



**MINUTES OF THE
ORDINARY COUNCIL MEETING
21 FEBRUARY 2024**

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**MINUTES OF THE ORDINARY COUNCIL MEETING OF
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 21 FEBRUARY 2024
IN THE COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,
61 MARSH STREET, STANTHORPE AT 9:00AM**

ACKNOWLEDGEMENT TO COUNTRY

1. PRAYERS & CONDOLENCES

Rev Kaye Ronalds 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), Leon Love (Director Customer and Organisational Services), Ged Brennan (Acting Director Infrastructure Services), Scott Riley (Director Planning and Environmental Services), Gurbindar Singh (Chief Financial Officer), Jon Charles (Manager Sustainability and Strategy), Ron Van Haren (Project Management Officer), Angela O'Mara (Manager Planning and Development), Nicole Collett (Manager Environmental Services) and Marion Seymour (Minute Secretary)

3. APOLOGIES

Nil

4. READING AND CONFIRMATION OF MINUTES

4.1 Ordinary Council Meeting - 17 January 2024

Resolution

Moved Cr A Gale

Seconded Cr C Gow

THAT the minutes of the Ordinary Council Meeting held on Wednesday 17 January 2024 be adopted.

Carried

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Ordinary Council Meeting 17 January 2024

Resolution

Moved Cr R Bartley

Seconded Cr C Gow

THAT Council receive the report and note the contents.

Carried

6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precise	Nature of Conflict
10.1	Organisation Information Reports	Cr McDonald declared a declarable conflict of interest in this matter (as defined in Section 150ES(3) of the Local Government Act 2009) as a result of numerous complaints lodged against her for being a farmer and selling her cattle at the Warwick Saleyards. She does not believe a reasonable person could have a perception of bias because of her conflict, 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.
10.1	Organisation Information Reports	Cr Bartley declared a declarable conflict of interest in this matter (as defined in Section 150EQ(4)(a) of the <i>Local Government Act 2009</i>) as he is the subject of a complaint regarding the Warwick Saleyards and his selling cattle through that facility. As a result of Cr Bartley's conflict, he will leave the meeting room while the matter is considered and voted on.
10.1	Organisation Information Reports	Cr Gow declared a declarable conflict of interest in this matter (as defined in Section 150EQ(4)(a) of the <i>Local Government Act 2009</i>) as he is the subject of a complaint regarding the Warwick Saleyards and his selling cattle through that facility. As a result of Cr Gow's conflict, he will leave the meeting room while the matter is considered and voted on.
10.4	Investigation Report re Alleged Councillor Conduct Breach – OIA Matter Number C/23/00552 - Decision	Cr Tancred declared a declarable conflict of interest in this matter (as defined in Section 150EQ4(a) of the Local Government Act 2009) as he is mentioned in the matter, however he does not believe a reasonable person could have a perception of bias because of his 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 for the vote only and not participate in the discussion. Following a resolution from Council, Cr Tancred would not participate in any discussions, only voting on this matter.
10.4	Investigation Report re Alleged Councillor Conduct Breach – OIA Matter Number C/23/00552 - Decision	Cr Windle declared a declarable conflict of interest in this matter (as defined in Section 150EQ4(a) of the <i>Local Government Act 2009</i>) as a result of stating that she would be unable to be impartial and/or unbiased. As a result of Cr Windle's conflict, she will leave the meeting room while the matter is considered and voted on.
10.4	Investigation Report re Alleged Councillor Conduct Breach – OIA Matter Number C/23/00552 - Decision	Cr McNally declared a declarable conflict of interest in this matter (as defined in Section 150EQ4(a) of the <i>Local Government Act 2009</i>) as a result of stating that she would be unable to be impartial and/or unbiased. As a result of Cr McNally's conflict, she will leave the meeting room while the matter is considered and voted on.
10.4	Investigation Report re Alleged Councillor Conduct Breach – OIA Matter Number C/23/00552 -	Cr McDonald declared a declarable conflict of interest in this matter (as defined in Section 150EQ4(a) of the <i>Local Government Act 2009</i>) as she is the subject

