



**MINUTES OF THE
ORDINARY COUNCIL MEETING
19 APRIL 2024**

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**MINUTES OF THE ORDINARY COUNCIL MEETING OF
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 19 APRIL 2024
IN THE COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,
61 MARSH STREET, STANTHORPE AT 9:00 AM**

ACKNOWLEDGEMENT TO COUNTRY

1. PRAYERS

Rev Peter Evans of Stanthorpe Presbyterian Church offered a prayer for the meeting.

2. ATTENDANCE

Present: Crs Hamilton (Chair), Bartley, Deane, Harslett, McDonald, Pidgeon, Richters, Wantling and Windle

Officers: Dave Burges (Chief Executive Officer), Leon Love (Director Customer and Organisational Services), Scott Riley (Director Planning and Environmental Services) Di Woolley (Manager People and Culture), Izelle Barnard (Communications and Marketing Coordinator), Gurbindar Singh (Chief Financial Officer), Belinda Armstrong (Manager Community Services), Chris Collingwood (Manager Parks and Operations), James Varughese (Manager Works), Graham Sweetlove (Manager Water), Angela O'Mara (Manager Planning and Development), Nicole Collett (Manager Environmental Services), Michael Hefferan (Manager Economic Development) and Marion Seymour (Minute Secretary)

3. APOLOGIES

Nil

4. READING AND CONFIRMATION OF MINUTES

4.1 Ordinary Council Meeting - 13 March 2024

Resolution

Moved Cr C McDonald

Seconded Cr S Windle

THAT the minutes of the Ordinary Council Meeting held on Wednesday 13 March 2024 be adopted.

Carried Unanimously

4.2 Special Council Meeting - 3 April 2024

Resolution

Moved Cr J Richters

Seconded Cr M Harslett

THAT the minutes of the Special Council Meeting held on Wednesday 3 April 2024 be adopted.

Carried Unanimously

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Ordinary Council Meeting 13 March 2024 and Post-Election Special Council Meeting 3 April 2024

Resolution

Moved Cr S Windle

Seconded Cr C McDonald

THAT Council receive the report and note the contents.

Carried Unanimously

6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precis	Nature of Conflict
7.1	Mayoral Minute - Operation and Management of the Allora Swimming Pool	Cr Pidgeon declared a declarable conflict of interest in this matter (as defined in Section 150EQ(4)(a) of the Local Government Act 2009) as she has an association with the Swimming Club and Coach. She does not believe a reasonable person could have a perception of bias because of her conflict, however Cr Pidgeon will choose to remain in the meeting for discussion but not vote on the matter. However, she will respect the decision of the meeting on whether she can remain in the meeting for discussion only. Following a resolution from Council, Cr Pidgeon participated in the discussion only on this matter.
10.2	Organisation Information Reports April 2024	Cr McDonald declared a declarable conflict of interest in this matter (as defined in Section 150EQ(4)(a) of the Local Government Act 2009) as she has two complaints lodged against her for being a farmer and voting on the implementation of scales 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.
11.6	Application for Trusteeship over Lot 1 on SP312458 – Amiens History Society	Cr Wantling declared a declarable conflict of interest in this matter (as defined in Section 150EQ(4)(a) of the Local Government Act 2009) as he has historical and current ties to the group. He does not believe a reasonable person could have a perception of bias because of his conflict, therefore Cr Wantling 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 Wantling participated in the discussion and voting on this matter.
11.6	Application for Trusteeship over Lot 1 on SP312458 – Amiens History Society	Cr Harslett declared a declarable conflict of interest in this matter (as defined in Section 150EQ(4)(a) of the Local Government Act 2009) as she previously held roles of President and Treasurer of the group. She does not believe a reasonable person could have a perception of bias because of her conflict, therefore Cr Harslett 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 Harslett participated in the discussion and voting on this matter.
12.1	Warwick Pistol Club Request for	Cr Bartley declared a declarable conflict of interest in this matter

	In-kind Donation	(as defined in Section 150EQ(4)(a) of the Local Government Act 2009) as he is a long term member of the Club, but not an Executive Member. He does not believe a reasonable person could have a perception of bias because of his conflict, however Cr Bartley will choose to remain in the meeting for discussion but not vote on the matter. However, he will respect the decision of the meeting on whether he can remain in the meeting for discussion only. Following a resolution from Council, Cr Bartley participated in the discussion only on this matter.
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6.1 Conflict of Interest - Cr Pidgeon - Agenda Item 7.1

Resolution

Moved Cr J Richters

Seconded Cr C McDonald

THAT Council, following the declarable conflict of interest declaration by Cr Pidgeon for Agenda Item 7.1, determines that it is in the public interest that she participates in discussion only 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 only on the matter.

