



**MINUTES OF THE
ORDINARY COUNCIL MEETING
13 OCTOBER 2021**

ORDER OF BUSINESS:

ACKNOWLEDGEMENT TO COUNTRY	1
1. PRAYERS & CONDOLENCES	1
2. ATTENDANCE	1
3. APOLOGIES.....	1
4. READING AND CONFIRMATION OF MINUTES.....	1
4.1 Ordinary Council Meeting - 22 September 2021	1
5. ACTIONS FROM COUNCIL MEETINGS	1
5.1 Actions from Ordinary Council Meeting 8 September 2021	1
6. DECLARATIONS OF CONFLICTS OF INTEREST	2
6.1 Conflict of Interest - Cr McDonald - Agenda Item 12.1	4
6.2 Conflict of Interest - Cr Tancred - Agenda Item 12.1	4
6.3 Conflict of Interest - Cr Gale - Agenda Item 12.1	5
6.4 Conflict of Interest - Cr Gliori - Agenda Item 12.1	5
6.5 Conflict of Interest - Cr Bartley - Agenda Item 12.1.....	6
6.6 Conflict of Interest - Cr Tancred - Agenda Item 12.4	6
7. MAYORAL MINUTE	6
The Mayor acknowledged the \$2M funding received from the Federal Government under the Building Better Regions Fund for the successful funding application for the extension of the Stanthorpe Art Gallery and Library.	
8. READING AND CONSIDERATION OF CORRESPONDENCE	6
8.1 Correspondence.....	6
8.1.1 Late Correspondence.....	7
9. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS	7
Nil	
10. EXECUTIVE SERVICES REPORTS	7
10.1 Councillor Advisory Committees and Other Committees Policy	8
10.2 Southern Downs and Granite Belt Events Strategy	8
11. FINANCE, ASSETS AND SPECIAL PROJECTS	9
11.1 Finance, Assets and Special Projects Monthly Status Report	9
11.2 Financial Report - As at 30 September 2021	9
12. CORPORATE AND COMMUNITY SERVICES REPORTS.....	10
12.1.1 Amendment - Renewal of Tenure Over Lot 3 on Crown Plan BNT1745..	10

12.1.2	Amendment - Renewal of Tenure Over Lot 3 on Crown Plan BNT1745..	11
12.1	Renewal of Tenure over Lot 3 on Crown Plan BNT1745	12
12.2	Corporate and Community Services Monthly Status Report.....	12
12.3	Southern Downs Bushfire Sub-Plan - 13 October 2021	13
12.4	Application for Permanent Road Closure - Road Reserve Off Torresan Road, Applethorpe	13
12.5	Application for Temporary Road Closure - Part of Falla Lane, Leyburn ..	13
12.6	Show Holidays 2022	13
12.7	Killarney & District Historical Society - Amendment to Lease	14
13.	INFRASTRUCTURE SERVICES REPORTS	14
13.1	Infrastructure Services Monthly Status Report.....	14
13.2	Border District Eisteddfod Cabinet Request.....	14
13.3	Memorial Plaque - Doug Mackenzie	14
14.	PLANNING AND ENVIRONMENTAL SERVICES REPORTS.....	15
14.1	Planning & Environmental Services Monthly Status Report	15
14.2	Material Change of Use – Evelyn Cook, Barry-Jay J Cook and Leslie MB Cook C/-NSPIRE Planning & Design, 42 Careys Road, Emu Vale	15
14.3	Reconfiguration of a Lot - JDA Consultants, Pitts Street, Stanthorpe	15
14.4	Draft Southern Downs Planning Scheme - Sugarloaf Forestry Area	21
14.5	Draft Southern Downs Regional Council Invasive Pests Strategic Plan 2021-2024	21
14.6	Pest Management Advisory Committee Meeting Minutes - 9 September 2021	21
15.	REPORTS OF DEPUTATION OR CONFERENCE & REPORTS FROM DELEGATES APPOINTED BY COUNCIL TO OTHER BODIES	22
15.1	Stanthorpe Community Reference Panel.....	22
15.2	Maryvale Hall Committee	22
15.3	Meeting with Minister for Regional Development and Manufacturing and Minister for Water	22
16.	NOTICES OF MOTION	22
	Nil	
17.	GENERAL BUSINESS	22
	Nil	

**MINUTES OF THE ORDINARY COUNCIL MEETING OF
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 13 OCTOBER 2021 IN THE
COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,
64 FITZROY STREET, WARWICK AT 9:00AM**

ACKNOWLEDGEMENT TO COUNTRY

1. PRAYERS & CONDOLENCES

Rev Dave Bailey, 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), Michael Bell (Manager Community Services), Darryl Brooks (Manager Environmental Services), Tonya Collier (Acting Manager Planning and Development), Georgina Schramm (Acting Development Assessment Coordinator), Sean Beck (Planning Officer), Mat Warren (Environmental Compliance Officer) and Marion Seymour (Minute Secretary)

3. APOLOGIES

Nil

4. READING AND CONFIRMATION OF MINUTES

4.1 Ordinary Council Meeting - 22 September 2021

Resolution

Moved Cr A Gale

Seconded Cr C Gow

THAT the minutes of the Ordinary Council Meeting held on Wednesday 22 September 2021 be adopted.

