



**MINUTES OF THE  
ORDINARY COUNCIL MEETING  
14 APRIL 2021**

## ORDER OF BUSINESS:

<b>ACKNOWLEDGEMENT TO COUNTRY .....</b>	<b>1</b>
<b>1. PRAYERS &amp; CONDOLENCES.....</b>	<b>1</b>
<b>2. ATTENDANCE .....</b>	<b>1</b>
<b>3. APOLOGIES.....</b>	<b>1</b>
<b>4. READING AND CONFIRMATION OF MINUTES .....</b>	<b>1</b>
4.1 Ordinary Council Meeting - 24 March 2021.....	1
4.2 Special Council Meeting - 30 March 2021.....	1
4.3 Special Council Meeting - 7 April 2021 .....	2
<b>5. ACTIONS FROM COUNCIL MEETINGS .....</b>	<b>2</b>
5.1 Actions from Council Meeting .....	2
<b>6. DECLARATIONS OF CONFLICTS OF INTEREST .....</b>	<b>2</b>
<b>7. MAYORAL MINUTE .....</b>	<b>4</b>
Nil	
<b>8. READING AND CONSIDERATION OF CORRESPONDENCE .....</b>	<b>4</b>
8.1 Correspondence .....	4
<b>9. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS.....</b>	<b>4</b>
9.1 Petition - Support of a 72 Hour RV Stopover Park with Dump Point in the Railway Reserve, Maryvale .....	4
<b>10. EXECUTIVE SERVICES REPORTS.....</b>	<b>5</b>
10.1 Emu Swamp Dam Update .....	5
<b>11. FINANCE, ASSETS AND SPECIAL PROJECTS .....</b>	<b>5</b>
11.1 Finance, Assets and Special Projects Monthly Status Report .....	5
<b>12. CORPORATE AND COMMUNITY SERVICES REPORTS .....</b>	<b>5</b>
12.1 Corporate and Community Services Monthly Status Report .....	5
12.2 Southern Downs Emergency Relief Fund .....	6
12.3 Amendment to Register of Delegations - Council to CEO .....	6
<b>13. INFRASTRUCTURE SERVICES REPORTS .....</b>	<b>6</b>
13.1 Infrastructure Services Monthly Status Report.....	6
13.2 Workplace Health and Safety Quarterly Report - Quarter 3 FY20-21 .....	6
13.3 RFT21_159 Rehabilitation of Arbutus Street, Killarney and Myrtle Hill Road, Swan Creek.....	7

13.4	Storm King Dam Wall - Inspection and Maintenance of Anchors .....	7
<b>14.</b>	<b>SUSTAINABLE DEVELOPMENT REPORTS .....</b>	<b>7</b>
14.1	Sustainable Development Monthly Status Report .....	7
14.2	Material Change of Use - John Kearney, 2 Rich Street, Stanthorpe.....	8
<b>15.</b>	<b>REPORTS OF DEPUTATION OR CONFERENCE &amp; REPORTS FROM DELEGATES APPOINTED BY COUNCIL TO OTHER BODIES .....</b>	<b>18</b>
	Nil	
<b>16.</b>	<b>NOTICES OF MOTION .....</b>	<b>18</b>
	Nil	
<b>17.</b>	<b>GENERAL BUSINESS .....</b>	<b>18</b>
	Nil	

**MINUTES OF THE ORDINARY COUNCIL MEETING OF  
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 14 APRIL 2021  
IN THE COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,  
64 FITZROY STREET, WARWICK AT 9:00AM**

**ACKNOWLEDGEMENT TO COUNTRY**

**1. PRAYERS & CONDOLENCES**

Reverend David Bailey from Rose City Presbyterian Church offered a prayer for the meeting and acknowledged condolences

**2. ATTENDANCE**

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

Officers: Dave Burges (Chief Executive Officer), Scott Norman (Director Finance, Assets and Special Projects), Andrew Page (Director Corporate and Community Services) for Corporate and Community Service Reports, Seren McKenzie (Director Infrastructure Services) for Infrastructure Services Reports, Jane Stroud (Director Sustainable Development), Craig Magnussen (Manager of Environmental and Regulatory Services) and Angela O'Mara (Manager Strategic Planning and Prosperity) for Sustainable Development Reports and Dianna Keir (Minute Secretary)

**3. APOLOGIES**

Nil

**4. READING AND CONFIRMATION OF MINUTES**

**4.1 Ordinary Council Meeting - 24 March 2021**

**Resolution**

**Moved Cr A Gale**

**Seconded Cr C McDonald**

THAT the minutes of the Ordinary Council Meeting held on Wednesday 24 March 2021 be adopted.