Carried Unanimously

The following votes were recorded:

For: Crs M Hamilton, R Bartley, S Deane, M Harslett, C McDonald, J Richters, R Wantling and S Windle (8)

Against: Nil (0)

6.2 Conflict of Interest - Cr McDonald - Agenda Item 10.2

Resolution

Moved Cr J Richters

Seconded Cr S Deane

THAT Council, following the declarable conflict of interest declaration by Cr McDonald for Agenda Item 10.2 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 Unanimously

The following votes were recorded:

For: Crs M Hamilton, S Deane, M Harslett, C Pidgeon, J Richters, R Wantling and S Windle (7)

Against: Nil (0)

Noting Cr Bartley did not participate in the vote due to a previously declared Conflict of Interest.

6.3 Conflict of Interest - Cr Wantling - Agenda Item 11.6

Resolution

Moved Cr J Richters

Seconded Cr S Windle

THAT Council, following the declarable conflict of interest declaration by Cr Wantling for Agenda Item 11.6, 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 Unanimously

The following votes were recorded:

For: Crs M Hamilton, R Bartley, S Deane, C McDonald, C Pidgeon, J Richters, and S Windle (7)

Against: Nil (0)

Noting Cr Harslett did not participate in the vote due to her Conflict of Interest.

6.4 Conflict of Interest - Cr Harslett - Agenda Item 11.6

Resolution

Moved Cr S Windle

Seconded Cr C McDonald

THAT Council, following the declarable conflict of interest declaration by Cr Harslett for Agenda Item 11.6, 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 Unanimously

For: Crs M Hamilton, R Bartley, S Deane, C McDonald, C Pidgeon, J Richters and S Windle (7)

Against: Nil (0)

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

6.5 Conflict of Interest - Cr Bartley - Agenda Item 12.1

Resolution

Moved Mayor M Hamilton

Seconded Cr J Richters

THAT Council, following the declarable conflict of interest declaration by Cr Bartley for Agenda Item 12.1, determines that it is in the public interest that he participates in discussion only on the matter as her 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 on the matter.

Carried Unanimously

For: Crs M Hamilton, S Deane, M Harslett, C McDonald, C Pidgeon, J Richters, R Wanting and S Windle (8)

Against: Nil (0)

Cr Pidgeon declared a conflict of interest in Agenda Item 7.1, and following a resolution from Council participated in discussion only on the item

7. MAYORAL MINUTE

7.1 Mayoral Minute - Operation and Management of the Allora Swimming Pool

Resolution

Moved Mayor M Hamilton

THAT the Chief Executive Officer review the decision in relation to the management arrangements of the Allora Pool.

Carried Unanimously

Cr Pidgeon did not vote on Agenda Item 7.1

8. READING AND CONSIDERATION OF CORRESPONDENCE

8.1 Correspondence

Resolution

Moved Cr R Bartley

Seconded Cr R Wantling

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

Carried Unanimously

9. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

Nil

10. EXECUTIVE SERVICES REPORTS

10.1 Schedule for Council Meetings and Information Sessions

Resolution

Moved Cr J Richters

Seconded Cr S Windle

THAT Council adopt the attached Schedule for Council Meetings for May to December 2024.

Carried Unanimously

Attachments

1. Schedule for Council Meetings May to December 2024 - **Attached to the Minutes Under Separate Cover**

09:19 am Cr R Bartley left the meeting a during discussion on the Warwick Saleyards as part of Agenda Item 10.2 due to a previously declared conflict of interest.

09:29 am Cr R Bartley rejoined the meeting.

Cr McDonald declared a conflict of interest in Agenda Item 10.2, and following a resolution from Council participated in discussion and voting on the item

10.2 Organisation Information Reports April 2024

Resolution

Moved Cr S Windle

Seconded Cr J Richters

THAT Council note the contents of the Organisation Information Reports.

Carried Unanimously

Cr McDonald voted for Agenda Item 10.2

10.3 Quarterly Organisation Information Reports April 2024

Resolution

Moved Cr J Richters

Seconded Cr M Harslett

THAT Council note the contents of the Quarterly Organisation Information Reports.

Carried Unanimously

10.4 2024 LGAQ Civic Leaders Summit

Recommendation

THAT Council consider the attendance of the Mayor and Deputy Mayor at the 2024 LGAQ Civic Leaders Summit being held at HOTA, Gold Coast from 21 – 22 May 2024.

Lapsed

10.5 ALGA National General Assembly 2024

Resolution

Moved Mayor M Hamilton **Seconded Cr S Windle**

THAT Council defer consideration of attendance at the Australian Local Government Association 2024 National General Assembly to the May Ordinary Council Meeting.

Carried Unanimously

10.6 LGAQ Policy Executive Nominations 2024 - 2028

Recommendation

THAT Council consider making a nomination for District No. 4 – Darling Downs Representative to the LGAQ's Policy Executive for the period 2024-2028.