Carried

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Ordinary Council Meeting 8 September 2021

Resolution

Moved Cr C Gow

Seconded Cr S Windle

THAT Council receive the report and note the contents.

Carried

6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precs	Nature of Conflict
12.1	Renewal of Tenure over Lot 3 on Crown Plan BNT 1745	Cr Bartley declared a declarable conflict of interest in this matter (as defined in Section 150ES(3) of the <i>Local Government Act 2009</i>) because as a Councillor candidate in the 2020 Southern Downs Elections he responded in writing in the affirmative to correspondence from the Stanthorpe Sports Association in relation to the maintenance of sporting fields. Although Cr Bartley has a declarable conflict of interest, he does not believe a reasonable person could have a perception of bias by himself because he was expressing his personal view and does not believe he was making any firm commitment. Therefore, Cr Bartley will choose to remain in the meeting. However, he will respect the decision of the meeting on whether he can remain and participate in the decision. Following a resolution from Council, Cr Bartley participated in the discussion and voting on this matter.
12.1	Renewal of Tenure over Lot 3 on Crown Plan BNT 1745	Cr Gliori declared a declarable conflict of interest in this matter (as defined in Section 150ES(3) of the <i>Local Government Act 2009</i>) because as a Councillor candidate in the 2020 Southern Downs Elections he responded in writing in the affirmative to correspondence from the Stanthorpe Sports Association in relation to the maintenance of sporting fields. Although Cr Gliori has a declarable conflict of interest, he does not believe a reasonable person could have a perception of bias by himself because he was expressing his personal view and does not believe he was making any firm commitment. Therefore, Cr Gliori will choose to remain in the meeting. However, he will respect the decision of the meeting on whether he can remain and participate in the decision. Following a resolution from Council, Cr Gliori participated in the discussion and voting on this matter.
12.1	Renewal of Tenure over Lot 3 on Crown Plan BNT 1745	Cr Gale declared a declarable conflict of interest in this matter (as defined in Section 150ES(3) of the <i>Local Government Act 2009</i>) because as a Councillor candidate in the 2020 Southern Downs Elections he responded in writing in the affirmative to correspondence from the Stanthorpe Sports Association in relation to the maintenance of sporting fields. Although Cr Gale has a declarable conflict of interest, he does not believe a reasonable person could have a perception of bias by himself because he was expressing his personal view and does not believe he was making any firm commitment.

		Therefore, Cr Gale will choose to remain in the meeting. However, he will respect the decision of the meeting on whether he can remain and participate in the decision. Following a resolution from Council, Cr Gale participated in the discussion and voting on this matter.
12.1	Renewal of Tenure over Lot 3 on Crown Plan BNT 1745	Cr McDonald declared a declarable conflict of interest in this matter (as defined in Section 150ES(3) of the <i>Local Government Act 2009</i>) because as a Councillor candidate in the 2020 Southern Downs Elections she briefly recalls a conversation on the matter during the election campaign in relation to the maintenance of sporting fields. Although Cr McDonald has a declarable conflict of interest, she does not believe a reasonable person could have a perception of bias by herself because she was expressing her personal view and does not believe she was making any firm commitment. Therefore, Cr McDonald will choose to remain in the meeting. However, she will respect the decision of the meeting on whether she can remain and participate in the decision. Following a resolution from Council, Cr McDonald participated in the discussion and voting on this matter.
12.1	Renewal of Tenure over Lot 3 on Crown Plan BNT 1745	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>), following legal advice obtained by the Chief Executive Officer, because as a Councillor candidate in the 2020 Southern Downs Elections he responded in writing in the affirmative to correspondence from the Stanthorpe Sports Association in relation to the maintenance of sporting fields. Although Cr Tancred has a declarable conflict of interest, he does not believe a reasonable person could have a perception of bias by himself because he was expressing his personal view and does not believe he was making any firm commitment. Therefore, Cr Tancred will choose to remain in the meeting. However, he will respect the decision of the meeting on whether he can remain and participate in the decision. Following a resolution from Council, Cr Tancred was asked to leave the meeting for discussion and vote.
12.4	Application for Permanent Road Closure – Road Reserve off Torresan Road, Applethorpe	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> as the applicant is a client of a business that Cr Tancred has shares in. Although Cr Tancred has a declarable conflict of interest, he does not believe a reasonable person could have a perception of bias by himself because of his

		declared conflict. Therefore, Cr Tancred will choose to remain in the meeting. However, he will respect the decision of the meeting on whether he can remain and participate in the decision. Following a resolution from Council, Cr Tancred participated in the discussion and voting on this matter.
14.5	Draft Southern Downs Regional Council Invasive Pests Strategic Plan 2021-2024	Cr Gliori 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 personal friendship with a Council Officer and a fencing contractor used by Council for the exclusion fencing program. As a result of Cr Gliori's conflict, he will leave the meeting room while the matter is considered and voted on.
14.6	Pest Management Advisory Committee Meeting Minutes – 9 September 2021	Cr Gliori 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 personal friendship with a Council Officer and a fencing contractor used by Council for the exclusion fencing program. As a result of Cr Gliori's conflict, he will leave the meeting room while the matter is considered and voted on.

