



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

ORDER OF BUSINESS:

ACKNOWLEDGEMENT TO COUNTRY	1
1. PRAYERS & CONDOLENCES	1
2. ATTENDANCE	1
3. APOLOGIES	1
4. READING AND CONFIRMATION OF MINUTES	1
4.1 Ordinary Council Meeting - 15 May 2024.....	1
4.2 Special Council Meeting - 12 June 2024.....	1
5. ACTIONS FROM COUNCIL MEETINGS	2
5.1 Actions from Ordinary Council Meeting 15 May 2024	2
6. DECLARATIONS OF CONFLICTS OF INTEREST	2
Disposal of freehold land - Moffatt Street Maryvale, Lot 612 on ML2301	3
6.1 Conflict of Interest - Cr McDonald: Agenda Item 10.2	4
6.2 Conflict of Interest - Cr Pidgeon: Agenda Item 10.2	5
6.3 Conflict of Interest - Cr Pidgeon: Agenda Item 11.4	5
6.4 Conflict of Interest - Cr McDonald: Agenda Item 11.4	6
6.5 Conflict of Interest - Cr Wantling: Agenda Item 11.10	6
6.6 Conflict of Interest - Cr Pidgeon: Agenda Item 11.14	7
6.7 Conflict of Interest - Cr McDonald: Agenda Item 11.14	7
6.8 Conflict of Interest - Cr McDonald: Agenda Item 13.3	8
6.9 Conflict of Interest - Cr McDonald: Agenda Item 11.2.1	8
7. MAYORAL MINUTE	8
Nil	
8. READING AND CONSIDERATION OF CORRESPONDENCE	8
8.1 Correspondence	8
9. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS	9
Nil	
10. EXECUTIVE SERVICES REPORTS	9
10.1 Chief Executive Officer - Status Report.....	9
10.2 Organisation Information Reports June 2024.....	9
10.3.1 Audit and Risk Management Committee - Appointment of Councillor Representatives.....	9

10.3	Terms of Reference for Councillors Appointed to Engagement and Operational Committees	10
10.4	Procurement Exception -- Southern Downs and Granite Belt Visitor Engagement App	10
10.5	Workforce Strategy	11
11.	CUSTOMER AND ORGANISATIONAL SERVICES REPORTS	11
11.1	Financial Services - Financial Report as at 31 May 2024	11
11.2.1	Amendment to Schedule of Fees & Charges - Removal Buildings	11
11.2.2	Amendment to Schedule of Fees & Charges - Chief Executive Officer Delegation	11
11.2	Schedule of General Fees and Charges 2024/25	12
16.1	Procedural Motion - Meeting Adjournment	12
11.3	External Audit 2023-24 - Interim Audit Report	12
11.4	National Competition Policy	13
11.5	Regional Arts Development Fund 2023/24 - Applications for Recommendation	13
11.6	State Government Gifting of Building Asset	14
11.7	Community Engagement Results - Old Allora Fire Station	14
11.8	Works for Queensland Funding Program	15
11.9	Minutes of the Audit & Risk Management Committee held 23 May 2024	15
11.10	Disposal of freehold land - Moffatt Street Maryvale, Lot 612 on ML2301	16
11.11	Application for Agreement to Occupy - Grazing on Drainage Reserve - Lot 13 on SP169354	16
11.12	Application for a Permit to Occupy - Sandy Creek Reserve on land at Sandy Creek Road, Leslie - Lot 646 on M341254	16
11.13	2025 Show Holidays	17
11.14	Warwick Saleyards Options	17
12.	INFRASTRUCTURE SERVICES REPORTS	18
12.2	Update to Water Infrastructure Policy	18
12.3	Update to Rural Water Connection Policy - June 2024	18
12.1	Water Service Areas June 2024	18
12.4.1	Stanthorpe Irrigators Recycled Water Agreement 2024 June 2024 - Amendment	19
12.4.2	Procedural Motion - Stanthorpe Irrigators Recycled Water Agreement 2024 Amended June 2024	19
12.4	Stanthorpe Irrigators Recycled Water Agreement 2024 Amended June 2024	20
12.5	Building Our Regions Round 6 Project Commitment	20
13.	PLANNING AND ENVIRONMENTAL SERVICES REPORTS	21

13.1	Material Change of Use - Rosemarie B & Ian S Watts, 360 Condamine River Road, Killarney	21
13.2.1	Procedural Motion - Material Change of Use - Alison & Gary Crabbe, Lot 271 Merawa Street, Wallangarra	23
13.3.1	Removal House Bonds - Amendment.....	23
13.3	Removal House Bonds	24
13.4	Backflow Prevention Devices and On-Site Sewerage Facilities Register	25
14.	REPORTS OF DEPUTATION OR CONFERENCE & REPORTS FROM DELEGATES APPOINTED BY COUNCIL TO OTHER BODIES	25
	Nil	
15.	NOTICES OF MOTION	25
15.1	Notice of Motion - Request to Minister for Sport and Recreation to Transfer Leslie Dam Active Recreational Centre to Southern Downs Regional Council	25
15.2	Notice of Motion - Councillor Merit Requests	26
16.	GENERAL BUSINESS	26
Meeting In Camera		
Meeting Out Of Camera		
17.1	Githabul (Waringh Waringh) People QUD87/2021 - Native Title Rights and Interests.....	27
17.2.1	New Southern Downs Planning Scheme	27
17.2	New Southern Downs Planning Scheme	30
13.2.3	Motion to Consider Agenda Item 13.2.....	33
13.2.4	Material Change of Use - Alison & Gary Crabbe, Lot 371 Merawa Street, Wallangarra	33
13.2	Material Change of Use - Alison & Gary Crabbe, Lot 371 Merawa Street, Wallangarra	36

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

ACKNOWLEDGEMENT TO COUNTRY

1. PRAYERS & CONDOLENCES

Rev Jeremy Greening from Vineyard 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), Gerhard Joubert (Acting Director Infrastructure Services), Scott Riley (Director Planning and Environmental Services), Dianne Woolley (Manager People and Culture), Gurbindar Singh (Chief Financial Officer), Belinda Armstrong (Manager Corporate Services), Michael Bell (Manager Community Services), James Varughese (Manager Works), Angela O'Mara (Manager Planning and Development), Wayne Nielsen (Plumbing Inspector), Tonya Collier (Project Officer) and Marion Seymour (Minute Secretary)

3. APOLOGIES

Nil

4. READING AND CONFIRMATION OF MINUTES

4.1 Ordinary Council Meeting - 15 May 2024

Resolution

Moved Cr J Richters

Seconded Cr C McDonald

THAT the minutes of the Ordinary Council Meeting held on Wednesday 15 May 2024 be adopted.

