



**MINUTES OF THE
GENERAL MEETING OF COUNCIL
31 JANUARY 2018**

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**MINUTES OF THE GENERAL COUNCIL MEETING OF SOUTHERN DOWNS
REGIONAL COUNCIL HELD ON 31 JANUARY 2018 IN THE COUNCIL CHAMBERS,
SOUTHERN DOWNS REGIONAL COUNCIL, 61 MARSH STREET, STANTHORPE
AT 9:00AM**

1. PRAYERS & CONDOLENCES

Fr Brian Connolly offered a prayer for the meeting and acknowledged condolences

2. ATTENDANCE

Present: Crs Dobie (Chair), Gow, Kelly, McNally, McNichol, Meiklejohn, Pennisi, Stocks and Windle

Officers: David Keenan (Chief Executive Officer), Ken Harris (Director Planning, Environment and Corporate Services), Chris Whitaker (Acting Director Engineering Services), Marion Seymour (Minute Secretary)

3. APOLOGIES

Nil

4. READING AND CONFIRMATION OF MINUTES

4.1 General Council Meeting - 13 December 2017

Resolution

Moved Cr N Meiklejohn

Seconded Cr M McNichol

THAT the minutes of the General Council Meeting held on Wednesday 13 December 2017 be adopted.

Carried

4.2 Special Council Meeting - 22 December 2017

Resolution

Moved Cr C Gow

Seconded Cr J McNally

THAT the minutes of the Special Council Meeting held on Friday 22 December 2017 be adopted.

Carried

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Previous Council Meeting

Resolution

Moved Cr S Windle

Seconded Cr Y Stocks

THAT Council receive the report and note the contents.

Carried

6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precis	Nature of Conflict
11.3	Naming of Rogers Street Car Park	Cr Pennisi declared a real conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>) as he had lodged a submission and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
12.9	Material Change of Use – Cherrabah Sporting Clays Incorporated, 3906 Keoghs Road, Elbow Valley	Cr McNally declared that a perceived conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>), may exist due to her membership of the Ballandean Clay Target Club. Cr McNally dealt with the perceived conflict of interest by stating that it was her determination that her personal interest is not of sufficient significance that it would lead to her making a decision on this matter that is contrary to the public interest. Cr McNally participated in the discussion and voting on this matter.
12.10	Material Change of Use – All Weapons Shooting Incorporated, 396 Keoghs Road, Elbow Valley	Cr McNally declared that a perceived conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>), may exist due to her membership of the Ballandean Clay Target Club. Cr McNally dealt with the perceived conflict of interest by stating that it was her determination that her personal interest is not of sufficient significance that it would lead to her making a decision on this matter that is contrary to the public interest. Cr McNally participated in the discussion and voting on this matter.
12.13	Negotiated Decision Notice – Louise Binnion, 214 Caves Road, Stanthorpe	Cr Pennisi declared a perceived conflict of interest in this item (as defined in section 173 of the <i>Local Government Act 2009</i>) due to his Development Application in place of a similar nature and his participation may be seen as influencing the vote to gain advantage and dealt with the perceived conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.

7. MAYORAL MINUTE

7.1 Mayoral Minute - January 2018

Resolution

Moved Cr S Windle

Seconded Cr Y Stocks

THAT Council receive the Mayoral Minute for January 2018.

Carried

8. READING AND CONSIDERATION OF CORRESPONDENCE

8.1 Correspondence

Resolution

Moved Cr N Meiklejohn

Seconded Cr R Kelly

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

Carried

9.30am Max Barton from Cherrabah Sporting Clays Incorporated addressed Council in relation to Agenda 12.9

Cr McNally declared that a perceived conflict of interest in Agenda Item 12.9 (as defined in section 173 of the Local Government Act 2009), may exist due to her membership of the Ballandean Clay Target Club. Cr McNally dealt with the perceived conflict of interest by stating that it was her determination that her personal interest is not of sufficient significance that it would lead to her making a decision on this matter that is contrary to the public interest. Cr McNally participated in the discussion and voting on this matter.

12.9 Material Change of Use - Cherrabah Sporting Clays Incorporated, 396 Keoghs Road, Elbow Valley

Resolution

Moved Cr Y Stocks

Seconded Cr N Meiklejohn

THAT the application for Material Change of Use for Outdoor Sport and Recreation (Clay Shooting and Small Bore Rifle Range), on Lot 1000 on SP 268215 (Incl Emt Z), located at 396 Keoghs Road ELBOW VALLEY QLD 4370, 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
Layout and Safety and Fallout Zones (Amended by Council)	-	10/01/2018
Site Plan	-	22/12/2017

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

Land Use and Planning Controls

3. This approval allows for the use of the site for the following uses only:
 - One weekend event per month (Maximum 50 register Shooters at the event)
 - Two (2) annual events per year (Maximum 250 registered Shooters at the event)
4. No National or International events are to be hosted at the subject property unless the appropriate approvals are granted by the relevant entities in accordance with the *Planning Act 2016*.
5. Provide a copy of the Weapons Licencing Approval to Council.
6. A register must be kept detailing all registered shooting attending the monthly and bi-annual events. The register must be provided to Council upon request.
7. A maximum of twelve (12) shooting stands are to be permitted to be used at any one time at the Clay Target and Small Bore Rifle Range as per plan titled Layout and Safety and Fallout Zones (Amended by Council) and dated 10/01/2018. An increase in shooting stand numbers may be acceptable if an updated Environmental Noise Impact Assessment Report is submitted to the satisfaction of the Director Planning, Environment and Corporate Services demonstrating that the increase in shooting stands does not create a noise nuisance.
8. The development shall generally operate only between the hours of 8.00am to 6.00pm, one weekend a month and at two (2) annual Events.
9. Only one (1) shooting range located on Lot 1000 SP268215 can be used at any one time.
10. The types of firearms to be used at the rifle range is restricted to .22 calibre rifles and shotguns.

Amenity and Environmental Controls

11. A dedicated fauna spotter person is to be made available at each shooting event. Should native fauna been seen, the shooting is to stop immediately until the fauna has moved to a safe area, away from the shooting locations.

12. No clearing of remnant vegetation or regulated regrowth vegetation is to occur under this approval.
13. Should the use of the Clay Shooting and Small Bore Rifle Range cease, a rehabilitation plan must be submitted and approved to the satisfaction of the Director Planning, Environment and Corporate Services. Any recommendation within the report must be carried out within three (3) months of the Rehabilitation Plan being approved.
14. All residents within 3 kilometres of the site are to be notified in writing of the two (2) annual Shooting Events at least 7 days prior to the event.
15. The operator must investigate and address all environmental nuisance and/or environmental harm complaints. The following details must be recorded and provided to Council upon request:
 - (a) time, date, name and contact details of the complainant;
 - (b) reasons for the complaint;
 - (c) any investigations undertaken;
 - (d) conclusions formed; and
 - (e) any actions taken.

When requested by Council, an assessment, including monitoring and/or sampling must be undertaken by a suitably qualified person(s) to investigate any complaint of environmental nuisance and/or environmental harm (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief). Upon completion of the assessment, the results must be submitted to Council within 10 business days. If the complaint is about noise from the shooting range, the assessment must demonstrate a noise level of no greater than 105dB Z Peak Hold is achieved at the nearest boundary of an allotment with a residential dwelling. The report is to clearly detail the background noise levels, the noise levels during the operation of the activity, and any mitigation measures which are required to be undertaken if noise levels arising from the activity are identified to be in excess of 105dB Z Peak Hold. If required by Council, proposed mitigation measures are to be implemented.
16. No materials or goods associated with the development are to be displayed or stored within the car park or landscaped areas, or outside the boundaries of the site.
17. Any rubbish and litter resulting from the Shooting Events must be collected and disposed of immediately following the event. The site is to be left in a clean and tidy condition.
18. Advertising Devices relating to the Outdoor Sport and Recreation use (Clay Shooting and Small Bore Rifle Range) may **only** be erected on the subject land, i.e. Lot 1000 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.
19. 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.

Car Parking and Vehicle Access

20. All vehicular access to and from the site must be via Keoghs Road only.
21. Provisions are to be made for disabled parking on-site.
22. A car parking area for the Events (Monthly and two (2) annual Events) must be provided on-site at a suitable location. The location of the car parking area is to be identified with Bunting Safety flags and a person must be available to direct vehicle drivers to a suitably located car

park.

The carpark area may remain grass, provided it is appropriately maintained and does not cause a dust nuisance. If complaints are received (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief) or the driveway become eroded or potholes form that would increase noise associated with vehicle movements, the carpark shall be constructed in gravel to Council's standards.

Water Supply and Waste water

23. The supply of water for human consumption i.e. drinking water, must be made available at all Events, in accordance with the *Plumbing Code of Australia* and the *Australian Drinking Water Quality Guidelines* produced by the *National Health and Medical Research*.