Lapsed

10.7 Procurement Exception - Small Business Resilience Suite

Resolution

Moved Cr J Richters **Seconded Cr S Windle**

THAT:

1. Council resolves, pursuant to Section 235 (b) of the *Local Government Regulation 2012*, it would be impractical or disadvantageous to request quotes or tenders in relation to the management of funding from the Department of Employment, Small Business and Training - Locally Led Economic Recovery Program (LLER) – 2024 due to the specialised nature of the work; and
2. The two local Chambers of Commerce (Warwick and Stanthorpe & Granite Belt) are uniquely placed to deliver the separate identified project deliverables, owing to their direct links to the small business community; and
3. The elements of the LLER Program identified in this report, specifically deliverables 1, 2 and 3 be outsourced to the Warwick Chamber of Commerce and the Stanthorpe & Granite Belt Chamber of Commerce.

Carried Unanimously

10:30am *Presentation of the following Staff Recognition of Service Awards:*

*Wayne McCosker for 35 years of service
Heath Tomkins for 30 years of service*

The meeting adjourned for morning tea at 10:40am and reconvened at 11:13am at which time there were present Crs Hamilton, Windle, Harslett, Deane, Pidgeon, Richters, McDonald, Wantling and Bartley.

An updated Council Report in relation to Agenda Item 13.1 was tabled at the meeting, with hard copies provided to Councillors. A copy of that Report will be attached to these Minutes.

13.1 Material Change of Use – Holly & Guy Collier C/- Adapt Development Management Pty Ltd: 49 Connor Street, Stanthorpe

Resolution

Moved Cr J Richters

Seconded Cr S Deane

THAT the application for Material Change of Use for the purpose of a Dwelling house (within the Flood hazard overlay) on land at 49 Connor Street, Stanthorpe, described as Lots 1 & 2 S16814, be approved with the following conditions:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

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

Plan Name	Drawing No.	Date
Proposed site plan – Revision B	BA-03	16 August 2023, received by Council on 17 April 2024
Proposed floor plan – Revision A, as amended by Council	BA- 04	1 June 2023, amended by Council on 17 April 2024

- 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.
- An amended site plan, floor plan and building elevations **are to be submitted to and approved by Council’s Planning Services team prior to the issue of a Development Permit for Building Work.** Construction of the Dwelling house is to be provided and maintained in accordance with the approved details.

Land Use and Planning Controls

- This approval allows for the use of the site for the following uses only:
 - Dwelling house (within the Flood hazard overlay)

Building and Site Design

- The existing Dwelling house on Lot 1 S16814 is to be demolished before a Form 21 (Final Inspection Certificate) is issued for the proposed Dwelling house.
- The floor level of the proposed Dwelling house must have a finished floor level with at least 500 millimetres freeboard above the Defined Flood Event (Q100 Level), and any part of the building that falls below that level must allow for the free flow-through of water.
- The use of solid blocks as a foundation for a structure or for screening is prohibited within the Flood hazard overlay.
- All structures are to be outside of the Flood hazard overlay, flood depth of 0.50 metres.
- Written confirmation is to be provided to Council’s Planning Services team, prior to the issue of a Development Permit for Building Work, confirming that no filling associated with the Dwelling house has occurred within the Flood hazard overlay. The written confirmation is to be provided by a suitably licensed land surveyor in Queensland.
- Written confirmation is to be provided to Council’s Planning Services team, prior to the issue of a Development Permit for Building Work, confirming that the new siting of the Dwelling

house does not increase the risk outlined within the flood impact assessment report, prepared by Crecer Consulting Engineers, received in March 2024 by Council, for the site.

11. Battening must be provided to the area underneath the building. At least 50% of the battening area must be open to allow the flow through of water in a flood event.
12. The area underneath the building is not to be used for storage.
13. Any fencing associated with the development must be at least 50% open to allow for the flow through of water during a flood event.
14. The building setback from the Connor Street frontage may be in line with the existing shed structure immediately to the west of the proposed site.
15. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)
16. 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.)
17. No expansion of the Dwelling house area or structures extending the Dwelling house footprint, are to occur within the Flood hazard overlay without prior approval of Southern Downs Regional Council.

Amenity and Environmental Controls

18. During the construction phase of the development, all wastes must be separated into recyclables (where possible) and landfill wastes, and disposed of at an approved waste management facility.
19. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
20. The cleaning of plant equipment and vehicles must be carried out in an area where wastewater can be suitably managed so as not to cause contaminants to release into waterways or overland flow paths.

