MINUTES OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING

Held in the Committee Room on

Monday, 14 April 2008 at 8.56 am
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MEETING CLOSURE

30
1. **PRESENT**

Present: Crs Bellingham, Bartley, Blundell, Gow, Ingram, Meiklejohn, McMuirrie, Pennisi and Shelley.

In Attendance: Terry Brennan (Acting Chief Executive Officer); Ken Harris (Director); Pia Fletcher (Minute Secretary)

2. **APOLOGIES**

Nil.

3. **APPOINTMENT OF COMMITTEE CHAIRPERSON**

Cr Bellingham nominated Cr Meiklejohn to the position of Chairperson of the Planning & Environment Committee, Seconded by Cr Shelley.

As no further nominations were received, the Mayor duly recorded the election of Cr Meiklejohn to the position of Chairperson of the Planning & Environment Committee.

Cr Meiklejohn assumed the Chair.

4. **GENERAL**

4.1 **Regional Planning for Southern Downs Regional Council**

**Recommendation**

THAT the report of the Manager of Strategic Planning dated 8 April 2008 in relation to regional planning be received and that the Minister for Infrastructure and Planning be advised that if the Southern Downs Council is to participate in the regional planning process of the State it is concerned to ensure that any region in which it is included has a focus on urban growth and linkages. It is further recommended that the Manager of Strategic Planning continue to liaise with the department on this matter and that a Delegation of Cr Bellingham, Cr Blundell, Cr Meiklejohn, Terry Brennan, Chief Executive Officer and Ken Harris, Director Planning & Environment meet with the Minister for Infrastructure & Planning on this matter.

**Motion**

Moved Cr C Gow Seconded Cr D Ingram.  

Carried
4.2 Correspondence from Ergon Energy regarding application by K & J Crothers and R & J Henkey, 16 High Street, Warwick

Recommendation

THAT the report of the Director Planning & Environment dated 2 April 2008 in relation to Correspondence from Ergon Energy regarding application by K & J Crothers and R & J Henkey, 16 High Street, Warwick be received and;

A. THAT Ergon Energy be thanked for the information contained in their letters dated the 10 March 2008;
B. THAT arrangements be made for Ergon Energy to address Council at an appropriate time;
C. THAT Council note the information contained in this report.

Motion

Moved Cr P Blundell Seconded Cr V Pennisi.  

Carried

5. LOCAL LAWS

Nil.

6. ENVIRONMENTAL HEALTH

Nil.

7. BUILDING

7.1 Outcome of Legal Action: Rear Patio and Pergola - 49 Fitzroy Street, Warwick

Recommendation

THAT the report of the Building Compliance Officer dated 2 April 2008 in relation to outcome of legal action for the Illegal and unsafe building works at 49 Fitzroy Street, Warwick be received.

Motion

Moved Cr V Pennisi Seconded Cr D Ingram.  

Carried
8. MATERIAL CHANGE OF USE

8.1 Request to Negotiate a Decision Notice - S Darr for T & R Daniells

Recommendation
THAT the report of the Manager of Strategic Planning dated 8 April 2008 in relation to request for a negotiated decision notice be received and that Council agrees to issue a Negotiated Decision Notice with the following changes.

1. Conditions 9 and 10 of the Decision Notice dated 12 March 2008 are deleted.
2. New condition 9 reads:
   Until Dalcouth Road north from Mills Road is sealed the approved haul route is a one way system where empty trucks access the site via the southern entrance of the Stanthorpe Bypass to Wallangarra Road, Sugarloaf Road, Dalcouth Road, Mills Road. Full trucks exit the site via Mills Road, Dalcouth Road, Amosfield Road, High Street and Stanthorpe Bypass. On completion of the sealing of Dalcouth Road north of Mill Road the approved haul route shall be Mills Road, Dalcouth Road, Amosfield Road, High Street and Stanthorpe Bypass (both ways).
3. New condition 10 reads:
   Payment to Council of $60,000 as a contribution for sealing that part of Dalcouth Road north of Mills Road prior to the extraction rate exceeding 5,000 tonnes per annum
4. The Applicant is to note that this road access is not an approved B-double route. The Applicant will need to apply to Queensland Transport for approval to use B-double trucks on the roads providing access to the extractive land.

Motion
Moved Cr P Blundell Seconded Cr D Ingram.  
Carried

8.2 Prosecution for Illegal Use of Land - 11 Rosenthal Road, Rosenthal Heights

Recommendation
THAT the report of the Planning Compliance Officer dated 1 April 2008 in relation to the Prosecution for Illegal Use of Land – 11 Rosenthal Road, Rosenthal Heights be received.

Motion
Moved Cr C Gow Seconded Cr V Pennisi.  
Carried
8.3 Material Change of Use - S R Koremans, 180 Wood Street & 1 Douglas Street, Warwick

Recommendation
THAT the application for a Material Change of Use for the purpose of Medium Impact Industry (Service Station), Commercial Use (Shops) and Environmentally Relevant Activity (ERA) No. 11(a) Crude Oil or petroleum product storing (10,000L – 500,000L) on land at 180 Wood Street and 1 Douglas Street, Warwick, described as Lots 1 & 2 RP91640, 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 (as determined by the Director Planning and Environment) with the following proposal plans submitted by the applicant, and subject to the final development being amended in accordance with the conditions of this approval:
   • Plan No. 07027-03 B dated 3 August 2007 prepared by TFA Project Group
   • Plan No. 07027-04 B dated 18 January 2008 prepared by TFA Project Group
   • Plan No. 07027-11 B dated 18 January 2008 prepared by TFA Project Group
   • Plan No. 07027-12 B dated 18 January 2008 prepared by TFA Project Group
   • Plan No. 07027-13 B dated 20 December 2007 prepared by TFA Project Group
   EXCEPT the applicant is to redesign the roof of the main building to complement the residential amenity of the area, e.g. hipped or gabled roof design. The final design is to be to the satisfaction of the Director Planning and Environment.

Reconfiguration of a Lot
2. 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.

Land Use & Planning Controls
3. This approval is for three tenancies as follows:

<table>
<thead>
<tr>
<th>Tenancy</th>
<th>Floor Area</th>
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<tbody>
<tr>
<td>Bottle Shop</td>
<td>119m²</td>
</tr>
<tr>
<td>Bait &amp; Tackle Shop</td>
<td>262m²</td>
</tr>
<tr>
<td>Service Station</td>
<td>201m²</td>
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<tr>
<td>(including convenience shop)</td>
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4. The development may proceed in stages such that use of the Service Station tenancy of the new building may commence prior to the completion of all siteworks and landscaping required by this approval.

5. All conditions of this approval must be complied with to the satisfaction of the Director Planning and Environment within three months of the commencement of use of the Service Station tenancy.
6. The use of the Bottle Shop and Bait & Tackle Shop tenancies must not commence until such time as all conditions of this approval are complied with to the satisfaction of the Director Planning and Environment.

7. The development shall operate only between the hours of 6.00 am and 9.00 pm.

8. Any proposal to increase the size of the use on the subject land, that is defined as assessable development under the Warwick Shire Planning Scheme, would be subject to a separate application for assessment in accordance with the Integrated Planning Act and would have to comply with the requirements of the Planning Scheme.

9. 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.