	Decision	Councillor for this complaint. As a result of Cr McDonald's conflict, she will leave the meeting room while the matter is considered and voted on.
13.1	Material Change of Use – Consideration of Change Representations – Belinda J Hohenhaus and Jamie S Charles C/- Precinct Urban Planning 29 Homestead Road, Rosenthal Heights	Cr Tancred declared a declarable conflict of interest in this matter (as defined in Section 150EQ4(a) of the Local Government Act 2009) as he had previously engaged the Town Planner in this application to submit a planning development application on his behalf. He does not believe a reasonable person could have a perception of bias because of his 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.
13.1	Material Change of Use – Consideration of Change Representations – Belinda J Hohenhaus and Jamie S Charles C/- Precinct Urban Planning 29 Homestead Road, Rosenthal Heights	Mayor Pennisi declared a declarable conflict of interest in this matter (as defined in Section 150EQ4(a) of the Local Government Act 2009) as he had previously engaged the Town Planner in this application to submit a planning development application on his behalf. He does not believe a reasonable person could have a perception of bias because of his conflict. Therefore, Mayor Pennisi will choose to remain in the meeting, however he will respect the decision of the meeting on whether he can remain and participate in the decision. Following a resolution from Council, Mayor Pennisi participated in the discussion and voting on this matter.
13.4	Consideration of Change Representations – RC Property 5 Pty Ltd C/- Nspire Planning & Design: 33A Guy Street, Warwick	Cr Tancred declared a declarable conflict of interest in this matter (as defined in Section 150EQ4(a) of the Local Government Act 2009) as he has engaged Nspire Planning & Design to do some planning designs for a rental house renovation. He does not believe a reasonable person could have a perception of bias because of his 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.
13.4	Consideration of Change Representations – RC Property 5 Pty Ltd C/- Nspire Planning & Design: 33A Guy Street, Warwick	Cr McDonald declared a declarable conflict of interest in this matter (as defined in Section 150EQ4(a) of the Local Government Act 2009) as she has previously engaged Nspire Planning & Design to undertake planning designs. She does not believe a reasonable person could have a perception of bias because of her conflict. 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.
13.5	Consideration of Change Representations – Uniting Church in Australia Property Trust (Q) C/- Nspire Planning & Design: 12 Eucalyptus Street, Warwick	Cr Tancred declared a declarable conflict of interest in this matter (as defined in Section 150EQ4(a) of the Local Government Act 2009) as he has engaged Nspire Planning & Design to do some planning designs for a rental house renovation. He does not believe a reasonable person could have a perception of bias because of his 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.
13.5	Consideration of Change Representations – Uniting Church in Australia Property Trust (Q) C/- Nspire Planning & Design: 12 Eucalyptus Street, Warwick	Cr McDonald declared a declarable conflict of interest in this matter (as defined in Section 150EQ4(a) of the Local Government Act 2009) as she has previously engaged Nspire Planning & Design to undertake planning designs . She does not believe a reasonable person could have a perception of bias because of her conflict. 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.
17.1	Stanthorpe Regional Art Gallery and Library Expansion Project – Balance of Construction Work for the Project	Cr Windle declared a declarable conflict of interest in this matter (as defined in Section 150EQ4(a) and (b) of the <i>Local Government Act 2009</i>) as her husband is employed by one of the companies subcontracted to the project. As a result of Cr Windle’s conflict, she will leave the meeting room while the matter is considered and voted on.

6.1 Conflict of Interest - Cr McDonald: Agenda Item 10.1

Resolution

Moved Cr S Tancred

Seconded Cr S Windle

THAT Council, following the declarable conflict of interest declaration by Cr McDonald for Agenda Item 10.1, determines that it is in the public interest that she participates and votes on the matter as his declarable conflict is not of sufficient significance that it will lead her to making a decision on the matter that is contrary to the public interest and would not prevent her from performing his Councillor responsibilities and serving the public interest of the region by remaining in the room for the discussion and voting on the matter.

Carried

The following votes were recorded:

For: Crs Pennisi, Tancred, Gale, Windle, McNally and Giori

Against: Nil

Noting Cr Bartley and Cr Gow did not participate in the vote due to their Conflict of Interest.

6.2 Conflict of Interest - Cr Tancred: Agenda Item 10.4

Resolution

Moved Cr A Gale

Seconded Cr R Bartley

THAT Council, following the declarable conflict of interest declaration by Cr Tancred for Agenda Item 10.4, determines that it is in the public interest that he participates in the vote only on the matter, not in any discussion, as his declarable conflict is not of sufficient significance that it will lead him to making a decision on the matter that is contrary to the public interest and would not prevent him from performing his Councillor responsibilities and serving the public interest of the region by remaining in the room for the voting on the matter.

Carried

The following votes were recorded:

For: Crs Pennisi, Bartley, Gale and Gow
Against: Giori

Noting Cr McNally, Cr Windle and Cr McDonald did not participate in the vote due to their Conflict of Interest.

6.3 Conflict of Interest - Cr Tancred: Agenda Item 13.1

Resolution

Moved Cr A Gale

Seconded Cr R Bartley

THAT Council, following the declarable conflict of interest declaration by Cr Tancred for Agenda Item 13.1, determines that it is in the public interest that he participates and votes on the matter as his declarable conflict is not of sufficient significance that it will lead him to making a decision on the matter that is contrary to the public interest and would not prevent him from performing his Councillor responsibilities and serving the public interest of the region by remaining in the room for the discussion and voting on the matter.