Carried Unanimously

4.2 Special Council Meeting - 12 June 2024

Resolution

Moved Cr S Windle

Seconded Cr M Harslett

THAT the minutes of the Special Council Meeting held on Wednesday 12 June 2024 be adopted.

Carried Unanimously

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Ordinary Council Meeting 15 May 2024

Resolution

Moved Cr J Richters

Seconded Cr R Wantling

THAT Council receive the report and note the contents.

Carried Unanimously

6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precs	Nature of Conflict
10.2	Organisation Information Reports	Cr McDonald 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 she has had previous complaints against her for being a primary producer and participating in matters on the Warwick Saleyards. Although Cr McDonald has a declarable conflict of interest, 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.
10.2	Organisation Information Reports	Cr Pidgeon declared a declarable conflict of interest in this matter (as defined in Section 150EQ(4)a) of the <i>Local Government Act 2009</i>) due to her association with the Warwick Saleyards selling cattle and sheep. Although Cr Pidgeon has a declarable conflict of interest, she does not believe a reasonable person could have a perception of bias because of her conflict. Therefore, Cr Pidgeon 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 Pidgeon participated in the discussion and voting on this matter.
11.2.1	Amendment of Schedule of General Fees and Charges – Removal House Bonds	Cr McDonald 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 she has removed several old Queensland homes onto her property. Although Cr McDonald has a declarable conflict of interest, 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.
11.4	National Competition Policy	Cr McDonald 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 she has had previous complaints against her for being a primary producer and

		<p>participating in matters on the Warwick Saleyards. Although Cr McDonald has a declarable conflict of interest, 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.</p>
11.4	National Competition Policy	<p>Cr Pidgeon declared a declarable conflict of interest in this matter (as defined in Section 150EQ(4)a) of the <i>Local Government Act 2009</i>) due to her association with the Warwick Saleyards selling cattle and sheep. Although Cr Pidgeon has a declarable conflict of interest, she does not believe a reasonable person could have a perception of bias because of her conflict. Therefore, Cr Pidgeon 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 Pidgeon participated in the discussion and voting on this matter.</p>
11.4	National Competition Policy	<p>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>) due to previous complaints lodged against him in relation to 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.</p>
11.10	Disposal of freehold land - Moffatt Street Maryvale, Lot 612 on ML2301	<p>Cr Wantling 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 a close family member is employed by one of the real estate agents. Although Cr Wantling has a declarable conflict of interest, 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.</p>
11.14	Warwick Saleyards Option	<p>Cr McDonald 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 she has had previous complaints against her for being a primary producer and participating in matters on the Warwick Saleyards. Although Cr McDonald has a declarable conflict of interest, 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.</p>
11.14	Warwick Saleyards Option	<p>Cr Pidgeon declared a declarable conflict of interest in this matter (as defined in Section 150EQ(4)a) of the <i>Local Government Act 2009</i>) due to her association with the Saleyards selling cattle and sheep. Although Cr Pidgeon has a declarable conflict of interest, she does</p>

		not believe a reasonable person could have a perception of bias because of her conflict. Therefore, Cr Pidgeon 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 Pidgeon participated in the discussion and voting on this matter.
11.14	Warwick Saleyards Option	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>) due to previous complaints lodged against him in relation to 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.
13.3	Removal House Bonds	Cr McDonald 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 she has removed several old Queensland homes onto her property. Although Cr McDonald has a declarable conflict of interest, 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.

6.1 Conflict of Interest - Cr McDonald: Agenda Item 10.2

Resolution

Moved Cr J Richters

Seconded Cr S Windle

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, J Richters, R Wantling and S Windle (6)

Against: Nil (0)

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

6.2 Conflict of Interest - Cr Pidgeon: Agenda Item 10.2

Resolution

Moved Cr S Windle

Seconded Cr M Harslett

THAT Council, following the declarable conflict of interest declaration by Cr Pidgeon 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, J Richters, R Wantling and S Windle (6)

Against: Nil (0)

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

6.3 Conflict of Interest - Cr Pidgeon: Agenda Item 11.4

Resolution

Moved Cr S Windle

Seconded Cr S Deane

THAT Council, following the declarable conflict of interest declaration by Cr Pidgeon 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, J Richters, R Wantling and S Windle (6)

Against: Nil (0)

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

6.4 Conflict of Interest - Cr McDonald: Agenda Item 11.4

Resolution

Moved Cr S Deane

Seconded Cr J Richters

THAT Council, following the declarable conflict of interest declaration by Cr McDonald for Agenda Item 11.4 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 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, J Richters, R Wantling and S Windle (6)

Against: Nil (0)

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

6.5 Conflict of Interest - Cr Wantling: Agenda Item 11.10

Resolution

Moved Cr J Richters

Seconded Cr C McDonald

THAT Council, following the declarable conflict of interest declaration by Cr Wantling for Agenda Item 11.10 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, M Harslett, C Pidgeon, J Richters, C McDonald and S Windle (8)

Against: Nil (0)

6.6 Conflict of Interest - Cr Pidgeon: Agenda Item 11.14

Resolution

Moved Cr J Richters

Seconded Cr S Deane

THAT Council, following the declarable conflict of interest declaration by Cr Pidgeon for Agenda Item 11.14 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, J Richters, R Wantling and S Windle (6)

Against: Nil (0)

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

6.7 Conflict of Interest - Cr McDonald: Agenda Item 11.14

Resolution

Moved Cr M Harslett

Seconded Cr R Wantling

THAT Council, following the declarable conflict of interest declaration by Cr McDonald for Agenda Item 11.14 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, J Richters, R Wantling and S Windle (6)

Against: Nil (0)

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

6.8 Conflict of Interest - Cr McDonald: Agenda Item 13.3

Resolution

Moved Cr M Harslett

Seconded Cr J Richters

THAT Council, following the declarable conflict of interest declaration by Cr McDonald for Agenda Item 13.3 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, R Bartley, S Deane, M Harslett, C Pidgeon, J Richters, R Wantling and S Windle (8)

Against: Nil (0)

6.9 Conflict of Interest - Cr McDonald: Agenda Item 11.2.1

Resolution

Moved Cr M Harslett

Seconded Cr S Deane

THAT Council, following the declarable conflict of interest declaration by Cr McDonald for Agenda Item 11.2.1 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, R Bartley, S Deane, M Harslett, C Pidgeon, J Richters, R Wantling and S Windle (8)

Against: Nil (0)

7. MAYORAL MINUTE

Nil

8. READING AND CONSIDERATION OF CORRESPONDENCE

8.1 Correspondence

Resolution

Moved Cr S Deane

Seconded Cr J Richters

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 Chief Executive Officer - Status Report

Resolution

Moved Cr M Harslett

Seconded Cr R Wantling

THAT Council receive and note the Chief Executive Officer's Status Report.