10. The design, colours and materials of the building are to be to the satisfaction of the Director Planning and Environment, and are to be in accordance with the residential character of the area. Details of the design, colours and materials of the building are to be submitted to and approved by the Director Planning and Environment prior to the issue of any Development Permit for Building Work.

**Building, Health & Development Compliance**

11. Applications for Design Approval and Approval to Operate (including applications for licence and registration under the Food Hygiene Regulation 1989) are to be submitted to Council for the food premise.

12. The applicant is to apply for Building Approval in accordance with the Integrated Planning Act for the proposed building work, including the demolition of the existing buildings. The applicant will be required to submit 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 approved building plans prior to the commencement of the use.

13. Litter bins shall be provided on the site near to the outdoor dining area, to the satisfaction of the Director Planning and Environment.

**Amenity & Environmental Controls**


15. The volume of petroleum products stored on the site at any one time must not exceed 100,000L.

16. 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 and is to minimise impacts on the adjoining residential property, to the satisfaction of the Director Planning and Environment.

17. No advertising devices are to be placed within the road reserve. Any existing advertising devices within the road reserve are to be removed.

18. An application must be submitted for a permit for an illuminated sign under Council’s Local Law No. 11 (Control of Advertising).

19. All service equipment and refrigeration units are to be positioned and housed so as not to cause nuisance or disturbance to persons or property not connected with the development to the satisfaction of the Director Planning and Environment.

20. There is to be no interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.

21. Any lighting device is to be so positioned and shielded so as not to cause any glare nuisance to any nearby residential property or passing motorist.
**Landscaping and Buffers**

22. Screen fencing is to be provided in accordance with Plan No. 07027-04 B dated 18 January 2008, and Plan No. 07027-13 B dated 20 December 2007, prepared by TFA Project Group, to the satisfaction of the Director Planning and Environment and at the full cost to the applicant. The fence shall be of acoustic materials so as to minimise noise impacts upon adjoining development.

23. The areas of the site to be landscaped as identified in the applicant's plan, Plan No. 07027-13 B dated 20 December 2007 prepared by TFA Project Group, are to be planted and maintained to the satisfaction of the Director Planning and Environment. The landscaping of the site must include planting of advanced trees throughout the site. A landscaping plan, prepared by a Landscape Architect, including details of all landscaping features and a schedule of plants and plant size, is to be submitted to and approved by the Director Planning and Environment prior to the issue of any Development Permit for Building Work. The landscaping is to be carried out in accordance with the approved plan and maintained in a suitable condition.

**Carparking and Vehicle Access**

24. The applicant must construct concrete industrial crossings at the entrances to the site, to the satisfaction of Director Engineering Services.

25. The applicant must reinstate the redundant vehicle crossings back to "upright" kerbing and channelling, and reinstate the footpath.

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 be permitted. A vehicle loading area with associated driveway and access to accommodate a medium rigid vehicle (AS2890.2(2002)) must be provided on site, to the satisfaction of the Director Engineering Services.

27. Car parking shall be provided on site in accordance with the plans submitted with the application, Plan No. 07027-11 B dated 18 January 2008 prepared by TFA Project Group. All car parking, driveway and loading areas shall be constructed in concrete or similar material, line marked, drained, laid out and maintained to the satisfaction of the Director Engineering Services.

**Roadworks and Stormwater Drainage**

28. The applicant must reinstate any footpaths, kerbing and channelling, roadworks and drainage works damaged during construction of the development, to the satisfaction of the Director Engineering Services.

29. The applicant is to construct a sealed road, including upright kerbing and channeling and appropriate drainage, including a gully inlet pit, along the Douglas Street frontage of the site to the satisfaction of the Director Engineering Services.

30. The applicant is to construct at no cost to Council, a stormwater drainage system serving the development and the stormwater is to be disposed of to a legal point of discharge, to the satisfaction of the Director Engineering Services.

**Dedications**

31. The applicant is to dedicate free of cost to Council, a six (6) metre x 3 chord truncation on the corner of Wood Street and Douglas Street for road purposes.

**Water Supply & Sewerage**

32. The proposed building is to be connected to Council's reticulated water supply and sewerage system to the satisfaction of the Director Engineering Services.
33. 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.

**Operational Works**

34. A Development Permit for Operational Works must be obtained in accordance with the *Integrated Planning Act* for the Operational Works required in Conditions 20, 21, 23, 25 & 26. A *Price Schedule of Quantities* certified by a Registered Professional Engineer in Queensland (RPEQ) is to be submitted with the Application for Operational Works. Fees for an Application for Operational Works, i.e. approval of engineering design and inspection fees, are as follows:

- 6% for the first $20,000 of the capital value of construction work, PLUS 2% for the amount in excess of $20,000 of the capital value of construction work for the purpose of carrying out a design check of the engineering works associated with the development and for supervision of engineering works associated with the development. Such supervision is additional to and not in lieu of supervision required under the contractual obligations of the developer’s design consultant.

  50% of the fee (for design approval), based on the capital value of the works at the date of lodgement of design plans, is payable at the date of lodgement.

  The balance amount (the inspection fee), which is based on the capital value of the works at the time of commencement of construction, is payable prior to the use commencing.

35. All Operations Works shall be subject to a 12 months Defect Liability Period commencing from the date of completion of the works, being the day of the works being accepted on-maintenance by Council officers. 5% of the total construction costs or final contract amount for these operational works shall be submitted to Council to be held by Council as security. Council will hold this money in trust pending the expiration of the defect liability period. These funds will be refunded following a defect-free inspection at the end of the Defect Liability Period.

36. The design, schedules and specification for all Operational Works and the supervision of construction of all work associated with the development shall be carried out by a Registered Professional Engineer in Queensland (RPEQ) and to the satisfaction of the Director Engineering Services.

37. The Operational Works shall be carried out in accordance with the provisions of the Planning Scheme, and all engineering requirements associated with the development shall be completed to the satisfaction of the Director Engineering Services prior to the use commencing.

38. The developer must use roadworks signage on all public roads in accordance with the Southern Downs Regional Council Roadworks Signing Guide. Copies of the Guide are available from Council. A *Traffic Control Plan* is to be submitted to Council prior to the Operational Works commencing.

39. All works associated with the development shall be carried out so as to minimise soil erosion and to control sediment, and such measures shall be incorporated into the engineering design of the development, to the satisfaction of the Director Engineering Services. An *Erosion and Sediment Control Plan* must be submitted for approval with the Application for Operational Works.

**Aboriginal Cultural Heritage**

40. In carrying out the development, 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 applicant will be complying with the cultural heritage duty of care if the development is conducted in accordance with gazetted cultural heritage
duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will help determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. 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.nrme.qld.gov.au.

Schedule 2 – Southern Downs Regional Council Conditions as Concurrence Agency

General Conditions

1. A copy of this development approval must be kept in a location readily accessible to personnel carrying out the activity.

2. No change, replacement or operation of any plant or equipment is permitted if the change, replacement or operation of the plant or equipment increases, or is likely to substantially increase, the risk of environmental harm above that expressly provided by this development authority. An example of a substantial increase in the risk of environmental harm is an increase of 10% or more in the quantity of the contaminant to be released to the environment.

3. A Registration Certificate for the Environmentally Relevant Activity must be obtained by the applicant prior to commencement of use.

4. An application for design approval and amendment of existing licence to store flammable and combustible liquids is to be submitted to Council for approval in accordance with the Dangerous Goods Safety Management Act 2001. The application for design approval must be submitted to Council prior to installation of any additional or the change to any existing storage facilities for flammable and combustible liquids on site.