**Carried**

**4.2 Special Council Meeting - 30 March 2021**

**Resolution**

**Moved Cr M Gliori**

**Seconded Cr A Gale**

THAT the minutes of the Special Council Meeting held on Tuesday 30 March 2021 be adopted.

**Carried**

#### 4.3 Special Council Meeting - 7 April 2021

##### Resolution

Moved Cr C McDonald

Seconded Cr M Giori

THAT the minutes of the Special Council Meeting held on Wednesday 7 April 2021 be adopted.

**Carried**

#### 5. ACTIONS FROM COUNCIL MEETINGS

##### 5.1 Actions from Council Meeting

##### Resolution

Moved Cr M Giori

Seconded Cr C McDonald

THAT Council receive the report and note the contents.

**Carried**

*Due to the Mayor's conflict of interest in relation to Agenda Item 10.1, the Mayor requested the Deputy Mayor take the Chair during discussion and voting on Declarations of Conflicts of Interest.*

*The Deputy Mayor took the Chair.*

#### 6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precis	Nature of Conflict
10.1	Emu Swamp Dam Update	Cr Tancred declared a declarable conflict of interest in this matter (as defined in Section 150ES(3) of the <i>Local Government Act 2009</i> ) due to his previous involvement in planning and obtaining funding for Emu Swamp Dam whilst a voluntary member of two community organisations. Namely the Stanthorpe Community Reference Panel of which he was a technical specialist member appointed by the Stanthorpe Shire Council in 2003 and resigned from as a member on 16 April 2020, having chaired the Panel from 16 August 2015 to 7 March 2018; and the Stanthorpe and Granite Belt Chamber of Commerce of which he chaired its Emu Swamp Dam feasibility study sub-committee from 19 February 2018 but played no role after 12 December 2019. Note that as part of his roles with the Chamber of Commerce and the Reference Panel Cr Tancred made media statements and spoke at public meetings regards the Granite Belt Irrigation Project. A third organisation he was involved with is the Granite Belt Growers Association as an associate member and was on its management committee from 24 July 2018 until 14 April 2020. The GBGA made representations to government regards the Granite Belt Irrigation Project during this period. Cr Tancred believes these prior voluntary roles would not prevent him from performing his Councillor responsibilities and serving the public interest of the region by participating in the discussions and voting on the agenda item. He would like to also take the opportunity to share the legal advice from Council's solicitors regarding the ownership and operation of my business, Orchard Services, with respect to any declarable interest. It was their opinion that it

		would be too remote to say that there is a real possibility that his business interest will be affected by decisions made in relation to the GBIP. It was their opinion that “a fair minded observer would not conclude that Cr Tancred’s interest in Orchard Services might lead to a decision that is contrary to the public interest.” Following a resolution from Council, Cr Tancred participated in the discussion and voting on this matter.
10.1	Emu Swamp Dam Update	Mayor Pennisi declared a declarable conflict of interest in this matter (as defined in Section 150ES(3) of the <i>Local Government Act 2009</i> ) based on legal advice from King and Company (attached) as a result of his former directorships of Granite Belt Water Ltd and Emu Swamp Dam Pty Ltd. Mayor Pennisi advised that he was asked to join the companies as a volunteer because of his intimate knowledge of this project at a time when Council was no longer the proponent, and he does not believe these prior voluntary roles would prevent him from performing his Councillor responsibilities and serving the public interest of the region by participating in the discussions and voting on the agenda item. Further this matter is of a different nature as it is in relation to land issues, and therefore he will choose to remain in the meeting. However, he will respect the decision of the meeting on whether he can remain and participate in the decision. Following a resolution from Council, Mayor Pennisi participated in the discussion and voting on this matter.
10.1	Emu Swamp Dam Update	Cr Gow declared a declarable conflict of interest in this matter (as defined in section 150EF(3) of the <i>Local Government Act 2009</i> ) as a result of his father holding a water harvesting license that is within the catchment area for Emu Swamp Dam that could, on paper, be traded. The Licence however is fully developed and not available for sale. As a result of Cr Gow’s declarable conflict, he will leave the meeting room, taking no part in the debate or decision on the matter.