24. Additional toilets must be brought in to the site for the two (2) annual Events.

Advisory Notes

- i. Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning, Environment and Corporate Services, prior to the use commencing, and then compliance maintained at all times while the use continues.
- ii. Any proposal to increase the scale or intensity of the use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Planning Act 2016* and would have to comply with the requirements of the Planning Scheme.
- iii. It is encouraged that you arrange for a free compliance inspection to be carried out prior to the use commencing. This will involve a physical inspection of the premises along with an internal audit of Council's records. Written advice will be provided for your records advising if compliance with the conditions has been achieved.
- iv. The operator must at all times comply with the *Environmental Protection Act 1994*.
- v. The owner or occupier of the land must, within 20 business days after the commencement of the notifiable activity, give notice to the Contaminated Land Unit under section 320DA of the *Environmental Protection Act 1994*.
- vi. Any storage of flammable and/or combustible liquids must comply with the minor storage provision of Australian Standard AS1940 *The Storage and Handling of Flammable and Combustible Liquids*.
- vii. An application must be submitted and approved by Council for a permit under Local Law No. 1 (Administration) 2011 and Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2011.
- viii. 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.
- ix. 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*.
- x. 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*.

Aboriginal Cultural Heritage

- xi. All reasonable and practicable measures must be taken to ensure that no harm is caused to

Aboriginal cultural heritage (the “cultural heritage duty of care”). The cultural heritage duty of care is met if the development is conducted in accordance with gazetted cultural heritage duty of care guidelines. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsima.qld.gov.au

Approval Times

- xii. In accordance with the *Planning Act 2016*, this approval will lapse six 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.**

Carried

Cr McNally voted for the motion.

Cr McNally declared that a perceived conflict of interest in Agenda Item 12.10 (as defined in section 173 of the Local Government Act 2009), may exist due to her membership of the Ballandean Clay Target Club. Cr McNally dealt with the perceived conflict of interest by stating that it was her determination that her personal interest is not of sufficient significance that it would lead to her making a decision on this matter that is contrary to the public interest. Cr McNally participated in the discussion and voting on this matter.

12.10 Material Change of Use - All Weapons Shooting Incorporated, 396 Keoghs Road, Elbow Valley

Resolution

Moved Cr Y Stocks

Seconded Cr S Windle

THAT the application for Material Change of Use, Outdoor Sport and Recreation (Long Rifle Range and Handgun Range) on Lot 1000 on SP 268215 (Incl Emt Z), located at 396 Keoghs Road ELBOW VALLEY QLD 4370, be approved subject to the following conditions:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

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

Plan Name	Plan No.	Date
Site Plan – Location of Shooting Range	-	23/01/2018
Site Plan – Close up of Shooting Range	-	23/01/2018

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

Land Use and Planning Controls

3. This approval allows for the use of the site for the following uses only:
 - A maximum of two (2) shooting stands are permitted to be used at any one time at the Long Rifle Range and Handgun Range.
4. Only guests at the existing Cherrabah Resort located on Lot 1000 SP268215 can use the Long Rifle Range and Handgun Range. A register is to be kept on-site and made available to Council upon request.
5. The development shall generally operate only between the hours of 8.00am to 6.00pm and no more than 5 days a week. A register is to be kept on-site of the days the range is open and made available to Council upon request.

An increase in shooting stand numbers or the hours and days of operation may be acceptable if an updated Environmental Noise Impact Assessment Report is submitted to the satisfaction of the Director Planning, Environment and Corporate Services demonstrating that the increase in shooting stands or hours and days of operation does not create a noise nuisance.
6. Only one (1) shooting range located on Lot 1000 SP268215 can be used at any one time.
7. Provide to Council a copy of the Weapon's Licencing Approval prior to using the Long Rifle Range and Handgun Range.

Amenity and Environmental Controls

8. A dedicated fauna spotter person is to be made available at each shoot. Should native fauna been seen, the shooting is to stop immediately until the fauna has moved to a safe area, away from the shooting location.
9. No clearing of remnant vegetation or regulated regrowth vegetation is to occur under this approval.
10. Should the use of the Long Rifle Range and Handgun Range cease, a rehabilitation plan must be submitted and approved to the satisfaction of the Director Planning, Environment

and Corporate Services. Any recommendation within the report must be carried out within three (3) months of the Rehabilitation Plan being approved.

11. The operator must investigate and address all environmental nuisance and/or environmental harm complaints. The following details must be recorded and provided to Council upon request:
 - (a) time, date, name and contact details of the complainant;
 - (b) reasons for the complaint;
 - (c) any investigations undertaken;
 - (d) conclusions formed; and
 - (e) any actions taken.

When requested by Council, an assessment, including monitoring and/or sampling must be undertaken by a suitably qualified person(s) to investigate any complaint of environmental nuisance and/or environmental harm (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief). Upon completion of the assessment, the results must be submitted to Council within 10 business days. If the complaint is about noise from the shooting range, the assessment must demonstrate a noise level of no greater than 95dB Z Peak Hold is achieved at the nearest boundary of an allotment with a residential dwelling. The report is to clearly detail the background noise levels, the noise levels during the operation of the activity, and any mitigation measures which are required to be undertaken if noise levels arising from the activity are identified to be in excess of 95dB Z Peak Hold. If required by Council, proposed mitigation measures are to be implemented.

12. No materials or goods associated with the development are to be displayed or stored within the car park or landscaped areas, or outside the boundaries of the site.
13. Advertising Devices relating to the Outdoor Sport and Recreation use (Long Rifle Range and Handgun Range) may **only** be erected on the subject land, i.e. Lot 1000 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.
14. 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.

Car Parking and Vehicle Access

15. All vehicular access to and from the site must be via Keoghs Road only.

Advisory Notes

- i. Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning, Environment and Corporate Services, prior to the use commencing, and then compliance maintained at all times while the use continues.
- ii. Any proposal to increase the scale or intensity of the use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Planning Act 2016* and would have to comply with the requirements of the Planning Scheme.
- iii. It is encouraged that you arrange for a free compliance inspection to be carried out prior to the use commencing. This will involve a physical inspection of the premises along with an internal audit of Council's records. Written advice will be provided for your records advising if compliance with the conditions has been achieved.
- iv. The operator must at all times comply with the *Environmental Protection Act 1994*.
- v. The owner or occupier of the land must, within 20 business days after the commencement of the notifiable activity, give notice to the Contaminated Land Unit under section 320DA of the

Environmental Protection Act 1994.

- vi. Any storage of flammable and/or combustible liquids must comply with the minor storage provision of Australian Standard AS1940 *The Storage and Handling of Flammable and Combustible Liquids*.
- vii. 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.
- viii. No clearing of remnant vegetation or regulated regrowth vegetation is to occur under this approval. A Development Permit for Operational Works must be obtained from the Department of Infrastructure, Local Government and Planning for the clearing of any remnant vegetation, unless exempt under Schedule 21 of the *Planning Regulation 2017*.

Aboriginal Cultural Heritage

- ix. 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.datsima.qld.gov.au

Approval Times

- x. In accordance with the *Planning Act 2016*, this approval will lapse six 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.**

Carried

Cr McNally voted for the motion

9. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

Nil

10. EXECUTIVE

10.2 Quarterly Human Resources Report

Resolution

Moved Cr M McNichol

Seconded Cr S Windle

THAT Council receive the Human Resources Report for the October to December 2017 quarter.

Carried

10.4 Second Quarter Budget Review 2017/2018

Resolution

Moved Cr R Kelly

Seconded Cr J McNally

THAT Council adopt the revised budget following the second quarter budget review 2017/18 as per Attachments 1, 2 and 3.

Carried

Attachments

1. Attachment 1 - Qtr 2 Proposed Operating Budget 2017/2018 - **Attached to the Minutes Under Separate Cover**
2. Attachment 2 - Qtr 2 Statements - **Attached to the Minutes Under Separate Cover**
3. Attachment 3 - Qtr 2 Capital Works - **Attached to the Minutes Under Separate Cover**

10.1 Finance Report as at 31 December 2017

Resolution

Moved Cr R Kelly

Seconded Cr N Meiklejohn

THAT Council receive and note the Financial Report as at 31 December 2017.

Carried

10.3 Policy Review - Non-Current Asset Accounting Policy

Resolution

Moved Cr R Kelly

Seconded Cr N Meiklejohn

THAT Council adopt the revised attached Non-Current Asset Accounting Policy.

Carried

Attachments

1. Non-Current Asset Accounting Policy - **Attached to the Minutes Under Separate Cover**

11. ENGINEERING SERVICES DEPARTMENT REPORTS

11.1 Engineering Services Department Monthly Report

Resolution

Moved Cr S Windle

Seconded Cr N Meiklejohn

THAT Council receive the Engineering Services Department Monthly Report.

Carried

11.2 Naming of Boxs Road Bridge

Resolution

Moved Cr N Meiklejohn

Seconded Cr M McNichol

THAT Council name the newly constructed bridge on Boxs Road, Tannymorel as “Tom Petersen Bridge”.

Carried

Cr Pennisi declared a real conflict of interest in this Agenda Item 11.3 (as defined in section 173 of the Local Government Act 2009) as he had lodged a submission and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.

10:13 AM Cr V Pennisi left the meeting.

11.3 Naming of Rogers Street Car Park

Resolution

Moved Cr C Gow

Seconded Cr M McNichol

THAT Council name the Rogers Street Car Park as “Doug Smith Car Park”.

Carried

10:23 AM Cr V Pennisi rejoined the meeting.