Carried

The following votes were recorded:

For: Crs Pennisi, Bartley, Gale, Gow, McDonald, Windle, McNally and Giori
Against: Nil

6.4 Conflict of Interest - Cr Tancred: Agenda Item 13.4

Resolution

Moved Cr R Bartley

Seconded Cr A Gale

THAT Council, following the declarable conflict of interest declaration by Cr Tancred for Agenda Item 13.4, determines that it is in the public interest that he participates and votes on the matter as his declarable conflict is not of sufficient significance that it will lead him to making a decision on the matter that is contrary to the public interest and would not prevent him from performing his Councillor responsibilities and serving the public interest of the region by remaining in the room for the discussion and voting on the matter.

Carried

The following votes were recorded:

For: Crs Pennisi, Bartley, Gale, Gow, McDonald, Windle, McNally and Giori
Against: Nil

6.5 Conflict of Interest - Cr Tancred: Agenda Item 13.5

Resolution

Moved Cr R Bartley

Seconded Cr A Gale

THAT Council, following the declarable conflict of interest declaration by Cr Tancred for Agenda Item 13.5, determines that it is in the public interest that he participates and votes on the matter as his declarable conflict is not of sufficient significance that it will lead him to making a decision on the matter that is contrary to the public interest and would not prevent him from performing his Councillor responsibilities and serving the public interest of the region by remaining in the room for the discussion and voting on the matter.

Carried

The following votes were recorded:

For: Crs Pennisi, Bartley, Gale, Gow, McDonald, Windle, McNally and Giori

Against: Nil

The Mayor advised that he had a possible Declarable Conflict of Interest in relation to Agenda Item 13.1, and that he had inadvertently remained in the Chair while the conflict of interest for Cr Tancred was considered under Agenda Item 6.3. The Mayor apologised for his oversight and handed the Chair to the Deputy Mayor at 9:26am.

The Deputy Mayor took the Chair.

6.6 Conflict of Interest - Mayor Pennisi: Agenda Item 13.1

Resolution

Moved Cr A Gale

Seconded Cr S Windle

THAT Council, following the declarable conflict of interest declaration by Mayor Pennisi for Agenda Item 13.1, determines that it is in the public interest that he participates and votes on the matter as his declarable conflict is not of sufficient significance that it will lead him to making a decision on the matter that is contrary to the public interest and would not prevent him from performing his Councillor responsibilities and serving the public interest of the region by remaining in the room for the discussion and voting on the matter.

Carried

The following votes were recorded:

For: Crs Bartley, Gale, Gow, Windle, McNally and Giori

Against: Cr McDonald

Noting Cr Tancred did not participate in the vote due to his Conflict of Interest.

6.7 Conflict of Interest - Cr McDonald: Agenda Item 13.4

Resolution

Moved Cr C Gow

Seconded Cr A Gale

THAT Council, following the declarable conflict of interest declaration by Cr McDonald for Agenda Item 13.4, determines that it is in the public interest that she participates and votes on the matter as her declarable conflict is not of sufficient significance that it will lead her to making a decision on the matter that is contrary to the public interest and would not prevent her from performing his Councillor responsibilities and serving the public interest of the region by remaining in the room for the discussion and voting on the matter.

Carried

The following votes were recorded:

For: Crs Pennisi, Bartley, Gale, Gow, Windle, McNally and Giori

Against: Nil

Noting Cr Tancred did not participate in the vote due to his Conflict of Interest.

6.8 Conflict of Interest - Cr McDonald: Agenda Item 13.5

Resolution

Moved Cr A Gale

Seconded Cr C Gow

THAT Council, following the declarable conflict of interest declaration by Cr McDonald for Agenda Item 13.5, determines that it is in the public interest that she participates and votes on the matter as her declarable conflict is not of sufficient significance that it will lead her to making a decision on the matter that is contrary to the public interest and would not prevent her from performing her Councillor responsibilities and serving the public interest of the region by remaining in the room for the discussion and voting on the matter.

Carried

The following votes were recorded:

For: Crs Pennisi, Bartley, Gale, Gow, Windle, McNally and Giori

Against: Nil

Noting Cr Tancred did not participate in the vote due to his Conflict of Interest.

The Mayor requested that the conflict of interest for Cr Tancred in relation to Agenda Item 13.1 be considered again as the Mayor had inadvertently remained as Chair for that item.

Agenda Item 6.3.1 will supersede Agenda Item 6.3.

6.3.1 Conflict of Interest - Cr Tancred: Agenda Item 13.1

Resolution

Moved Cr A Gale

Seconded Cr C Gow

THAT Council, following the declarable conflict of interest declaration by Cr Tancred for Agenda Item 13.1, determines that it is in the public interest that he participates and votes on the matter as his declarable conflict is not of sufficient significance that it will lead him to making a decision on the matter that is contrary to the public interest and would not prevent him from performing his Councillor responsibilities and serving the public interest of the region by remaining in the room for the discussion and voting on the matter.

Carried

The following votes were recorded:

For: Crs, Bartley, Gale, Gow, Windle, McNally and Gliori

Against: Cr McDonald

Noting Cr Pennisi did not participate in the vote due to his Conflict of Interest.

9:29AM THE MAYOR RESUMED THE CHAIR.