Fencing, Landscaping and Buffers

21. Retaining structures and their foundations must be wholly contained within private allotments and not be constructed as Council owned infrastructure.
22. All earthworks, including batters and filling, must be fully contained within the site and not be located in the Flood hazard overlay.
23. The street trees within the road reserve of Connor Street are to be retained. These trees are to be protected during construction. If it is not possible to design the development to preserve all the trees in their current locations, the tree/s must be relocated at the developer's cost. The relocation of the tree/s is to be carried out by a suitably qualified and experienced person. If the tree/s die within 12 months of the relocation, the dead tree must be replaced with an advanced tree of the same species and height.

Roadworks

24. 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.

Stormwater Drainage

25. The proposed development must have a lawful point of discharge determined in accordance with the *Queensland Urban Drainage Manual* (QUDM). A stormwater management plan, including plans for any proposed stormwater infrastructure, may be required to demonstrate compliance with QUDM. Any required stormwater management plan must be prepared by a suitably qualified RPEQ and submitted for endorsement by Council prior to the

commencement of the use.

For any proposed use where it cannot be satisfactorily demonstrated that storm-water associated with the use can be directed to the frontage kerb or alternative lawful point of discharge, an inter-allotment drainage system must be designed and constructed in accordance with QUDM.

Inter-allotment drainage systems and overland flow paths, including those affecting adjacent properties, must be wholly contained within easements. Easements are to have a minimum width of three (3) metres, and be provided to Council at no cost to Council.

Water Supply and Waste water

26. A reticulated water supply system, up to and including water meters, is to be provided to service the building. This system is to be connected to Council's water supply system.
27. A sewerage reticulation system is to be provided to service the building. This system is to be connected to Council's wastewater sewerage system.
28. 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.

Electricity, Street Lighting and Telecommunications

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

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) It is encouraged that you arrange for a free compliance inspection to be carried out prior to the use commencing. This will involve a physical inspection of the premises along with an internal audit of Council's records. Written advice will be provided for your records advising if compliance with the conditions has been achieved.
- (iv) Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Workplace Health and Safety* legislation and *Public Health Act 2005*.
- (v) The 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.
- (vi) **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.
- (vii) **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.**

- (viii) From 1 July 2022 in Southern Downs Regional Council area Queensland Development Code MP4.2 will be applicable for any new class 1 buildings. Rainwater tanks with a minimum capacity of 5,000 litres are required for all new dwellings in water reticulated areas. Tanks are to be plumbed to service toilets, washing machines and an outdoor tap in accordance with the *Plumbing and Drainage Act 2018*. Appropriate area on the subject lot will be required to ensure compliance with these mandatory provisions.
- (ix) 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.
- (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 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.
- (xiii) Any retaining structures above one metre in height must be separately certified for structural adequacy by a Registered Professional Engineer of Queensland at design submission and also on completion of construction for compliance with the design.

A detailed inspection and as constructed record must be provided to Council by a Registered Professional Engineer of Queensland, prior to acceptance of the works, including certification that the wall's foundation ground conditions nominated in the design were inspected and achieved during construction.

The approved design and/or construction of the retaining walls must not be modified or altered without Council's prior written approval.

Telecommunications in New Developments

- (xiv) For information for developers and owner builders, on important Commonwealth telecommunication rules that need to be complied with, visit [www.infrastructure.gov.au\tind](http://www.infrastructure.gov.au/tind)

Aboriginal Cultural Heritage

- (xv) 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 Unanimously

Cr Bartley declared a conflict of interest in Agenda Item 12.1 and following a resolution from Council participated in discussion only on the item

12.1 Warwick Pistol Club Request for In-kind Donation

Resolution

Moved Cr J Richters

Seconded Cr S Windle

THAT Council delegate to the Chief Executive Officer to negotiate a community assistance loan for the Warwick Pistol Club, and failing a successful negotiation, that the item be referred for consideration as part of the Draft 2024/2025 budget deliberations.

Carried Unanimously

Cr Bartley did not vote on Agenda Item 12.1

10.8 Councillor Portfolios and Representation on Committees

Resolution

Moved Cr M Harslett

Seconded Cr S Deane

THAT Council:

1. Adopt the Councillor Portfolio Policy as presented, including the portfolio details and representatives as detailed in Addendum A of the Policy; and
2. Adopt the appointment of Councillor representatives to various committees and organisations as detailed in this report.

Carried Unanimously

11. CUSTOMER AND ORGANISATIONAL SERVICES REPORTS

11.1 Financial Services - Financial Report as at 31 March 2024

Resolution

Moved Cr R Wantling

Seconded Cr C Pidgeon

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

Carried Unanimously

11:47 am Cr R Bartley left the meeting during discussion on a query raised regarding the Agenda Item 11.2.

11:52 am Cr R Bartley rejoined the meeting.