11.4 Grants to Community - Fast Grant - Interim Review

Resolution

Moved Cr J McNally

Seconded Cr S Windle

THAT Council:

1. Approve the removal of all references to “*short-term emergent or immediate need*” under the Grants to Community – Fast Grant and replace it with “*The Fast Grant provides small amounts of financial assistance to not-for-profit organisations for projects or activities that will benefit the Southern Downs communities.*”
2. Approve the removal of all references to “Priority of funding offers is given to applicants that did not receive grant funding from Council in the previous twelve months” under the Grants to Community – Fast Grant to allow all applications to be considered on their merit.

Carried

PLANNING, ENVIRONMENT & CORPORATE SERVICES DEPARTMENT REPORTS

12.2 Making of Amendment Local Law No. 1 (Animal Management) 2017

Resolution

Moved Cr N Meiklejohn

Seconded Cr S Windle

THAT Council:

1. Makes *Amendment Local Law No. 1 (Animal Management) 2017* (as attached).
2. Adopts a consolidated version of *Local Law No. 2 (Animal Management) 2011* to include the amendments made by *Amendment Local Law No. 1 (Animal Management) 2017*.

Carried

12.3 Proposal to Make a New Planning Scheme

Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

THAT Council proposes to make a new planning scheme.

Carried

12.7 Update on Matter of Southern Downs Regional Council v Hood & Brown (GrainX)

Resolution

Moved Cr J McNally

Seconded Cr R Kelly

THAT Council note the information provided in the report, with a further update provided to Council at a February Briefing Session.

Carried

The meeting adjourned for morning tea at 10.38am and reconvened at 10.55am at which time there were presents Crs Dobie, McNally, Kelly, Stocks, Gow, Pennisi, Windle, McNichol and Meiklejohn

Cr Pennisi declared a perceived conflict of interest in Agenda Item 12.13 (as defined in section 173 of the Local Government Act 2009) due to his Development Application in place of a similar nature and his participation may be seen as influencing the vote to gain advantage and dealt with the perceived conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.

10:55 AM Cr V Pennisi left the meeting.

12.13 Negotiated Decision Notice - Louise Binnion, 214 Caves Road, Stanthorpe

Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

- A. THAT the application for a Request for a Negotiated Decision for the Material change of use for Tourist park, Educational establishment, and Short-term accommodation, Over 3 stages on land at 214 Caves Road, Stanthorpe, described as Lot 2 RP153743, Parish of Stanthorpe, County of Bentinck, be approved in part only for the following reasons:

The wording used in the application did not make it clear that the applicant was applying for more than one workshop and support group per week, and it could be expected that a member of the public viewing the application could have interpreted it as one workshop and support group per week. This may have impacted the awareness of the public of the nature of the application, and meant that a potential submitter did not make a submission about the workshops and support groups being held more than once per week. Council is not able to change the condition to allow multiple weekly workshops and support groups unless the applicant lodges an application for an 'other change' and undergoes Public Notification again to allow the community to comment on the change.

Council can only guarantee the quality of the water to the water meter. Once the water is in the holding tank, Council has no way to monitor and control the water quality to ensure that it is suitable for use as potable water. It is recommended that Condition 26 is retained.

- B. THAT the conditions of approval are amended as follows:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

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

Plan Name	Plan No.	Date
Site Plan (Map) Amended site Plan	MCUA01866-1 MCUA01866-1 Rev B	Received 29 June 2017 Received 18 December 2017
Site Plan (Legend)	MCUA01866-2	Received 29 June 2017

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.

Staging

3. The development may proceed in stages, provided that any driveway access and infrastructure services required to service a particular stage are constructed with that stage. Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.
4. The stages are approved as follows:

Stage 1

- 10 Camp sites
- Amenities block - 4 ensuite bathrooms and laundry
- 3m wide carport on the existing shed

- 40' shipping container for storage
- Pontoon on creek (3m x 3m max) (provided that approval is obtained from DNRM)
- HSTP - as per engineers specifications

Stage 2

- Shelter shed - 12m x 8m - constructed over amenities block
- Extension of existing shed - games room - by 12m
- 5 cabins (1 bedroom - 5m x 6m)
- Gazebo (6m x 6m metal carport)
- Caretaker residence
- Roof over sewerer sites (3m x 8m steel carport)
- Shed (games room) extension (12m)
- Bird hide (9m2)

Stage 3

- Activities centre 12 x 15 m with a commercial kitchen

Stages are not required to be undertaken in any chronological order.

Land Use and Planning Controls

5. This approval allows for the use of the site for the following uses only:
 - Educational establishment (**Individual consultations**, lectures, support groups, and workshops)
 - Tourist Park (Up to 10 sites for people attending the Educational establishment)
 - Short-term accommodation (Up to 5 cabins ~~for people attending the Educational establishment~~)
6. All people accommodated in the Tourist Park ~~or Short term accommodation~~ must be attending the Educational establishment.
7. The maximum number of guests accommodated in the 10 camp sites at any one time must not exceed 20 persons, excluding children.
8. The maximum number of guests accommodated in the short-term accommodation cabins at any one time must not exceed 10 persons with a maximum of two people per cabin.
9. No person is to reside in any building identified for short term accommodation or campsite for more than 45 days consecutively, or more than 90 days in any 12 month period.

The approved accommodation must not be occupied by persons for the purpose of permanent accommodation, excluding those persons in a manager's residence for the premises.
10. **Daily workshops and support groups operated at the site must not exceed 12 six (6) guests. and shall operate no more than once per week. One session of up to 12 guests is permitted each week.**
11. Public lectures at the site must not exceed 30 guests, and shall occur no more than 8 times per year.
12. A Disaster Management Plan is to be submitted to and approved by the Director Planning, Environment and Corporate Services. The Disaster Management Plan is to address prevention and evacuating procedures for bushfire and flood and to ensure guests are

adequately sheltered during emergency situations such as fierce storms.

13. ~~No recreational use of the dammed area of Funkers Gap Creek is permitted unless written approval from the Department of Natural Resources and Mines (DNRM) is provided to Council stating that the dammed area of Funkers Gap Creek, including the section mapped as being part of Lot 2 RP164506, is able to be used for commercial recreational use.~~

~~Recreational use of the dammed area of Funkers Gap Creek is to be limited to 4 kayaks at any one time. No guests or kayaks are permitted on any part of the watercourse that is part of a freehold land parcel without written permission from the owner being submitted to the Director Planning, Environment and Corporate Services. Any guests using Funkers Gap Creek must be provided with a map showing the part of the watercourse that can be accessed publically.~~

Building and Site Design

14. The Caretakers residence building is to be set back at least 15 metres from the northern property boundary.

The design, colours and materials of the building are to be in accordance with the rural character of the area. **Details of the design, colours and materials, including floor plans and elevations, of the building are to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the issue of any Development Permit for Building Work.** The building is to be constructed in the approved design, colours and materials.

15. The Short-term accommodation cabins are to be set back at least 20 metres from the northern property boundary.

The design, colours and materials of the building are to be in accordance with the rural character of the area. **Details of the design, colours and materials, including floor plans and elevations, of the building are to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the issue of any Development Permit for Building Work.** The building is to be constructed in the approved design, colours and materials.

16. The Activities centre building is to be set back at least 20 metres from the eastern property boundary.

The design, colours and materials of the building are to be in accordance with the rural character of the area. **Details of the design, colours and materials, including floor plans and elevations, of the building are to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the issue of any Development Permit for Building Work.** The building is to be constructed in the approved design, colours and materials.

17. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)

18. Copies of the Form 21 (Final Inspection Certificate)/ Form 11 (Certificate of Classification) issued for the building works for all buildings are to be provided to Council prior to the use commencing. (See advisory note below.)

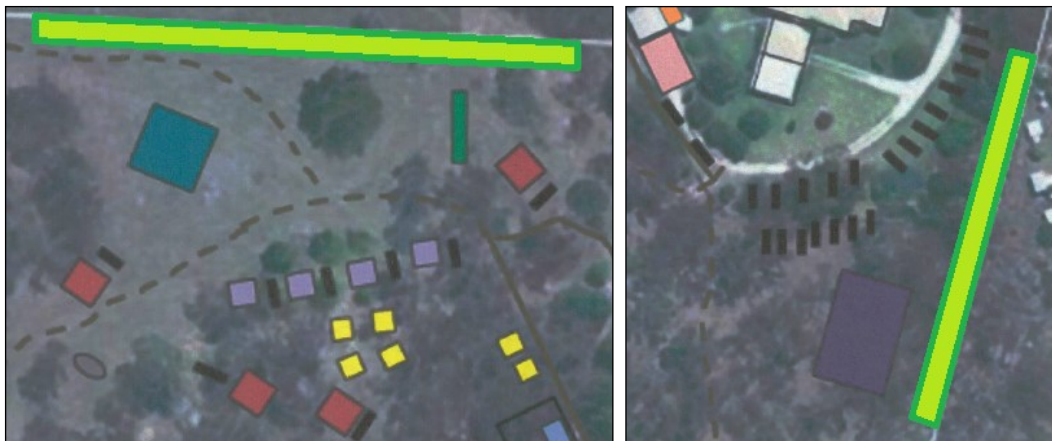
Amenity and Environmental Controls

19. During the construction phase of the development, all wastes must be separated into recyclables (where possible) and landfill wastes, and disposed of at the Stanthorpe Waste Facility.
20. Noise levels emitted from the premises must not exceed 5dB(A) above the background noise levels in the locality when measured at the boundary of an affected residential dwelling.
21. Amplified music shall not be permitted in the Educational Establishment.