Carried Unanimously

Cr McDonald and Cr Pidgeon declared a conflict of interest in Agenda Item 10.2 in relation to Warwick Saleyards, and following a resolution from Council participated in discussion and voting on the item.

10.2 Organisation Information Reports June 2024

Resolution

Moved Cr S Windle

Seconded Cr S Deane

THAT Council note the contents of the Organisation Information Reports.

Carried Unanimously

Cr McDonald and Cr Pidgeon voted in favour of the Agenda Item 10.2.

10.3.1 Audit and Risk Management Committee - Appointment of Councillor Representatives

Resolution

Moved Cr S Windle

Seconded Cr C McDonald

THAT Council appoint Mayor Hamilton and Cr Richters to the Audit and Risk Management Committee, and update the Committee's Terms of Reference, and Appendix A of the Councillor Portfolio Policy PL-136 as required.

Carried

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

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

Against: Crs R Bartley and R Wantling (2)

Accordingly the Mayor declared the motion carried.

10.3 Terms of Reference for Councillors Appointed to Engagement and Operational Committees

Resolution

Moved Cr M Harslett

Seconded Cr C Pidgeon

THAT Council:

1. Adopt the following updated Terms of Reference for Engagement Committees:
 - Audit and Risk Management Committee (as amended)
 - Border Regional Organisation of Councils
 - Condamine Community Alliance Committee
 - Darling Downs and South West Queensland Council of Mayors
 - Granite Belt Alliance Committee
 - Local Disaster Management Group
 - Local Disaster Recovery Group
 - Pest Management Advisory Committee
 - Saleyards Advisory Committee
 - Shaping Southern Downs Advisory Committee
 - Southern Border Regional Roads and Transport Group
 - Southern Downs Youth Council
2. Adopt the Terms of Reference for Engagement Committees - External, referencing Council's external engagement committees.
3. Adopt the Terms of Reference for the Local Housing Action Plan Working Group, and appoint Mayor Hamilton and Cr Richters to the Local Housing Action Plan Working Group.

Carried

The following votes were recorded:

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

Against: Crs R Bartley and R Wantling (2)

10.4 Procurement Exception -- Southern Downs and Granite Belt Visitor Engagement App

Resolution

Moved Cr S Windle

Seconded Cr C Pidgeon

THAT Council are satisfied that there is only one (1) supplier who is reasonably available for the purchase of the Southern Downs and Granite Belt Visitor Engagement App Support and Maintenance, and as such Council can enter into a contractual arrangement with Specialist Apps Pty Ltd without first inviting written quotes or tender pursuant to Section 235 (a) of the *Local Government Regulation 2012*.

Carried Unanimously

10.5 Workforce Strategy

Resolution

Moved Cr S Deane

Seconded Cr M Harslett

THAT Council receive and note the Workforce Strategy 2024 – 2028 attached to the report.

Carried Unanimously

11. CUSTOMER AND ORGANISATIONAL SERVICES REPORTS

11.1 Financial Services - Financial Report as at 31 May 2024

Resolution

Moved Cr J Richters

Seconded Cr M Harslett

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

Carried Unanimously

Cr McDonald declared a conflict of interest in Agenda Item 11.2.1 and following a resolution from Council participated in discussion and voting on the item.

11.2.1 Amendment to Schedule of Fees & Charges - Removal Buildings

Resolution

Moved Cr J Richters

Seconded Cr C McDonald

THAT Council amend the Schedule of General Fees and Charges 2024/2025 to reduce the Security Bond for Removal Dwelling – Urban and Rural Residential Areas from \$30,000.00 to \$20,000.00.

Lost

The following votes were recorded:

For: Crs M Hamilton, C McDonald, C Pidgeon and J Richters (4)

Against: Crs R Bartley, M Harslett, S Deane, S Windle and R Wantling (5)

11.2.2 Amendment to Schedule of Fees & Charges - Chief Executive Officer Delegation

Resolution

Moved Cr J Richters

Seconded Cr C McDonald

THAT Council amend the proposed Schedule of General Fees and Charges 2024/2025 to reduce the amount delegated to the Chief Executive Officer to waive any individual fee or charge as presented within the scheduled from \$10,000.00 to \$5,000.00.

Lost

The following votes were recorded:

For: Crs C McDonald, S Deane and J Richters (3)

Against: Crs M Hamilton, R Bartley, M Harslett, C Pidgeon, S Windle and R Wantling (6)

11.2 Schedule of General Fees and Charges 2024/25

Resolution

Moved Cr M Harslett

Seconded Cr C Pidgeon

THAT Council adopt the attached Schedule of General Fees and Charges for the 2024/25 Financial Year.

Carried Unanimously

Attachments

1. SDRC Schedule of General Fees and Charges 2024/2025 - **Attached to the Minutes Under Separate Cover**

In accordance with Section 8.7 of Council Meetings Policy PL-CS036 Cr Richters moved the following Procedural Motion:

16.1 Procedural Motion - Meeting Adjournment

Resolution

Moved Cr J Richters

THAT the meeting adjourn for morning tea at 10:34am.

Carried Unanimously

The meeting adjourned for morning tea at 10:34am and reconvened at 10:53am at which time there were presents Crs Hamilton, Bartley, Deane, Harslett, McDonald, Pidgeon, Richters, Wantling and Windle

11.3 External Audit 2023-24 - Interim Audit Report

Resolution

Moved Cr J Richters

Seconded Cr M Harslett

THAT Council receive the 2024 Interim Report as part of the 2023-24 External Audit.

Carried Unanimously

Cr McDonald and Cr Pidgeon declared conflicts of interest in Agenda Item 11.4, and following a resolution from Council participated in discussion and voting on the item

Cr Bartley declared a conflict of interest in Agenda Item 11.4 and left the meeting at 10:54am

11.4 National Competition Policy

Resolution

Moved Cr J Richters

Seconded Cr S Deane

THAT Council, in accordance with section 47(7) of the *Local Government Act 2009*:

1. Continue to apply the code of competitive conduct to the following significant business activities:-
 - Water and sewerage; and
 - Waste services
2. Determines not to apply the code of competitive conduct to the Warwick Saleyards prescribed business activity, as the cost of applying the code will outweigh any benefit.

Carried Unanimously

Cr McDonald and Cr Pidgeon voted for the motion.

10:56am Cr Bartley rejoined the meeting.

11.5 Regional Arts Development Fund 2023/24 - Applications for Recommendation

Resolution

Moved Cr S Windle

Seconded Cr M Harslett

THAT Council approve the three (3) grant applications for funding under the Regional Arts Development Fund (RADF) program namely:

1. Jumpers and Jazz in July Inc for \$18,344 for the project title 'Music, Dance and Physical Theatre workshops and Performances';
2. Stanthorpe Pottery Club Inc for \$3,876 for the project title 'Workshop 1 Refine Your Making Skills: Workshop 2 Mould Making';
3. Greg Huglin for \$11,000 for the project title 'Youth Screen Production Industry immersions and Red-Carpet community Screening Event'.