## 6.1 Conflict of Interest - Cr Tancred - Agenda Item 10.1

### Resolution

**Moved Cr A Gale**

**Seconded Cr C McDonald**

THAT following the declared conflict of interest by Cr Tancred, Council determines that it is in the public interest that Cr Tancred participates in the discussion, votes and remains in the room on Agenda Item 10.1 due to his prior knowledge, the legal advice received, clarity on the organisations involved in the project and the report is progressing a prior decision of Council, and therefore a reasonable person would trust that the final decision is made in the public interest.

**Carried**

*Mayor Pennisi, Cr Tancred and Cr Gow abstained from voting on Agenda Item 6.1.*

## **6.2 Conflict of Interest - Mayor Pennisi - Agenda Item 10.1**

### **Resolution**

**Moved Cr A Gale**

**Seconded Cr C McDonald**

THAT following the declared conflict of interest by Mayor Pennisi, Council determines that it is in the public interest that the Mayor participates in the discussion, votes and remains in the room on Agenda Item 10.1 due to his prior knowledge, the legal advice received, clarity on the organisations involved in the project and the report is progressing a prior decision of Council, and therefore a reasonable person would trust that the final decision is made in the public interest.

**Carried**

*Mayor Pennisi, Cr Tancred and Cr Gow abstained from voting on Agenda Item 6.2.*

*The Mayor resumed the Chair.*

## **7. MAYORAL MINUTE**

Nil

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

### **8.1 Correspondence**

#### **Resolution**

**Moved Cr A Gale**

**Seconded Cr C McDonald**

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

**Carried**

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

### **9.1 Petition - Support of a 72 Hour RV Stopover Park with Dump Point in the Railway Reserve, Maryvale**

#### **Resolution**

**Moved Cr S Windle**

**Seconded Cr C McDonald**

THAT Council receive the Petition and refer it to the Director Infrastructure Services for investigation and future report to Council.

**Carried**

*Cr Gow declared a declarable conflict of interest in Agenda Item 10.1 as defined in Section 150EF(3) of the Local Government Act 2009 and left the meeting while the matter was considered and voted on. Cr Gow left the meeting at 9:29am.*

*Mayor Pennisi declared a declarable conflict of interest in Agenda Item 10.1 as defined in Section 150ES(3) of the Local Government Act 2009, and following a decision from Council, participated in discussion and voting on this matter.*

*Cr Tancred declared a declarable conflict of interest in Agenda Item 10.1 as defined in Section 150ES(3) of the Local Government Act 2009, and following a decision from Council, participated in discussion and voting on this matter.*

## **10. EXECUTIVE SERVICES REPORTS**

### **10.1 Emu Swamp Dam Update**

#### **Resolution**

**Moved Cr R Bartley**

**Seconded Cr A Gale**

THAT Council:

1. Note the contents of this report; and
2. Accept the Terms of Grant for securing 250ML of unallocated water reserved for Town Water Supply (Stanthorpe) as provided as *Attachment 2* to this report.

**Carried**

*Mayor Pennisi and Cr Tancred voted in favour of the motion.*

*09:41 am Cr C Gow rejoined the meeting.*

## **11. FINANCE, ASSETS AND SPECIAL PROJECTS**

### **11.1 Finance, Assets and Special Projects Monthly Status Report**

#### **Resolution**

**Moved Cr M Gliori**

**Seconded Cr S Tancred**

THAT Council notes the operational details as outlined in the Finance, Assets and Special Projects Monthly Status Report.