6.1 Conflict of Interest - Cr McDonald - Agenda Item 12.1

Resolution

Moved Mayor V Pennisi

Seconded Cr S Windle

THAT following the declared conflict of interest by Cr McDonald, Council determines that it is in the public interest that Cr McDonald participates and votes on Item 12.1, as her personal interest is not of sufficient significance that it will lead her to making a decision on the matter that is contrary to the public interest and therefore a reasonable person would trust that the final decision is made in the public interest and would not prevent her from performing her Councillor responsibilities and serving the public interest of the region by participating in the discussions and voting on the agenda item.

Carried

6.2 Conflict of Interest - Cr Tancred - Agenda Item 12.1

Resolution

Moved Mayor V Pennisi

Seconded Cr C Gow

THAT following the declared conflict of interest by Cr Tancred, Council determines that it is in the public interest that Cr Tancred participates and votes on Item 12.1, as his personal interest is not of sufficient significance that it will lead him to making a decision on the matter that is contrary to the public interest and therefore a reasonable person would trust that the final decision is made in the public interest and 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.

Lost

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

For: Crs C Gow and V Pennisi (2)

Against: Crs J McNally and S Windle (2)

Accordingly the Mayor declared the motion equal and due to the quorum able to vote on this recommendation a casting vote was not able to be used therefor no agreement could be reached. Therefore Cr Tancred would be required to leave the room for discussion and vote.

6.3 Conflict of Interest - Cr Gale - Agenda Item 12.1

Resolution

Moved Mayor V Pennisi

Seconded Cr J McNally

THAT following the declared conflict of interest by Cr Gale, Council determines that it is in the public interest that Cr Gale participates and votes on Item 12.1, as his personal interest is not of sufficient significance that it will lead him to making a decision on the matter that is contrary to the public interest and therefore a reasonable person would trust that the final decision is made in the public interest and 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.

Carried

6.4 Conflict of Interest - Cr Gliori - Agenda Item 12.1

Resolution

Moved Mayor V Pennisi

Seconded Cr S Windle

THAT following the declared conflict of interest by Cr Gliori, Council determines that it is in the public interest that Cr Gliori participates and votes on Item 12.1, as his personal interest is not of sufficient significance that it will lead him to making a decision on the matter that is contrary to the public interest and therefore a reasonable person would trust that the final decision is made in the public interest and 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.

Carried

09:37 am Cr M Gliori left the meeting.

6.5 Conflict of Interest - Cr Bartley - Agenda Item 12.1

Resolution

Moved Mayor V Pennisi

Seconded Cr S Windle

THAT following the declared conflict of interest by Cr Bartley, Council determines that it is in the public interest that Cr Bartley participates and votes on Item 12.1, as his personal interest is not of sufficient significance that it will lead him to making a decision on the matter that is contrary to the public interest and therefore a reasonable person would trust that the final decision is made in the public interest and 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.

Carried

09:39 am Cr M Glori rejoined the meeting

6.6 Conflict of Interest - Cr Tancred - Agenda Item 12.4

Resolution

Moved Cr A Gale

Seconded Cr C Gow

THAT following the declared conflict of interest by Cr Tancred, Council determines that it is in the public interest that Cr Tancred participates and votes on Item 12.4, as his personal interest is not of sufficient significance that it will lead him to making a decision on the matter that is contrary to the public interest and therefore a reasonable person would trust that the final decision is made in the public interest and 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.

Carried

7. MAYORAL MINUTE

The Mayor acknowledged the \$2M funding received from the Federal Government under the Building Better Regions Fund for the successful funding application for the extension of the Stanthorpe Art Gallery and Library.

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

8.1.1 Late Correspondence

Resolution

Moved Cr C Gow

Seconded Cr A Gale

THAT Council receive the attached Late Correspondence item from the Assistant Minister for Local Government in relation to a new sustainability framework for Queensland Councils, and refer it to the Chief Executive Officer for consideration of a submission.

Carried

Attachments

1. Letter from Assistant Minister for Local Government - **Attached to the Minutes Under Separate Cover**

9. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

Nil

10. EXECUTIVE SERVICES REPORTS

10:15am *Presentation from Amelia Willmer and Kirsten Sakrewski in relation to Agenda Item 14.2*

The meeting adjourned for morning tea at 10:35am and reconvened at 11:00am at which time there present Crs Pennisi, Bartley, Giori, Gow, McNally, Windle, Tancred, Gale and McDonald.