7. MAYORAL MINUTE

Nil

8. READING AND CONSIDERATION OF CORRESPONDENCE

8.1 Correspondence

Resolution

Moved Cr A Gale

Seconded Cr S Windle

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

Carried

9. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

Nil

9:39am Cr Bartley and Cr Gow declared conflicts of interest in Agenda Item 10.1 and left the meeting for discussion relating to the Warwick Saleyards.

09:42 am Cr R Bartley and Cr Gow rejoined the meeting.

9:55am Cr Bartley and Cr Gow declared conflicts of interest in Agenda Item 10.1 and left the meeting.

Cr McDonald declared a conflict of interest in Agenda Item 10.1 and following a resolution from Council, participated in discussion and voting on the matter.

10. EXECUTIVE SERVICES REPORTS

10.1 Organisation Information Reports February 2024

Resolution

Moved Cr J McNally

Seconded Cr C McDonald

THAT Council note the contents of the attached Information Reports.

Carried

Cr McDonald voted for the motion.

9:56am Cr Bartley and Cr Gow rejoined the meeting.

10.2 Change of Date: Ordinary Council Meeting April 2024

Resolution

Moved Cr R Bartley

Seconded Cr C McDonald

THAT Council resolve to change the date of the Ordinary Council Meeting from Wednesday, 17 April 2024 to Friday, 19 April 2024.

Carried

10.3 Condamine Community Alliance

Resolution

Moved Cr S Windle

Seconded Cr A Gale

THAT Council receive the minutes of the Condamine Community Alliance meeting held on 18 January 2024.

Carried

9:58am Cr McDonald, Cr McNally and Cr Windle declared conflicts of interest in Agenda Item 10.4 and left the meeting.

Cr Tancred declared a conflict of interest in Agenda Item 10.4 and following a resolution from Council, only participated in voting on the matter.

10.4 Investigation Report re Alleged Councillor Conduct Breach - OIA Matter Number C/23/00552 – Decision

Resolution

Moved Mayor V Pennisi

Seconded Cr A Gale

THAT Council receive the report and note the Order made by the Mayor in relation to this matter.

Carried

Cr Tancred voted for the above motion.

9:59am Cr McNally and Cr Windle rejoined the meeting.

10:00am Cr McDonald rejoined the meeting.

11. CUSTOMER AND ORGANISATIONAL SERVICES REPORTS

11.1 Financial Services - Financial Report as at 31 January 2024

Resolution

Moved Cr S Tancred

Seconded Cr R Bartley

THAT Council receive and note the Financial Report as at 31 January 2024.

Carried

11.2 Closing Report and Management Letter - 2022-2023

Resolution

Moved Cr S Windle

Seconded Cr S Tancred

THAT Council receive and note the Final Management Letter and Closing Report relating to the 2022-23 external audit.

Carried

10:05am Cr Gliori left the meeting.

12. INFRASTRUCTURE SERVICES REPORTS

Nil

10:07am Cr Gliori rejoined the meeting.

13. PLANNING AND ENVIRONMENTAL SERVICES REPORTS

Mayor Pennisi declared a conflict of interest in Agenda Item 13.1 and following a resolution from Council, participated in discussion and voting on the matter.

Cr Tancred declared a conflict of interest in Agenda Item 13.1 and following a resolution from Council participated in discussion and voting on the matter.

13.1 Material Change of Use – Consideration of Change Representations – Belinda J Hohenhaus and Jamie S Charles C/-Precinct Urban Planning, 29 Homestead Road, Rosenthal Heights

Resolution

Moved Cr A Gale

Seconded Cr S Tancred

THAT Council agree in part with the change representations made in relation to the application for a Material Change of use to establish a Warehouse (Two (2) Sheds) on land at 29 Homestead Road, Rosenthal Heights, described as Lot 3 RP184516, and Condition 25 and the Infrastructure Charges Notice be amended as follows:

25. Homestead Road shall be upgraded from the southern boundary of the site for the full frontage of the proposed development footprint.

The upgrade shall include construction of the half road on the ~~western~~ eastern side of Homestead Road centreline to Council’s standard. This will provide a 4.0 metre sealed width from the road centreline and kerb and channel to match the existing alignment located at the corner of Homestead Road and Bracker Road.