5. The storage facilities for flammable and combustible liquids must be designed in accordance with Australian Standard 1940: 2004.

6. The site is to be operated in compliance with the Dangerous Goods Safety Management Act 2001.

Noise Control

7. Noise levels emitted from the premises must not exceed 5 dB(A) above the background noise levels in the locality when measured from the nearest part of an affected residential dwelling and must not exceed 10 dB(A) above the background noise levels in the locality when measured from the nearest part of a commercial premises.

Water Pollution Control

8. Wastewater emissions from the site must not create environmental harm and must conform to the Environmental Protection (Water) Policy 1997 in its current form or as amended or replaced from time to time.

9. The activity must be conducted in a manner that ensures environmental harm is not caused from the release of contaminants into water or a watercourse.

10. Any hazardous liquids must be stored in a covered and bunded area.

11. Any minor liquid spills must be contained with an absorbent material, cleaned up as soon as practical and disposed of in an appropriate manner that ensures environmental harm does not occur. A sufficient supply of absorbent material to contain spills must be stored on site at all times.

12. The area in which vehicles are located during refueling and in which the filling of the tanks occurs must be graded so that any spilled fuel will flow away from buildings and
will not flow off site. All water from this area is to be captured and directed via an approved coalescent plate separator to sewer.

**Air Pollution Control**

13. Air emissions from an Environmentally Relevant Activity must not create environmental harm and must not exceed relevant limits specified in the *Environmental Protection Policy (Air) 1997* in its current form or as amended or replaced from time to time.

14. The activity must be carried out in a manner that ensures air pollutants such as aerosols, dust, odour, smoke or fumes do not cause environmental harm.

**Waste Management**

15. Waste must be managed in accordance with the *Environmental Protection (Waste Management) Regulation 2000* and the *Environmental Protection (Interim Waste) Regulation 1996* in their current form or as amended or replaced from time to time.

16. 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.

17. Any recyclable matter must be regularly removed from the site for recycling or reuse.

18. All regulated waste must be removed from the site by a suitably licensed waste removal contractor. The receipts for this disposal must be kept on site and be available for viewing by an authorised officer.

**Light Control**

19. Any external light must be installed so that light shines down and away from adjacent premises and roads and does not exceed 8 lux at the property boundary.
### Schedule 3 – Department of Main Roads Conditions

#### MAIN ROADS’ CONDITIONS OF DEVELOPMENT APPROVAL (INCLUDING STATEMENT OF REASONS)

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<th>Conditions of Development</th>
<th>Reasons</th>
<th>Comments or Additional Information</th>
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<tr>
<td>1.</td>
<td>ACCESS</td>
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<td>1.1</td>
<td>There must be no direct vehicular access to the proposed development from Wood Street; all vehicular access to the proposed development must be obtained via Douglas Street and must not be located within 17 metres of the northern property boundary of Lot 1 on RP91640.</td>
<td>Vehicular access at the permitted road access location, constructed to Main Roads standards will provide an acceptable access to the subject land without compromising the safety and efficiency of the state-controlled road network.</td>
<td>These conditions constitute a notice pursuant to section 67 of the Transport Infrastructure Act 1994 (TIA), for section 62(1) approval for conditions on the use of a permitted road access location. In accordance with section 70 of the TIA, you are bound by this decision. A copy of section 70 of the Act is attached for your information (Appendix A). Any persons whose interests are affected by the decision may – (i) under section 485 – ask for the decision to be reviewed and appeal against the reviewed decision; and (ii) under the Transport Planning and Coordination Act 1994, part 5 – ask for the decision or the reviewed decision to be stayed.</td>
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<td>1.2</td>
<td>The existing access from Lot 1 on RP91640 to Wood Street (located approximately 45 metres from the Douglas Street/ Wood Street intersection) must: • Be used as an egress only vehicular access to Wood Street from the development site; • Have two (2) &quot;No-Entry&quot; (R2-4B) signs placed either side of the egress on the property boundary, clearly visible from the state-controlled road. • A &quot;No Entry&quot; (R2-4A) sign placed in the Wood Street road reserve within 1 metre of the Wood Street kerbing and within 2 metres from the eastern side of the egress. The &quot;No Entry&quot; sign must be angled to face the opposing direction of vehicles travelling westbound on Wood Street.</td>
<td>Clear regulatory signage placed in accordance with Main Roads requirements will ensure drivers on the state-controlled road do not become confused with road access arrangements and create potential safety and efficiency issues.</td>
<td>There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances. In accordance with Section 50 of the Transport Infrastructure Act 1994, you must have written approval to carry out road access works on a state-controlled road. These development conditions do not constitute such an approval. You will need to contact Main Roads’ Senior Technical Officer (Network Stewardship).</td>
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<td>1.3</td>
<td>The existing access from Wood Street to Lot 1 on RP91640 located approximately 25 metres from the Douglas Street/ Wood Street intersection must be removed and kerbing, channelising and footpaths must be reinstated to match adjacent construction prior to the commencement of the proposed development.</td>
<td>The removal of existing kerb crossovers will reduce potential for driver confusion on the state-controlled road network and subsequent safety and efficiency issues.</td>
<td>on 07 46616402 to make an application for approval under section 59 of the TIA to carry out these road access works.</td>
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<td>1.4</td>
<td>The existing access from Douglas Street to Lot 1 on RP91640 located approximately 10 metres from the Douglas Street/ Wood Street intersection must be removed and kerbing, channelising and footpaths must be reinstated to match adjacent construction prior to the commencement of the proposed development.</td>
<td>The removal of existing kerb crossovers will reduce potential for driver confusion on the state-controlled road network and subsequent safety and efficiency issues.</td>
<td>The Main Roads’ technical manuals can be accessed via the Main Roads web site <a href="http://www.mainroads.qld.gov.au">www.mainroads.qld.gov.au</a> (click on “Suppliers Partners Site” – “Technical Reference Centre”).</td>
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### MAIN ROADS’ CONDITIONS OF DEVELOPMENT APPROVAL (INCLUDING STATEMENT OF REASONS)

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<th>Conditions of Development</th>
<th>Reasons</th>
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<tr>
<td>2.</td>
<td>ROADWORKS</td>
<td><strong>ON-STREET PARKING ARRANGEMENTS</strong>&lt;br&gt;2.1 One (1) 6.5 metre by 2.5 metre car parking space shall be provided and pavement marked approximately 17 metres from the eastern property boundary of Lot 1 on RP91640 (adjacent to the existing post box and phone booth) and will include:&lt;br&gt;- Two (2) '15 minute' (R2-13) parking signs placed either side of the single parking bay on a 'T.11' panel arrangement.</td>
<td>Clearly defined on-street parking locations will provide for safe site distances to be maintained for drivers of vehicles exiting the development site to the state-controlled road network.</td>
</tr>
<tr>
<td>2.</td>
<td>INTERSECTION WORKS</td>
<td>2.4 Douglas Street must be upgraded to incorporate:&lt;br&gt;- Separation of the Douglas Street north and south bound traffic with a double barrier line pavement marking on Douglas Street and</td>
<td></td>
</tr>
</tbody>
</table>

**Additional Information:**

For the proposed material change of use, a Traffic Impact Assessment (TIA) was submitted to Main Roads' technical officer. The approval process involved a thorough review of the proposal's environmental impact and safety considerations. The project aims to enhance the safety and accessibility of the pedestrian pathway while ensuring the protection of the adjacent properties.