11:00am *Presentation from Ian Darnell from Nspire Planning and Design in relation to Agenda Item 14.2*

10.1 Councillor Advisory Committees and Other Committees Policy

Resolution

Moved Cr J McNally

Seconded Cr S Windle

THAT Council:-

1. Confirm the status of membership for each Council appointed Advisory Committee by nominating elected representatives as “members” or “observers” as attached;
2. Review the *Councillor Portfolios, Advisory Committees and Other Committees Policy* and relevant Terms of Reference to reflect the above at the December 2021 Ordinary Council Meeting;
3. Confirm the status of voting rights for all other councillor representation on groups/organisations as attached;
4. Confirm the appointment of Councillor Gale to the Agricultural Transport & Logistics Working Group;
5. Appoint the Mayor to the Stanthorpe 150th Anniversary Celebration Advisory Committee, with Cr Gow to Chair those Advisory Committee Meetings;
6. Appoint the following Councillors to the following internal committees:
 - Asset Management: Cr McNally, Cr Windle and Cr Gliori
 - Water & Sewerage: Cr Tancred, Cr Gale and Cr Bartley
 - Economic Development & Innovation: Cr Windle, Cr McNally and Cr McDonald
 - Environment: Cr Gow, Cr Gliori and Cr McNally

Carried

Attachments

1. List of Council Representatives on Committees - **Attached to the Minutes Under Separate Cover**

11:41 am Cr R Bartley left the meeting.

11:43 am Cr R Bartley rejoined the meeting.

11:45 am Cr A Gale left the meeting.

10.2 Southern Downs and Granite Belt Events Strategy

Resolution

Moved Cr M Gliori

Seconded Cr S Tancred

THAT Council resolve to adopt the attached Southern Downs and Granite Belt Events Strategy.

Carried

Attachments

1. Southern Downs and Granite Belt Events Strategy 2021-2025 - **Attached to the Minutes Under Separate Cover**

11:47 am Cr A Gale rejoined the meeting.

11. FINANCE, ASSETS AND SPECIAL PROJECTS

11.1 Finance, Assets and Special Projects Monthly Status Report

Resolution

Moved Cr R Bartley

Seconded Cr J McNally

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

Carried

11.2 Financial Report - As at 30 September 2021

Resolution

Moved Cr R Bartley

Seconded Cr A Gale

THAT Council receive and note the Financial Report as at 30 September 2021.

Carried

Cr Tancred declared a declarable conflict of interest in Agenda Item 12.1 as defined in Section 150ES(3) of the Local Government Act 2009 and following a resolution from Council left the room for the discussion and vote. Cr Tancred left the meeting at 12:03pm.

Cr McDonald declared a declarable conflict of interest in Agenda Item 12.1 as defined in Section 150ES(3) of the Local Government Act 2009 and following a resolution from Council remained in the meeting for the discussion and vote.

Cr Gale declared a declarable conflict of interest in Agenda Item 12.1 as defined in Section 150ES(3) of the Local Government Act 2009 and following a resolution from Council remained in the meeting for the discussion and vote.

Cr Bartley declared a declarable conflict of interest in Agenda Item 12.1 as defined in Section 150ES(3) of the Local Government Act 2009 and following a resolution from Council remained in the meeting for the discussion and vote.

Cr Gliori declared a declarable conflict of interest in Agenda Item 12.1 as defined in Section 150ES(3) of the Local Government Act 2009 and following a resolution from Council remained in the meeting for the discussion and vote.

The meeting adjourned for lunch at 12:42pm and reconvened at 1:30pm at which time there were present Crs Pennisi, Bartley, Gliori, Gow, McNally, Windle, Gale and McDonald.

12. CORPORATE AND COMMUNITY SERVICES REPORTS

The following amendment to Recommendation 12.1 was put by Cr Gale

12.1.1 Amendment - Renewal of Tenure Over Lot 3 on Crown Plan BNT1745

Resolution

Moved Cr A Gale

Seconded Cr C Gow

THAT Council consider the following:

1. → Renew the existing Freehold lease to the Stanthorpe Sports Association Incorporated ~~including the following in accordance with the special conditions (excluding clause 2-(g) – annual wicket maintenance) contained in the lease which expired on 31 October 2020 for a five-year period commencing on 1 November 2021; OR~~
 - → 5 x 5 year lease
 - → Annual rental amount to be set at \$3,369.00 plus GST with annual CPI increases
 - → Require all affiliated clubs to hold free monthly 'come and try' events targeted at youth to encourage participation and showcase the sports associated with the facility. All costs associated with these events are to be at the expense of the SSA and documented proof of the events held will need to be provided to Council on an annual basis or as requested by Council
2. → Renew the freehold lease to the Stanthorpe Sports Association in accordance with one or a combination of any of the options outlined in the body of the report; and
3. → The annual rental amount be set at \$3,369.00 plus GST, with annual CPI increases; and
- 4.2. → Grant delegated authority to Council's Chief Executive Officer to negotiate the detailed road and field maintenance standards ~~extend the overholding period for the lease to enable finalisation of the new lease.~~
3. → Request the Stanthorpe Sports Association to explore future income streams to fund the operations of the Stanthorpe Sports Association

Carried

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

For: Crs R Bartley, A Gale, C Gow and V Pennisi (4)

Against: Crs M Giori, C McDonald, J McNally and S Windle (4)

Accordingly the Mayor declared the motion carried by use of his casting vote.