11.2 Third Quarter Budget Review 2023-24

Resolution

Moved Cr M Harslett

Seconded Cr J Richters

THAT Council adopt the Amended 2023/24 Budget as presented in the attachments to the report.

Carried Unanimously

11.3 Operational Plan Update

Resolution

Moved Cr J Richters

Seconded Cr S Deane

THAT Council receive and note the contents of the 2023/24 Operational Plan Second Quarter Review.

Carried Unanimously

11.4 RFT 24_070 Tender - Disposal of Freehold Vacant Land

Resolution

Moved Cr R Bartley

Seconded Cr M Harslett

THAT:

1. Council accept the following tenders pursuant to section 227 of the *Local Government Regulation 2012*:

Lot on Plan	Location	Tenderer
Lot 6 on L1824	Toowoomba-Karara Road, Leyburn	Ian & Carolyn Keans
Lot 11 on L183	Unnamed Road, Leyburn	Warren & Alyson Norton

2. Council not accept a tender for Lot 612 on ML2301, Moffatt Street, Maryvale pursuant to section 228(9) of the *Local Government Regulation 2012* and instead list the land for sale with a local real estate agent;
3. Council delegate to the Chief Executive Officer the power to set a reserve price for Lot 612 on ML2301 and to accept offers in accordance with section 228(10) of the *Local Government Regulation 2012*.
4. Council authorise the Chief Executive Officer to finalise the terms and conditions of the above sales and Titles Queensland land transfer documents.

Lost

The following votes were recorded:

For: Crs R Bartley, M Harslett, C Pidgeon and R Wantling (4)

Against: Crs S Deane, M Hamilton, C McDonald, J Richters and S Windle (5)

11.4.1 RFT 24_070 Tender - Disposal of Freehold Vacant Land - Amendment

Resolution

Moved Cr J Richters

Seconded Cr S Deane

THAT:

1. Council accept the following tenders pursuant to section 227 of the *Local Government Regulation 2012* conditional upon amalgamation of the lots with adjoining land:

Lot on Plan	Location	Tenderer
Lot 6 on L1824	Toowoomba-Karara Road, Leyburn	Ian & Carolyn Keans
Lot 11 on L183	Unnamed Road, Leyburn	Warren & Alyson Norton

2. Council not accept a tender for Lot 612 on ML2301, Moffatt Street, Maryvale pursuant to section 228(9) of the *Local Government Regulation 2012* and instead list the land for sale with a local real estate agent.
3. Council delegate to the Chief Executive Officer the power to set a reserve price for Lot 612 on ML2301.
4. Council authorise the Chief Executive Officer to finalise the terms and conditions of the above sales and Titles Queensland land transfer documents.

Carried

The following votes were recorded:

For: Crs R Bartley, S Deane, M Harslett, C Pidgeon, J Richters, R Wantling and S Windle (7)

Against: Crs M Hamilton, C McDonald (2)

11.5 Minutes of the Audit & Risk Management Committee held 15 February 2024

Resolution

Moved Cr R Bartley

Seconded Cr C McDonald

THAT Council receive and note the minutes from the Audit and Risk Management Committee meeting held on 15 February 2024

Carried Unanimously

Cr Harslett and Cr Wantling declared conflicts of interest in Agenda Item 11.6, and following a resolution from Council participated in discussion and voting on the item

11.6 Application for Trusteeship over Lot 1 on SP312458 - Amiens History Society

Resolution

Moved Cr S Windle

Seconded Cr J Richters

THAT Council:

1. Advise the Department of Resources it offers no objection or comments to the Amiens History Association Inc. being appointed trusteeship over land located at Goldfields Road, Amiens and described as Lot 1 on SP312458 (the Land); and
2. Further advise the Department of Resources it offers no objection to the Land being dedicated from unallocated State land to reserve.

Carried Unanimously

Cr Harslett and Cr Wantling voted for Agenda Item 11.6

12. INFRASTRUCTURE SERVICES REPORTS

12.2 Smart Water Meter Project Update

Resolution

Moved Cr J Richters

Seconded Cr C Pidgeon

THAT Council note the content of this report.

Carried Unanimously

13. PLANNING AND ENVIRONMENTAL SERVICES REPORTS

13.2 Material Change of Use - Homestead Road, Rosenthal Heights

Resolution

Moved Cr J Richters

Seconded Cr S Deane

THAT the application for Material Change of Use for the purpose of Short-term accommodation (Two (2) cabins, up to eight (8) people) on Lots 12, Lot 13 and Lot 14 RP31031, located at Homestead Road, Rosenthal Heights, be approved subject to the following conditions:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

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

Plan Name	Plan No.	Date
Access and vegetation planting plan	-	n.d.

Boundary Setbacks Plan	-	n.d.
Cabin 1 in relation to the Flood Hazard overlay area	-	n.d.
Cottage & Shearers Quarters	-	n.d.