**Main Roads’ technical manuals:**

- **"Give Way" pavement marking at the intersection on Douglas Street and associated signage (R1-2A) must be placed in the Wood Street reserve.**
- **All roadworks (signage and pavement marking) required by conditions 2.1 to 2.4 must be completed prior to the commencement of use of the proposed development in accordance with the Manual of Uniform Traffic Control Devices and Main Roads’ Road Planning and Design Manual.**
- **The proposed landscaping shown on the applicant’s landscaping plan titled “Proposed Concept Landscape Layout” (dated 20/12/2007, plan No. 67927 – 1) must not obstruct the visibility requirements outlined in Main Roads’ Road Landscape Manual (CS – Safety and Landscape Design) to ensure safety for pedestrians and vehicles on the state-controlled road network.**

**Suppliers Partners Site:**


**Technical Reference Centre:**

### MAIN ROADS' CONDITIONS OF DEVELOPMENT APPROVAL (INCLUDING STATEMENT OF REASONS)

<table>
<thead>
<tr>
<th>No</th>
<th>Conditions of Development</th>
<th>Reasons</th>
<th>Comment(s) or Additional Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.</td>
<td>INTERNAL ROADWAYS</td>
<td>3.1 The internal roads in the development site must be maintained to allow all vehicles to enter/exit the site in a forward gear.</td>
<td>The movement of vehicles from development site can have an impact on the safety and efficiency of a state-controlled road.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.2 All loading/unloading of development associated vehicles is to occur within the development site.</td>
<td>The loading and unloading of development associated vehicles on a state-controlled road can have an impact on the safety and efficiency of the state-controlled road network.</td>
</tr>
<tr>
<td>4.</td>
<td>TRUNCATION</td>
<td>4.1 There is a possible requirement of a six (6) metre front (3) chord truncation of the subject road at the Cunningham Highway (Wood Street)/Douglas Street intersection in the future for road purposes. No permanent structures are to be constructed in this possible truncation area.</td>
<td>The Cunningham Highway (Wood Street)/Douglas Street intersection may require upgrading in the future. There may be insufficient road reserve area at the intersection to allow this to occur.</td>
</tr>
</tbody>
</table>

### Motion

**Moved Cr B Shelley**

**Seconded Cr V Pennisi.**

**Carried**

Planning and Environment Committee Meeting - 14 April 2008
8.4 Material Change Use - R & J Grieve: 8 Hamilton Street, Warwick

Recommendation

THAT the application for a Residential Use (Multiple Dwellings - 7 units) on land at 8 Hamilton Street, Warwick, described as Lot 1 RP84074, Parish of Warwick, County of Merivale, be received and:

A. THAT consideration of the application for a Residential Use (Multiple Dwellings - 7 units) on land at 8 Hamilton Street, Warwick, described as Lot 1 RP84074, Parish of Warwick, County of Merivale, be deferred pending a revised proposal from the applicant addressing the following issues:

(i) The proposed layout does not provide for the required 16 on-site carparking spaces. Only the eight garages are considered to provide for appropriate vehicle parking. The parking spaces adjacent to the southern boundary, and the two visitor carparking spaces located between proposed Units 6 and 7 do not allow for safe and efficient vehicle manoeuvring or do not comply with the Australian Standard as required by the Planning Scheme.

(ii) The setback to Hamilton Street is required to be 6 metres. Surrounding dwellings on Hamilton Street and the existing dwelling have setbacks in excess of 18 metres and 7 metres respectively. Therefore, a reduction in the minimum 6 metres setback is not appropriate.

(iii) The site coverage exceeds the prescribed 40%.

(iv) The buildings and layout should be designed such that:

• Proposed Unit 1 adequately addresses the street. A front door or living room or kitchen windows should be facing the street. The entry to the unit is to be readily apparent from the street.

• The driveway is visually dominant. Attention should be given to additional landscaping of varying widths along the length of the driveway.

B. THAT the applicant be advised that if these significant issues of non-compliance are not satisfactorily addresses, Council may refuse the application or choose to issue a preliminary approval only; and

C. THAT the applicant be required to provide details of the revised proposal within three months, after which time Council may determine the application regardless of whether or not the details of the revised proposal have been received.

Motion

Moved Cr P Blundell Seconded Cr V Pennisi.

Carried
9. RECONFIGURING A LOT

9.1 Reconfiguration of a Lot: B Bongers - 2 Wallace Court, Glen Aplin

Recommendation

THAT the report of the Manager of Strategic Planning dated 8 April 2008 in relation to an application for a Development Permit to Reconfigure a Lot located at 2 Wallace Court Glen Aplin be received and that the application be approved subject to the following conditions.

Assessment Managers Conditions

1. Access to both proposed lots 1 & 2 is to be provided by the construction of a 4.8 metre wide 375mm diameter reinforced concrete pipe culvert complete with headwalls and guideposts and a 4 metre wide 125mm compacted depth CBR 45 pavement with 2 coat bitumen seal from the edge of bitumen to the property boundary.

2. All works to be in accordance with Council’s standards and to the satisfaction of the Director of Engineering Services

3. An application for an Operational Works permit is to be made to Council and approval obtained prior to commencement of the works.

4. The applicant must provide at no cost to Council, reticulated electricity to lot 2 to the requirements of Ergon Energy. Prior to Council signing the Plan of Subdivision, the applicant is to provide written advice from Ergon Energy regarding the supply of electricity to the proposed new lot.

Motion

Moved Cr D Ingram Seconded Cr P Blundell. Carried

9.2 Negotiated Decision - Renevo Pty Ltd: 44 Mt Tabor Road, Sladevale

Recommendation

THAT the request for a Negotiated Decision in relation to the Development Permit dated 31 January 2008 for the Rural Residential Subdivision of land at 44 Mt Tabor Road, Sladevale, described as Lot 10 RP36424, Parish of Warwick, County of Merivale, be approved, and that Schedule 1 of the Conditions of Approval be 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 Plan No. W3668-11 dated 24 September 2007 prepared by Gary Hayes & Partners Pty Ltd, SUBJECT TO THE FOLLOWING AMENDMENTS, as determined by the Director Planning and
Environment, and subject to the final development being amended in accordance with the conditions of this approval.

- The pathway between proposed Lots 5 & 74 is not to be retained as part of proposed Lot 74 pending subdivision of that lot. This section of pathway is to be provided to the same stage as proposed Lot 5.
- A sealed turn around area is to be provided at the end of the new road in the vicinity or proposed Lot 16 & 45.
- The section of new road from Mount Tabor Road is to be constructed at the same stage as proposed Lot 7 & 8. The new road is to be constructed for the full frontage of these lots. A sealed turn around area is to be provided at the end of this new road at that stage, and must remain until such time of the remainder of the road is further extended or completed.
- A sealed turn around area is to be provided at the end of each road that remains uncompleted at the completion of a stage of the development. The sealed turn around area must remain until such time as the road is further extended or completed.
- The layout is to be amended in the vicinity of proposed Lots 33-36, such that the access handle to proposed Lots 35 & 36 is located at the northern boundary of proposed Lot 34 (not the southern boundary), and proposed Lots 35 & 36 are to be more regular shaped.
- Proposed Lot 44 is not accepted as park.