The following amendment to Recommendation 12.1 was put by Cr McNally

12.1.2 Amendment - Renewal of Tenure Over Lot 3 on Crown Plan BNT1745

Resolution

Moved Cr J McNally

Seconded Cr S Windle

THAT Council:

1. Renew the existing Freehold lease to the Stanthorpe Sports Association Incorporated including the following:
 - 5 x 5 year lease;
 - Annual rental amount be set at \$3,369.00 plus GST, with annual CPI increases;
 - Require all affiliated clubs to hold free monthly 'come and try' events targeted at youth to encourage participation and showcase the sports associated with the facility. All costs associated with these events are to be at the expense of the SSA and documented proof of the events held will need to be provided to Council on an annual basis or as requested by Council.
2. Grant delegated authority to the Chief Executive Officer to negotiate the detailed road and field maintenance standards and report back to Council with the financial implications before the Lease is finalised.
3. Request the Stanthorpe Sports Association to explore future income streams to fund the operations of the Stanthorpe Sports Association.
4. Grant delegated authority to Council's Chief Executive Officer to extend the overholding period for the lease to enable finalisation of the new lease.

Carried

12.1 Renewal of Tenure over Lot 3 on Crown Plan BNT1745

Resolution

Moved Cr A Gale

Seconded Cr C Gow

Moved

1. Renew the existing Freehold lease to the Stanthorpe Sports Association Incorporated including the following:
 - 5 x 5 year lease;
 - Annual rental amount be set at \$3,369.00 plus GST, with annual CPI increases;
 - Require all affiliated clubs to hold free monthly 'come and try' events targeted at youth to encourage participation and showcase the sports associated with the facility. All costs associated with these events are to be at the expense of the SSA and documented proof of the events held will need to be provided to Council on an annual basis or as requested by Council.
2. Grant delegated authority to the Chief Executive Officer to negotiate the detailed road and field maintenance standards and report back to Council with the financial implications before the Lease is finalised.
3. Request the Stanthorpe Sports Association to explore future income streams to fund the operations of the Stanthorpe Sports Association.
4. Grant delegated authority to Council's Chief Executive Officer to extend the overholding period for the lease to enable finalization of the new lease.

Carried

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

For: Crs R Bartley, A Gale, C Gow and V Pennisi (4)

Against: Crs M Giori, C McDonald, J McNally and S Windle (4)

Accordingly the Mayor declared the motion carried by use of his casting vote.

02:37 pm Cr S Tancred rejoined the meeting.

12.2 Corporate and Community Services Monthly Status Report

Resolution

Moved Cr J McNally

Seconded Cr M Giori

THAT Council receive and note the Corporate and Community Services Monthly Status Report.

Carried

12.3 Southern Downs Bushfire Sub-Plan - 13 October 2021

Resolution

Moved Cr C Gow

Seconded Cr R Bartley

THAT Council receive and endorse the Southern Downs Bushfire Sub-Plan – 13 October 2021

Carried

Cr Tancred declared a declarable conflict of interest in Agenda Item 12.4 as defined in Section 150ES(3) of the Local Government Act 2009 and following a resolution from Council remained in the meeting for the discussion and vote.

In accordance with Section 8.7 of Council's Meeting Policy, Cr McNally moved the following procedural motion.

12.4 Application for Permanent Road Closure - Road Reserve Off Torresan Road, Applethorpe

Resolution

Moved Cr J McNally

THAT the matter lay on the table to allow further information to be received.

Carried

Cr Tancred voted for the motion

12.5 Application for Temporary Road Closure - Part of Falla Lane, Leyburn

Resolution

Moved Cr M Giori

Seconded Cr S Windle

THAT Council advise the Department of Resources that Council does not object to the application for temporary road closure of part of Falla Lane, Leyburn adjoining Lot 1 on ML2108.