Infrastructure Charges Notice:

Development Type	Network	Charge Rate	Proposed	Credit	Charge
Industry - Warehouse	Stormwater	\$8/impervious m ²	589.5m ²	-	\$4,716.00
	Other Transport	46% of \$25.02/m ² GFA	376.11m ²	-	\$4,328.72 \$9,410.27
TOTAL:					\$9,044.72 \$14,126.27

Office use only			
Network	Proportion of Charge	Charge/Network	Receipt Code
Transport	46%	\$4,328.72	RC241
Water supply	54% NA	\$5,081.55 Nil	RC244
Stormwater	100%	\$4,716.00	RC242

Carried

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

13.2 Other Change to Material Change of Use - Katrina & Russell Smith: Donges Road, Severnlea

Resolution

Moved Cr C McDonald

Seconded Cr R Bartley

THAT the application for an Other Change relating to a Material Change of Use for the purpose of a Dwelling house (not in accordance with buildings setbacks) on Lot 27 RP27134, located at Donges Road Severnlea, be approved and the conditions be amended as follows:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

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

Plan Name	Plan No.	Date
Site Plan – prepared by Greecer Consulting	20/1472/01	3 September 2021
Floor Plan – prepared by Greecer Consulting	20/1472/02	12 August 2021
Elevations – prepared by Greecer Consulting	20/1472/03	2 September 2021
Site Plan – Prepared by applicant	-	21 October 2023
Floor Plan – Prepared by applicant	-	-

- 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.

Building and Site Design

- 2A. The building is to be set back at least 7.5 metres from the northern property boundary.
3. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)
4. A copy of the Form 21 (Final Inspection Certificate) issued for the building works is to be provided to Council prior to the use commencing. (See advisory note below.)

Fencing, Landscaping and Buffers

- ~~A 5.0 metre wide tree planted, landscaping buffer is to be provided on either side of the Dwelling House in accordance with the extents shown on the approved 'Site Plan' (refer to Condition 4). One row of landscaping is to be planted along the northern boundary in line with the proposed Dwelling house to reduce any potential lawful nuisances from the adjoining property.~~ Advanced tree plantings that are a minimum height of 1.5 metres at the time of planting, are to be provided. Plants selected are to be generally frost resistant, drought hardy and must not include weed species. This landscaping strip must provide an effective buffer to minimise the potential for conflict with existing or potential uses on adjoining land such as the potential of odour, spray drift, noise and dust associated with horticulture.

5A. All earthworks, including batters must be fully contained within the site.

Car Parking and Vehicle Access

- Vehicle access is to be constructed to the site in accordance with Council's standard. (Council's Development Engineer can provide details regarding Council's standard.)
- The access must be unobstructed and be at least 3.0 metres wide with a clearance height of at least 3.0 metres must be provided from Donges Road to the Dwelling House and household water supply.

Water Supply and Waste water

- The proposed new dwelling is to be provided with on-site water storage as follows:
 - (a) if two bedrooms or less – 45,000 litres ; or
 - (b) if more than two bedrooms - 67,500 litres.

On-site water storage may include the provision of a bore, dams, water storage tanks or a combination of these.

- The site must be provided with a water storage reservoir having a minimum of 5000 litres of

water for emergency fire fighting purposes. Such storage must be provided in addition to the water supply capacity required for the use and must be provided in the form of either an accessible dam, swimming pool or rainwater tank. If storage is to be provided in a rainwater tank, water storage for fire fighting purposes must be provided either in a separate rainwater tank or a reserve section in the main water supply tank on which:

- (a) the domestic take off from the tank is at or above the 5000 litre point; and
- (b) standard rural fire brigade fittings are fitted to the tank outlet for access by rural fire services vehicles.

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

10. All sewage generated from this property must be disposed of by means of an on-site sewage facility (OSSF) in accordance with the AS/NZS 1547:2012 - *On-site Domestic Wastewater Management, Queensland Plumbing and Wastewater Code* and the *Standard Plumbing and Drainage Regulation 2019*.

Electricity, Street Lighting and Telecommunications

10A. Reticulated electricity connections must be provided to the proposed development to the standards of the relevant authorities.

OR

For electricity supply, a system capacity of at least 6.5KWh/day and back up for at least four days is to be provided. Fuel generators are not provided for the required energy supply or required back up.

Advisory Notes

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning and Environmental Services, prior to the use commencing, and then compliance maintained at all times while the use continues.
- (ii) Any proposal to increase the scale or intensity of the use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Planning Act 2016* and would have to comply with the requirements of the Planning Scheme.
- (iii) 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.
- (iv) **Plumbing and Drainage Approval is to be obtained** in accordance with the *Plumbing and Drainage Act 2018* for the proposed plumbing and drainage works. The application for Plumbing and Drainage approval must be submitted to Council with the appropriate **forms, plans and fees** associated with this application. A **Certificate of Compliance must be issued** for the works prior to the use commencing.
- (v) **Building Approval is to be obtained** for a Class 1a in accordance with the *Planning Act 2016* for the proposed building work. The building application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. The building plans are to accord with the plans approved in this approval. The building is to be constructed in accordance with the Building Approval prior to the commencement of the use. A **Form 21 (Final Inspection Certificate) must be issued for the building works prior to the use commencing.**

(v)A The Flood hazard overlay is based on a 1% Annual Exceedance Probability (AEP) flood event. An event of this size may occur, on average, once every 100 years, however it

may occur more frequently. Flood events may also be larger than the 1% AEP and therefore areas located outside of the overlay are not guaranteed of flood immunity.