### Building, Health & Development Compliance

2. The applicant is to submit to Council a plan showing building envelopes for dwellings on the proposed lots (except proposed Lot 74), for approval by the Director Planning and Environment prior to the signing of the survey plans.
   - All building envelopes are to have an area of at least 600 square metres plus an area for effluent disposal;
   - All building envelopes must be setback at least 60 metres from Freestone Road.
   - All building envelopes must not include land with a slope of 10% or more.

3. The applicant is to submit a Bushfire Management Plan for approval by the Director Planning and Environment prior to the signing of the survey plans. The Bushfire Management Plan is to meet the specific outcomes of the State Planning Policy Guideline, *Mitigating the Adverse Impacts of Flood, Bushfire and Landslide*.

### Covenants

4. Covenants are to be provided over the proposed lots with frontage to Freestone Road, prohibiting the use of land within 60 metres of this road for residential. The covenant documentation is to be prepared by Council's solicitors at the applicant's full cost. A copy of the covenant documentation is to be submitted to Council for approval prior to the signing of the Plan of Subdivision.

### Amenity & Environmental Controls

5. Declared pest plants on the land must be destroyed to the satisfaction of the Manager Environmental Services, prior to Council signing the Plan of Subdivision.

6. All cleared or lopped timber and vegetation must be processed on site by wood chipping, mulching or similar method, subject to the approval of the Manager Environmental Services. Any processing of trees or vegetation must be carried out in a safe manner and without any adverse environmental impacts from noise or dust emissions, and in accordance with any requirements under the *Environmental Planning and Environment Committee Meeting - 14 April 2008*
Protection Act 1994. All green waste mulch must be used on site, unless disposal or removal to another site is approved by the Manager Environmental Services.

7. Prior to Council signing the Plan of Subdivision, the applicant must ensure that all lots are in a clean and tidy state, e.g. free of materials and rubbish from the construction process, stockpiles of rocks, and fallen timber.

Landscaping and Buffers

8. A screen fence 1.8 metres high shall be erected along the Freestone Road boundary of the land, to the satisfaction of the Director Planning and Environment and at the full cost to the applicant. The fence shall be of acoustic materials, so as to minimise noise impacts upon adjoining allotments.

9. The applicant shall provide tree planting, as approved by Council’s Manager Parks and Department of Main Roads, along the Freestone Road frontage adjacent to the acoustic fence so as to enhance the visual appearance of the fence, to the satisfaction of the Director Planning and Environment.

10. The applicant is to provide tree plantings, as approved by Council’s Manager Parks, within the road reserve of the proposed new roads. The trees are to be planted approximately every 40.0 metres and on both sides of the sealed pavement, where possible.

Vehicle Access

11. The applicant shall construct at no cost to Council, an asphalt sealed driveway three (3) metres in width within the access strip of any rear allotment. Such driveway is to connect from the road and is to be constructed to the satisfaction of the Director Engineering Services.

12. Vehicle access to proposed Lots 1 & 2 must be from Mount Tabor Road. Direct vehicle access to or from Freestone Road is prohibited.

13. Vehicle access to proposed Lots 17-27 & 46-56 must be from the new road. Direct vehicle access to or from Freestone Road is prohibited.

14. Vehicle access to proposed Lots 14-17, 37 & 45 must be from the new road. Direct vehicle access to or from Ogilvie Road is prohibited.

Roadworks and Stormwater Drainage

15. The applicant must reinstate any footpaths, kerbing and channelling, roadworks and drainage works damaged during construction of the development, to the satisfaction of the Director Engineering Services.

16. The applicant is to construct at no cost to Council, all roads within the subdivision in asphaltic concrete and such works are to include mountable kerbing and channelling, stormwater drainage, street tree planting and the top dressing of footpaths with good quality top soil, to the satisfaction of the Director Engineering Services.

17. New road reserves are to be a minimum of 20.0 metres wide. The through road linking Freestone Road to Mount Tabor Road, and the link road to Ogilvie Road, are to have a minimum sealed carriageway width of 7.5 metres. All other new roads are to be a minimum sealed carriageway width of 5.5 metres.

18. The applicant is to construct sealed road widening and mountable kerbing and channelling along the Mount Tabor Road frontage of the site. Such works are to include appropriate drainage and the roads are to be constructed to the satisfaction of the Director Engineering Services.

19. The applicant is to incorporate within the design and construction of roads within the subdivision, measures to reduce traffic speeds within the subdivision and to enhance the pedestrian safety and streetscape quality of the subdivision. The intersection at
Lots 63/73 shall be designed to give priority to the link road between Freestone Road and Mount Tabor Road and to restrict speed on the through leg of the intersection.

(a) All intersections within the subdivision are to be designed as right angles, and treated so as to constrict vehicular movements and enhance both the safety and streetscape quality of the intersection, e.g. be incorporating landscaping and pavement treatments.

(b) All roads within the subdivision are to be designed to reduce traffic speeds and may include speed control measures including variations to pavement treatments, road narrowing with appropriate landscape treatments and a reduction in the length of straight sections of road by the incorporation of variations to the alignment of the carriageway.

(c) A variation in cul-de-sac head treatment may be incorporated which include the provision of parking bays, landscaping and alternative turning area designs. The design is to allow for a refuse collection truck to manoeuvre within the cul-de-sac.

20. The applicant is to provide street name signs in accordance with Council's standard design for street signs. The proposed names for new roads must be submitted for Council's consideration and approval.

21. The applicant is to provide traffic signs and linemarkings in accordance with Council's standard design for street signs, and the Department of Main Roads' *Manual of Uniform Traffic Control Devices*.

22. The applicant is to construct at no cost to Council, a stormwater drainage system serving the development and the stormwater is to be disposed of to a legal point of discharge, to the satisfaction of the Director Engineering Services. Where necessary suitable easements shall be provided to Council, at the applicant’s cost.

23. Site stormwater runoff must be discharged to a legal point of discharge in a manner that does not increase the quantity or concentration of stormwater flow in comparison to the pre-development condition. Suitable easements shall be provided to Council, at the applicant’s cost. The applicant is to note that the stormwater management design should incorporate reshaping of the drainage paths having regard to environmental, safety and maintenance issues.

**Dedications**

24. The applicant is to dedicate free of cost to Council, a six (6) metre x 3 chord truncation on the corner of Freestone Road and Mount Tabor Road for road purposes. This dedication is to be undertaken at Stage One of the development.

**Water Supply & Sewerage**

25. The applicant is to provide at no cost to Council, an underground reticulated water supply system, up to and including water meters, to service all allotments. This system is to be connected to Council’s water supply system. Such works are to be carried out to the satisfaction of the Director Engineering Services. Where necessary suitable easements shall be provided to Council, at the applicant’s cost.

For **allotments below 520m AHD**, the applicant is to upgrade the capacity of the existing reservoir at Mount Tabor and its supply from the Freestone Road reservoir.

For **allotments below 520m AHD**, the applicant is to enter into an infrastructure agreement with Council to contribute towards the cost to upgrade Council’s water supply network from the Freestone Road reservoir.