Carried Unanimously

11.6 State Government Gifting of Building Asset

Resolution

Moved Cr S Windle

Seconded Cr S Deane

THAT Council:

1. Note the Department of Environment, Science and Innovation's offer to gift Gunns Cottage;
2. Submit a formal Expression of Interest in accepting Gunns Cottage from the Department as a gift;
3. Authorise the Chief Executive Officer to enter into negotiations with Department to finalise the terms of offer/acceptance of the building, including support for removal/relocation;
4. Authorise the Chief Executive Officer to facilitate discussions and negotiate an agreement with the local community group (SheHive) and the Stanthorpe Agricultural Society on the basis that the Stanthorpe Agricultural Society takes ownership of the gifted asset on the proviso that it be made available to SheHive for use on a term determined between the Stanthorpe Agricultural Society and SheHive.
5. If required, allocate funds through the 2024/25 Q1 budget review to facilitate the building's relocation.

Carried

The following votes were recorded:

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

Against: Crs R Bartley and R Wantling (2)

11.7 Community Engagement Results - Old Allora Fire Station

Resolution

Moved Cr S Windle

Seconded Cr C Pidgeon

THAT Council:-

1. Note the results of the community survey relating to the preservation of the history of the former Allora Fire Station building; and
2. Authorise officers to proceed with removing the former Allora Fire Station building from the site; and
3. Salvage the front lintel from the building with it to be incorporated into the future redevelopment of the Precinct; and
4. Authorise officers commence actioning parts 3 and 4 of the Council resolution of the 17 January 2024.

Carried Unanimously

11.8 Works for Queensland Funding Program

Resolution

Moved Cr S Windle

Seconded Cr M Harslett

THAT Council submit the following projects to the Department of Housing, Local Government, Planning and Public Works for assessment and approval from Council's \$4,580,000 allocation under the 2024-27 Works for Queensland program:

1. Warwick Water Treatment Plant (WTP) Distribution Centre - \$125,000
2. Safe City Project – CCTV renewal program - \$300,000
3. Footpath missing links and repairs - \$100,000
4. Allora Community Precinct – Redevelopment and enhancement - \$600,000
5. Leslie Park, Warwick irrigation system replacement - \$100,000
6. Energy Audit Initiatives – Energy efficiency upgrades - \$130,000
7. Rollout of Solar – \$300,000
8. Warwick Saleyards – Redevelopment Stage 3 and 4 - \$800,000
9. Tree replacement program - \$100,000
10. WIRAC Project – Priority works from Condition Assessment Report - \$1,000,000
11. Council Building Maintenance Program - \$300,000
12. Waste Options Master Plan - \$200,000
13. Infill Development with Warwick and Stanthorpe – \$80,000
14. Waste Reduction and Recycling Plan - \$100,000
15. Asset Management Plans - \$300,000
16. Cloud Adoption Strategy - \$50,000

Carried Unanimously

11:23am Cr Bartley left the meeting following Cr McDonald raising the issue of the Warwick Saleyards during discussion on Agenda Item 11.9.

11:28am Cr Bartley rejoined the meeting.

11.9 Minutes of the Audit & Risk Management Committee held 23 May 2024

Resolution

Moved Cr J Richters

Seconded Cr S Deane

THAT Council receive and note the minutes from the Audit and Risk Management Committee meeting held on 23 May 2024.

Carried Unanimously

Cr Wantling declared a conflict of interest in Agenda Item 11.10, and following a resolution from Council participated in discussion and voting on the item

11.10 Disposal of freehold land - Moffatt Street Maryvale, Lot 612 on ML2301

Resolution

Moved Cr R Bartley

Seconded Cr S Windle

THAT Council

1. Appoint Ray White, Warwick to sell land located at Moffatt Street, Maryvale and described as Lot 612 on ML2031;
2. Delegate to the Chief Executive Officer the power to accept and negotiate a reasonable sale price based on current market appraisal; and
3. Authorise the Chief Executive Officer to finalise the sale and Titles Queensland land transfer documents.

Carried

The following votes were recorded:

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

Against: Crs J Richters (1)

11.11 Application for Agreement to Occupy - Grazing on Drainage Reserve - Lot 13 on SP169354

Resolution

Moved Cr J Richters

Seconded Cr R Wantling

THAT Council:

1. Apply an exception to the disposal of a valuable non-current asset other than by tender or auction for land located at Yangan Road, Warwick and described as Lot 13 on SP169354 pursuant to section 236(2) of the *Local Government Regulation 2012*;
2. Approve the disposal via an Agreement to Occupy of the land to the adjoining landowner, for grazing, pursuant to section 236(1)(c)(iv) of the *Local Government Regulation 2012*;
3. Authorise the Chief Executive Officer to finalise negotiations with the landowner including execution of an agreement to occupy the land.

Carried Unanimously

11.12 Application for a Permit to Occupy - Sandy Creek Reserve on land at Sandy Creek Road, Leslie - Lot 646 on M341254

Resolution

Moved Cr R Bartley

Seconded Cr S Windle

THAT Council, pursuant to section 177A of the *Land Act 1994*, not endorse a request for an application for a permit to occupy over the Sandy Creek Reserve located at Sandy Creek Road and described as Lot 646 on M341254, for the reason of maintaining public/community access.

Carried Unanimously

11.13 2025 Show Holidays

Resolution

Moved Cr R Bartley

Seconded Cr R Wantling

THAT Council nominate the following shows to the Office of Industrial Relations for Ministerial approval and gazettal under the *Holidays Act 1983*:-

- | | |
|---------------------------|---------------------------------------|
| 1. Stanthorpe Annual Show | Friday 31 st January 2025 |
| 2. Allora Annual Show | Friday 7 February 2025 |
| 3. Killarney Annual Show | Friday 21 st February 2025 |
| 4. Warwick Annual Show | Friday 21 st March 2025 |

Carried Unanimously

Cr McDonald and Cr Pidgeon declared a conflict of interest in Agenda Item 11.14, and following a resolution from Council participated in discussion and voting on the item

Cr Bartley declared a conflict of interest in Agenda Item 11.14 and left the meeting at 11:37am

11.14 Warwick Saleyards Options

Resolution

Moved Cr M Harslett

Seconded Cr S Deane

THAT Council:

1. Receive and note this report and the attached document – “Warwick Saleyards Requested Capital Changes”; and
2. Endorse the Officers Recommendation for each item in the attached “Warwick Saleyards Requested Capital Changes”; and
3. Include in the 2023/24 budget additional capital funding of \$488,700 for the approval of the user requests as detailed in items 4, 12 and 13 in the attached “Warwick Saleyards Requested Capital Changes”; and
4. Given time and cost considerations and the basis that the value of works is less than 10% of the contract sum, authorise the Chief Executive Office to approve relevant variations to the incumbent contractor ICM Constructions Qld Pty Ltd to undertake the approved works as detailed in items 4, 12 and 13 in the attached “Warwick Saleyards Requested Capital Changes”.