(v)B This area is expressly identified as being potentially impacted by lawful non-residential uses. In commencing a residential use, the owner(s) acknowledges and accepts that the use may be potentially impacted by emissions from the lawful non-residential use. It is the responsibility of the property owner(s) to take all measures necessary to ensure that the proposed dwelling is developed and maintained in such a way as to mitigate odour, dust and noise impacts from the surrounding lawful non-residential use. These measures must be undertaken at the expense of the property owner(s).

- (vi) 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.
- (vii) A ~~Compliance~~ ~~Development~~ Permits for ~~Operational Works and~~ Plumbing and Drainage Works should be obtained prior to the issue of a Development Permit for Building Works.
- (viii) 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

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

Carried

13.3 Consideration of Change Representations - RC Property 5 Pty Ltd C/- Wolter Consulting Group Pty Ltd: 75-79 Greenup Street, Stanthorpe

Resolution

THAT Council refuse the change representations made in relation to the application for Reconfiguring a Lot (Subdivision (Two (2) lots into three (3) lots)), on land at 75-79 Greenup Street, Stanthorpe, described as Lots 128 & 129 RP31667 and Lot 9 RP194458.

Lapsed

Cr Tancred declared a conflict of interest in Agenda Item 13.4 and following a resolution from Council participated in discussion and voting on the matter.

Cr McDonald declared a conflict of interest in Agenda Item 13.4 and following a resolution from Council, participated in discussion and voting on the matter.

13.4 Consideration of Change Representations - Uniting Church In Australia Property Trust (Q) C/- NSPIRE Planning & Design: 33A Guy Street, Warwick

Resolution

Moved Cr C McDonald

Seconded Cr S Windle

THAT Council agree in part with the change representations made in relation to the application for a Material Change of Use for the purpose of Multiple dwelling (Ten (10) units) on land at 33A Guy Street, Warwick, described as Lot 1 SP109118, and Conditions 1, 15, 20 and 24 of approval be amended as follows:

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

<i>Plan Name</i>	<i>Plan No.</i>	<i>Date</i>
Site Plan – prepared by NSPIRE Planning & Design	101SP DA02	2 August 2023
Floor plan - Units 1 to 4 – prepared by NSPIRE Planning & Design	110FP DA01	3 April 2023
Floor plan - Units 5 to 10 – prepared by NSPIRE Planning & Design	111FP DA01	3 April 2023
Floor plan - Community centre – prepared by NSPIRE Planning & Design	112FP DA01	3 April 2023
Floor Plan and Elevations – Carports prepared by NSPIRE Planning & Design	113FP DA02	2 August 2023
Elevations - Units 1 to 4 – prepared by NSPIRE Planning & Design	201EL DA01	3 April 2023
Elevations - Units 5 to 10 – prepared by NSPIRE Planning & Design	202EL DA01	3 April 2023
Elevations - Community Centre – prepared by NSPIRE Planning & Design	203EL DA01	3 April 2023
External perspectives - Units 1 to 4 – prepared by NSPIRE Planning & Design	431PD DA01	3 April 2023
Auxiliary Site Plan – prepared by NSPIRE Planning & Design	102SP ADA01 102SP ADA02	1 September 2023 18 December 2023

- A screen fence 1.8 metres high shall be erected along the side and rear boundaries, and to define each courtyard, to provide visual screening. This screen fencing is to be provided at the developer's cost. This fencing shall reduce in height to be no more than 1.2 metres high forward of the building line.

The location of the 1.8 metre high screen fence located on the shared boundary, adjacent to the proposed driveway, between the subject land and Lot 2 RP65840 may be setback from the Guy Street entrance at a distance of approximately 30 metres. The fenced area is to be in line with the rear of the existing building immediately to the north of the proposed driveway.

There is no requirement to construct a 1.8 metre high screen fence on the shared boundary between the subject land (southern side) and Lot 2 SP109118 (northern side). Screening of the carport and approved landscaping along this boundary must be maintained.

- Landscaped areas in communal areas are to be provided on the site in accordance with Drawing No. 102SP ~~ADA01~~ ADA03 dated ~~01 September~~ 20 December 2023 prepared by

NSPIRE Planning & Design.

24. Vehicle access is to be constructed to the site in accordance with IPWEAQ Standard Drawings for residential and commercial driveways, and further detail can be provided by Council's Development Engineer. (See advisory note below.) All car parking and driveway areas shall be sealed, drained and regularly maintained. The driveways **associated with the entrance from Stacey Street must be treated with stencil or aggregate or similar**, and connect from the road.

Carried

Cr Tancred and Cr McDonald voted for the above motion.

Cr Tancred declared a conflict of interest in Agenda Item 13.5 and following a resolution from Council participated in discussion and voting on the matter.

Cr McDonald declared a conflict of interest in Agenda Item 13.5 and following a resolution from Council, participated in discussion and voting on the matter.