26. The applicant is to pay a capital contribution equivalent to the contribution for water supply headworks in accordance with Council’s *Planning Scheme Policy No. 3 (Water Supply and Sewerage Headworks Contributions, Water Supply and Sewerage Works External Contributions)*. The current charge is **$2750** per additional allotment. This
amount is valid at the time of approval and may be increased in accordance with Council’s Policy. The actual contribution to be paid is the headworks charge applicable in accordance with Council’s Policy and Fees and Charges at the time the Plan of Subdivision is signed. Such contribution is to be paid prior to the signing of the Plan of Subdivision.

Parks and Pedestrian Works

27. The applicant is to note that proposed Lot 44 will not be accepted by Council as park.

28. (1) The applicant is to dedicate 5% of the site an area of land for park purposes, generally located adjoining in the area shown as drainage reserve proposed Lots 3, 4, 5 & 57 on Plan No. W3668-11 dated 24 September 2007 prepared by Gary Hayes & Partners Pty Ltd, to the satisfaction of the Director of Planning and Environment. This park is to be dedicated at Stage 2 of the development. Only that area of land additional to that required for drainage purposes shall be considered park. The park must provide an area of a size, shape and slope suitable for recreation use, to the satisfaction of the Director Planning and Environment. The park is to be graded, seeded and tree planted, and a 2.0 metre wide concrete pedestrian footpath is to be constructed through the park from Mount Tabor Road to Ogilvie Road, to the satisfaction of the Director Engineering Services. A properly prepared landscaping plan (prepared by a suitably qualified person) showing full landscaping specifications including details of all landscaping features and a schedule of plants and plant size, is to be submitted to and approved by the Director Engineering Services with the Application for Operational Works. The landscaping is to be carried out in accordance with the approved plan prior to the signing of the Plan of Subdivision.

(2) The applicant is to contribute toward park infrastructure in accordance with Warwick Shire Planning Scheme Policy No. 2 (Park Provisions and Park Contributions). The contribution required under the Planning Scheme Policy is 10% of the site area as dedicated parkland, or $300 per additional allotment. This amount is valid at the time of approval and may be increased in accordance with Council’s Policy. As the area of land to be dedicated for parkland is less than 10% of the total area of the site, the contribution will be a combination of land dedication and monetary contribution. A monetary contribution will be required at a proportional rate in lieu of the shortfall in parkland calculated as a percentage of the total number of lots. This has been calculated as a total of $12,654.00. This amount is valid at the time of approval and may be increased in accordance with Council’s Policy. The actual contribution to be paid is the charge applicable in accordance with Council’s Policy and Fees and Charges at the time the contribution is paid. Such contribution is to be paid prior to the approval of the plans of subdivision.

29. A 3.0 metre wide pathway is to be provided at between proposed Lots 5/57 & Lots 58/74. The applicant is to construct at no cost to Council, a 2.0 metre wide concrete pedestrian footpath, including perambulator ramps at the kerb, within this pathway. Such works are to be carried out to the satisfaction of the Director Engineering Services.

30. The applicant is to construct at no cost to Council, a 2.0 metre wide concrete pedestrian footpath, including perambulator ramps at each kerb, within the drainage reserve, linking Mount Tabor Road and the new road terminating at proposed Lots 34/37. Such works are to be carried out to the satisfaction of the Director Engineering Services.
Electricity, Street Lighting and Telecommunications

31. The applicant must provide, at no cost to Council, underground reticulated electricity to each lot to the requirements of Ergon Energy. Prior to Council signing the Plan of Subdivision, the applicant is to provide written confirmation from Ergon Energy that reticulated electricity has been installed to service each lot.

32. Street lighting at a standard for rural residential subdivision, shall be provided within the subdivision at the applicant’s cost, and to the satisfaction of the Director Engineering Services.

33. Prior to Council signing the Plan of Subdivision, the applicant must provide to Council written confirmation from Telstra stating that it has been made aware of the proposed subdivision.

Operational Works

34. All vehicles associated with the construction of development must access the site via sealed roads only. The use of the gravel sections of Mount Tabor Road, Depot Road, Robinsons Road, Ogilvie Road, McMahons Road, East Street and Jensens Road is prohibited.

35. A Development Permit for Operational Works must be obtained in accordance with the Integrated Planning Act for the Operational Works required in Conditions 8-11, 16-23, 25, 29, 30 & 32. A Price Schedule of Quantities certified by a Registered Professional Engineer in Queensland (RPEQ) is to be submitted with the Application for Operational Works. Fees for an Application for Operational Works, i.e. approval of engineering design and inspection fees, are as follows:

- 6% for the first $20,000 of the capital value of construction work, PLUS 2% for the amount in excess of $20,000 of the capital value of construction work for the purpose of carrying out a design check of the engineering works associated with the development and for supervision of engineering works associated with the development. Such supervision is additional to and not in lieu of supervision required under the contractual obligations of the developer’s design consultant.

50% of the fee (for design approval), based on the capital value of the works at the date of lodgement of design plans, is payable at the date of lodgement.

The balance amount (the inspection fee), which is based on the capital value of the works at the time of commencement of construction, is payable at the time the Plan of Subdivision is signed by Council.

36. The applicant must provide a copy of their receipt as proof of payment for QLeave prior to Operational Works commencing.

37. All Operational Works shall be subject to a 12 months Defect Liability Period commencing from the date of completion of the works, being the day of the works being accepted on-maintenance by Council officers. 5% of the total construction costs or final contract amount for these operational works shall be submitted to Council to be held by Council as security. Council will hold this money in trust pending the expiration of the defect liability period. These funds will be refunded following a defect-free inspection at the end of the Defect Liability Period.

38. The design, schedules and specification for all Operational Works and the supervision of construction of all work associated with the development shall be carried out by a Registered Professional Engineer in Queensland (RPEQ) and to the satisfaction of the Director Engineering Services.

39. The Operational Works shall be carried out in accordance with the provisions of the Planning Scheme, and all engineering requirements associated with the development shall be completed to the satisfaction of the Director Engineering Services prior to approval of the Plan of Subdivision by Council.
40. The developer must use roadworks signage on all public roads in accordance with the Warwick Shire Council Roadworks Signing Guide. Copies of the Guide are available from Council. A **Traffic Control Plan** is to be submitted to Council prior to the Operational Works commencing.

41. All works associated with the development shall be carried out so as to minimise soil erosion and to control sediment, and such measures shall be incorporated into the engineering design of the development, to the satisfaction of the Director Engineering Services. An **Erosion and Sediment Control Plan** must be submitted for approval with the Application for Operational Works.

**Aboriginal Cultural Heritage**

42. In carrying out the development, 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 applicant will be complying with the cultural heritage duty of care if the development is conducted in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will help determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. 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.nrme.qld.gov.au](http://www.nrme.qld.gov.au).

**Approval Times**

43. In accordance with the provision of Section 3.5.21 of the *Integrated Planning Act*, this reconfiguration of a lot approval will lapse in two (2) years, or four (4) years where the reconfiguration requires operational works, from the date of Council’s decision. Where relevant, the owner of the land is to comply with the conditions of approval contained herein and **complete all necessary works as required by the conditions of the approval** in accordance with the provisions of the *Integrated Planning Act* and the Planning Scheme.

44. In accordance with the provisions and time limits of Section 3.7.2 of the *Integrated Planning Act*, the applicant is to lodge with Council the Plan of Subdivision for the proposed reconfiguring of a lot for approval. The Plan of Subdivision is to comply with the requirements of the Titles Office and the provisions of the *Integrated Planning Act*. Council will **NOT** approve this plan unless all conditions of this approval and the requirements of the Planning Scheme and the Integrated Planning Act have been complied with to the satisfaction of Council.