Carried Unanimously

Cr McDonald and Cr Pidgeon voted in favour of Agenda Item 11.14

11:42am Cr Bartley rejoined the meeting.

12. INFRASTRUCTURE SERVICES REPORTS

12.2 Update to Water Infrastructure Policy

Resolution

Moved Cr J Richters

Seconded Cr M Harslett

THAT Council approve the updated Water Infrastructure Policy as attached to the report

Carried Unanimously

12.3 Update to Rural Water Connection Policy - June 2024

Resolution

Moved Cr J Richters

Seconded Cr S Deane

THAT Council approve the updated Rural Water Connection Policy as attached to the report.

Carried Unanimously

12.1 Water Service Areas June 2024

Resolution

Moved Cr J Richters

Seconded Cr M Harslett

THAT Council:-

1. Approve the Urban and Rural Water Service Areas as indicated on the plans attached to the report; and
2. Publish the Water Service Areas.

Carried Unanimously

12.4.1 Stanthorpe Irrigators Recycled Water Agreement 2024 June 2024 - Amendment Resolution

Moved Mayor M Hamilton

Seconded Cr C Pidgeon

2. Delegate the Chief Executive Officer to finalise the Stanthorpe Irrigators Recycled Water Agreements 2024, subject to the following additions:

Clause 2.1(l)(i) – Add at the beginning “Subject to the following being permissible under the Local Government Act and Regulations at the relevant time”, and renumber clause 2.1(l) as required.

Clause 20.2(c) - Add at the beginning “Subject to the following being permissible under the Local Government Act and Regulations at the relevant time”.

Carried

The following votes were recorded:

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

Against: Crs R Wantling (1)

In accordance with Section 8.7 of Council Meetings Policy PL-CS036 Cr Richters moved the following Procedural Motion:

12.4.2 Procedural Motion - Stanthorpe Irrigators Recycled Water Agreement 2024 Amended June 2024

Resolution

Moved Cr J Richters

THAT the motion for Agenda item 12.4 be put en bloc.

Carried

The following votes were recorded:

For: Crs M Hamilton, C McDonald, S Deane, J Richters, M Harslett and C Pidgeon (6)

Against: Crs R Bartley, S Windle and R Wantling (3)

12.4 Stanthorpe Irrigators Recycled Water Agreement 2024 Amended June 2024

Resolution

Moved Cr J Richters

Seconded Cr M Harslett

THAT Council :-

1. Resolve that under S235(b) of the Local Government Regulation, because of the specialised nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders, and that this contract will only be offered to the current irrigators as listed in the attached Recycled Water Agreement for the following reason:
 - The very significant risk for Council in not being able to successfully dispose of the treated effluent.
2. Enter into Recycled Water Agreements with the irrigators as listed in the attached Recycled Water Agreement; and
3. Delegate the Chief Executive Officer to finalise the Stanthorpe Irrigators Recycled Water Agreements 2024, subject to the following additions:

Clause 2.1(l)(i) – Add at the beginning “Subject to the following being permissible under the Local Government Act and Regulations at the relevant time, and renumber clause 2.1(l) as required.

Clause 20.2(c) - Add at the beginning “Subject to the following being permissible under the Local Government Act and Regulations at the relevant time.

Carried Unanimously

12.5 Building Our Regions Round 6 Project Commitment

Resolution

Moved Cr J Richters

Seconded Cr R Wantling

THAT Council, with regards to the Building Our Regions Round 6 projects - Recycled Water Supply Extension to Morgan Park and Market Square Sewer Rising Main Replacement:-

- confirms that it has budgeted the Recipient’s financial contribution to the projects; and
- is committed to delivering the projects; and
- acknowledges responsibility for any funding shortfall if costs exceed the agreed amount.

Carried Unanimously

13. PLANNING AND ENVIRONMENTAL SERVICES REPORTS

13.1 Material Change of Use - Rosemarie B & Ian S Watts, 360 Condamine River Road, Killarney

Resolution

Moved Cr J Richters

Seconded Cr M Harslett

THAT the application for Material Change of Use for the purpose of a Dwelling house (not in accordance with building setbacks) on land at Condamine River Road, Killarney, described as Lot 1 RP25399, 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
Site Plan – prepared by applicant	-	-
Elevation plan – prepared by applicant	-	-

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.

Building and Site Design

3. The building is to be generally set back eight (8) metres from the southern property boundary.
4. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)
5. 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.)

Amenity and Environmental Controls

6. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.

Fencing, Landscaping and Buffers

7. One row of landscaping is to be planted along the southern boundary, in line with the proposed Dwelling house, to reduce any potential impacts to or 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.
8. All earthworks, including batters, and landscaping must be fully contained within the site.

Car Parking and Vehicle Access

9. 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 Condamine River Road to the Dwelling house and household water supply.

Water Supply and Waste water

10. The proposed new Dwelling house 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.

11. 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*.
12. The site must be provided with a water storage reservoir having a minimum of 5,000 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 5,000 litre point; and
 - (b) standard rural fire brigade fittings are fitted to the tank outlet for access by rural fire services vehicles.

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

Electricity, Street Lighting and Telecommunications

13. 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) 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) **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** in accordance with the *Planning Act 2016* for a Change of Classification of Building from Class 10a to Class 1a, to allow the use of the existing building for Dwelling house purposes. The application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. **Building works and modification of the existing building may be required to be undertaken** as part of the approval so as to accord with the requirements of the *Building Act 1975*.

- (vi) This area is expressly identified as being potentially impacted by lawful non-residential uses. In commencing a residential use, the owner(s) acknowledges and accepts that the use may be potentially impacted by emissions from the lawful non-residential use. It is the responsibility of the property owner(s) to take all measures necessary to ensure that the proposed dwelling is developed and maintained in such a way as to mitigate 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).
- (vii) Prior to constructing or upgrading an access, an application must be submitted and approved by Council for a permit under Local Law No. 1 (Administration) 2011 and Subordinate Local Law No. 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation) 2011.
- (viii) A Compliance Permit for Plumbing and Drainage Works should be obtained prior to the issue of a Development Permit for Building Works.
- (ix) 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

- (x) 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

In accordance with Section 8.7 of Council Meetings Policy PL-CS036 Cr Richters moved the following Procedural Motion:

13.2.1 Procedural Motion - Material Change of Use - Alison & Gary Crabbe, Lot 271 Merawa Street, Wallangarra

Resolution

Moved Cr J Richters

THAT the Agenda Item 13.2 lay on the table to allow consideration of appropriate planning conditions.