13.5 Consideration of Change Representations: Uniting Church In Australia Property Trust (Q) C/- NSPIRE Planning & Design - 12 Eucalyptus Street, Killarney

Resolution

Moved Cr C McDonald

Seconded Cr S Windle

THAT Council agree in part with the change representations made in relation to the application for a Material Change of Use for the purpose of Multiple dwelling (Four (4) units) on land at 12 Eucalyptus Street, Killarney, described as Lot 15 RP25370, and Conditions 1, 11, 13, 14, 17, and 25 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 the following proposal plans submitted with the application, and subject to the final development being amended in accordance with the conditions of this approval.

<i>Plan Name</i>	<i>Plan No.</i>	<i>Date</i>
<i>Site Plan – prepared by NSPIRE Planning & Design</i>	<i>22KUC 102SP Issue DA043 Sheet 2 of 8</i>	<i>7 September 20 December 2023</i>
<i>Floor Plan – Units 1 and 2 – prepared by NSPIRE Planning & Design</i>	<i>22KUC 110FP Issue DA01 Sheet 3 of 8</i>	<i>3 April 2023</i>
<i>Elevations – Units 1 and 2 – prepared by NSPIRE Planning & Design</i>	<i>22KUC 201EL Issue DA01 Sheet 4 of 8</i>	<i>3 April 2023</i>
<i>Floor Plan Units 3 & 4 – prepared by NSPIRE Planning & Design</i>	<i>22KUC 111FP Issue DA01 Sheet 5 of 8</i>	<i>3 April 2023</i>
<i>Elevations – Units 3 and 4 – prepared by NSPIRE Planning & Design</i>	<i>22KUC 202EL Issue DA01 Sheet 6 of 8</i>	<i>3 April 2023</i>
<i>Floor Plan – Community Area – prepared by NSPRE Planning & Design</i>	<i>22KUC 112FP Issue DA01 Sheet 7 of 8</i>	<i>3 April 2023</i>

Elevations – Community Area – prepared by NSPIRE Planning & Design	22KUC 203EL Issue DA01 Sheet 8 of 8	3 April 2023
Auxiliary Site Plan – prepared by NSPIRE Planning & Design (As amended by Council 15 November 2023)	22KUC 103SP Issue DA034	7 September 20 December 2023 (As amended by Council 15 November 2023)

Amenity and Environmental Controls

11. One set of wheelie bins (one general waste and one recycling bin) must be provided for each unit. The wheelie bins are to be stored within the courtyard of each dwelling unit and screened from view from all roads and public places. A concrete pad is to be provided for the two bins in an appropriate location within each courtyard. ~~Central waste storage area. A concrete pad and driveway is to be provided for the central waste storage area.~~
~~A 1.8 metre high solid screen fence is to be provided around the central waste storage area, to screen the area from public places.~~

Fencing, Landscaping and Buffers

13. A screen fence 1.8 metres high shall be erected along the southern and western boundaries within the defined development area as per the Auxiliary Site Plan - 22KUC 103SP Issue DA03, dated 20 December 2023, prepared by NSPIRE Planning & Design, and to define each courtyard, to provide visual screening. This screen fencing is to be provided at the developer's cost. This fencing shall reduce in height to be no more than 1.2 metres high within 6.0 metres of the forward of the building line.
14. Screen fencing 1.8 metres high shall be erected for the provision of private open space for each dwelling unit, ~~and surrounding the central waste storage area,~~ and is to be provided in accordance with Auxiliary Site Plan - 22KUC 103SP Issue DA034, dated ~~7 September 20 December 2023~~, prepared by NSPIRE Planning & Design ~~—As amended by Council, 15 November 2023.~~
17. Landscaping areas are to include the following, ~~as illustrated in the diagram below:~~
- (a) A three (3) metre wide landscaped area is to be planted along ~~both~~ the northern boundary of the defined development area and eastern property frontages, to provide a visual buffer.
 - (b) A one (1) metre wide landscaped area is to be planted along the southern and western boundaries of the defined development area to provide a visual buffer.
 - ~~(c) A minimum one (1) metre wide landscaped area is to be planted along the eastern, southern, and western sides of the central waste storage area to provide a visual buffer and screen the waste storage area from the street and adjoining properties.~~

Water Supply and Waste water

25. The proposed dwelling units are to be connected to Council's reticulated water supply system and sewerage system in accordance with the Queensland Plumbing and Wastewater Code. A separate ~~water connection (including water meter)~~ is to be provided for each dwelling unit within the development. A ~~separate~~ sewerage connection is to be provided for the development ~~each dwelling unit~~. Each dwelling unit is to include a separate treatment device (septic tank).

Carried

Cr Tancred and Cr McDonald voted for the above motion.

13.6 Darling Downs-Moreton Rabbit Board Proposed Budget and Operational Plan 2024/2025

Resolution

Moved Cr C Gow

Seconded Cr S Windle

THAT Council resolve to endorse the Darling Downs-Moreton Rabbit Board proposed budget and operational plan for 2024/25.