**Carried**

## **12. CORPORATE AND COMMUNITY SERVICES REPORTS**

### **12.1 Corporate and Community Services Monthly Status Report**

#### **Resolution**

**Moved Cr S Tancred**

**Seconded Cr S Windle**

THAT Council notes the operational details as outlined in the Corporate and Community Services Monthly Status Report.

**Carried**



## **12.2 Southern Downs Emergency Relief Fund**

### **Resolution**

**Moved Cr S Windle**

**Seconded Cr J McNally**

THAT Council approve the proposal to wind up the Southern Downs Emergency Relief Fund Incorporated Australian Business Number (ABN) 11 757 090 135 and cease progressing with the application for Deductible Gift Recipient (DGR) status.

**Carried**

## **12.3 Amendment to Register of Delegations - Council to CEO**

### **Resolution**

**Moved Cr A Gale**

**Seconded Cr M Giori**

THAT Council delegate all powers referred to in the document titled 'Register of Delegations – Council to CEO' attached to this report from Council to the Chief Executive Officer of Council pursuant to section 257 of the *Local Government Act 2009*.

**Carried**

## **13. INFRASTRUCTURE SERVICES REPORTS**

### **13.1 Infrastructure Services Monthly Status Report**

#### **Resolution**

**Moved Cr S Tancred**

**Seconded Cr C Gow**

THAT Council notes the operational details as outlined in the Infrastructure Services Monthly Report.

**Carried**

### **13.2 Workplace Health and Safety Quarterly Report - Quarter 3 FY20-21**

#### **Resolution**

**Moved Cr M Giori**

**Seconded Cr S Windle**

THAT Council notes the operational highlights as outlined in the Quarterly Workplace Health and Safety Report.

**Carried**

### **13.3 RFT21\_159 Rehabilitation of Arbutus Street, Killarney and Myrtle Hill Road, Swan Creek**

#### **Resolution**

**Moved Cr A Gale**

**Seconded Cr C Gow**

THAT Council resolve to enter into a contract with STABILISED PAVEMENTS OF AUSTRALIA PTY LTD for the sum of \$304,804.70 ex GST for Contract RFT 21\_159 for Arbutus Street, Killarney/Myrtle Hill Road, Swan Creek Rehab 2020/2021.

**Carried**

### **13.4 Storm King Dam Wall - Inspection and Maintenance of Anchors**

#### **Resolution**

**Moved Cr C Gow**

**Seconded Cr S Windle**

THAT Council:

1. Resolve to enter into a contract with Geotech Pty Ltd trading as Geotechnical Engineering for the sum of \$182,700 ex GST for Anchor Load Inspection & Monitoring of Spillway at Storm King Dam Stanthorpe; and
2. Resolve to enter into the medium-sized contractual arrangement as an exception under S235 of the Local Government Regulation 2012 as it would be impractical or disadvantageous for Council to invite quotes or tenders due to the specialised nature of the services.

**Carried**

*The meeting adjourned at 10.17am for morning tea and reconvened at 10.34am at which time there were present Crs Pennisi, Bartley, Tancred, Gale, McDonald, Giori, Gow, McNally and Windle.*

## **14. SUSTAINABLE DEVELOPMENT REPORTS**

### **14.1 Sustainable Development Monthly Status Report**

#### **Resolution**

**Moved Cr M Giori**

**Seconded Cr C Gow**

THAT Council notes the operational details as outlined in the Sustainable Development Monthly Status Report.

**Carried**

## 14.2 Material Change of Use - John Kearney, 2 Rich Street, Stanthorpe

### Resolution

**Moved Cr A Gale**

**Seconded Cr C McDonald**

THAT the application for Material Change of Use, for the purpose of Short-term accommodation (Motel – 24 units, Manager's residence and Office) on land at 2 Rich Street, Stanthorpe, described as Lot 2 RP71708, Parish of Stanthorpe, County of Bentinck, be approved subject to conditions.