Carried Unanimously

Cr McDonald declared a conflict of interest in Agenda Item 13.3 and following a resolution from Council participated in discussion and voting on the item.

13.3.1 Removal House Bonds - Amendment

Resolution

Moved Cr J Richters

Seconded Cr M Harslett

THAT Clause 3(ii) be amended as follows:

- ii. a reduction to a security bond associated with a removal building in accordance with the Schedule of Fees and Charges.

Carried Unanimously

Cr McDonald voted in favour of Agenda Item 13.3.1

13.3 Removal House Bonds

Resolution

Moved Cr R Bartley

Seconded Cr S Windle

THAT Council:

1. Where compliance cannot be achieved through timely actions of the landowner to make the removal house safe, either:
 - i. Utilise all or part of the security bond to undertake the 'make safe' work, subject to the ability of local contractors to undertake the work within six months. Any remaining security bond would be returned.

OR

Utilise all or part of the security bond to demolish the building, only where compliance is impossible to achieve through building work, subject to the ability of local contractors to undertake the work within six months. This would include cleaning the area of the site where the removal house was located, and returning any remaining security bond.

 - ii. Where action can't be completed to achieve either of the options outlined in i., the building application lapses, meaning it is non-compliant and new approvals would be required.

Where possible and practical, works should not be undertaken that exceed the amount of security bond being held by Council. Where there is potential for the cost of the works to exceed the amount of security bond being held by Council, legal advice should be sought to ascertain the options, if any, for Council to recoup the costs.

2. Follow up any other non-compliant conditions of the Referral agency response, subsequent to the return of any security bond, or the security bond is used to undertake any 'make safe' work.
3. Delegate to the Chief Executive Officer the ability to consider, through written request:
 - i. an alternative to the options listed in item 1., and
 - ii. a reduction to a security bond associated with a removal building in accordance with the Schedule of Fees and Charges

Carried Unanimously

Cr McDonald voted in favour of Agenda Item 13.3

13.4 Backflow Prevention Devices and On-Site Sewerage Facilities Register

Resolution

Moved Cr J Richters

Seconded Cr M Harslett

THAT Council:

- as part of the 2024/2025 Budget consider an additional resource for up to two (2) years, to assist with the continued development and maintenance of registers for backflow prevention devices and on-site sewage facilities; and
- include an annual fee of \$70 per on-site sewage facility for aerated or grey water treatment systems in the 2024/2025 Schedule of General Fees & Charges;

on the basis that Council officers will undertake a review after the two year period.

Carried Unanimously

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

Nil

15. NOTICES OF MOTION

15.1 Notice of Motion - Request to Minister for Sport and Recreation to Transfer Leslie Dam Active Recreational Centre to Southern Downs Regional Council

Resolution

Moved Cr J Richters

Seconded Cr C McDonald

THAT the Mayor write to the Minister for Sport and Recreation, and copy to the Premier, Treasurer and Minister for Housing to consider a request to transfer Leslie Dam Active Recreational Centre to Southern Downs Regional Council at no cost, and the State Government provide funding to bring the facility up to the necessary condition.

That the letter stress the importance of providing this accommodation for families and individuals who critically need a roof over their heads. Allowing our Council to work with the state and federal governments and local providers with extensive experience in managing social and crisis housing.

Carried

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

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

Against: Crs R Bartley and R Wantling (2)

Accordingly the Mayor declared the motion carried.

15.2 Notice of Motion - Councillor Merit Requests

Resolution

Moved Cr R Bartley

Seconded Cr R Wantling

THAT Councillor requests placed on the Merit system not be shared to all Councillors.

Carried Unanimously

16. GENERAL BUSINESS

Nil

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 Githabul (Waringh Waringh) People QUD87/2021 - Native Title Rights and Interests

Reason for Confidentiality

This item is considered confidential in accordance with section 254J(3)(e) of the *Local Government Regulation 2012*, as it contains information relating to legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

17.2 New Southern Downs Planning Scheme

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.

residential or Medium residential zones.

If a feedlot with no more than ~~1,000~~ 415 standard sheep units, is located 200m from lot boundaries and 1km from land in the Township, Rural residential, Low density residential or Medium residential zones.

If a piggery with no more than ~~400~~ 8 standard pig units, is located 200m from lot boundaries and 1km from land in the Township, Rural residential, Low density residential or Medium residential zones.

- Setbacks for Dwelling houses in the Rural zone:
Reduce the setbacks to a gravel road, unmade road reserve, side boundaries and rear boundary to 40 metres.
- Sandy Creek Raceway:
Proceed with the inclusion of Sandy Creek Raceway within the Motorsports environs overlay, and associated code, including the draft 35 go-kart buffer.
- Carnell Raceway:
Proceed with the inclusion of Carnell Raceway within the Motorsports environs overlay and associated Code, including the draft buffer.
- Sugarloaf forestry:
To include the land in a constrained zoning, preventing the residential use on the smaller lots, similar to the provisions of the current Southern Downs Planning Scheme.
- Lot 152 CP910005, on Old Stanthorpe Road, Morgan Park:
Respond to the State Government Request for further information outlining that a split zoning is considered appropriate, whereby part of the land remains within the Community facilities zone and part of the land is within the Environmental management and conservation zone, as shown in Figure 8.
- Rural residential zonings:

That agreement is made with all of the zoning changes previously mentioned, which are:

- a. Warwick
 - Reduce the proposed Rural residential zoned land west of Warwick to 155 hectares; and
 - Include an additional 155 hectares of land to the north-east of Warwick, from Rural to Rural residential zone; OR
 - Continue with the same rezone area but as per the State Governments requests, the land is included in an Emerging communities zone.
- b. Allora
 - Reduce the proposed extension of the Allora Industrial Estate, to the east, to 0.85 hectares; and
 - Re-zone Lot 1 A17081 and Lot 7 RP810316 from Low density residential to Industry zone.
- c. Stanthorpe

- Remove the proposed Rural residential zoned land from the Diamondvale Road area, equating to 211.2 hectares.
- Retain the proposed re-zoned land at Tyrel Street as Rural residential, equating to 18.8 hectares.
- Reduce the proposed Rural residential zoned land south-east of Stanthorpe to 63 hectares, with 50.4 hectares included within the 2.0 hectare minimum lot size area.
- Reduce the proposed Rural residential zoned land north of Stanthorpe to 24 hectares, with Lot 2 RP65066 would have a split zone (Rural residential and Rural).
- Reduce the proposed re-zone areas south-west of Stanthorpe, such that Rural residential zones area was reduced to 45 hectares and the Low density residential zoned area to 6.1 hectares.

d. Sugarloaf

- Retain the existing proposed Rural zone for the entire 385 hectares (178 lots).

e. Ballandean

- Reduce the proposed Rural residential area to 26.6 hectares, to the west of Ballandean.

f. Dalveen

- Retain the existing proposed Rural residential zoned areas, equating to 27.1 hectares.

g. Wallangarra

- Remove the 20 hectares from the proposed Rural residential zone.