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

Staging

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

- Stage 1 – Cabin 1
- Stage 2 – Cabin 2

Easements and Covenants

4. The existing allotments, Lots 12, 13 and 14 RP31031, are to be amalgamated into one allotment and a new Certificate of Title issued to cover the newly created allotment prior to the use of the site commencing.

Alternatively,

A statutory covenant is to be provided over Lots 12, 13 and 14 RP31031 to retain these lots in the same ownership until such time as the lots are amalgamated or the approved use of the land ceases. The covenant documentation is to be submitted to Council for approval.

Land Use and Planning Controls

5. This approval allows for the use of the two proposed cabins for the purpose of Short-term accommodation only, as defined in the Southern Downs Planning Scheme.
6. The maximum number of guests accommodated at any one time in any one cabin is four (4). The total number of guests must not exceed eight (8) persons.
7. No person is to reside in any building identified for short term accommodation for more than 45 days consecutively, or more than 90 days in any 12 month period. The approved accommodation must not be occupied by persons for the purpose of permanent accommodation.

Building and Site Design

8. The dwelling is to include the following noise attenuation measures, to reduce noise impacts from Morgan Park Recreational Grounds:
- (i) Full insulation (ceiling and walls (where accessible)), which achieves >Rw38 in the ceiling;
 - (ii) Mechanical ventilation, i.e. air-conditioning; and
 - (iii) Any broken windows or other windows which are being replaced at any time, are to be replaced with Double glazed or laminated windows.
9. The design, colours and materials of the buildings are to be in accordance with the rural character of the area. **Details of the design, colours and materials of the building are to be submitted to and approved by Council's Planning Department prior to the issue of any Development Permit for Building Work.** The building is to be constructed in the approved design, colours and materials.
10. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)

11. A copy of the Form 11 (Certificate of Classification) issued for the building works is to be provided to Council prior to the use commencing. (See advisory note below.)

Amenity and Environmental Controls

12. During the construction phase of the development, all wastes must be separated into recyclables (where possible) and landfill wastes, and disposed of at an approved waste management facility.
13. A sufficient number of suitable waste receptacles must be provided on site at all times. Waste receptacles must be regularly serviced to prevent unsightly accumulations of waste or environmental harm being caused.
14. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
15. Advertising Devices relating to the Short-term accommodation use may **only** be erected on the subject land. The location, size, type and content of any advertising sign or device located on the land is to be compatible with the rural character of the surrounding area. No advertising signs or devices are to be located on any other land, unless all applicable approvals are obtained under the Planning Scheme and the relevant local laws. No advertising signs or devices are to be located within the road reserve.
16. Any external lighting must be installed so that light shines down and away from adjacent properties and roads, and does not exceed 8 lux at the property boundary.
17. Lighting is to be provided within the development including adjacent to the internal driveways. Any lighting is to be located such that there is no interference with any residences. Details of the proposed lighting are to be submitted to and approved by Council's Planning Department prior to the issuing of any Development Permit for Building Works. Lighting is to be provided in accordance with the approved plan.

Fencing, Landscaping and Buffers

18. All earthworks, including batters must be fully contained within the site.
19. A 5.0 metre wide landscaped buffer, including irrigation, is to be provided along the eastern and southern boundaries of the site adjacent to the screen fence so as to provide a visual buffer. This area is to be densely planted with trees and shrubs suitable to grow to heights of between 1.5 to 4 metres at maturity.
20. The landscaped buffer referred to in Condition 19 shall be planted and maintained in accordance with the approved Landscaping Plan.
21. **A Landscaping Plan is to be submitted to and approved by Council's Planning Department prior to the issue of any Development Permit for Building Work or planting of the treed buffers, whichever occurs first.** 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.

Roadworks, Car Parking and Vehicle Access

22. The section of road reserve between Homestead Road and the subject site is to be constructed to a suitable gravel standard with a carriageway width of 5.0 metres on an 8.0 metre formation, formed grass verges and table drains.

Alternatively,

An application is to be made to the Department of Resources (DR) to close the unmade gazette road located between Homestead Road and the subject site. If the application is approved, the area of the road reserve is to be amalgamated in to: Lot 12 RP31031 if a

covenant is in place in accordance with Condition 4; or the newly amalgamated lot. If the application to close the road is refused, a copy of the advice from the DR stating that fact must be submitted to Council prior to the use commencing

If a road closure approval is granted, construct a 3.0 metre wide all-weather driveway from Homestead Road to connect to the cabins, as outlined in Condition 25.