### Schedule 1 - Southern Downs Regional Council Conditions

#### Approved Plans

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

Plan Name	Plan No.	Date
Site Plan prepared by Kev and John Kearney	20-012-02.2-A	27 October 2020
Site Plan A3 prepared by Kev and John Kearney	20-012-02.4-A	27 October 2020
Unit Type Matrix prepared by Kev and John Kearney	20-012-03.0-A	27 October 2020
Block 1 Floor Plan prepared by Kev and John Kearney	20-012-03.1-A	27 October 2020
Block 2 Floor Plan prepared by Kev and John Kearney	20-012-03.2-A	27 October 2020
Block 3 Floor Plan prepared by Kev and John Kearney	20-012-03.3-A	27 October 2020
Block 4 Floor Plan prepared by Kev and John Kearney	20-012-03.4-A	27 October 2020
Block 5 and 7 Floor Plan prepared by Kev and John Kearney	20-012-03.5-A	27 October 2020
Block 6 Floor Plan prepared by Kev and John Kearney	20-012-03.6-A	27 October 2020
Block 8 Floor Plan prepared by Kev and John Kearney	20-012-03.8	27 October 2020
Block 9 Floor Plan prepared by Kev and John Kearney	20-012-03.9-A	27 October 2020
Ground Floor Plan (Block 10) prepared by Kev and John Kearney	20-012-03.10-A	27 October 2020
Block 11 Floor Plan prepared by Kev and John Kearney	20-012-03.11-A	27 October 2020
Block 11 Elevations prepared by Kev and John Kearney	20-012-03.12-A	27 October 2020
Block 12 Elevations prepared by Kev and John Kearney	20-012-03.13-A	27 October 2020
Site Elevations prepared by Kev and John Kearney	20-012-04.1-A	27 October 2020

- 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:
  - Short term accommodation (Motel – 24 units, Manager's residence and Office)
4. The onsite manager is responsible for the management of the accommodation, including but not limited to waste disposal, noise levels etc.
5. No person is to reside in any building identified for short term accommodation for more than 45 days consecutively, or more than 90 days in any 12 month period. The approved accommodation must not be occupied by persons for the purpose of permanent accommodation, excluding those persons in a manager's residence for the premises.
6. Guests are to be made readily aware prior to booking accommodation that there is only one (1) allocated car parking space per unit, with the exception of Blocks 3, 8, 11 and 12, which will have the availability of two (2) car parking spaces.

### **Building and Site Design**

7. All household drainage associated with the previous development on the land (including sewer house connection, stormwater drainage and interallotment drainage) and services (including electricity and telephone) associated with the existing dwelling on the land are to be decommissioned and capped off. (Council's Water and Wastewater Department can provide further details)
8. The design, colours and materials of the Manager's residence and Office space are to be in accordance with the residential character of the area and be setback approximately 7.0 metres to allow for a 1.0 wide landscaping strip along the Rich Street frontage. **Details of the design, colours and materials of the building and pavement are to be submitted to and approved by Council's Planning Department prior to the issue of any Development Permit for Building Work.** The building is to be constructed in the approved design, colours and materials.

To ensure privacy to the adjoining residential property any windows along the western building elevation must either

- (i) have a minimum window sill height of 1.5 metres above floor level;
  - (ii) be fitted with translucent glazing; or
  - (iii) be fitted with a fixed external screen.
9. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)
  10. A copy of the Form 11 (Certificate of Classification) issued for the building works is to be provided to Council prior to the use commencing. (See advisory note below.)

### **Amenity and Environmental Controls**

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 Stanthorpe Waste Facility.
12. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
13. 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.
14. A centralised waste facility is to be provided as per Plan 20-012-02.4-A, dated 27 October 2021. Approval is to be sought from Council's Waste Management Department for an on-property collection service.

The centralised bin area is to be screened from view from all roads and public places. A

concrete pad is to be provided for the bins in an appropriate location.