Carried

12.6 Show Holidays 2022

Resolution

Moved Cr R Bartley

Seconded Cr A Gale

THAT Council advise the Office of Industrial Relations of the following Show Holidays for 2022:

- | | | |
|----|-------------------------|-------------------------|
| a. | Allora Show Holiday | Friday February 4 2022 |
| b. | Killarney Show Holiday | Friday 18 February 2022 |
| c. | Stanthorpe Show Holiday | Friday 28 January 2022 |
| d. | Warwick Show Holiday | Friday 18 March 2022 |

Carried

12.7 Killarney & District Historical Society - Amendment to Lease

Resolution

Moved Cr R Bartley

Seconded Cr M Giori

THAT Council:

1. Approve the following amendment to the Killarney and District Historical Society Incorporated Freehold Lease:
 - Description of premises being leased from '*Part of Lot 1 on RP15702*' to '*The whole of Lot 1 on RP15702*',

in accordance with the *Local Government Regulation 2012* whilst adhering to the relevant provisions of *Council's Lease Policy*, the *Land Title Practice Manual* and *Land Act 1994*; and
2. Grant delegated authority to the Chief Executive Officer to negotiate any dealings relating to this matter.

Carried

13. INFRASTRUCTURE SERVICES REPORTS

13.1 Infrastructure Services Monthly Status Report

Resolution

Moved Cr C Gow

Seconded Cr C McDonald

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

Carried

13.2 Border District Eisteddfod Cabinet Request

Resolution

Moved Cr C Gow

Seconded Cr S Tancred

THAT Council approves the request for a trophy cabinet, provided by the Border District Eisteddfod, to be located at the Stanthorpe Civic Centre.

Carried

13.3 Memorial Plaque - Doug Mackenzie

Resolution

Moved Cr A Gale

Seconded Cr R Bartley

THAT Council approve the placement of a memorial plaque on the bench seat at Maryland Street and Railway Street, Stanthorpe.

Carried

The meeting adjourned at 3:00pm and reconvened at 3:09pm at which time there were present Crs Pennisi, Bartley, Gliori, Gow, McNally, Windle, Tancred, Gale and McDonald

14. PLANNING AND ENVIRONMENTAL SERVICES REPORTS

14.1 Planning & Environmental Services Monthly Status Report

Resolution

Moved Cr S Windle

Seconded Cr M Gliori

THAT Council notes the operational details as outlined in the Planning & Environmental Services Monthly Status Report.

Carried

14.2 Material Change of Use – Evelyn Cook, Barry-Jay J Cook and Leslie MB Cook C/- NSPIRE Planning & Design, 42 Careys Road, Emu Vale

Resolution

Moved Cr S Windle

Seconded Cr R Bartley

THAT the application for Material Change of Use for the purpose of Animal keeping (Breeding kennel - keeping up to 20 dogs) on land at 42 Careys Road, Emu Vale, described as Lot 1 SP239377, be deferred to the Ordinary Council Meeting scheduled for 29 October 2021 to consider revised Conditions.

Carried

3:42pm Cr Tancred left the meeting

3:43pm Cr Tancred rejoined the meeting

14.3 Reconfiguration of a Lot - JDA Consultants, Pitts Street, Stanthorpe

Resolution

Moved Cr A Gale

Seconded Cr S Tancred

THAT the application for Subdivision of two (2) into seven (7) lots and Access easement on land at Pitts Street, Stanthorpe, described as Lot 2 SP318902 (Inc Emt A) and Lot 4 SP318902 (Inc Emt B), be approved subject to conditions:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

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

Plan Name	Plan No.	Date
Proposed Subdivision of Pitts St. Stanthorpe prepared by JDA Consultants Pty Ltd	027/04 RRsa.dwg	3 March 2021

2. Where there is any conflict between the conditions of this approval and the details shown on

the approved plans and documents, the conditions of approval prevail.

Easements and Covenants

3. Easement A on Lot 2 SP318902 and Easement B on Lot 4 SP318902 are to be relinquished. The area of Easements A and B are to be dedicated as road reserve.

Note: To relinquish the Easements consent is required from the southern lot, Lot 14 RP12304.

4. A reciprocal easement for access purposes (from a constructed road) is to be provided over proposed Lots 2 and 5 in favour of both proposed Lots 2 and 5. A copy of the easement documentation is to be submitted to Council for approval prior to the signing of the Plan of Subdivision.

Amenity and Environmental Controls

5. All cleared or lopped timber and vegetation must be processed on site by wood chipping, mulching or similar method. 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 Protection Act 1994*.
6. Advertising Devices relating to the sale of the lots may only be erected on the subject land, i.e. Lots 2 and 4 SP18902. The location, size, type and content of any advertising sign or device located on the land is to be compatible with the character of the surrounding area. No advertising signs or devices are to be located on any other land, unless all applicable approvals are obtained under the Planning Scheme and the relevant local laws. No advertising signs or devices are to be located within the road reserve.