- Minimum Rural residential lot size:

Reduce the minimum lot size within the Rural residential zone to 4,000 square metres, excluding the following localities where the minimum lot size remains as 2.0 hectares:

Brunckhorst Avenue
Glenlyon Drive
Hale Haven Drive
Lees Mountain Road
McLeod Court
Moss Court
Mt Tully Road
Nelson Court
Rifle Range Road
Roberts Road
Whiskey Gully Road

- Density within the Low density residential zone:

Amend to reduce the density within the Low density residential zone to 1 dwelling per 300

square metres.

- Maximum height within the Mixed use zone:

Amend to increase the height within the Mixed use zone to 3 storeys, and include words within the Strategic Framework that could allow for up to 5 storeys, where appropriate.

Lost

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

For: Crs M Harslett, C McDonald, C Pidgeon and J Richters (4)

Against: Crs M Hamilton, R Bartley, S Deane, R Wantling and S Windle (5)

Accordingly the Mayor declared the motion lost.

17.2 New Southern Downs Planning Scheme

Resolution

Moved Cr S Windle

Seconded Cr S Deane

THAT Council decides to submit responses to the three requests for further information provided by the State Government, noting the specific policy directions in relation to the following items:

- Intensive animal uses:

Amend in line with the feedback provided by the State Government, amend the Rural zone, Table of Assessment, in relation to Code assessable Intensive animal industries to be as follows:

If a minor extension to an existing lawful use.
If for poultry or egg production where the number of birds does not exceed 400,000.
If a feedlot with no more than 150 standard cattle units, is located 200m from lot boundaries and 1km from land in the Township, Rural residential, Low density residential or Medium residential zones.
If a feedlot with no more than 1,000 445 standard sheep units, is located 200m from lot boundaries and 1km from land in the Township, Rural residential, Low density residential or Medium residential zones.
If a piggery with no more than 400 8 standard pig units, is located 200m from lot boundaries and 1km from land in the Township, Rural residential, Low density residential or Medium residential zones.

- Setbacks for Dwelling houses in the Rural zone:

Continue with the same provisions which exist under the current Southern Downs Planning Scheme, which requires a 60 metre setback, with an assessment on a case by case basis where less is proposed.

- Sandy Creek Raceway:

Proceed with the inclusion of Sandy Creek Raceway within the Motorsports environs overlay, and associated code, including the draft 35 go-kart buffer.

- Carnell Raceway:
Proceed with the inclusion of Carnell Raceway within the Motorsports environs overlay and associated Code, including the draft buffer.
- Sugarloaf forestry:
To include the land in a constrained zoning, preventing the residential use on the smaller lots, similar to the provisions of the current Southern Downs Planning Scheme.
- Lot 152 CP910005, on Old Stanthorpe Road, Morgan Park:
Respond to the State Government Request for further information outlining that a split zoning is considered appropriate, whereby part of the land remains within the Community facilities zone and part of the land is within the Environmental management and conservation zone, as shown in Figure 8.

- Rural residential zonings:

That agreement is made with all of the zoning changes previously mentioned, which are:

a. Warwick

- Reduce the proposed Rural residential zoned land west of Warwick to 155 hectares; and
- Include an additional 155 hectares of land to the north-east of Warwick, from Rural to Rural residential zone; OR
- Continue with the same rezone area but as per the State Governments requests, the land is included in an Emerging communities zone.

b. Allora

- Reduce the proposed extension of the Allora Industrial Estate, to the east, to 0.85 hectares; and
- Re-zone Lot 1 A17081 and Lot 7 RP810316 from Low density residential to Industry zone.

c. Stanthorpe

- Remove the proposed Rural residential zoned land from the Diamondvale Road area, equating to 211.2 hectares.
- Retain the proposed re-zoned land at Tyrel Street as Rural residential, equating to 18.8 hectares.
- Reduce the proposed Rural residential zoned land south-east of Stanthorpe to 63 hectares, with 50.4 hectares included within the 2.0 hectare minimum lot size area.
- Reduce the proposed Rural residential zoned land north of Stanthorpe to 24 hectares, with Lot 2 RP65066 would have a split zone (Rural residential and Rural).
- Reduce the proposed re-zone areas south-west of Stanthorpe, such that Rural residential zones area was reduced to 45 hectares and the Low density residential zoned area to 6.1 hectares.

- d. Sugarloaf
 - Retain the existing proposed Rural zone for the entire 385 hectares (178 lots).
- e. Ballandean
 - Reduce the proposed Rural residential area to 26.6 hectares, to the west of Ballandean.
- f. Dalveen
 - Retain the existing proposed Rural residential zoned areas, equating to 27.1 hectares.
- g. Wallangarra
 - Remove the 20 hectares from the proposed Rural residential zone.

- Minimum Rural residential lot size:

Reduce the minimum lot size within the Rural residential zone to 4,000 square metres, excluding the following localities where the minimum lot size remains as 2.0 hectares:

Brunckhorst Avenue
Glenlyon Drive
Hale Haven Drive
Lees Mountain Road
McLeod Court
Moss Court
Mt Tully Road
Nelson Court
Rifle Range Road
Roberts Road
Whiskey Gully Road

- Density within the Low density residential zone:

Amend to reduce the density within the Low density residential zone to 1 dwelling per 300 square metres.

- Maximum height within the Mixed use zone:

Amend to increase the height within the Mixed use zone to 3 storeys, and include words within the Strategic Framework that could allow for up to 5 storeys, where appropriate.

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, R Bartley, S Deane, R Wantling and S Windle (5)

Against: Crs M Harslett, C McDonald, C Pidgeon and J Richters (4)

Accordingly the Mayor declared the motion carried.

13.2.3 Motion to Consider Agenda Item 13.2

Resolution

Moved Cr J Richters

Seconded Cr C McDonald

THAT Council take Agenda Item 13.2 off the table and consider the recommendation.