Council approval of the Plan of Subdivision will lapse six months from the date of approval of the plan unless the approved Plan of Subdivision is registered in the Office of the Registrar of Titles, or an application for reapproval of the plan is approved by Council in accordance with the *Integrated Planning Act*.

**Motion**

Moved Cr M McMurtrie Seconded Cr P Blundell. **Carried**
The meeting adjourned for morning tea at 10.43am and reconvened at 11.07am at which time were present Crs Bartley, Blundell, Gow, Ingram, McMurtrie, Meiklejohn, Pennisi and Shelley.

11.10am Cr R Bellingham rejoined the meeting.

9.3 Request for Negotiated Decision - A & R Boal, Forest Plain Road & 76 Bradfields Road, Allora

Recommendation

A. THAT the request for a Negotiated Decision in relation to the Development Permit dated 30 January 2008 for the Realignment of Boundaries of seven lots and Material Change of Use (Rural Residential Development) on land at Forest Plain Road & 76 Bradfields Road, Allora, described as Lot 187 M34716, Lots 63-67 A22 & Lot 1 RP99306, Parish of Allora, County of Merivale, be APPROVED IN PART ONLY for the following reason:

The layout as proposed by the applicant would prohibit the agricultural use of Good Quality Agricultural Land within the north-west of Lot 187 M34716, and would compromise the soil conservation works in this location.

B. THAT the request for a Negotiated Decision in relation to the Development Permit dated 30 January 2008 for the Realignment of Boundaries & Material Change of Use (Rural Residential Development), on land at Forest Plain Road & 76 Bradfield Road, Allora, described as Lot 187 M34716, Lots 63-67 A22 and Lot 1 RP99306, Parish of Allora, County of Merivale, be APPROVED IN PART ONLY 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 attached amended plan BOAL WSC APRIL 08, as determined by the Director Planning and Environment, and subject to the final development being amended in accordance with the conditions of this approval.

Land Use & Planning Controls

2. The size of new rural residential lots should be at least 4000 square metres.

3. The applicant is to submit to Council a plan showing building envelopes for dwellings on the proposed rural residential allotment, for approval by the Director Planning and Environment prior to the signing of the survey plans.

- All building envelopes are to have an area of at least 600 square metres plus an area for effluent disposal;
- All building envelopes must be setback at least 60 metres from Forest Plain Road.
- All building envelopes must allow for treed buffers of at least 40 metres to rural land.
- All building envelopes must allow for a buffer of at least 50 metres to Dalrymple Creek.
- All building envelopes will be positioned in the lowest bushfire risk area, not divert or concentrate overland flow, take into consideration the natural tendencies of the
land and are free from flooding, i.e. identify location such that future dwelling or other infrastructure is position above the 1:50 ARI Flood level.

NOTE: The number of proposed rural residential lots may need to be decreased in order comply with these requirements.

4. The applicant is to prepare a Bushfire Management Plan to be submitted for approval by the Director Planning and Environment prior to the signing of the survey plans. The Bushfire Management Plan is to meet the specific outcomes of the State Planning Policy Guideline, Mitigating the Adverse Impacts of Flood, Bushfire and Landslide, and must provide appropriate bushfire control methods and procedures for each rural residential lot. This Management Plan must be complied with.

Amenity & Environmental Controls

5. Declared pest plants on the land must be destroyed to the satisfaction of the Manager Environmental Services, prior to Council signing the Plan of Subdivision.

Landscaping and Buffers

6. The applicant shall seek to maintain the maximum number of existing trees on the land.

7. Treed buffers of forty (40) metres in width are to be planted along and within the eastern and southern boundaries of the area shown on Plan BOAL WSC APRIL 08 as Proposed Lots 1-5, prior to the signing of the Plan of Subdivision. The trees are to be suitable for the climate of the area and to be of a variety of species to grow to heights of between 3 metres and 20 metres to ensure they form an effective buffer in accordance with Queensland Department of Natural Resources Planning Guidelines - Separating Agricultural and Residential Land Uses to the satisfaction of the Director Planning and Environment.

8. The treed buffer strips and tree planting shall be planted and maintained to the satisfaction of the Director Planning and Environment. A bond for the amount of $5000.00 shall be submitted prior to approval of the Plan of Subdivision. The bond shall be returned twelve (12) months after the Plan of Subdivision is registered in the Office of Registrar of Titles subject to the satisfactory establishment and maintenance of the treed buffers referred to in Condition 3. Should the buffer not be provided in accordance with this condition, Council may call up the bond to undertake the planting to satisfy the requirements of this approval. The terms and conditions of the bond must include details of its purpose and intended use to the satisfaction of the Director Planning and Environment. The applicant must allow access to the site for any works to be undertaken in compliance with this condition.

9. A properly prepared landscaping plan (prepared by a suitably qualified person) showing full landscaping specifications in accordance with Section 6.3 of the Warwick Shire Planning Scheme, including details of all landscaping features and a schedule of plants and plant size, is to be submitted to and approved by the Director Planning and Environment prior to the planting of the treed buffers. The planting of the buffers is to be carried out in accordance with the approved plan and maintained in a suitable condition.

Easements and Covenants

10. Covenants prohibiting the use of land for residential purposes are to be provided over those areas of proposed Lots 1-5 not identified as building envelope in accordance with Condition 2. The covenant documentation is to be prepared by Council’s solicitors at the applicant’s full cost. A copy of the covenant documentation is to be submitted to Council for approval prior to the signing of the Plan of Subdivision.
11. Covenants are to be provided over proposed Lots 1-5 for the continued maintenance of the 40 metre wide treed buffers within the property boundaries of these lots in accordance with Condition 7. The covenant documentation is to be prepared by Council’s solicitors at the applicant’s full cost. A copy of the covenant documentation is to be submitted to Council for approval prior to the signing of the Plan of Subdivision.

Vehicle Access

12. The applicant must construct vehicle access to proposed Lots 1-6 to the satisfaction of the Director Engineering Services. The access must be constructed along Forest Plain Road at locations which provide adequate sight distance in either direction. Such entrance roadworks shall be constructed in gravel and shall include appropriate drainage works. 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 Forest Plain Road carriageway whilst the property gateway is being opened and/or closed.

Electricity, Street Lighting and Telecommunications

13. The applicant must provide, at no cost to Council, reticulated electricity to the rural residential allotments to the requirements of Ergon Energy. Prior to Council signing the Plan of Subdivision, the applicant is to provide written confirmation from Ergon Energy that reticulated electricity has been installed to service each lot.

Aboriginal Cultural Heritage

14. In carrying out the development, 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 applicant will be complying with the cultural heritage duty of care if the development is conducted in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will help determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. 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.nrme.qld.gov.au.

Approval Times

15. In accordance with the provision of Section 3.5.21 of the Integrated Planning Act, this reconfiguration of a lot approval will lapse in two (2) years, or four (4) years where the reconfiguration requires operational works, from the date of Council’s decision. Where relevant, the owner of the land is to comply with the conditions of approval contained herein and complete all necessary works as required by the conditions of the approval in accordance with the provisions of the Integrated Planning Act and the Planning Scheme.