23. Vehicle access from Homestead Road is to be constructed to the site in accordance with Council's standard. (Council's Development Engineer can provide details regarding Council's standard.)
24. Internal driveways are to be set back a minimum of 10 metres from external boundaries.
25. A 3.0 metre wide all-weather driveway is to be constructed from the entrance to Lot 12 to each cabin. The driveways may remain gravel, provided they are setback 10 metres from external boundaries and are appropriately maintained and do not cause a dust nuisance. If complaints are received (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief) or the vehicle entrance and driveway become eroded with material becoming deposited outside of the site or potholes form that would increase noise associated with vehicle movements, the dust suppression treatments shall be applied to Council's standards.
26. At least two (2) car parking spaces are to be provided adjacent to each Cabin on site. Provision is to be made for disabled parking.
27. The car park area is to be defined by a low physical barrier along the edge of the car parking area and driveways.
28. All car parking, driveway and loading areas shall be constructed in gravel or similar materials, drained, laid out and regularly maintained.

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

Stormwater Drainage

29. The proposed development must have a lawful point of discharge determined in accordance with the *Queensland Urban Drainage Manual* (QUDM). A stormwater management plan, including plans for any proposed stormwater infrastructure, may be required to demonstrate compliance with QUDM. Any required stormwater management plan must be prepared by a suitably qualified RPEQ and submitted for endorsement by Council prior to the commencement of the use.

For any proposed use where it cannot be satisfactorily demonstrated that storm-water associated with the use can be directed to the frontage kerb or alternative lawful point of discharge, an inter-allotment drainage system must be designed and constructed in accordance with QUDM.

Inter-allotment drainage systems and overland flow paths, including those affecting adjacent properties, must be wholly contained within easements. Easements are to have a minimum width of three (3) metres, and be provided to Council at no cost to Council.

Water Supply and Waste water

30. The proposed new cabins are to be provided with on-site water storage as follows:
 - (a) if two bedrooms or less – 45,000 litres;

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

31. All sewage generated from this property must be disposed of by means of an on-site sewage facility (OSSF) in accordance with the AS/NZS 1547:2012 - *On-site Domestic Wastewater Management, Queensland Plumbing and Wastewater Code* and the *Standard Plumbing and Drainage Regulation 2003*.
32. Prior to the issue of building approval for any building, a report demonstrating that adequate provision has been made for the supply of water, including a drinking water supply, is to be submitted to and approved by Council's Planning Department. If water is to be supplied for the development from a spring/bore/dam on the site, written advice must be supplied from the Department of Resources that water may be lawfully supplied from that source. A water supply is to be provided in accordance with the approved report.

Electricity, Street Lighting and Telecommunications

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

Alternatively,

An adequate on-site energy supply with a system capacity of at least 6.5kWh/day and back up for at least 4 days. Fuel generators are not provided for required energy supply or required back up

34. In accordance with the Federal Government's National Broadband Network (NBN) initiatives, the Developer (at the Developer's expense) is to install telecommunications infrastructure, such as lead-in conduits (LIC) or 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 Telstra in exchange for the provision of fibre within that infrastructure network. Prior to commencement of the use, written advice is to be provided from Telstra that the telecommunications infrastructure network has been installed in accordance with NBN Co's specifications.

Operational Works

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

Advisory Notes

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning 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) It is your responsibility to notify Council when a development, or part of, is nearing completion and ready for commencement of the use. The commencement of use is when the Infrastructure Charges associated with your development are to be paid, unless paid earlier.
- (iv) It is encouraged that you arrange for a free compliance inspection to be carried out prior to the use commencing. This will involve a physical inspection of the premises along with an internal audit of Council's records. Written advice will be provided for your records advising if compliance with the conditions has been achieved.
- (v) 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.

- (vi) **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.
- (vii) **Building Approval is to be obtained** for a Class 1b in accordance with the *Planning Act 2016* for the proposed building work. The building application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. The building plans are to accord with the plans approved in this approval. The building is to be constructed in accordance with the Building Approval prior to the commencement of the use. A **Form 11 (Certificate of Classification) must be issued for the building works prior to the use commencing.**
- (viii) The applicant is to permit Council officers access to the site in accordance with the powers of entry provisions of the *Local Government Act 2009*, subject to 48 hours notice and reasonable security and health restrictions on access, so as to ensure the use is being conducted in accordance with the conditions of the approval.
- (ix) The supply of water for human consumption, food preparation, food utensil washing or personal hygiene, including the supply of water for drinking water, showers, baths, hand basin and kitchen sinks, must be connected to a drinking water supply, in accordance with the *Plumbing Code of Australia* and the *Australian Drinking Water Quality Guidelines* produced by the *National Health and Medical Research*.
- (x) No clearing of remnant vegetation or regulated regrowth vegetation is to occur under this approval. A Development Permit for Operational Works must be obtained from the Department of Infrastructure, Local Government and Planning for the clearing of any remnant vegetation, unless exempt under Schedule 21 of the *Planning Regulation 2017*.
- (xi) 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.
- (xii) The noise attenuation measures used in the construction of this activity may not eliminate the noise impacts from Morgan Park Recreational Grounds, therefore the occupants of this site may still be impacted.
- (xiii) 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.
- (xiv) If the road reserve is not closed, 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);
 - An internal access plan showing the location and dimension of all parking areas, details of the proposed surface treatment, and full engineering specifications of layout, construction and drainage;
 - If the development involves new roads, the proposed names for new roads; and
 - An Erosion and Sediment Control Plan.