15. Sufficient waste receptacles must be provided to allow all residents access to a waste disposal and recycling service. This may include a combination of industrial bins and wheelie bins.
16. 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.
17. Advertising Devices relating to the Motel may **only** be erected on the subject land, i.e. Lot 2 RP71708. 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.
18. 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.
19. A Bushfire Management Plan, prepared by a suitably qualified person and addressing the entire property is to be submitted to and approved by Council's Planning Department. The Bushfire Management Plan is to address management of the bushfire risk to the property and guests and must include evacuation procedures for guests in the event of a bushfire emergency. Recommendations of the approved Bushfire Management Plan are to be implemented.

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

20. A screen fence 1.8 metres high shall be erected along the side and rear boundaries to provide visual screening. This screen fencing is to be provided at the developer's cost. This fencing shall reduce in height to be no more than 1.2 metres high within 6.0 metres of the road boundary/forward of the building line.
21. **Details of the proposed fencing are to be submitted to and approved by Council's Planning Department prior to the issue of a Development Permit for Building Work.** Fencing is to be provided and maintained in accordance with the approved details.
22. Retaining structures and their foundations must be wholly contained within private allotments and not be constructed as Council owned infrastructure.
23. All earthworks, including batters must be fully contained within the site.
24. Hairy pittosporum trees (*Pittosporum tenuifolium*) are to be planted within the road reserve of Rich Street. The trees are to be planted approximately 15.0 metres apart. The trees are to be of a minimum height of 1.5 metres at the time of planting.
25. The existing street trees within the road reserve of High Street are to be retained. These trees are to be protected during construction. If it is not possible to design the development to preserve all the trees in their current locations, the tree/s must be relocated at the developer's cost. The relocation of the tree/s is to be carried out by a suitably qualified and experienced person. If the tree/s die within 12 months of the relocation, the dead tree must be replaced with an advanced tree of the same species and height.
26. Dense tree plantings averaging 1.0 metre wide is to occur along the front boundary immediate to the two (2) parking spaces allocated to the Manager's residence
27. **A Landscaping Plan is to be submitted to and approved by Council's Planning Department prior to the issue of any Development Permit for Building Work for the Short term accommodation incorporating Conditions 24, 25, and 26 into the final plan for approval.** 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.

The Landscaping Plan, in addition to Plan No. 20-012-02.2-A dated 27 October 2020 prepared by John and Kev Kearney, is to incorporate the below measures:

- i. *One advanced tree with a minimum canopy at maturity of 3 m in diameter is provided for every 10 carparking spaces (or part thereof). At least half of the required number of trees is to be located within the carpark area. (i.e. 3 mature trees)*
- ii. *The landscaping comprises trees with clear trunks to a minimum height at maturity of 2 m and open, lowgrowing shrubs and ground covers to a maximum height of 1.2 m.*
- iii. *A minimum mulched area of 3 m<sup>2</sup> is provided around each tree. This area is to be planted with low growing shrubs or ground covers. The trees are to be protected by tree guards, bollards or similar.*
- iv. *The landscaped area is separated from any carparking area by a raised kerb that is designed to ensure that vehicles do not park on or over the landscaped area*

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

28. The internal driveways are to be designed and constructed to allow an 8.8 metre service vehicle to enter and leave the site in forward gear.
29. At least thirty (30) car parking spaces are to be provided on site. Provision is to be made for disabled parking  
All car parking, driveway and loading areas shall be constructed sealed, line marked, drained, laid out and regularly maintained.
30. 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"*.

### **Roadworks**

31. Any footpaths, kerbing and channelling, roadworks and drainage works damaged during construction of the development are to be reinstated to the pre-existing condition, unless otherwise required by the Director Infrastructure Services.
32. 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**

33. The design, construction and operation of the stormwater drainage system must comply with the water quality objectives stated in the Assessment Benchmarks – Water Quality and Appendix 2 of the State Planning Policy.
34. A stormwater drainage system serving the development is to be constructed and the stormwater disposed of to a lawful point of discharge, in accordance with the Queensland Urban Drainage Manual (QUDM). Where the finished levels of a proposed allotment are such that stormwater runoff from all or part of the allotment cannot be gravity discharged to the street, an underground drainage line shall be provided to discharge the runoff from the allotment. Where necessary, suitable easements may be required over adjoining properties. The easements shall be provided to Council, at the developer's cost. All drainage works should meet the requirements of the Queensland Urban Drainage Manual (QUDM).
35. 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**

36. A reticulated water supply system, up to and including water meters, is to be provided to service the development. This system is to be connected to Council's water supply system.
37. A sewerage reticulation system is to be provided to service each accommodation unit. This system is to be connected to Council's wastewater sewerage system.