22. Any fixed noise emitting device (e.g. air conditioning unit, refrigeration unit, compressor, generator etc.) located outside the Educational Establishment must be placed within an appropriate acoustic enclosure.
23. A sufficient number of suitable waste and recycling receptacles must be provided on site at all times. Waste and recycling receptacles must be regularly serviced to prevent unsightly accumulations of waste being caused. Where collection is not possible, waste must be removed with the same regularity and disposed of at the Stanthorpe or Northern Granite Belt Waste Management Facility.
24. Advertising Devices relating to the retreat may **only** be erected on the subject land, i.e. Lot 2 RP153743. 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.
25. There is to be no signage displayed on-site for the Short Term Accommodation or the Tourist Park use.
26. An adequate supply of potable water, compliant with the National Health and Medical Research Council's Australian Drinking Water Guidelines 2011, must be made available on site. A Drinking Water Management Plan is to be prepared and provided to Council's Environmental Services Department. Council can provide a template to use for the plan.
27. Any water supply point which provides water not suitable for drinking is labelled '**UNSUITABLE FOR DRINKING**' and provided with a symbol which is easily recognisable by non-English speaking people.
28. Any external lighting is to be installed and maintain the lighting fixtures so that they do not emit glare or light above the levels stated in Australian Standard AS:4282-1997 Control of Obtrusive Effects of Outdoor Lighting.
29. Domestic animals, other than dogs, are not permitted to be brought onto the land by any person staying at the Tourist park. Any dog brought onto the site by a person staying at the Tourist park is to be kept under effective control. Any dogs kept on site by the operator/manager/caretaker must be kept in accordance with Council's Subordinate Local Law No. 2 (Animal Management) 2011, and must be kept under effective control at all times.
30. Any composting toilets must be located at least 50 metres from any waterway, and not within any part of the site mapped as being located in the Flood hazard overlay.
31. Firewood must be supplied for campers by the operator to minimise the potential destruction of native vegetation by patrons of the camping grounds.

Fencing, Landscaping and Buffers

32. Existing landscaping is to be retained and maintained.
33. Prior to the construction of any Short-term accommodation cabins, Caretakers residence, or Activity centre, tree planted buffer strips of five (5) metres width are to be provided adjacent to the northern and eastern property boundaries within in the location shown below as to minimise the visual impact of the development from adjoining properties. The buffer strips are to include a variety of plant species and heights.



34. **A Landscaping Plan is to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the issue of any Development Permit for Building Work.** The Landscaping Plan must include details of the location and species of plants, the irrigation system and the height and material of fencing. Plants are to be generally frost resistant and drought hardy, and must not include weed species. Root barriers are to be installed around trees that are located within 3 metres of any underground infrastructure. The site is to be landscaped and maintained in accordance with the approved Landscaping Plan.

Car Parking and Vehicle Access

35. Access to the site for the Tourist park, Short-term accommodation, and Educational establishment is to be via the southern access only.
36. Vehicle access is to be maintained to a sealed standard in accordance with Council's standard. (Council's Engineering Services Department can provide details regarding Council's standard.)
- If necessary, the property access gateway must be located within a setback such that all vehicles proposed to enter and/or exit the land are able to stand clear of the carriageway whilst the property gateway is being opened and/or closed.
37. A 3.0 metre wide all-weather gravel driveway is to be constructed from Caves Road to all buildings and camp sites.
38. Car parking shall be provided on site in accordance Plan No MCU\01866-1 received 29 June 2017 prepared by Louise Binnion. All car parking, driveway and loading areas shall be drained, laid out and regularly maintained.
39. The carpark may remain grass, provided it is appropriately maintained and does not cause a dust nuisance. If complaints are received (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief) or the vehicle entrance and driveway become eroded with material becoming deposited outside of the site or potholes form that would increase noise associated with vehicle movements, the carpark shall be constructed in gravel to Council's standards.

The car park area is to be defined by a low physical barrier along the edge of the car parking area and driveways.

Roadworks

40. Any kerbing and channelling, roadworks and drainage works damaged during construction of the development are to be reinstated to the pre-existing condition, unless otherwise required by the Director Engineering Services.
41. Signage must be provided along the internal driveway so that it can be easily read when exiting the property via motor vehicle whether day or night. This signage is to clearly demonstrate, via images and text, the correct side of the road to drive on in Australia.

(Council's Planning Department can provide details regarding Council's standard).

Stormwater Drainage

42. Site stormwater runoff must be collected, detained and discharged where appropriate in a manner that does not increase the quantity or concentration of stormwater flow in comparison to the pre-development condition. Where necessary, suitable easements to lawful points of discharge, which may include surrounding properties, shall be provided to Council, at the developer's cost.

Water Supply and Waste water

43. All sewage generated from this property must be disposed of by means of an on-site sewage facility (OSSF) in accordance with the AS/NZS 1547:2012 - *On-site Domestic Wastewater Management, Queensland Plumbing and Wastewater Code* and the *Standard Plumbing and Drainage Regulation 2003*.
44. An Environmental Authority for Environmentally Relevant Activity No. 63 (Sewerage treatment) is to be obtained in accordance with the *Environmental Protection Act 1994* prior to the commencement of any Environmentally Relevant Activity, or written advice is provided by the Department of Environment and Heritage Protection that an ERA is not required.
45. ~~The restricted flow water supply is not suitable for a commercial connection. The development is not to use Council's restricted reticulated water supply as the potable water source for the use.~~

The site can only connect to the restricted water supply via a trickle feed top up tank and pressure pump. The design must meet the requirements of AS3500 and be approved by the local government plumbing compliance team.

46. Prior to the issue of any Building Approval associated with the development, 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 the Director Planning, Environment and Corporate Services. 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 Natural Resources and Mines that water may be lawfully supplied from that source. A water supply is to be provided in accordance with the approved report.
47. The applicant is to ensure that water usage is minimised and that all water fixtures and fittings including landscape watering systems, are to be water efficient devices and the applicant is to implement water reduction strategies as part of the development.
48. The site must be provided with a water storage reservoir having a minimum of ~~5000~~ 12,000 litres of water for emergency fire fighting purposes ~~for each Short-Term Accommodation building~~. Such storage must be provided in addition to the water supply capacity required for the use and must be ~~provided in the form of either an accessible dam, swimming pool or rainwater tank located within 60 metres of any Short-term accommodation building. If storage is to be provided in a rainwater tank, water storage for fire fighting purposes~~ The storage must be provided either in a separate ~~rainwater~~ tank or a reserve section in the main water supply tank on which:
 - (a) the domestic take off from the tank is at or above the ~~5000~~ 12,000 litre point; and
 - (b) standard rural fire brigade fittings are fitted to the tank outlet for access by rural fire services vehicles.

Infrastructure Charges Notice

49. Payment of \$8750 is to be made to Council in accordance with the Infrastructure Charges Notice attached to the decision notice. If the development is staged, the payment of Infrastructure Charges may also be staged. If payment is made more than two years after the date of the Infrastructure Charges Notice, the charge will increase in line with the Road

and Bridge Construction Index for Queensland.

Advisory Notes

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning, Environment and Corporate 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 *Sustainable Planning Act 2009* 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) Applications for licence under the Food Act 2006 are to be submitted to Council prior to the construction of the commercial kitchen on site.
- (v) An application must be submitted and approved by Council for an approval to operate under Council's Local Law No. 1. (Administration) 2011, in accordance with Council's Subordinate Local Law No. 1.8 (Operation of Caravan Parks). Please consult with Council's Environmental Health section to ensure compliance with the Local Law requirements.
- (vi) An application must be submitted and approved by Council for a permit under Local Law for rental accommodation.
- (vii) **Plumbing and Drainage Approval is to be obtained** in accordance with the *Plumbing and Drainage Act 2002* 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 all buildings 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)/Form 11 (Certificate of Classification) must be issued for the building works prior to the use commencing.**
- (ix) 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*.
- (x) 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 24 of the *Sustainable Planning Regulation 2009*.
- (xi) The Flood hazard overlay is based on a 1% Annual Exceedance Probability (AEP) flood event and therefore doesn't guarantee flood immunity.
- (xii) If making any alterations to the access to Caves Road, an application must be submitted and approved by Council for a permit under Southern Downs Regional Council's Subordinate Local Law No. 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation).

Aboriginal Cultural Heritage

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

Carried

10:57 AM Cr V Pennisi rejoined the meeting.

12.1 Operational Plan Quarterly Report October to December 2017

Resolution

Moved Cr N Meiklejohn

Seconded Cr M McNichol

THAT Council receive the contents of the Operational Plan Quarterly Review – October to December 2017.

Carried

12.4 Quarterly Report on Development Approvals for the October to December Quarter 2017

Resolution

Moved Cr N Meiklejohn

Seconded Cr M McNichol

THAT Council receives the report and notes its contents.

