads and public places. A concrete pad is to be provided for the two bins in an appropriate location within each courtyard.
12. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
13. Any external lighting must be installed so that light shines down and away from adjacent properties and roads, and does not exceed 8 lux at the property boundary.

Fencing, Landscaping and Buffers

14. Retaining structures and their foundations must be wholly contained within private allotments and not be constructed as Council owned infrastructure.
15. All earthworks, including batters must be fully contained within the site.

Car Parking and Vehicle Access

16. Vehicle accesses are to be constructed to each Dual occupancy in accordance with Council's standard.

Stormwater Drainage

17. If required by Condition 6 to install tanks for the purpose of stormwater detention, these tanks are to be in addition to the requirements outlined in this Queensland Development Code MP4.2 for any new Class 1 buildings.

Water Supply and Waste water

18. The proposed Dual occupancy premises are to be connected to Council's reticulated water supply system and sewerage system in accordance with the *Queensland Plumbing and Wastewater Code*. A separate water connection (including water meter) is to be provided for

each Dual occupancy premises within the development. Each dwelling unit is to be connected to Council's reticulated sewerage system in accordance with Council's Sewerage Infrastructure Policy.

19. The development is to comply with Council's policy *Works Near Water Supply and/or Sewerage Infrastructure Policy*.

Electricity, Street Lighting and Telecommunications

20. Underground electricity connections must be provided to the proposed development to the standards of the relevant authorities.
21. 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 NBN Co in exchange for the provision of fibre within that infrastructure network. Prior to Council approving the commencement of the use, written advice is to be provided from NBN Co that the telecommunications infrastructure network has been installed in accordance with NBN Co's specifications.

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. **Plumbing and Drainage Approval is to be obtained** in accordance with the *Plumbing and Drainage Act 2018* for the proposed plumbing and drainage works. The application for Plumbing and Drainage approval must be submitted to Council with the appropriate **forms, plans and fees** associated with this application. A **Certificate of Compliance must be issued** for the works prior to the use commencing.
- viii. **Building Approval is to be obtained** for a Class 1a in accordance with the *Planning Act 2016* for the proposed building work. The building application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. The building plans are to accord with the plans approved in this approval. The

building is to be constructed in accordance with the Building Approval prior to the commencement of the use. A **Form 21 (Final Inspection Certificate) must be issued for the building works prior to the use commencing.**

- ix. From 1 July 2022 in Southern Downs Regional Council area Queensland Development Code MP4.2 will be applicable for any new class 1 buildings. Rainwater tanks with a minimum capacity of 5,000 litres are required for all new dwellings in water reticulated areas. Tanks are to be plumbed to service toilets, washing machines and an outdoor tap in accordance with the *Plumbing and Drainage Act 2018*. Appropriate area on the subject lot will be required to ensure compliance with these mandatory provisions.
- x. The applicant is to permit Council officers access to the site in accordance with the powers of entry provisions of the *Local Government Act 2009*, subject to 48 hours notice and reasonable security and health restrictions on access, so as to ensure the use is being conducted in accordance with the conditions of the approval.
- xi. No clearing of remnant vegetation or regulated regrowth vegetation is to occur under this approval. A Development Permit for Operational Works must be obtained from the Department of Infrastructure, Local Government and Planning for the clearing of any remnant vegetation, unless exempt under Schedule 21 of the *Planning Regulation 2017*.
- xii. Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- xiii. All Development Permits for Operational Works and Plumbing and Drainage Works should be obtained prior to the issue of a Development Permit for Building Works.
- xiv. All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

Telecommunications in New Developments

- xv. 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

- xvi. 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 2 – Department of Housing, Local Government, Planning and Public Works’ conditions as a Concurrence agency

Nil

Carried Unanimously

15.4 Contract No. 25_046 - Warwick Landfill Cell 4

Resolution

Moved Cr S Deane

Seconded Cr C Pidgeon

THAT Council:-

1. Following the tender assessment, enter into a contract with Hazell Bros (QLD) Pty Ltd (Contractor A) for the Warwick Landfill Cell 4 for an amount of \$4,809,874 exclusive of GST.
2. Delegate authority to the Chief Executive Officer to enter into any variations to the contract as deemed necessary for the duration of the contract.

Carried Unanimously

15.5 Contract No. 25_034 - Stanthorpe Landfill Capping

Recommendation

Moved Cr S Deane

Seconded Cr M Harslett

THAT Council:-

1. Following the tender assessment, enter into a contract with B4 Industries Pty Ltd (Contractor A) for the Stanthorpe Landfill Capping for an amount of \$3,128,455 exclusive of GST.
2. Delegate authority to the Chief Executive Officer to enter into any variations to the contract as deemed necessary for the duration of the contract.

Amendment

The following amendment was raised to reflect the correct tender amount:

THAT Council:-

1. Following the tender assessment, enter into a contract with B4 Industries Pty Ltd (Contractor A) for the Stanthorpe Landfill Capping for an amount of \$2,844,050 exclusive of GST.
2. Delegate authority to the Chief Executive Officer to enter into any variations to the contract as deemed necessary for the duration of the contract.

Resolution

Moved Cr S Deane

Seconded Cr M Harslett

Carried Unanimously

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

Nil

17. CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS

In accordance with the provisions of Section 254J(3) of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public and move 'into Committee' to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

Recommendation

THAT the meeting be closed to the public and move into committee to discuss the following items, which are considered confidential in accordance with Section 254J(3) of the *Local Government Regulation 2012*, which permits the meeting to be closed to the public for business relating to the following, as indicated:

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

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.

Meeting In Camera

Resolution

Moved Cr S Windle

Seconded Cr C Pidgeon

THAT the meeting move into closed session.

Carried Unanimously

The Meeting moved into closed session at 10:56am.

Meeting Out Of Camera

Resolved

THAT the meeting resume in open session at 11:09am.

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

Resolution

Moved Cr M Harslett

Seconded Cr S Deane

THAT Council, in relation to the approved development (MCU\01907.02) located at 143 Old Stanthorpe Road, Morgan Park, described as Lot 2 SP818435:

1. Refuse the applicants request for the fees to be waived, in relation to a further application to negotiate the conditions of approval that the applicant considers were not addressed in the minor change request, for the following reasons:
 - a) The changes made to the condition were in accordance with the Ordinary Council Meeting held on 18 September 2024 and 16 October 2024; and
 - b) The applicant lodged a 'Minor Change' application which was decided where further

negotiations do not form part of the legislation process that applies to 'Other Change' applications.

2. Refuse the applicants request to negotiate the Charges Notice that was issued with Decision Notice dated 23 October 2024, under Section 125 of the *Planning Act 2016*, for the following reasons:
 - a) The charges that have been applied are in accordance with Council's Charges Resolution (No. 4.2) 2023; and
 - b) The applicant has provided insufficient information to consider a reduction in infrastructure charges apart from the development is located outside of Council's Priority Infrastructure Area; and
 - c) Infrastructure charges can be applied to developments when located outside the Priority Infrastructure Area.

Carried Unanimously

18. GENERAL BUSINESS

Nil

MEETING CLOSURE

There being no further business, the meeting closed at 11:10am