A new manhole at the south west corner of Lot 2 RP71708 may be required to be provided, with a 150mm connection point.

38. Prior to the construction of the driveway crossover the water main must be upgraded to ductile iron for the sections covered by the driveway crossover in accordance with Council's standards.

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

### **Pedestrian Works**

39. A 2.0 metre wide concrete pedestrian footpath is to be constructed along the Rich Street frontage of the site, in a location suitable to the Director Infrastructure Services. This pedestrian footpath is to connect to the existing pedestrian footpath along High Street.

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

40. Underground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
41. LED street lighting shall be provided in accordance with AS/NZS 1158 - Lighting for Roads and Public Spaces.

### **Operational Works**

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

### **Infrastructure Charges Notice**

43. Payment of \$60,000 is to be made to Council in accordance with the Infrastructure Charges Notice attached to the decision notice. If payment is made more than two years after the date of the Infrastructure Charges Notice, the charge will increase in line with the Road and Bridge Construction Index for Queensland.

### **Advisory Notes**

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Sustainable Development, 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) It appears that the common boundary between Lot 2 RP71708 and Lot 12 RP845701 is not in alignment. Any encroachment will need to be rectified prior to any development permit for building works being issued.
- (vi) An application must be submitted and approved by Council for a permit under Local Law No. 1 (Administration) 2011 and Subordinate Local Law No. 1.19 (Rental Accommodation Other Than Excluded Accommodation) 2011.
- (vii) **Plumbing and Drainage Approval is to be obtained** in accordance with the *Plumbing and Drainage Act 2018* for the proposed plumbing and drainage works. The application for Plumbing and Drainage approval must be submitted to Council with the appropriate **forms, plans and fees** associated with this application. A **Certificate of Compliance must be issued** for the works prior to the use commencing.
- (viii) **Building Approval is to be obtained** for a Class 3 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**.
- (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) Prior to constructing or upgrading an access, an application must be submitted and approved by Council for a permit under Local Law No. 1 (Administration) 2011 and Subordinate Local Law No. 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation) 2011.
- (xi) A Development Permit for Operational Works associated with the development must be obtained in accordance with the *Planning Act 2016*. This application must be submitted with the following:
  - DA Form 1;
  - The relevant fee in accordance with Council's Schedule of General Fees and Charges;
  - Detailed design drawings, schedules and specifications for all Operational Works, certified by a Registered Professional Engineer in Queensland (RPEQ);
  - A car parking plan showing the location and dimension of all parking areas, details of the proposed pavement treatment, and full engineering specifications of layout, construction, sealing, drainage and line marking;
  - Upgrade to water main to ductile iron where the crossovers is proposed;
  - A Stormwater Management Plan;
  - An Erosion and Sediment Control Plan.Operational Works shall be subject to a 12 months Defect Liability Period commencing from the day the works are accepted on-maintenance. A bond will be held by Council as security, and refunded following a defect-free inspection at the end of the Defect Liability Period.
- (xii) An Erosion and Sediment Control Plan (ESCP) must be submitted for approval with the application for Operational Works. The ESCP must demonstrate that release of sediment-laden stormwater is avoided for the nominated design storm, and minimised when the



nominated design storm is exceeded, by addressing the objectives in Table A (Construction phase - stormwater management design objectives) in Appendix 2 of the State Planning Policy for drainage control, erosion control, sediment control and water quality outcomes.