Carried

12.5 Amendment to the 2017/18 SDRC Fees and Charges

Resolution

Moved Cr N Meiklejohn

Seconded Cr M McNichol

THAT Council amend the 2017/18 SDRC Fees and Charges to remove the requirement for domestic customers to pay for the disposal of refrigerators, freezers, air conditioning units and gas bottles and that the Fees and Charges read as follows:-

Commercial Operators Only

- Refrigerators, freezers and air conditioning units \$8:00 each
- Gas bottles \$4:00 each.

Carried

12.6 Delegation Register - Council to CEO

Resolution

Moved Cr N Meiklejohn

Seconded Cr M McNichol

THAT Council adopt the amendments to the 'Council to CEO Delegations Register' as per the attached document.

Carried

Attachments

1. Council to CEO Delegations Register - **Attached to the Minutes Under Separate Cover**

12.11 Material Change of Use - Raymond J Merritt, 69 Watts Street, Maryvale

Resolution

Moved Cr N Meiklejohn

Seconded Cr M McNichol

THAT the application for Material Change of Use for Low impact industry (Contractors Depot and storage of materials) on land at 69 Watts Street, Maryvale, described as Lots 1 & 2 on SP285177, Parish of Gilbert, County of Merivale, 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 plan submitted with the application, EXCEPT THAT ONLY THE ACCESS TO LOT 2 SP285177 MAY BE USED FOR THE BUSINESS, and subject to the final development being amended in accordance with the conditions of this approval.

Plan Name	Plan No.	Date
Site Plan	MCU\01909-1	15 September 2017

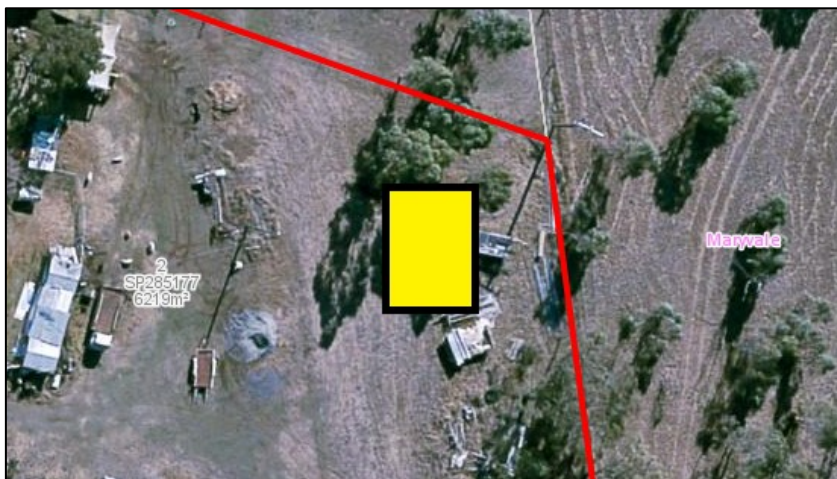
2. Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval prevail.

Land Use and Planning Controls

3. This approval allows for the use of the site for the following uses only: Contractors Depot and storage of materials
4. The development shall generally operate only between the hours of 8.00am to 6.00pm, seven days per week.
5. A maximum of two (2) employees are permitted at the site at any time.
6. A maximum of nine (9) commercial vehicles are to be stored at the site.

The vehicles on site are to include a maximum of:

- 2x Bobcat
 - 1x Excavator
 - 1x Tipper Truck
 - 1x Flatbed truck
7. Only warranty servicing of the vehicles is to be conducted on-site. No other motor vehicle repairs or maintenance are to be carried out on-site.
 8. A maximum of 32 tonnes of materials (such as decomposed granite, gravel, crusher dust, etc) are to be stored on the site at any time. The materials are only to be stored in the area shown in yellow below:



9. No customers are to access the site to pick up any materials. All materials must be delivered to customers off site.

Amenity and Environmental Controls

10. The loading and/or unloading of delivery and other service vehicles (excluding general waste collection vehicles) is limited between the hours of 8.00am and 6.00pm. No heavy vehicles must enter the development site outside these times to wait for unloading/loading.
11. Any hazardous materials (e.g oil and fuel) must be stored in a covered and bunded area.
12. Any liquid spills must be cleaned up immediately and disposed of in an appropriate manner that ensures environmental harm does not occur. An appropriate spill kit for the management of wastes and hazardous liquids associated with the activity must be readily available at the site. Anyone operating under this approval must be trained in the use of the spill kit.
13. All material stockpiles and trafficable areas associated with the approved activity must be maintained using all reasonable and practicable measures necessary to minimise the release of windblown emissions to the atmosphere. Reasonable and practicable measures may include but are not limited to:
 - a. Using water sprays and/or a water truck;
 - b. Adopting and adhering to speed limits;
 - c. Using dust suppressants and wind breaks; and
 - d. Sealing the areas.
14. The operator must investigate and address all environmental nuisance and/or environmental harm complaints. The following details must be recorded and provided to Council upon request:
 - a. time, date, name and contact details of the complainant;
 - b. reasons for the complaint;
 - c. any investigations undertaken;
 - d. conclusions formed; and
 - e. any actions taken.

When requested by Council, an assessment, including monitoring and/or sampling must be undertaken by a suitably qualified person(s) to investigate any complaint of environmental nuisance and/or environmental harm (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief). Upon completion of the assessment, the results must be submitted to Council within 10 business days. This must be undertaken in accordance with any direction given by Council at the time.

15. 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.

16. Advertising Devices relating to the use may **only** be erected on the subject land, i.e. Lots 1 & 2 SP285177. 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.
17. All equipment, goods and materials must be located in a building or screened from view from all roads, other public places and adjoining land by fencing and/or dense landscaping.
18. Install and maintain the lighting fixtures so that they do not emit glare or light above the levels stated in *Australian Standard AS:4282-1997 Control of Obtrusive Effects of Outdoor Lighting*.

Fencing, Landscaping and Buffers

19. A screen fence 1.8 metres high shall be erected around the use area, as shown in red below, to provide visual screening. This screen fencing is to be provided at the developer's cost.



20. **Details of the proposed fencing are to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the issue of a Development Permit for Building Work.** Fencing is to be provided and maintained in accordance with the approved details.
21. Tree planted buffer strips are to be provided adjacent to the southern boundary of the subject land, in the location shown in green below, so as to minimise the visual impact of the development from adjoining properties and roads. Trees are to be planted a maximum of three (3) metres apart.



22. **A Landscaping Plan is to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the commencement of the use.** The Landscaping Plan must include details of the location and species of plants, the irrigation system and the height and material of fencing. Plants are to be generally frost resistant and drought hardy, and must not include weed species. Root barriers are to be installed around trees that are located within 3 metres of any underground infrastructure. The site is to be landscaped and maintained in accordance with the approved Landscaping Plan.

Car Parking and Vehicle Access

23. A concrete industrial crossing is to be constructed at the Watts Street entrance to the site (Lot 2 SP285177) in accordance with Council's standard. (Council's Engineering Services Department can provide details regarding Council's standard.)
24. All vehicular access to and from the site associated with this approval must be via Watts Street, to Lot 2 SP285177 only.
25. A 3.0 metre wide all-weather driveway is to be constructed from Watts Street to the vehicle and material storage areas. The driveway may remain gravel, provided it is appropriately maintained and does not cause a dust nuisance. If complaints are received (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief) or the vehicle entrance and driveway become eroded with material becoming deposited outside of the site or potholes form that would increase noise associated with vehicle movements, the driveway shall be sealed to Council's standards.
26. All loading and unloading of goods related to the development must be carried out within the confines of the allotment's boundary. Under no circumstances will the loading or unloading of goods on the public roadway system or footpath be permitted.

Roadworks

27. Any roadworks and drainage works damaged during construction of the development are to be reinstated to the pre-existing condition, unless otherwise required by the Director Engineering Services.

Stormwater Drainage

28. Site stormwater runoff must be collected, detained and discharged where appropriate in a manner that does not increase the quantity or concentration of stormwater flow in comparison to the pre-development condition. Where necessary, suitable easements to lawful points of discharge, which may include surrounding properties, shall be provided to Council, at the developer's cost.

Advisory Notes

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning, Environment and Corporate Services, prior to the use commencing, and then compliance maintained at all times while the use continues.
- (ii) Any proposal to increase the scale or intensity of the use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Planning Act 2016* and would have to comply with the requirements of the Planning Scheme.
- (iii) It is encouraged that you arrange for a free compliance inspection to be carried out prior to the use commencing. This will involve a physical inspection of the premises along with an internal audit of Council's records. Written advice will be provided for your records advising if compliance with the conditions has been achieved.
- (iv) The General Environmental Duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles dust, ash, fumes, light,

odour or smoke, beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.

- (v) Any storage of flammable and/or combustible liquids must comply with the minor storage provision of Australian Standard AS1940 *The Storage and Handling of Flammable and Combustible Liquids*.
- (vi) An application must be submitted and approved by Council for a permit under Southern Downs Regional Council's Subordinate Local Law No. 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation).