Fencing, Landscaping and Buffers

7. Hairy pittosporum trees (*Pittosporum tenuifolium*) are to be planted within the road reserve of the extension of Pitts Street. The trees are to be planted approximately 15.0 metres apart and on the eastern side of the sealed pavement. The trees are to be of a minimum height of 1.5 metres at the time of planting.
8. Within six (6) months of the Queensland Government's drought declaration being revoked for the Southern Downs Regional Council area, a vegetative buffer of 2.0 metres wide is to be provided along the eastern side boundary of proposed Lot 5 to form an effective buffer from nearby agricultural activity. The buffer area is to contain random plantings of a variety of native, drought hardy, frost resistant species of differing growth habits at spacings. The trees are to have a mature tree height of at least 3 metres.
9. The landscaped buffer referred to in the above condition shall be planted and maintained in accordance with the approved Landscaping Plan. Prior to approval of the Plan of Subdivision, a bond for the amount of \$5,000 shall be submitted to Council for the maintenance of this buffer. The bond must be in the form of cash, bank cheque or irrevocable bank guarantee. The bond shall be returned 12 months after the planting of the buffer in accordance with the above condition subject to the satisfactory establishment and maintenance of the buffer. Should the buffer not be provided, or the buffer is not maintained in accordance with the conditions of this approval, Council may call up the bond to undertake planting to satisfy the requirements of this approval. The terms and conditions of the bond will include details of its purpose and intended use. Council or its agents must be allowed access to the site to undertake any works required in accordance with this condition.
10. **A Landscaping Plan is to be submitted to and approved by Council's Planning Department prior to the approval of the Plan of Subdivision for the planting of the treed buffers.** The Landscaping Plan is to be prepared by an appropriately qualified person, and must include details of the location and species of plants, the irrigation system and the height and material of fencing. Plants are to be generally frost resistant and drought hardy, and must not include weed species. Root barriers are to be installed around

trees that are located within 3 metres of any underground infrastructure. The site is to be landscaped and maintained in accordance with the approved Landscaping Plan.

Car Parking and Vehicle Access

11. A concrete/sealed driveway at least 3.0 metres in width is to be constructed within the proposed Access easement to service proposed Lots 2 and 5. The driveway is to connect from the road.
12. Vehicle access is to be constructed to the proposed Lots 2 and 5 in accordance with Council's standard. (Council's Development Engineer can provide details regarding Council's standard.) The driveway is to be constructed to a minimum pavement width of 3.0 metres. Such entrance roadworks are to be sealed and are to 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 carriageway whilst the property gateway is being opened and/or closed.

Roadworks

13. 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.
14. New road construction must be provided to service the development with a minimum of 10 metres of road frontage of a bitumen standard, and with regard to stormwater management requirements.

Constructed road access to Lot 14 RP12304 (currently granted by an Access easement) is not to be compromised by any element of the stormwater management system or the relinquishment of Easement B, access to a constructed road is to be maintained.

15. New roads are to be a minimum of 20 metres wide with a sealed carriageway width of 8.5 metres (continuation of the existing Pitts Street geometry). The works are to include street tree planting, top dressing of the verge with good quality top soil, stormwater drainage and mountable kerb and channel. Alternate kerb types may be permitted as required for stormwater management.
16. The design and construction of roads within the development are to incorporate:
 - (a) All roads within the subdivision are to be designed to reduce traffic speeds. This 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.
 - (b) 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.

Stormwater Drainage

17. 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).

18. 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.
19. A Stormwater Management Plan for the proposed development is to be submitted with the application for Operational Works. The Stormwater Management Plan is to include details of:
 - Proposed stormwater drainage infrastructure and control measures;
 - Assessment of pre- and post-development flows;
 - Discharge points;
 - Impact assessment and mitigation measures to ensure a no worsening effect downstream;
 - Preservation of existing stream/gully flows; and
 - Environmental impact assessment of proposed stormwater control measures.

Water Supply and Wastewater

20. A reticulated water supply system, up to and including water meters, is to be provided to service all allotments. This system is to be connected to Council's water supply system.
21. A sewerage reticulation system is to be provided to service all allotments. This system is to be connected to Council's wastewater sewerage system.
22. The development is to comply with Council's policy *Works Near Water Supply and/or Sewerage Infrastructure Policy*, which requires an application to be submitted to Council for approval, prior to the commencement of the works. It is not desirable to build over the infrastructure; alternative arrangements should be sought.

Electricity, Street Lighting and Telecommunications

23. Underground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities. Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity and telecommunication connections, in accordance with the requirements of the relevant authorities prior to Council signing the Plan of Subdivision.
24. In accordance with the Federal Government's National Broadband Network (NBN) initiatives, the Developer (at the Developer's expense) is to install a fibre ready pit and pipe network (including trenching and ducting, design and third party certification) to NBN Co's specifications, to allow for the installation of Fibre-to-the-Premises (FTTP) broadband services. Any fibre provider may be used, provided they meet NBN specifications and open access requirements. Ownership of the infrastructure is to be transferred to NBN Co in exchange for the provision of fibre within that pit and pipe network. Prior to Council approving the plan of subdivision, written advice is to be provided from NBN Co that the pit and pipe network has been installed in accordance
25. LED street lighting shall be provided in accordance with AS/NZS 1158 - Lighting for Roads and Public Spaces.