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

- (xv) 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.
- (xvi) 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.
- (xvii) 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.
- (xviii) 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.
- (xix) This approval for Short-term accommodation may potentially affect your rates and charges levied on your property. The potential impact may include, but is not limited to:
 - General Rates may change to a commercial category
 - State Emergency Management Levy may change classes
 - Sewerage Access Charges may change to a different category
 - Domestic Waste Collection may be removed and require a separate waste collection direct from a waste collection provider

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

Telecommunications in New Developments

- (xx) For information for developers and owner builders, on important Commonwealth telecommunication rules that need to be complied with, visit www.infrastructure.gov.au/tind

Aboriginal Cultural Heritage

- (xxi) 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

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

Nil

Carried Unanimously

13.3 Pest Management Advisory Committee Meeting

Resolution

Moved Cr M Harslett

Seconded Cr R Wantling

THAT Council receive the Minutes of the Pest Management Advisory Committee meeting held in Stanthorpe on Thursday, 29 February 2024.

Carried Unanimously

13.4 Shaping Southern Downs Advisory Committee Meeting Minutes - 5 March 2024

Resolution

Moved Cr J Richters

Seconded Cr S Windle

THAT Council receive the minutes of the Shaping Southern Downs Advisory Committee meeting held in Warwick on 5 March 2024 and decide in relation to the following motion from the meeting:

- THAT Council continue the Shaping Southern Downs Advisory Committee after the appointment of a new Council, as it has been a very beneficial source of information for the Community and give the Community an option to work closely with Council to achieve progress within the Region.

Lost

The following votes were recorded:

For: Crs J Richters and S Windle (2)

Against: Crs M Hamilton, R Bartley S Deane, M Harslett, C Pidgeon, C McDonald and R Wantling (7)

13.4.1 Shaping Southern Downs Advisory Committee Meeting Minutes - 5 March 2024

Resolution

Moved Mayor M Hamilton

Seconded Cr S Deane

THAT Council:

1. Receive the minutes of the Shaping Southern Downs Advisory Committee meeting held in Warwick on 5 March 2024.
2. Continue the Shaping Southern Downs Advisory Committee in respect to providing input into the proposed Planning Scheme, with the existing the members to continue in their roles.

Carried

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

For: Crs M Hamilton, S Deane, M Harslett, C McDonald, C Pidgeon, J Richters, R Wantling and S Windle (8)

Against: Cr R Bartley (1)

Accordingly the Mayor declared the motion carried.

13.5 Reconfiguration of Lot – Kevin Kearney: New England Highway, Glen Aplin

Resolution

Moved Cr J Richters

Seconded Cr S Windle

THAT Council defer consideration of the application for Reconfiguring a Lot for the purpose of Realignment of boundaries (Four (4) lots into four (4) lots) on land at New England Highway, Glen Aplin, described as Lots 129 & 130 RP803158, Lot 1 RP105445 and Lot 131 RP12321 in accordance with the applicant's request.

Carried Unanimously

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

Nil

15. NOTICES OF MOTION

In accordance with Section 8.7 of Council Meetings Policy, Cr Bartley moved the following Procedural Motion.

15.1.1 Procedural Motion – Notice of Motion: Request to State Government to Pause the Sale Action of Camp Leslie Dam

Resolution

Moved Cr R Bartley

THAT the Notice of Motion: Request to State Government to pause the sale action of Camp Leslie Dam lay on the table to allow a report to be prepared to Council's consideration.

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, S Deane, M Harslett, C McDonald, C Pidgeon, R Wantling and S Windle (7)

Against: Crs M Hamilton and J Richters (2)

Accordingly the Mayor declared the motion carried.

15.1 Notice of Motion - Request to State Government to Pause the Sale Action of Camp Leslie Dam

Notice of Motion – To Be Moved by Cr Richters

THAT the Chief Executive Officer write to the Minister for Tourism and Sport requesting that the State Government pause the sale action of Camp Leslie Dam while the new Council considers its position regarding the potential use of the facility.

Lapsed

16. GENERAL BUSINESS

Nil

17. CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS

Nil

MEETING CLOSURE

There being no further business, the meeting closed at 1:09pm.