Aboriginal Cultural Heritage

- (vii) 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.datsima.qld.gov.au

Carried

12.12 Material Change of Use - United Petroleum Pty Ltd, 86 Wallace Street, Warwick

Resolution

Moved Cr N Meiklejohn

Seconded Cr M McNichol

THAT the application for Material change of use for a Service Station (Redevelopment of existing service station) on land at 86 Wallace Street, Warwick, described as Lots 1-4 RP75570, Parish of Warwick, County of Merivale, 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 and documents submitted with the application, and subject to the final development being amended in accordance with the conditions of this approval.

Plan Name	Plan/Doc No.	Date
Proposed Site Plan	SK-0001 REV 7	21 November 2017
Proposed Elevations – North and South	SK-1100 REV 6	7 March 2017
Proposed Elevations – East and West	SK-1101 REV 6	7 March 2017
Signage Design	SK-2001 REV 2	17 November 2016
Site Based Stormwater Management Plan and Code Compliance Report	N/A	8 March 2017
Flood impact report – Revision B	N/A	30 November 2017
Environmental Noise Assessment Report – Revision O	16BRA0008-R01-0	11 November 2016

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

Reconfiguration of a Lot

3. The existing allotments are to be amalgamated into one allotment and a new Certificate of Title issued to cover the newly created allotment prior to the use of the site commencing.
4. Prior to the use commencing, the land located within the stormwater overland flow channel is to be subdivided from the remainder of the site and dedicated to Council as freehold Public Land for Stormwater. The land must be dedicated to Council **after** all works within the overland flow channel are completed and accepted on maintenance.

Easements and Covenants

5. Three (3) metre wide easements must be provided over all sewerage infrastructure located within private property.

Road Classification

6. Prior to the use commencing, the operator is to apply to the National Heavy Vehicle Regulator to obtain approval for the section of Cleary Street from the New England Highway to the access to the site to be added to the approved B-Double Network.

Building and Site Design

7. The colours and materials of the building are to be in accordance with the character of the area. **Details of the colours and materials of the building and pavement are to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the issue of any Development Permit for Building Work.** The building

is 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 11 (Certificate of Classification) issued for the building works is to be provided to Council prior to the use commencing. (See advisory note below.)
10. A detail design of any cut or fill greater than occurring within the waterway to be provided and approved as Operational Works.

Amenity and Environmental Controls

11. During the construction phase of the development, all wastes must be separated into recyclables (where possible) and landfill wastes, and disposed of at the Warwick waste facility.
12. Any fixed noise emitting device (eg. air conditioning unit, refrigeration unit, compressor, generator, etc.) located outside must be placed within an appropriate acoustic enclosure.
13. Noise levels emitted from the activity must not exceed the noise levels specified in the Environmental Noise Assessment Report, document number 16BRA0008 R01_0, prepared by TTM and dated 11 November 2016.
14. A sufficient number of suitable waste receptacles must be provided on site at all times. Waste receptacles must be regularly serviced to prevent unsightly accumulations of waste or environmental harm being caused. A waste collection contractor must be engaged to supply suitable waste and recycling receptacles and service waste and recycling receptacles.
15. All regulated waste must be removed from the site by a regulated waste removal contractor. The records for this disposal must be kept on site and be available for viewing by an authorised officer. Waste collection must occur between the hours of 7am and 10pm as per the Environmental Noise Assessment Report, document number 16BRA0008 R01_0, prepared by TTM and dated 11 November 2016.
16. No materials or goods associated with the development are to be displayed or stored within the car park or landscaped areas, or outside the boundaries of the site.
17. Any hazardous materials (e.g. oil and fuel) must be stored in a covered and bunded area.
18. Any liquid spills must be cleaned up immediately and disposed of in an appropriate manner that ensures environmental harm does not occur. Appropriate spill kits for the management of wastes and hazardous liquids associated with the activity must be readily available at the site. Anyone operating under this approval must be trained in the use of the spill kits.
19. The registered operator of the activity to which this approval relates must contact Council as soon as practicable after becoming aware of any release of contaminants, or any event where environmental harm has been caused or may be threatened.
20. The operator must investigate and address all environmental nuisance and/or environmental harm complaints. The following details must be recorded and provided to Council upon request:
 - a) time, date, name and contact details of the complainant;
 - b) reasons for the complaint; any investigations undertaken;
 - c) conclusions formed; and
 - d) any actions taken.

When requested by Council, an assessment, including monitoring and/or sampling must be undertaken by a suitably qualified person(s) to investigate any complaint of environmental nuisance and/or environmental harm (which in the opinion of an authorised person is not

frivolous, vexatious nor based on mistaken belief). Upon completion of the assessment, the results must be submitted to Council within 10 business days. This must be undertaken in accordance with any direction given by Council at the time. If the results of the assessment indicate, or where it is determined by an authorised person, that environmental nuisance and/or environmental harm is being caused, abatement or control measures must be implemented as recommended by a suitably qualified person and/or Council.

21. 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. There must be no release that has been in contact with any contaminants at the site to any waters, watercourse, roadside gutter, storm water drain or land.

Wash down of the forecourt, work shop and any other area or item that generate contaminated water, is not permitted unless the contaminated water is directed to an approved separator or treatment system.

22. Advertising Devices relating to the Service Station may **only** be erected on the subject land. The location, size, type and content of any advertising sign or device located on the land is to be compatible with the character of the surrounding area. No advertising signs or devices are to be located on any other land, unless all applicable approvals are obtained under the Planning Scheme and the relevant local laws. No advertising signs or devices are to be located within the road reserve.
23. 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

24. A screen fence 1.8 metres high shall be erected along the sites eastern boundary, from the Cleary Street frontage to the edge of the overland flow channel, 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. The fence shall be of acoustic materials, so as to minimise noise impacts upon adjoining lots.
25. **Details of the proposed fencing are to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the issue of a Development Permit for Building Work.** Fencing is to be provided and maintained in accordance with the approved details.
26. All earthworks, including batters must be fully contained within the site.
27. The street trees within the road reserve of Wallace Street are to be retained. These trees are to be protected during construction. If it is not possible to design the development to preserve all the trees in their current locations, the tree/s must be relocated at the developer's cost. The relocation of the tree/s is to be carried out by a suitably qualified and experienced person. If the tree/s die within 12 months of the relocation, the dead tree must be replaced with an advanced tree of the same species.
28. Landscaped areas are to be provided on the site in accordance with Plan No. SK-0001 REV 7 dated 21 November 2017 prepared by Mode Design.
29. **A new Landscaping Plan is to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the issue of any Development Permit for Building Work.** The Landscaping Plan is to be prepared by an appropriately qualified person, and must include details of the location and species of plants, the irrigation system and the height and material of fencing. Plants are to be generally frost resistant and drought hardy, and must not include weed species. Root barriers are to be installed around trees that are located within 3 metres of any underground infrastructure. The site is to be landscaped

and maintained in accordance with the approved Landscaping Plan.

Car Parking and Vehicle Access

30. A concrete industrial crossing is to be constructed at the Cleary Street and Wallace Street crossovers to the site in accordance with Council's standard. (Council's Engineering Services Department can provide details regarding Council's standard.)
31. Car parking shall be provided on site in accordance Plan No SK-0001 REV 7 dated 21 November 2017 prepared by Mode Design. All car parking, driveway and loading areas shall be constructed sealed, line marked, drained, laid out and regularly maintained.
32. All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.
33. Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
34. Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.
35. All loading and unloading of goods related to the development must be carried out within the confines of the allotment's boundary. Under no circumstances will the loading or unloading of goods on the public roadway system or footpath be permitted.

Roadworks

36. A 2.0 metre wide concrete pedestrian footpath is to be constructed along the Wallace Street and Cleary Street frontages of the site, in a location suitable to the Director Engineering Services.

Any part of the Wallace Street and Cleary Street road reserves (between the property boundary and the kerb) that are not used for the vehicle crossover or footpath must be returned to a grassed verge. Operational Work approval is required for the works to the road reserve.
37. Mountable kerbing and channelling and stormwater drainage, is to be constructed along the Cleary Street and Wallace Street frontages of the site. Operational Works approval will be required from Council for the road works.
38. Any footpaths, kerbing and channelling, roadworks and drainage works damaged during construction of the development are to be reinstated to the pre-existing condition, unless otherwise required by the Director Engineering Services.

Stormwater Drainage

39. The location of the proposed building and associated fuel bowzers are to be flood free. Any filling within the identified Flood Hazard Overlay Area is to be certified by a Registered Professional Engineer in Queensland (RPEQ). Operational works approval is required for any filling in the flood hazard area. Any works cannot change the existing design flood levels and effects. Particular attention is required regarding drainage impacts on the adjoining properties and the New England Highway.
40. A stormwater drainage system serving the development is to be constructed in accordance with the *Site Based Stormwater Management Plan and Code Compliance Report (Revision D)*, and the stormwater disposed of to a lawful point of discharge, in accordance with the Queensland Urban Drainage Manual (QUDM). All drainage works should meet the requirements of the Queensland Urban Drainage Manual (QUDM). Operational Works approval will be required from Council for the stormwater drainage system.