Operational Works

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

Infrastructure Charges Notice

27. Payment of \$50,000 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) Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Workplace Health and Safety* legislation and *Public Health Act 2005*.
- (ii) The General Environmental Duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles dust, ash, fumes, light, odour or smoke, beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.
- (iii) The development permit on land at Pitts Street, Stanthorpe, described as Lots 12 & 13 BNT67 and Lots 15 & 16 RP12304, dated 17 April 2020 (RC\01229.04) is in conflict with the immediate development application.

As development has started in associated with RC\01229.04 the development permit cannot be cancelled in accordance with section 84 of the *Planning Act 2016*. It is to be noted that upon the signing of the Survey Plan of either development permits, it supersedes the conflicting development permit, unless subject to a Change application.

- (iv) This development permit does not waive assessable development under the Southern Downs Planning Scheme.

Should a Dwelling house be sought to be built on any land within the Rural zone this will incur a subsequent application for the purpose of a Material Change of Use.

- (v) No clearing of remnant vegetation or regulated regrowth vegetation is to occur under this approval. A Development Permit for Operational Works must be obtained from the Department of Infrastructure, Local Government and Planning for the clearing of any remnant vegetation, unless exempt under Schedule 21 of the *Planning Regulation 2017*.
- (vi) This area is expressly identified as being potentially impacted by lawful non-residential uses. In commencing a residential use, the owner(s) acknowledges and accepts that the use may be potentially impacted by emissions from the lawful non-residential use. It is the responsibility of the property owner(s) to take all measures necessary to ensure that the proposed dwelling is developed and maintained in such a way as to mitigate impacts from the surrounding lawful non-residential use. These measures must be undertaken at the expense of the property owner(s).
- (vii) 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.

An application for Works Over or Near Relevant Infrastructure is required to be submitted to Council's Water Department for approval prior to carrying any works over/near Council infrastructure.

- (viii) 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 plan showing ingress and egress wheel and swept turning paths;
- A Stormwater Management Plan;
- An Erosion and Sediment Control Plan;
- A geotechnical report addressing the filling of the site and make recommendations as to how it will be possible for such filling to achieve compliance with AS3798-2007 (as amended) “*Guidelines on Earthworks for Commercial and Residential Developments*”.

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

- (ix) 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.
- (x) 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.
- (xi) 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.
- (xii) All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

Aboriginal Cultural Heritage

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

Approval Times

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

Carried

14.4 Draft Southern Downs Planning Scheme - Sugarloaf Forestry Area

Resolution

Moved Cr J McNally

Seconded Cr S Tancred

THAT Council receive the report, note its contents and adopt an in-principle policy position for the purposes of public consultation that the Sugarloaf Forestry Area be rezoned.

Carried

Cr Giori declared a declarable conflict of interest in Agenda Items 14.5 and 14.6 as defined in Section 150EF(3) of the Local Government Act 2009 and left the meeting for the discussion and vote. Cr M Giori left the meeting at 3:56pm.

14.5 Draft Southern Downs Regional Council Invasive Pests Strategic Plan 2021-2024

Resolution

Moved Cr C Gow

Seconded Cr S Tancred

THAT Council adopt the Southern Downs Regional Council Invasive Pests Strategic Plan 2021-2024.

Carried

Attachments

1. Southern Downs Regional Council Invasive Pests Strategic Plan 2021-2024 - **Attached to the Minutes Under Separate Cover**

14.6 Pest Management Advisory Committee Meeting Minutes - 9 September 2021

Resolution

Moved Cr C Gow

Seconded Cr J McNally

THAT Council receive the Minutes of the Pest Management Advisory Committee meeting held at Stanthorpe on 9 September 2021 and endorse the following motions:

1. The Committee endorse in principle the Draft Southern Downs Regional Council Invasive Species Strategic Plan 2020-2024, with members to submit final feedback by COB Friday 24 September 2021;
2. To explore the option of redirecting the Killarney spur fence, because of the continued pressure of flooding from the Condamine River.

Carried

04:15 pm Cr M Giori rejoined the meeting.

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

15.1 Stanthorpe Community Reference Panel

Resolution

Moved Cr A Gale

Seconded Cr R Bartley

THAT the information in the report be received.

Carried

15.2 Maryvale Hall Committee

Resolution

Moved Cr R Bartley

Seconded Cr C Gow

THAT the information in the report be received.

Carried

15.3 Meeting with Minister for Regional Development and Manufacturing and Minister for Water

Resolution

Moved Cr C Gow

Seconded Cr A Gale

THAT the information in the report be received.

Carried

16. NOTICES OF MOTION

Nil

17. GENERAL BUSINESS

- Cr Windle asked whether Council will be assisting in co-ordinating the opening of the Leyburn Swimming Pool over the upcoming school holidays. The Chief Executive Officer will refer the request to the Manager Community and Commercial Services.

18. CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS

Nil

MEETING CLOSURE

There being no further business, the meeting closed at 4:21pm.