- (xiii) Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- (xiv) 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.
- (xv) 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.
- (xvi) This approval for Short-term Accommodation may potentially affect your rates and charges levied on your property. The potential impact may include, but is not limited to:
  - General Rates may change to a commercial category
  - State Emergency Management Levy may change classes
  - Sewerage Access Charges may change to a different category
  - Domestic Waste Collection may be removed and require a separate waste collection direct from a waste collection provider

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

#### **Aboriginal Cultural Heritage**

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

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

RA6-N



SARA reference: 2012-20210 SRA  
Council reference: AMM:AMM/MCU/02192

22 January 2021

Chief Executive Officer  
Southern Downs Regional Council  
PO Box 26  
WARWICK QLD 4370  
mail@sdrc.qld.gov.au

Attention: Mr Mannus Basson

Dear Mr Basson

## SARA response—2 Rich Street, Stanthorpe

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 15 December 2020.

### Response

Outcome:	Referral agency response – with conditions.
Date of response:	22 January 2021
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval.
Advice:	Advice to the applicant is in <b>Attachment 2</b> .
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b> .

### Development details

Description:	Development permit      Material change of use for Short Term Accommodation (Motel x 24 rooms)
SARA role:	Referral Agency.
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (10.9.4.2.4.1)—Development application for a material change of use of premises near a state transport corridor (Planning Regulation 2017)
SARA reference:	2012-20210 SRA

Page 1 of 7

Darling Downs South West regional office  
128 Margaret Street, Toowoomba  
PO Box 825, Toowoomba QLD 4350

Document Set ID: 3331915  
Version: 1, Version Date: 22/01/2021

2012-20210 SRA

Assessment Manager: Southern Downs Regional Council  
Street address: 2 Rich Street, Stanthorpe  
Real property description: Lot 2 on RP71708  
Applicant name: Mr John Kearney  
Applicant contact details: 49 Wantley Street  
WARWICK QLD 4370  
john@tropicindustries.com

### Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Bernadette Plummer, Principal Planning Officer, on (07) 4616 7307 or via email [ToowoombaSARA@dsdmip.qld.gov.au](mailto:ToowoombaSARA@dsdmip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Darren Cooper  
Manager - DDSW (Planning)

cc Mr John Kearney, [john@tropicindustries.com](mailto:john@tropicindustries.com)  
enc Attachment 1 - Referral agency conditions  
Attachment 2 - Advice to the applicant  
Attachment 3 - Reasons for referral agency response  
Attachment 4 - Representations about referral agency response  
Attachment 5 - Approved plans and specifications

## Attachment 1—Referral agency conditions

(Under section 58(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
<b>Material change of use</b>		
10.9.4.2.4.1—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
<b>In accordance with the approved plan</b>		
1.	(a) The road access locations are to be located generally in accordance with the Site Plan A3, dated 27 October 2020, reference Job: 20-012 (revision A) as amended in red.	At all times.
<b>Filling and excavation</b>		
2.	(a) Any excavation, filling/backfilling/compaction, retaining structures, stormwater management measures and other works involving ground disturbance must not encroach upon or destabilise the railway corridor or cause similar adverse impacts.	(a) At all times.
<b>Stormwater management</b>		
3.	(a) Stormwater and flooding management of the development must ensure no worsening or actionable nuisance to the state-controlled road.  (b) Any works on the land must not: <ul style="list-style-type: none"> <li>(i) create any new discharge points for stormwater runoff onto the state-controlled road</li> <li>(ii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road</li> <li>(iii) surcharge any existing culvert or drain on the state-controlled road</li> <li>(iv) reduce the quality of stormwater discharge onto the state-controlled road.</li> </ul>	(a) At all times.  (b) At all times.



**Carried**

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

Crs Tancred and Gow attended the Stanthorpe 150<sup>th</sup> Advisory Committee Meeting on Tuesday 13 April 2021 where the minutes will be submitted in the next Council meeting.

## 16. NOTICES OF MOTION

Nil

## 17. GENERAL BUSINESS

- Cr Gliori noted his attendance to the Warwick Chamber of Commerce meeting.
- Council acknowledged the recent passing of the Duke of Edinburgh – the Mayor will send a letter of condolence on behalf of Council.

**18. CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS**

Nil

**MEETING CLOSURE**

There being no further business, the meeting closed at 10.53am.