Water Supply and Waste water

41. A reticulated water supply system, up to and including water meters, is to be provided to service the building. This system is to be connected to Council's water supply system.
The connection to Council's reticulated water supply must be a combined fire and domestic metered connection located at a point nominated by Council.
42. A sewerage reticulation system is to be provided to service the building. This system is to be connected to Council's wastewater sewerage system.
43. The development is to comply with Council's policy *Works Near Water Supply and/or Sewerage Infrastructure Policy*, which requires an application to be submitted to Council for approval, prior to the commencement of the works. It is not desirable to build over the infrastructure; alternative arrangements should be sought.

Electricity, Street Lighting and Telecommunications

44. Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.

Operational Works

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

Advisory Notes

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning, Environment and Corporate 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 *Sustainable Planning Act 2009* 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) 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*.
- (v) The operator must at all times comply with the Environmental Protection Act 1994. The General Environmental Duty under the *Environmental Protection Act* 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.
- (vi) Any storage of flammable and/or combustible liquids must comply with the minor storage provision of Australian Standard AS1940 *The Storage and Handling of Flammable and Combustible Liquids*. All other activities relevant to this Standard, including but not limited to fuel dispensing must also comply with the provisions of this Standard.
- (vii) Activities relevant to AS 4897-2008 *The design, installation and operation of underground petroleum storage systems*, must comply with the provisions of this Standard.
- (viii) Applications for licence under the *Food Act 2006* are to be submitted to Council prior to the commencement of the kitchen within the new service station.
- (ix) **Plumbing and Drainage Approval is to be obtained** in accordance with the *Plumbing and Drainage Act 2002* 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.

- (x) **Building Approval is to be obtained** in accordance with the *Planning Act 2016* for the demolition of the existing service station building. The building application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application.
- (xi) **Building Approval is to be obtained** for a Class 6 building in accordance with the *Planning Act 2016* for the proposed building work. The building application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. The building plans are to accord with the plans approved in this approval. The building is to be constructed in accordance with the Building Approval prior to the commencement of the use. A **Form 11 (Certificate of Classification) must be issued for the building works prior to the use commencing.**
- (xii) The disposal of waste classified as Trade Waste under the *Plumbing and Drainage Act 2002* is to be in accordance with Council's Trade Waste Policy.
- (xiii) The supply of water for human consumption, food preparation, food utensil washing or personal hygiene, including the supply of water for drinking water, showers, baths, hand basin and kitchen sinks, must be connected to a drinking water supply, in accordance with the *Plumbing Code of Australia* and the *Australian Drinking Water Quality Guidelines* produced by the *National Health and Medical Research*.
- (xiv) The Flood hazard overlay is based on a 1% Annual Exceedance Probability (AEP) flood event and therefore doesn't guarantee flood immunity.
- (xv) A Development Permit for Operational Works associated with the development must be obtained in accordance with the *Sustainable Planning Act 2009*. This application must be submitted with the following:
 - Relevant IDAS Forms;
 - The relevant fee in accordance with Council's Schedule of General Fees and Charges;
 - Detailed design drawings, schedules and specifications for all Operational Works, certified by a Registered Professional Engineer in Queensland (RPEQ);
 - A car parking plan showing the location and dimension of all parking areas, details of the proposed pavement treatment, and full engineering specifications of layout, construction, sealing, drainage and line marking;
 - A plan showing ingress and egress wheel and swept turning paths;
 - A Stormwater Management Plan;
 - A geotechnical report addressing the filling of the site and make recommendations as to how it will be possible for such filling to achieve compliance with AS3798-2007 (as amended) "*Guidelines on Earthworks for Commercial and Residential Developments*".

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

- (xvi) An Erosion and Sediment Control Plan (ESCP) must be submitted for approval with the application for Operational Works. The ESCP must demonstrate that release of sediment-laden stormwater is avoided for the nominated design storm, and minimised when the nominated design storm is exceeded, by addressing the objectives in Table A (Construction phase - stormwater management design objectives) in Appendix 3 of the State Planning Policy for drainage control, erosion control, sediment control and water quality outcomes.

- (xvii) Site works must be constructed such that they do not, at any time, in any way restrict or impair the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- (xviii) All Development Permits for Operational Works and Plumbing and Drainage Works should be obtained prior to the issue of a Development Permit for Building Works.
- (xix) All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

Aboriginal Cultural Heritage

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

Schedule 2 - Department of Infrastructure, Local Government and Planning conditions as a Concurrence agency

Attachment 1—Amended conditions to be imposed

No.	Conditions	Condition timing
Development Permit – Material Change of Use (Service Station)		
7.3.1 —Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
In accordance with approved plans		
1.	<p>The development must be carried out generally in accordance with the following plans:</p> <p>— Proposed Site Plan prepared by Mode Design dated 27 February 2017, reference 16039BNE and revision 6, as amended in red to include 'No Entry' signs and access removal.</p> <p>Replace with</p> <p>The development must be carried out generally in accordance with the following plans:</p> <p>- Proposed Site Plan prepared by Mode Design dated 27 February 2017, reference 16039BNE and revision 6, as amended in red to include 'No Entry' signs.</p>	Prior to the commencement of use and to be maintained at all times.
Roadworks on a state-controlled road		
2.	<p>(a) Road works comprising Channelised Right Turn Treatment with a short turn slot (CHR(S)) must be provided at Wallace Street/Cleary Street intersection.</p> <p>(b) The road works must be designed and constructed in accordance with Transport and Main Roads' Road Planning and Design Manual, Manual of Uniform Traffic Control Devices and any other relevant manuals/standards/technical publications referenced therein.</p> <p>Replace with</p> <p>(a) Road works comprising a northbound Channelised Right Turn Treatment with a short turn slot (CHR(S)) must be provided at Wallace Street/Cleary Street intersection.</p> <p>(b) The road works must be designed and constructed in accordance with Transport and Main Roads' Road Planning and Design Manual, Manual of Uniform Traffic Control Devices and any other relevant</p>	Prior to the commencement of use.

No.	Conditions	Condition timing
	<p>manuals/standards/technical publications referenced therein.</p> <p>(c) Linemarking to the New England Highway is to be carried out generally in accordance with the attached concept plan "Linemarking Plan – New England Highway", in accordance with the relevant DTMR provisions/standards.</p>	
Vehicular access to the state-controlled road		
3.	<p>(a) The road access location, is to be located generally in accordance with Proposed Site Plan prepared by Mode Design dated 27 February 2017, reference 16039BNE and revision 6, as amended in red to include 'No Entry' signs and access removal.</p> <p>(b) Road access works comprising the installation of 'No Entry' signage, (at the road access location) must be provided generally in accordance with Proposed Site Plan prepared by Mode Design dated 27 February 2017, reference 16039BNE and revision 6, as amended in red to include 'No Entry' signs and access removal.</p> <p>(c) The road access works must be designed and constructed in accordance with Transport and Main Roads' Road Planning and Design Manual, Manual of Uniform Traffic Control Devices and any other relevant manuals/standards/technical publications referenced therein.</p> <p>Replace with</p> <p>(a) The road access locations are to be located generally in accordance with proposed Site Plan prepared by Mode Design dated 27 February 2017, reference 16039BNE and revision 6, as amended in red to include 'No Entry' signs.</p> <p>(b) Road access works comprising the installation of 'No Entry' signage, (at the road access location) must be provided generally in accordance with Proposed Site Plan prepared by Mode Design dated 27 February 2017, reference 16039BNE and revision 6, as amended in red to include 'No Entry' signs.</p> <p>(c) The road access works must be designed and constructed in accordance with Transport and Main Roads' Road Planning and Design Manual, Manual of Uniform Traffic Control Devices and any other relevant</p>	<p>(a) At all times.</p> <p>(b) and (c): Prior to the commencement of use and to be maintained at all times.</p>

No.	Conditions	Condition timing
	manuals/standards/technical publications referenced therein.	
Removal of redundant road access works		
4.	<p>(a) The existing northern vehicular property access located between Lot 1RP75570 and New England Highway must be permanently closed and removed.</p> <p>(b) The kerbing and channelling between the pavement edge and the property boundary must be reinstated in accordance with Transport and Main Roads' Road Planning and Design Manual.</p>	Prior to the commencement of use.

Attachment 2—Amended reasons for decision to impose conditions

The reasons for this decision are:

Condition 1 is to ensure the development is carried out generally in accordance with the plans of development submitted with the application.

Condition 2 is to ensure access to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road direct access to the state-controlled road is prohibited were not required.

Condition 3(a) is to ensure the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.

Condition 3(b) is to ensure the design of any road access maintains the safety and efficiency of the state-controlled road.