16. In accordance with the provisions and time limits of Section 3.7.2 of the Integrated Planning Act, the applicant is to lodge with Council the Plan of Subdivision for the proposed reconfiguring of a lot for approval. The Plan of Subdivision is to comply with the requirements of the Titles Office and the provisions of the Integrated Planning Act. **Council will NOT approve this plan unless all conditions of this approval and the requirements of the Planning Scheme and the Integrated Planning Act have been complied with to the satisfaction of Council.**

Council approval of the Plan of Subdivision will lapse six months from the date of approval of the plan unless the approved Plan of Subdivision is registered in the Office of the Registrar of Titles, or an application for reapproval of the plan is approved by Council in accordance with the Integrated Planning Act.
Schedule 2 – Department of Natural Resources & Water Conditions

1. No clearing of remnant vegetation is to occur under this approval. Any subsequent clearing of remnant vegetation will require assessment, unless exempt under Schedule 8 of the Integrated Planning Act 1997.

Motion
Moved Cr M McMurtrie  Seconded Cr R Bartley.
Carried

9.4 Reconfiguring a Lot - F & V Murphy, 126 Warner Street, Rosenthal Heights

Recommendation
THAT the application to Subdivide into eight lots and a Material Change of Use (Rural Residential Development) on land at 126 Warner Street, Rosenthal Heights, described as Lot 3 RP175325, Parish of Warwick, County of Merivale, be deferred for 3 months to allow the applicant to provide odour modelling on the impacts of the Piggery on the proposed development.

Motion
Moved Cr V Pennisi  Seconded Cr C Gow.
Carried

9.5 Reconfiguring a Lot - I Stewart: 82-90 Ogilvie Rd & 122-126 & 128A Glengallan Rd, Warwick

Recommendation
THAT the application to realign boundaries on land at 82-90 Ogilvie Road and 122-126 & 128A Glengallan Road, Warwick, described as Lots 1 & 2 SP151263, Lot 2 SP178924 and Lot 257 W303, Parish of Warwick, County of Merivale, be deferred in accordance with the Applicants letter dated 14 April 2008, until the May round of meetings.

Motion
Moved Cr C Gow  Seconded Cr R Bartley.
Carried

The meeting adjourned for lunch at 12.38pm and reconvened at 2.04pm following the conduct of the Community Services Committee meeting, at which time were present Crs Bellingham, Bartley, Blundell, Gow, Ingram, McMurtrie, Meiklejohn, Pennisi and Shelley.
Recommendation

THAT the report of the Manager Planning Services dated 8 April 2008 in relation to Reconfiguring a Lot & Material Change of Use - Isaac Developments Pty Ltd, 67-71 East Street and 5 & 9 Iceberg Court, Warwick be received and:

A. THAT consideration of the application for the Subdivision into 21 lots, including 20 by Building Format Plan, and Material Change of Use for dwelling houses on lots less then 450m², on land at 67-71 East Street and 5 & 9 Iceberg Court, Warwick, described as Lot 5 RP151186 and Lots 10 & 12 SP182444, Parish of Warwick, County of Merivale, be deferred pending further information from the applicant as follows:

- The proposed layout does not provide for sufficient car parking. There is to be sufficient area on each lot for two vehicles to park; one under cover, the second space can be in tandem. Most of the proposed lots do not have sufficient area for the parking of a second vehicle. The applicant is to address this matter. The applicant should note that to achieve sufficient area for a vehicle to park in tandem, a dwelling must be setback at least 5.5 metres from the road boundary.
- The applicant should be required to provide details of the proposed materials and colours to be used, to enable a determination of the suitability of the overall design of the buildings.
- Given the density of development, and that many of the dwellings will have reduced setbacks, it is considered necessary that landscaping be provided throughout the site. This should include street tree plantings along the private road and East Street, and landscaping within all of the lots to complement the proposed dwellings. The applicant is required to provide a landscaping plan, prepared by a Landscape Architect, showing landscaping throughout the development.
- The common area at the entrance to the development will not be available for communal open space, nor will any significant landscaping be provided within this area given its function for stormwater management and for the collection of wheelie bins. Given the density of the development it is considered that there is a need for a useable central communal area to improve the appearance and amenity of the development. It is suggested that proposed Lot 3 be dedicated as communal open space, and provided with a shelter, tables, seating and landscaping.
- Pedestrian linkages should be provided to enable residents of proposed Lots 15, 16, 17 & 20 to access other areas of the community and the communal open space.
- The applicant has not provided details regarding fencing. As the private open space for some of dwellings will be located adjacent to the street, fencing will need to be provided. The applicant is required to provide details of all fencing for Council approval.
- In relation to the proposed new private road, the applicant is to discuss the provision of suitable footpaths and turning around areas with Council's Manager Design & Assets. The private road will need to be redesign to address these matters.

B. THAT the applicant be advised that if these issues are not satisfactorily addresses, Council may refuse the application or choose to issue a preliminary approval only; and

C. THAT the applicant be required to provide details of the revised proposal within three months, after which time Council may determine the application regardless of whether or not the details of the revised proposal have been received.

Motion

Moved Cr P Blundell Seconded Cr V Pennisi. Carried
10. GENERAL BUSINESS

10.1 QELA Conference 2008

Recommendation

THAT the Chair of the Planning and Environment Committee be authorised to attend the Queensland Environmental Law Association Conference 2008.

Motion

Moved Cr P Blundell  Seconded Cr R Bartley.  

Carried

11. CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS

Meeting in Camera

Recommendation

THAT the meeting moved into camera pursuant to Section 463(1)(f) of the Local Government Act 1993 for the purposes of discussing legal proceedings against Southern Downs Regional Council. Council noted that it is the intent by doing so to keep all the matters discussed during the session strictly confidential.

Meeting moved into camera at 2.50pm.

Moved Cr P Blundell  Seconded Cr R Bartley.  

Carried

Meeting out of Camera

Resolved

THAT the meeting move out of camera at 3.37pm.  

Carried
11.1 Notice of Appeal to Planning & Environment Court, Appeal No. BD653 of 2008 - J Doherty & J Gilchrist, Freestone Road, Sladevale  CONFIDENTIAL

Recommendation
THAT the report of the Personal Assistant dated 4 April 2008 in relation to Planning & Environment Committee Minutes - 14 April 2008 be received and that Council:

(i) Appoint the Chief Executive Officer its delegate to participate in a mediation. The delegate is to have authority to settle this action and make an agreement at mediation upon such terms as Council’s legal advisors may recommend or approve; and

(ii) Delegate to the Chief Executive Office to engage legal counsel and expert witnesses as necessary in defending Council’s decision on this development application.

Motion
Moved Cr P Blundell Seconded Cr R Bartley.  
Carried

11.2 Request for Mediation - Bribie on First Pty Ltd, 1 Derain Drive, Sladevale, Planning Appeal No. 3548 of 2006  CONFIDENTIAL

Recommendation
THAT the report of the Manager Planning Services dated 4 April 2008 in relation to Planning & Environment Committee Minutes - 14 April 2008 be received and that Council resolve to appoint the Chief Executive Officer its delegate to participate in mediation. The delegate is to have authority to settle this action and make an agreement at mediation upon such terms as Council’s legal advisors may recommend or approve.

Motion
Moved Cr V Pennisi Seconded Cr M McMurtrie.  
Carried

MEETING CLOSURE
There being no further business, the meeting closed at 3.38pm.