Carried Unanimously

13.2.4 Material Change of Use - Alison & Gary Crabbe, Lot 371 Merawa Street, Wallangarra

Resolution

Moved Cr J Richters

Seconded Cr S Deane

THAT:

- A. The application for Material Change of Use for the purpose of a Dwelling house (not in accordance with Acceptable outcomes for energy supply) on land at Merawa Street, Wallangarra, described as Lot 371 BNT1725, be approved for the following reasons:
1. Under the residential uses code 9.3.7.2(2)(c) the proposal would meet the desirable outcome of being responsive to the Region's climate and being energy and water efficient. Off-grid solar power is very energy efficient.
 2. Under the township zone code 6.2.13(2)(m) the proposal would meet the desirable outcome of maximising sustainable living. Solar, including off-grid solar, is widely viewed as one of our most sustainable power sources.
 3. Performance outcome P03 states that "All uses have access to adequate and acceptable infrastructure in terms of water supply, waste water disposal, stormwater control, electricity and telecommunications."
 4. An off-grid solar system, provided it is of an acceptable size, constitutes adequate and acceptable infrastructure. There is nothing within the performance outcome that requires connection to a traditional service. This can be best illustrated in relation to telecommunications: while the acceptable outcome refers to connections to telecommunications, very few people now connect to a landline and I doubt our planning department requires this as part of a building approval.
 5. The community of Wallangarra will benefit from having an increased number of homes with backup battery storage. This will add resilience to the community, and will mean that residents who have medicines that require cold storage would have a few locations to turn to in times of power outages or natural disasters.
 6. In this case a decision will not mean that the sequential advance of the power lines does not occur – as the report notes the electricity lines are available to neighbours from both sides.
- B. The application for Material Change of Use for the purpose of a Dwelling house (not in accordance with Acceptable outcomes for energy supply) on land at Merawa Street, Wallangarra, described as Lot 371 BNT1725 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
Site Plan	2400400 page 04 of 09	12/02/2024
Ground Floor	2400400 page 05 of 09	12/02/2024
Elevations 1 of 2	2400400 page 06 of 09	12/02/2024
Elevations 2 of 2	2400400 page 07 of 09	12/02/2024

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.

Land Use and Planning Controls

3. This approval allows for the use of the site for a Dwelling house comprising of no more than two (2) bedrooms only.
4. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)
5. 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.)

Car Parking and Vehicle Access

6. 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.)

Water Supply and Waste water

7. 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.
8. The development is to be connected to Council's reticulated Common Effluent Drainage (CED) system. A pre-treatment device (septic tank) is required in accordance with the Queensland Plumbing and Wastewater Code.

Electricity, Street Lighting and Telecommunications

9. Electricity is to be provided to the Dwelling house as follows:
- (i) Reticulated electricity is to be provided to the requirements of Ergon Energy;
OR
 - (ii) An adequate on-site energy supply is provided with a system capacity of at least 6.5kWh/day and back up for at least 4 days. Fuel generators are not to be provided for required energy supply or required back up.

Advisory Notes

- (xi) 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.
- (xii) 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.
- (xiii) 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.

- (xiv) 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.
- (xv) Any storage of flammable and/or combustible liquids must comply with the minor storage provision of Australian Standard AS1940 *The Storage and Handling of Flammable and Combustible Liquids*.
- (xvi) **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.
- (xvii) **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**.
- (xviii) 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.
- (xix) 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.
- (xx) 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.

Telecommunications in New Developments

- (xxi) 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

- (xxii) 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

13.2 Material Change of Use - Alison & Gary Crabbe, Lot 371 Merawa Street, Wallangarra

Recommendation

THAT the application for Material Change of Use for the purpose of a Dwelling house (not in accordance with Acceptable outcomes for energy supply) on land at Merawa Street, Wallangarra, described as Lot 371 BNT1725, be refused for the following reasons:

The subject property is within an existing urban area that is zoned Township where the expectation is to have all developments connected to all urban services. Wallangarra has all services available and therefore to provide a solar system in lieu of electricity changes the expectations for the area. The nearest power pole within Merawa Street from the subject property is approximately 75 metres to the west, with a separate power pole located 121 metres to the east. Merawa Street contains six (6) allotments and there are already three (3) Dwelling houses constructed within Merawa Street that are connect to an electricity supply, one of which adjoins the subject property at No. 14. 14 Merawa Street is connected to electricity via Callandoon Street.

Whilst the applicant has indicated that they intend to install a solar system with 8.8kw of solar panels and 15kw of battery storage on the already approved shed located in the south-east corner of the subject property, it has not been adequately demonstrated that connecting to electricity endures an unreasonable cost to demonstrate that a connection to the subject property is considered unreasonable.

To allow a Dwelling house to not be connected to electricity in a street where connections are already evident would result in a development inconsistent with the locality and alter the existing character of the street. Connecting to all services i.e. water, sewer, telecommunications and electricity is an expectation for the township of Wallangarra and to not require an electricity connection would result in fragmented services in the locality which does not meet the needs of the community. An adequate energy supply for the locality is to connect to electricity as it is available in Merawa Street.

Therefore, the proposed development cannot comply with the following provisions of the Southern Downs Planning Scheme:

Part 6 - Zones

6.2.13 Township zone code

6.2.13.2 Purpose

(1) *The purpose of the township zone code is to provide for small to medium size urban settlements located within a rural area.*

(2) *The purpose of the code will be achieved through the following outcomes:*

(g) Development is serviced with public and private physical infrastructure depending on the location, existing levels of service, potential to connect to urban infrastructure and the existing character of the village. Where development is not supported by public infrastructure robust, effective and efficient private services are provided.

PO3 - *All uses have access to adequate and acceptable infrastructure in terms of water supply, waste water disposal, stormwater control, electricity and telecommunications.*

AO3

(a) Where services are available within the village all development is connected to the available services;

(i) All new development is connected to electricity and telecommunications;

(ii) In Dalveen and Wallangarra, new development is connected to reticulated water and sewerage;

(iii) In Karara, Leyburn, Pratten and Yangan, new development is connected to reticulated

water. OR

(b) Where services are not available in the village robust, effective private services are provided in accordance with the Physical infrastructure code.

Part 9 – Development codes

9.4.6 - Physical infrastructure code

9.4.6.2 Purpose

(1) *The purpose of the Physical infrastructure code is to ensure that new premises are connected to adequate utility services and that those services are protected from any potential adverse impact and to ensure that new premises have adequate, appropriate access to the road network.*

(2) *The purpose of the code will be achieved through the following outcomes:*

(a) Appropriate infrastructure is provided to support land use and development in a manner that meets the needs of the community

PO3 - *The development has access to an energy supply that is adequate for the proposed development.*

AO3 - *(a) The development is connected to an existing energy supply as approved by the relevant energy regulatory authority; or*

(b) In the Rural zone, a Dwelling house is equipped with 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

Lapsed

MEETING CLOSURE

There being no further business, the meeting closed at 2:15pm.