Attachment 3—Further Advice

Further development permits, compliance permits or compliance certificates
State-controlled Roads
<p>Road access works approval: Under sections 62 and 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works that are road access works (including driveways) on a state-controlled road. Please contact the Department of Transport and Main Roads on 07 4639 0828 to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). The road access works approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>
<p>Road corridor permit: An application for a Road Corridor Permit is required for any ancillary works and encroachments on the state-controlled road under section 50(2) and Schedule 6 of the <i>Transport Infrastructure Act 1994</i> and Part 5 and Schedule 1 of the <i>Transport Infrastructure (State-Controlled Roads) Regulation 2006</i>. Please contact the Department of Transport and Main Roads to make an application for a Road Corridor Permit. Ancillary works and encroachments include but are not limited to advertising signs or other advertising devices, paths or bikeways, buildings/shelters, vegetation clearing, landscaping and planting.</p>

Copy of Linemarking Plan (referred to in Condition 1 (c))



Carried

11.00am Andrew Hill from Homeworthy Inspection Services addressed Council in relation to Agenda Item 12.8

12.8 Material Change of Use - R & C Newman, Tummalville Road, Leyburn

Resolution

Moved Cr N Meiklejohn

Seconded Cr R Kelly

A. THAT the application for Material Change of Use for a Dwelling house (within Flood hazard overlay) on land at Tummalville Road, Leyburn, described as Lot 15 L187, Parish of Leyburn, County of Merivale, be refused for the following reasons:

1. The entire site is located within the Flood hazard overlay and there is no alternative flood-free site on the land. Tummalville Road is also subject to flooding, and there are no alternative flood free access routes. The proposed development would increase the risk to people and property in a flood event. The depth and velocity of flood water during a 1% AEP flood event are excessive, both at the development site and the evacuation route, and the evacuation distance to a flood free area is also excessive.
2. The proposed development cannot comply with the following sections of the Southern Downs Planning Scheme:
 - Section 8.2.5.2(1), Flood hazard overlay code, Purpose:
The purpose of the Flood hazard overlay code is to manage development outcomes in the floodplain so that risk to life, property, community and the environment during future flood events is minimised
 - Section 8.2.5.2(2), Flood hazard overlay code, Purpose:
The purpose of the code will achieve the following outcomes:
 - (a) *Development maintains the safety of people on the development site from flood events and minimises the potential damage from flooding to property.*
 - (b) *Development does not result in adverse impacts on people's safety*
 - Section 8.2.5.3, Flood hazard overlay code, Assessment Criteria:
AO1.1 New buildings, with the exception of farm sheds and outbuildings associated with an existing dwelling are not located within the overlay area.
PO1 Development siting and layout responds to flooding potential and maintains personal safety at all times.
 - Section 9.3.7.2, Residential uses code, Purpose:
The purpose of the code will be achieved through the following overall outcomes.
All dwelling houses, dual occupancy, hostels, multiple dwellings and retirement facilities:
 - (a) *Occur only on land that is suited to the development and occupation of residential buildings;*
 - Section 9.3.7.3, Residential uses code, Assessment Criteria:
AO1 A dwelling house ... is erected on a part of the site with –
 - (a) *A flood free area of at least 17m x 17m at natural ground level;*
PO1 Dwelling houses ... are located on a site that is free from natural hazards.
3. The proposed development does not comply with the following Assessment Benchmarks of the State Planning Policy 2017.

- Part E - Natural hazards, risk and resilience
 - 3) Development avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.
 - 4) Development supports and does not hinder disaster management response or recovery capacity and capabilities.
 - 5) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.

4. Under the Coty Principle, the proposed development cannot comply with the following sections of the proposed amendments to the Southern Downs Planning Scheme:

- Section 8.2.5.3, Flood hazard overlay code, Assessment Criteria:
 - AO1(a) *With the exception of farm sheds and outbuildings associated with an existing dwelling, new buildings are not located within the overlay area; or*
 - (b) *New buildings are located within the overlay area only where the local government has confirmed in writing that the following criteria are met:*
 - (i) *There is no part of the lot that is outside of the Flood hazard overlay area;*
 - (ii) *New buildings are located on the highest part of the lot to minimise entrance of floodwaters;*
 - (iii) *New buildings are located in areas of low flood hazard only as follows:*
 - *Maximum flood depth is 0.3 m; and*
 - *Maximum flood velocity is 0.4 m/s.*
 - (iv) *Direct access is available to low hazard evacuation routes as follows:*
 - *Maximum flood depth is 0.3 m;*
 - *Maximum flood velocity is 0.4 m/s; and*
 - *Evacuation distance is less than 200 m.*
 - PO1 *Development siting and layout responds to flooding potential and maintains personal safety at all times.*

- B. (a) THAT, if the unlawful building works remain on Lot 15 L187 despite enforcement action, Council commence legal action to have the landowners remove the unlawful building works; and
- (b) THAT Council delegates authority to the Chief Executive Officer to conduct this legal action, including authority to commence, prosecute, negotiate, mediate, settle or cease this legal action upon such terms as Council's legal advisor may recommend or approve, and appoint expert witnesses as necessary.

Carried

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

Nil

14. NOTICES OF MOTION

Nil

15. GENERAL BUSINESS

A late confidential report in relation to Leyburn Water Supply - Treatment Options was provided to Councillors.

15.1 Late Report - Leyburn Water Supply - Treatment Options

Resolution

Moved Cr V Pennisi

Seconded Cr N Meiklejohn

THAT the late report in relation to Leyburn Water Supply – Treatment Options be received and referred for discussion with confidential items.

Carried

15.2 Cyber Bullying Prevention

Resolution

Moved Cr J McNally

Seconded Cr C Gow

THAT Council write to Federal and State Attorney Generals, Shadow Attorney Generals as well as requesting amendment bills in relation to identifying cyber bullying as a criminal offence, followed by an appropriate education strategy.

Carried

15.3 Education Programs - Bullying Prevention

Resolution

Moved Cr V Pennisi

Seconded Cr J McNally

THAT Council write to the Federal and State Education Ministers and Shadow Education Ministers requesting further education programs relating to the protection of young people and the community in relation to cyber bullying and other forms of bullying.

Carried

16. CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS

In accordance with the provisions of Section 275(1) 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 275(1) of the *Local Government Regulation 2012*, which permits the meeting to be closed to the public for business relating to the following, as indicated:

16.1 PN68325 - Write-off Interest on Outstanding Rates

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(d) of the *Local Government Regulation 2012*, as it contains information relating to rating concessions.

16.2 Regional Arts Development Fund Applications Round One 2017/2018

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(h) of the *Local Government Regulation 2012*, as it contains information relating to business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

16.3 November 2017 Monthly Report from Warwick Indoor Recreation and Aquatic Centre from YMCA Brisbane 26.52

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(h) of the *Local Government Regulation 2012*, as it contains information relating to business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

16.4 Audit and Risk Management Committee Meeting Minutes - 8 December 2017

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(h) of the *Local Government Regulation 2012*, as it contains information relating to business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

16.5 Mobile Library Service

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(h) of the *Local Government Regulation 2012*, as it contains information relating to business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

Meeting In Camera

Resolution

Moved Cr J McNally

Seconded Cr M McNichol

THAT the meeting move into closed session.

Carried

The Meeting moved into closed session at 11.40am.

Meeting Out Of Camera

Recommendation

THAT the meeting resume in open session at 12.45pm.

16.1 PN68325 - Write-off Interest on Outstanding Rates

Resolution

Moved Cr V Pennisi

Seconded Cr J McNally

THAT Council:-

1. Agrees to write-off interest raised from 30 September 2016 to 31 January 2018 on PN68325.
2. Does not agree to retrospectively apply the Pensioner Concession on the PN 68325.

Carried

16.2 Regional Arts Development Fund Applications Round One 2017/2018

Resolution

Moved Cr R Kelly

Seconded Cr J McNally

THAT Council endorse the Regional Arts Development Fund (RADF) 2017/2018 round one grants totalling \$67,578 (outlined in Annexure A).

Carried

Attachments

1. RADF Round One - **Attached to the Minutes Under Separate Cover**

16.3 November 2017 Monthly Report from Warwick Indoor Recreation and Aquatic Centre from YMCA Brisbane

Resolution

Moved Cr V Pennisi

Seconded Cr R Kelly

THAT Council receive the November and December 2017 monthly reports from Brisbane YMCA in relation to the operation of the Warwick Indoor Recreation and Aquatic Centre.

Carried

16.4 Audit and Risk Management Committee Meeting Minutes - 8 December 2017

Resolution

Moved Cr J McNally

Seconded Cr S Windle

THAT Council:

1. Adopt the minutes of the ARMC meeting held on 8 December 2017;
2. Adopt the business arising from the ARMC meeting held on 8 December 2017;
3. Adopt the amended Risk Register;
4. Replace the Project Management internal audit project planned for 2017/18 with the Procurement and Contracts internal audit project originally planned for 2018/19.

Carried

16.5 Mobile Library Service

Resolution

Moved Cr S Windle

Seconded Cr Y Stocks

THAT Council resolve:-

1. To replace the existing mobile library vehicle with a new vehicle
2. To review the mobile library schedule, with service offered to those locations that meet predetermined criteria established by Council, with the revised schedule to be reviewed annually.

Carried

15.1.1 Leyburn Water Supply - Treatment Options

Resolution

Moved Cr V Pennisi

Seconded Cr Y Stocks

THAT Council resolve that \$30,000 be approved (2017-2018 capital budget) to complete a detailed design with costings for further water treatment at Leyburn including sand filtration, UV light, standby bore and remote operation and monitoring. Construction of this system is to be programmed early in 2018-2019 financial year.

Carried

MEETING CLOSURE

There being no further business, the meeting closed at 12.48pm.