Carried

13.7 Pest Management Advisory Committee Meeting

Resolution

Moved Cr C Gow

Seconded Cr A Gale

THAT Council receive the Minutes of the Pest Management Advisory Committee meeting held in Stanthorpe on Thursday, 14 December 2023.

Carried

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

14.1 Regional Water Assessment Stakeholder Advisory Group

Resolution

Moved Cr S Tancred

Seconded Cr A Gale

THAT the information in the report be received.

Carried

The meeting adjourned for morning tea 10:31am and reconvened at 10:45am at which time there were present Mayor Pennisi, Crs Bartley, McDonald, Windle, McNally, Gliori, Tancred, Gow and Gale.

14.2 Border Regional Organisation of Council

Resolution

Moved Cr A Gale

Seconded Cr R Bartley

THAT Council receive the verbal report from Cr Gale in relation his attendance at the recent meeting of the Border Regional Organisation of Councils in Brewarrina on 16 February 2024.

Carried

13.3.1 Alternate Motion - Consideration of Change Representations - RC Property 5 Pty Ltd C/- Wolter Consulting Group Pty Ltd: 75-79 Greenup Street, Stanthorpe

Resolution

Moved Cr R Bartley

Seconded Cr S Windle

THAT Council approve the change representations made in relation to the application for Reconfiguring a Lot (Subdivision (Two (2) lots into three (3) lots)), on land at 75-79 Greenup Street, Stanthorpe, described as Lots 128 & 129 RP31667 and Lot 9 RP194458 and that Condition 12 be removed, for the following reason:

1. Given the minor scale of this development there will not be any significant impacts on the current amenity, safety and convenience, and stormwater flows.

Carried

15. NOTICES OF MOTION

Nil

16. GENERAL BUSINESS

16.1 CR MCDONALD RESPONSE TO ORDER – OIA MATTER NUMBER C/23/00552

PURSUANT TO SECTION 150AH(B) OF THE LOCAL GOVERNMENT ACT 2009 AND COUNCIL'S DELEGATION TO THE MAYOR IN RELATION TO OIA MATTER NUMBER C/23/00552, CR MCDONALD ISSUED A PUBLIC APOLOGY FOR HER CONDUCT BREACH TOWARDS CR TANCRED IN ACCORDANCE WITH THE ORDER MADE BY MAYOR PENNISI.

17. CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS

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

Recommendation

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

17.1 Stanthorpe Regional Art Gallery and Library Expansion Project - Balance of Construction Work for the Project

Reason for Confidentiality

This item is considered confidential in accordance with section 254J(3)(g) of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

Meeting In Camera

Resolution

Moved Cr A Gale

Seconded Cr M Gliori

THAT the meeting move into closed session.

Carried

The Meeting moved into closed session at 10:53am.

10:54am Cr Windle left the meeting during discussion on Agenda Item 17.1.

11:20am Cr Windle rejoined the meeting.

Meeting Out Of Camera

Resolved

THAT the meeting resume in open session at 11:21am.

Carried

11:21am Cr Windle declared a conflict of interest in Agenda Item 17.1 and left the meeting.

17.1 Stanthorpe Regional Art Gallery and Library Expansion Project - Balance of Construction Work for the Project

Resolution

Moved Cr A Gale

Seconded Cr C Gow

THAT Council, having received no response to the "Show Cause Notice" of 9 February 2024 issued to St Hillier's Contracting Pty Ltd under clauses 39.2 and 39.3 of the General Conditions of Contract for the Stanthorpe Regional Art Gallery and Library Expansion Project (the Project), authorises the Chief Executive Officer to execute on this take out under the existing General Conditions of Contract as required.

Carried

Resolution

Moved Cr S Tancred

Seconded Cr A Gale

THAT Council:

1. Note that Ministerial approval has been received under section 90B of the Local Government Act 2009 to make this major policy decision.
2. Pursuant to section 235(a) of the Local Government Regulation 2012, is satisfied that there is only 1 supplier who is reasonably available to it to complete the balance of construction work on the Stanthorpe Regional Art Gallery and Library Expansion Project given the nature of the work and urgency to complete the Project;
3. Subsequent to the take out provisions being triggered under clause 39.4(a) of the General Conditions of Contract for the Project, appoint ICM Constructions Pty Ltd as the Contractor to complete the works on behalf of Council under clause 39.5 of the General Conditions of Contract for the Project;
4. Delegate authority to the Chief Executive Officer to enter into the necessary contracts with ICM Constructions Pty Ltd and third parties (including subcontractors) for ICM Constructions Pty Ltd to complete the balance of construction work on the Stanthorpe Regional Art Gallery and Library Expansion Project; authorise the Chief Executive Officer to approve any reasonable variations associated with the contract;
5. Council allocate additional funds in the third quarter budget review to allow the completion of the Stanthorpe Regional Art Gallery and Library Expansion Project to a pre-fitout stage.

Carried

11:25am Cr Windle rejoined the meeting.

MEETING CLOSURE

There being no further business, the meeting closed at 11:25am.